

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)	
)	
HEAB, Incorporated)	
t/a Ambassador Restaurant)	
)	
Holder of a Retailer's)	Case Nos.: 10-CMP-00110 &
Class "CR" License)	10-CMP-00564
At premises)	License No.: ABRA-080917
1907 9 th Street, N.W.)	Order No.: 2011-175
Washington, D.C. 20001)	
)	
Respondent)	
)	

BEFORE: Charles Brodsky, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ALSO PRESENT: HEAB, Incorporated, t/a Ambassador Restaurant, Respondent

Amy Schmidt, Assistant Attorney General
Office of the Attorney General, District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER ON OFFER IN COMPROMISE

On March 4, 2011, the Alcoholic Beverage Control Board (Board) served a Notice of Status Hearing and Show Cause Hearing (Notice), dated March 2, 2011, on HEAB, Incorporated, t/a Ambassador Restaurant (Respondent), at premises 1907 9th Street, N.W., Washington, D.C.

The Notice was based on the Respondent's failure to pay a fine in the amount of \$3,000.00. The fine was part of a penalty structure agreed to by the Respondent in an Offer In Compromise (OIC) reached with the Government on November 10, 2010 in Case Nos. 10-CMP-00110 and 10-CMP-00564. The OIC further provided that the Respondent was to pay the fine by December 24, 2010.

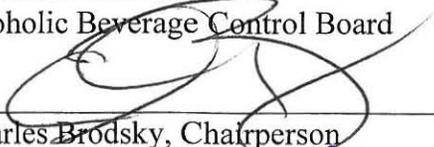
As a result of the Respondent's failure to pay the agreed upon fine, the Board held a Show Cause Status Hearing on April 6, 2011. At the time of the hearing, the Government submitted to the Board, a new Offer in Compromise pursuant to 23 DCMR 1604.5 (2009). The Respondent acknowledged its consent to the terms of the OIC and waived its right to a hearing.

The terms of the new OIC are as follows:

1. The Respondent shall pay the fine originally agreed to in the November 10, 2010 OIC, in the amount of \$3,000.00, by no later than sixty (60) days from the date of this Order.
2. In addition, the Respondent shall pay another fine in the amount of \$250.00 by no later than sixty (60) days from the date of this Order for violating D.C. Official Code § 25-823 by failing to pay the fine originally agreed in the November 10, 2010 OIC.
3. The Respondent shall receive a suspension of its license for two (2) days, both days served on April 12 and 13, 2011.
4. Additionally, the Respondent shall receive a suspension of five (5) days; all five days stayed for one year, provided that the Respondent pays both fines contained in this Order with the sixty (60) day period. If the Respondent fails to pay both fines within the sixty (60) day period contained in this Order, then the Respondent's license will be suspended for five (5) days from June 7, 2011 through June 11, 2011.

Accordingly, the Board having found the terms of the OIC to be fair, reasonable, and adequate, does hereby, this 6th day of April 2011, **APPROVE** the terms of the new Offer in Compromise entered into by the Government and HEAB, Incorporated, t/a Ambassador Restaurant located at 1907 9th Street, N.W., Washington, D.C. The OIC shall be carried out in accordance with the terms of the OIC and it shall be binding on the Respondent. Copies of this Order shall be sent to the Government and to the Respondent.

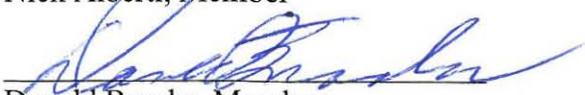
District of Columbia
Alcoholic Beverage Control Board



Charles Brodsky, Chairperson

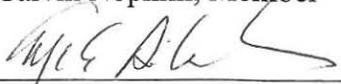


Nick Alberti, Member



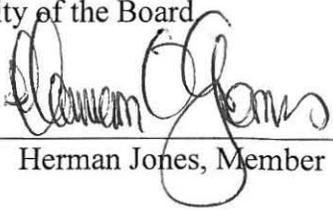
Donald Brooks, Member

Calvin Nophlin, Member



Mike Silverstein, Member

I dissent from the position taken by the majority of the Board



Herman Jones, Member

Pursuant to 23 DCMR § 1719.1 (2008), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street N.W., Suite 400S, Washington, D.C. 20009

Also, pursuant to Section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001) and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of the service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001.

However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (April 2004) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b).