

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

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|-----------------------------|---|------------------------|
| In the Matter of: |) | |
| |) | |
| Pure Hospitality, LLC |) | |
| t/a Bandolero |) | |
| |) | Case No.: 14-CMP-00081 |
| Holder of a |) | License No.: 075631 |
| Retailer's Class CR License |) | Order No.: 2015-043 |
| |) | |
| at premises |) | |
| 3241 M Street, N.W. |) | |
| Washington, D.C. 20007 |) | |

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Hector Rodriguez, Member
James Short, Member
Mike Silverstein, Member

ALSO PRESENT: Jonathan Umbel, Managing Member, on behalf of Pure
Hospitality, LLC t/a Bandalero

Christine Gephardt, Assistant Attorney General, on behalf of the
District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

This case arises from a Notice of Status Hearing and Show Cause Hearing (Notice) issued by the Alcoholic Beverage Control Board (Board) in the matter of Pure Hospitality, LLC t/a Bandolero (Respondent) located at 3241 M Street, N.W., Washington, D.C.

The Alcoholic Beverage Regulation Administration (ABRA) served the Investigative Report in Case Number 14-CMP-00081 on the Respondent on May 15,

2014. ABRA also served the Notice in this matter on November 7, 2014. The Notice charges the Respondent with three violations, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Specifically, the Notice charges the Respondent with the following violations:

- Charge I: [On January 1, 2014] [y]ou permitted the sale or delivery of alcohol to at least one confirmed minor in violation of D.C. Official Code § 25-781...
- Charge II: [On January 1, 2014] [y]ou failed to take reasonable steps to ascertain whether any person to whom the licensee sells, delivers, or serves an alcoholic beverage is of legal drinking age in violation of D.C. Official Code § 25-781. . .
- Charge III: [On January 1, 2014] [y]ou provided entertainment and dancing without an Entertainment Endorsement in violation of D.C. Official Code § 25-113 (a)(b). . .

ABRA Show Cause File No., 14-CMP-00081, Notice of Status Hearing and Show Cause Hearing, 2-3 (November 5, 2014).

At the Show Cause Hearing held on February 4, 2015, the Respondent and the Government entered into an Offer in Compromise (OIC), which resolved the charges set forth above.

By agreeing to the terms of the OIC, the Respondent hereby waives its right to a Show Cause Hearing and appeal. The Board formally approves the OIC through this Order.

The terms of the OIC are as follows:

- I. The Respondent will remit a fine in the total amount of \$5,000 by no later than thirty (30) days of this Order.

The specific penalty for this case is as follows:

- A. The Respondent shall pay a \$3,000 fine for the violation alleged in Charge I. The Respondent will also have its license suspended for five (5) days. The Respondent's five (5) suspension days shall be stayed for one (1) year unless the Board finds that the Respondent committed a violation within one (1) year from the date of this Order. This violation is the Respondent's first sale to minor violation within two years.
- B. Charge II is dismissed.

C. The Respondent shall pay a \$2,000 fine for the violation alleged in Charge III. This violation is the Respondent's first Primary Tier violation within two years.

ORDER

Therefore, the Board, on this 4th day of February, 2015, hereby **APPROVES** the OIC between the Government and the Respondent, Pure Hospitality, LLC t/a Bandolero located at 3241 M Street, N.W., Washington D.C.

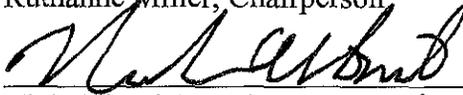
It is further **ORDERED** that the Respondent shall abide by all laws and regulations of the District of Columbia and shall operate in accordance with the terms of the OIC.

It is further **ORDERED** that the Respondent must pay the fines imposed by the Board within thirty (30) days from the date of this Order. If this condition is not met, the Respondent's license shall be immediately suspended.

A copy of this Order shall be sent to the Respondent and to the Government.

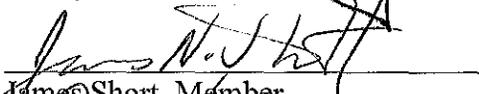
District of Columbia
Alcoholic Beverage Control Board

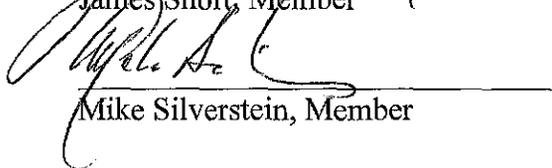

Ruthanne Miller, Chairperson


Nick Alberti, Member


Donald Brooks, Member


Hector Rodriguez, Member


James Short, Member


Mike Silverstein, 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, NW, 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 service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (2008) 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).