

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

In the Matter of:)		
)		
Daci Enterprises, LLC)	Case No.:	See Below
t/a Dacha Beer Garden)	License No:	092773
)	Order No:	2015-511
Holder of a)		
Retailer's Class DT License)		
)		
at premises)		
1600 7th Street, N.W.)		
Washington, D.C. 20001)		

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ALSO PRESENT: Daci Enterprises, LLC, t/a Dacha Beer Garden (Applicant)

Andrew Kline, Counsel, of the Veritas Law Firm, on behalf of the Applicant

Amy Schmidt, Assistant Attorney General
Office of the Attorney General

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING OIC

On November 4, 2015, the Board voted to approve the Offer-in-Compromise (OIC) proposed by the Office of the Attorney General and Daci Enterprises, LLC, t/a Dacha Beer Garden. The OIC in this case covers the following matters: Case Nos. 15-CMP-00221, 15-CMP-00249, 15-CMP-00250, 15-CMP-00222, 15-CMP-00223, 15-CMP-00251, 15-CMP-00353, 15-CMP-00339, 15-CMP-00338, 15-CMP-00410, 15-CMP-00439, 15-CMP-00512, 15-CMP-00503, 15-CMP-00529, 15-CMP-00521, 15-CMP-00536, 15-CMP-00576, 15-CMP-00577, 15-CMP-00667, and 15-CMP-00693. In total, the Respondent shall pay a \$42,500 fine payable within thirty days from the date of this Order. The Respondent shall receive forty suspension

days, with twenty-one days served and nineteen days stayed for one year on the condition that the suspension days shall go into effect if the Respondent is found to have violated Title 25 within one year from the date of this Order.

In accordance with the OIC described on the record at the hearing, the parties agree to the following terms:

1. In order to resolve 15-CMP-00221,
 - a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I), serve a two day suspension, and receive one stayed suspension day.
 - b. The Respondent shall pay a \$500 fine for the violation of the Licensee's settlement agreement (Charge II).
 - c. Charge III is dismissed.
2. In order to resolve 15-CMP-00222,
 - a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I), serve a two day suspension, and receive one stayed suspension day.
 - b. The Respondent shall pay a \$500 fine for the violation of the Licensee's settlement agreement (Charge II).
 - c. Charge III is dismissed.
3. In order to resolve 15-CMP-00223,
 - a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I) and serve three suspension days.
 - b. Charge II is dismissed.
 - c. Charge III is dismissed.
4. In order to resolve 15-CMP-00249,
 - a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I), serve a two day suspension, and receive two stayed suspension days.

- b. Charge II is dismissed.
 - c. Charge III is dismissed.
5. In order to resolve 15-CMP-00250,
- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I), serve a one day suspension, and receive two stayed suspension days.
 - b. The Respondent shall pay a \$500 fine for the violation of the Licensee's settlement agreement (Charge II).
 - c. Charge III is dismissed.
6. In order to resolve 15-CMP-00251,
- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I), serve a one day suspension, and receive two stayed suspension days.
 - b. The Respondent shall pay a \$500 fine for the violation of the Licensee's settlement agreement (Charge II).
 - c. Charge III is dismissed.
7. In order to resolve 15-CMP-0338,
- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I), serve a three day suspension, and receive two stayed suspension days.
 - b. The Respondent shall pay a \$500 fine for the violation of the Licensee's settlement agreement (Charge II).
 - c. Charge III is dismissed.
8. In order to resolve 15-CMP-00339,
- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I) and serve a three day suspension.

- b. The Respondent shall pay a \$500 fine for the violation of the Licensee's settlement agreement (Charge II).
- c. Charge III is dismissed.

9. In order to resolve 15-CMP-00353,

- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I).
- b. The Respondent shall pay a \$500 fine for the violation of the Licensee's settlement agreement (Charge II), serve a two day suspension, and receive two stayed suspension days.

10. In order to resolve 15-CMP-00439,

- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I), serve a two day suspension, and receive two stayed suspension days.

11. In order to resolve 15-CMP-00503,

- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I).

12. In order to resolve 15-CMP-00576,

- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I).
- b. The Respondent shall pay a \$500 fine for the violation of the Licensee's settlement agreement (Charge II) and receive one stayed suspension day.

13. In order to resolve 15-CMP-00521,

- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I).

14. In order to resolve 15-CMP-00577,

- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I).
- b. The Respondent shall pay a \$500 fine for the violation of the Licensee's settlement agreement (Charge II) and receive two stayed suspension days.

15. In order to resolve 15-CMP-00529,

- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I).

16. In order to resolve 15-CMP-00512,

- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I).

17. In order to resolve 15-CMP-00410,

- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I).

18. In order to resolve 15-CMP-00536,

- a. Charge I is dismissed.

19. In order to resolve 15-CMP-00667,

- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I).
- b. The Respondent shall pay a \$500 fine for the violation of the Licensee's settlement agreement (Charge II) and receive two stayed suspension days.

20. In order to resolve 15-CMP-00693,

- a. The Respondent shall pay a fine of \$2,000 for the substantial change violation (Charge I).

21. As part of admitting to these charges, the licensee under this OIC admits liability to three primary tier violations and nine secondary tier violations.

22. The Respondent shall pick up a summer garden endorsement from ABRA within three business days from receipt of this Order.

23. The Respondent waives the right to judicial review and appeal of this Order.

IT IS FURTHER ORDERED that all stayed suspension days shall go into effect if the Licensee is found to have violated Title 25 of the D.C. Official Code within one year from the date of this Order.

IT IS FURTHER ORDERED that the Respondent must pay all fines imposed by the Board within thirty (30) days from the date of this Order, or its license shall be immediately suspended until all amounts owed are paid.

IT IS FURTHER ORDERED, in accordance with 23 DCMR § 800.1, the violations found by the Board in this Order shall be classified as follows in the establishment's investigative history:

1. For the offenses described in 15-CMP-00221, 15-CMP-00222, and 15-CMP-00223, the Respondent shall be deemed to have committed one primary tier violation and two secondary tier violations.
2. For the offenses described in 15-CMP-00249, 15-CMP-00250, 15-CMP-00251, and 15-CMP-00338, the Respondent shall be deemed to have committed one primary tier violation and two secondary tier violations.
3. For the offenses described in 15-CMP-000339, 15-CMP-00353, 15-CMP-00439, 15-CMP-503, 15-CMP-576, 15-CMP-00521, 15-CMP-00577, 15-CMP-00529, 15-CMP-00512, 15-CMP-410, 15-CMP-00536, 15-CMP-00667, and 15-CMP-00693, the Respondent shall be deemed to have committed one primary tier violation and five secondary tier violations.

IT IS FURTHER ORDERED that the suspension days shall be served as follows:

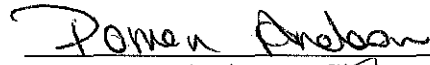
1. For the suspension days issued in 15-CMP-00221, 15-CMP-00222, and 15-CMP-00223, the suspension shall be served from Monday, November 23, 2015 to Sunday, November 29, 2015.
2. For the suspension days issued in 15-CMP-00249, 15-CMP-00250, 15-CMP-00251, and 15-CMP-00338, the suspension shall be served from Tuesday, March 1, 2016 to Sunday, Monday, March 7, 2016.
3. For the suspension days issued in 15-CMP-000339, 15-CMP-00353, 15-CMP-00439, 15-CMP-503, 15-CMP-576, 15-CMP-00521, 15-CMP-00577, 15-CMP-00529, 15-CMP-

00512, 15-CMP-410, 15-CMP-00536, 15-CMP-00667, and 15-CMP-00693, the suspension shall be served from Monday, April 4, 2016, to Sunday, April 10, 2016.

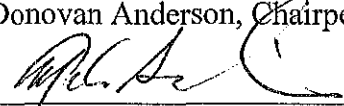
IT IS FURTHER ORDERED that this OIC resolves any and all incidents or violations arising through November 4, 2015.

ABRA shall deliver a copy of this Order to the parties.

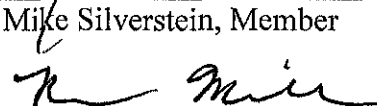
District of Columbia
Alcoholic Beverage Control Board



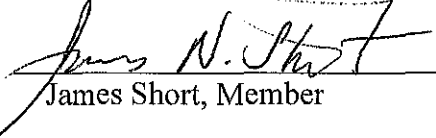
Donovan Anderson, Chairperson



Mike Silverstein, Member

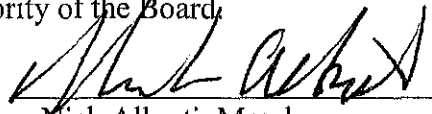


Ruthanne Miller, Member



James Short, Member

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



Nick Alberti, Member

Pursuant to 23 DCMR § 1719.1, 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, Reeves Center, 2000 14th Street, N.W., 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, District of Columbia 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 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).