

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

In the Matter of:)	
)	
Lemlee Corporation)	
t/a Dancing Crab)	
)	
Holder of a Retailer's)	Case Nos.: 10-251-00098 &
Class "CR" License)	10-251-00126
At premises)	License No.: ABRA-000889
4615 41 st Street, N.W.)	Order No.: 2011-122
Washington, D.C. 20016)	
)	
Respondent)	
)	

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

ALSO PRESENT: Andrew Kline, on behalf of the Respondent

Michael Stern, Senior Assistant Attorney General
Office of the Attorney General, District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER ON OFFER IN COMPROMISE

Lemlee Corporation, t/a Dancing Crab (Respondent) holds a Retailer's Class CR License located at 4615 41st Street, N.W., Washington, D.C. On August 13, 2010, the Government served a Notice to Show Cause (Notice) charging the Respondent with two violations. The Notice to Show Cause alleges in Charge I that the Respondent served alcoholic beverages to underage persons, in violation of D.C. Official Code § 25-781 (a) (1) (20001), and in Charge II that the Respondent failed to take steps reasonably necessary to ascertain whether the persons to whom the Respondent sells, or serves an alcoholic beverage is of legal drinking age, in violation of D.C. Official Code § 25-783 (b) (20001).

The basis of the allegations set forth in the Notice is that on March 28, 2010 and April 30, 2010, under age patrons with fake identifications cards were consuming alcoholic beverages in the Respondent's establishment.

The matter came before the Alcoholic Beverage Control Board (Board) for a Show Cause Hearing on February 2, 2011 in accordance with D.C. Official Code § 25-601 (20001). At the time of the hearing, the Government moved to amend the Notice with regard to Charge I. The amended Notice now reads "the Board may take the proposed action pursuant to D.C. Official Code Section § 25-781(f), 2001."

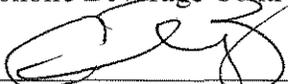
The Government submitted to the Board, a proposed Offer in Compromise (OIC) pursuant to 23 DCMR 1604.5 (2009). The Respondent acknowledged its consent to the terms of the OIC and waived its right to a hearing.

The terms of the OIC are as follows:

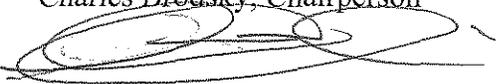
1. The Respondent shall pay civil penalties in the amount of \$6,000.00 within sixty (60) days from the date of this Order. Failure to remit the amount in full within the time specified may result in the imposition of additional sanctions.
2. The Respondent shall be suspended from February 7, 2011 through March 1, 2011, inclusive, which includes fifteen (15) days for Case Nos. 10-251-00098 and 10-251-00126 and eight (8) days from previous stayed days stemming from Case Nos. 09-251-00234 and 09-251-00154.
3. Charge II of the Case Nos. 10-251-00098 and 10-251-00126 shall be dismissed.

Accordingly, the Board having found the terms of the OIC to be fair, reasonable, and adequate, does hereby, this 16th day of February 2011, **APPROVE** the terms of the Offer in Compromise entered into by the Government and Lemlee Corporation, t/a Dancing Crab located at 4615 41st 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.

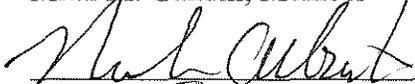
District of Columbia
Alcoholic Beverage Control Board



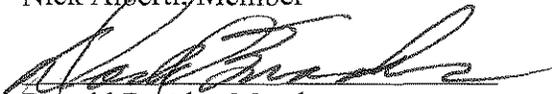
Charles Brodsky, Chairperson



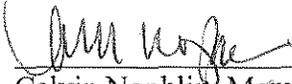
Mital M. Gandhi, Member



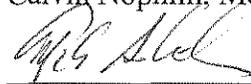
Nick Alberti, Member



Donald Brooks, Member

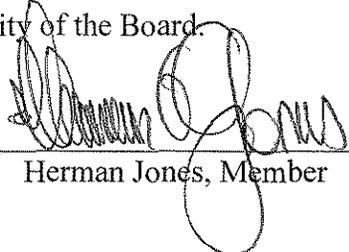


Calvin Nophlin, Member



Mike Silverstein, Member

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



Herman Jones, Member

Pursuant to 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.

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).