

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

In the Matter of:

600 F.D.C., LLC
t/a Fuel Pizza & Wings

Holder of a
Retailer's Class CR License

at premises
600 F Street, N.W.
Washington, D.C. 20004

Case Nos.: 13-AUD-00066
14-AUD-00067
14-AUD-00103

License No.: 088727
Order No.: 2015-006

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

ALSO PRESENT: Lincoln Clark, Member, on behalf of 600 F D.C., LLC t/a Fuel
Pizza & Wings

Louise Phillips, Assistant Attorney General, on behalf of the
District of Columbia

Jonathan Berman, Assistant General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

This case arises from three Notices of Status Hearing and Show Cause Hearing (Notices) issued by the Alcoholic Beverage Control Board (Board) in the matter of 600 F D.C., LLC t/a Fuel Pizza & Wings (Respondent) located at 600 F Street, N.W., Washington, D.C. Specifically, the Notices charge the Respondent with the following violations:

I. Case Number 13-AUD-00066

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case Number 13-AUD-00066 on the Respondent on November 10, 2014. The Notice charges the Respondent with one violation, 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 violation:

Charge I: You failed to file a quarterly report for the second quarter of 2013, the period of April 1, 2013 through June 30, 2013, in violation of D.C. Official Code § 25-113 (b) (2) (A). . .

ABRA Show Cause File No., 13-AUD-00066, Notice of Status Hearing and Show Cause Hearing, 2 (November 5, 2014).

II. Case Number 14-AUD-00067

ABRA served the Investigative Report in Case Number 14-AUD-00067 on the Respondent on October 2, 2014. ABRA served the Notice in this matter on the Respondent on November 21, 2014. The Notice charges the Respondent with one violation, 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 violation:

Charge I: You failed to timely file with the Board the required quarterly statement report for the January – March 2014 quarter, with gross receipts for the establishment, gross receipts for sales of alcoholic beverages, gross receipts for food sales, total expenses for the purchase of food and alcoholic beverages and the expenses for purchases of food and alcoholic beverages separately, in violation of D.C. Official Code § 25-113 (b) (2) (A). . .

ABRA Show Cause File No., 14-AUD-00067, Notice of Status Hearing and Show Cause Hearing, 2 (November 19, 2014).

III. Case Number 14-AUD-00103

ABRA served the Investigative Report in Case Number 14-AUD-00103 on the Respondent on November 7, 2014. ABRA served the Notice in this matter on the Respondent on November 19, 2014. The Notice charges the Respondent with one violation, 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 violation:

Charge I: You failed to timely file with the Board the required quarterly statement report for the April – June 2014 quarter, with gross receipts for the establishment, gross receipts for sales of alcoholic beverages, gross receipts for food sales, total expenses for the purchase of food and alcoholic beverages and the expenses for purchases of food and alcoholic beverages separately, in violation of D.C. Official Code § 25-113 (b) (2) (A). . .

ABRA Show Cause File No., 14-AUD-00103, Notice of Status Hearing and Show Cause Hearing, 2 (November 19, 2014).

At the Show Cause Hearing held on January 7, 2015, the Respondent and the Government entered into an Offer in Compromise (OIC), which resolved the allegations set forth in the above enumerated Notices.

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 ninety (90) days of this Order.

The specific fines for each case are as follows:

A. In Case No. 13-AUD-00066:

- a. The Respondent shall pay a \$1,000 fine for the violation alleged in Charge I. This is the Respondent's fourth secondary tier violation.

B. In Case No. 13-AUD-00067:

- a. The Respondent shall pay a \$2,000 fine for the violation alleged in Charge I. This is the Respondent's fifth secondary tier violation.

C. In Case No. 14-AUD-00103:

- a. The Respondent shall pay a \$2,000 fine for the violation alleged in Charge I. This is the Respondent's fifth secondary tier violation.

ORDER

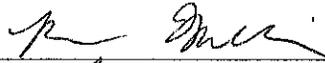
Therefore, the Board, on this 7th day of January, 2015, hereby **APPROVES** the OIC between the Government and the Respondent, 600 F D.C. t/a Fuel Pizza & Wings located at 600 F Street, N.W., Washington D.C.

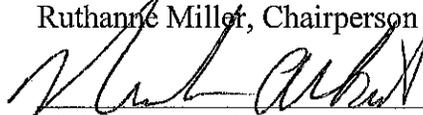
It is further **ORDERED** that the Respondent shall abide by all laws and regulations of the District of Columbia and shall operate in accordance with the terms of the OIC.

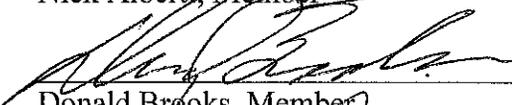
It is further **ORDERED** that the Respondent must pay the fines imposed by the Board within ninety (90) days from the date of this Order. If this condition is not met, the Respondent's license shall be immediately suspended.

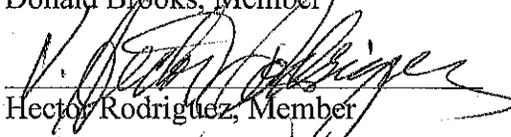
A copy of this Order shall be sent to the Respondent and to the Government.

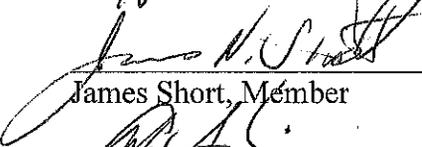
District of Columbia
Alcoholic Beverage Control Board


Ruthanne Millet, 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).