

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

In the Matter of:)	
Howard Theatre Entertainment, LLC)	
t/a Howard Theatre)	
Holder of a)	Case Nos.: 14-CMP-00240
Retailer's Class CX License)	14-251-00229
at premises)	14-251-00238
620 T Street, N.W.)	License No.: ABRA-088646
Washington, D.C. 20001)	Order No.: 2015-059
)	

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

ALSO PRESENT: Andrew Kline, Esq. on behalf of Howard Theatre Entertainment, LLC

Fernando Rivero, 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 Howard Theatre

Entertainment, LLC t/a Howard Theatre (Respondent) located at 620 T Street, N.W., Washington, D.C.

The Notice contains seven charges that stem from three separate incidents that occurred on May 18, 2014, June 27, 2014 and July 10, 2014.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in this matter on November 7, 2014. The Notice charges the Respondent with seven 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 May 18, 2014] [y]ou failed to keep a licensed ABC manager on duty at all times in violation of D.C. Official Code § 25-701...
- Charge II: [On May 18, 2014] [y]ou permitted the establishment to operate beyond the allowed operating hours for on premise retail licensees in violation of D.C. Official Code § 25-781. . .
- Charge III: [On June 27, 2014] [y]ou failed to keep a licensed ABC manager on duty at all times in violation of D.C. Official Code § 25-701. . .
- Charge IV: [On June 27, 2014] [y]ou interfered with an investigation being conducted by an ABRA Investigator in violation of D.C. Official Code § 25-823(5). . .
- Charge V: [On July 10, 2014] [y]ou failed to keep a licensed ABC manager on duty at all times in violation of D.C. Official Code § 25-701. . .
- Charge VI: [On July 10, 2014] [y]ou interfered with an investigation being conducted by an ABRA Investigator in violation of D.C. Official Code § 25-823(5). . .
- Charge VII: [On June 27, 2014] [y]ou permitted your establishment to be used for an unlawful or disorderly purpose in violation of D.C. Official Code § 25-823(2). . .

ABRA Show Cause File No., 14-CMP-00240, Notice of Status Hearing and Show Cause Hearing, 2-5 (November 5, 2014).

At the Show Cause Hearing held on February 18, 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 OIC has been reduced to writing and has been properly executed and filed with the Board. The Respondent is a signatory to the OIC. The Board formally accepts the OIC which is appended to this Order.

ORDER

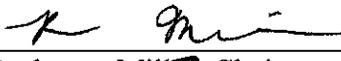
Therefore, the Board, on this 18th day of February, 2015, hereby **APPROVES** the OIC between the Government and the Respondent, Howard Theatre Entertainment, LLC t/a Howard Theatre submitted on February 18, 2015 located at 620 T Street, N.W., Washington D.C.

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 sixty (60) days from the date of this Order. The Respondent must also file a Security Plan with the Board that complies with D.C. Official Code Title 25 within forty-five (45) days. If either condition is not met, the Respondent's license shall be immediately suspended.

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

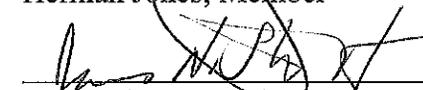
District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson


Donald Brooks, Member


Mike Silverstein, Member


Herman Jones, Member


James Short, Member

I dissent as to the approval of this OIC by the majority.


Nick Alberti, Member

I abstain from the approval of this OIC by the majority.


Hector Rodriguez, 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).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Public Interest Division
Civil Enforcement Section



OFFER IN COMPROMISE!

In the Matter of: Howard Theatre Entertainment, LLC t/a Howard Theatre

Officer/owner: Danny Bensusan, Managing Member

Case number: 14-CMP-00240; 14-251-00229; 14-251-00238. Hearing Date: February 18, 2014.

Incidents occurring on: May 18, 2014; June 27, 2014; July 10, 2014.

For the Charge of: DC Code § 25-701 (2012 Repl.) (Charges I, III, and V); § 25-723(b)(3) (2012 Repl.) (Charge II); § 25-711(b) (2012 Repl.) (Charge VII).

Statutory Authority: D.C. Official Code §25-826(a) (2012 Repl.).

This offer in compromise will be presented to the Alcoholic Beverage Control Board ("Board") by the Assistant Attorney General at the summary suspension proceeding. Please be advised that this is a proposed compromise. Accordingly, it is the discretion of the Board to accept or reject this offer.

The offer in compromise consists of the following terms:

- (1) Charges IV and VI of the Notice of Status and Show Cause Hearings are dismissed.
- (2) Howard Theatre Entertainment, LLC t/a Howard Theatre ("Licensee") shall pay a fine of \$5,500 (\$500 for Charges I, III, and V each; \$2,000 for Charge II, and \$2,000 for Charge VII) within 60 days. Failure to timely pay the fine will result in suspension of the license until payment of the fine.
- (3) Licensee's license shall be suspended for five days, all days stayed for a period of one year pending no further violations (3 days for Charge II and 2 days for Charge ~~III~~). VII ~~(I, III, V)~~ ~~VI~~
- (4) Licensee shall maintain a currently licensed ABC Manager at the establishment while alcoholic beverages are being sold, served, or consumed.
- (5) Licensee shall file a Security Plan with the Board that complies with D.C. Official Code Title 25 within 45 days.

¹ Authorized under 23 DCMR 1604.5 (2008).

