

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

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| In the Matter of: |) | |
| |) | |
| Jim Dolan's, Inc. |) | License No.: ABRA-000939 |
| t/a Kellys Irish Times |) | Case No.: 13-CC-00062 |
| |) | Order No.: 2014-084 |
| Holder of a Retailer's Class CT License |) | |
| |) | |
| at premises |) | |
| 14 F Street, N.W. |) | |
| Washington, D.C. 20001 |) | |
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BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ALSO PRESENT: Jim Dolan's, Inc., t/a Kellys Irish Times, Respondent

Jon Farmer, Attorney, on behalf of the Respondent

Brendan Kelly, on behalf of the Respondent

Walter Adams II, 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 matter arises from the charges brought by the Office of the Attorney General for the District of Columbia (OAG) against Retailer's Class CT License holder Jim Dolan's, Inc., t/a Kellys Irish Times (hereinafter, "Kellys Irish Times" or "Respondent") in Case Number 13-CC-00062. The OAG and Kellys Irish Times have agreed to resolve these matters through an Offer-in-Compromise (OIC), which the Board votes to accept.

ORDER

Therefore, on this 5th day of March, 2014, the Board accepts the OIC presented by the OAG and Jim Dolan's, Inc., t/a Kellys Irish Times. The requirements of the OIC are as follows:

- (1) Kellys Irish Times waives its right to a Show Cause Hearing for the charges arising from Case Number 13-CC-00062.
- (2) Kellys Irish Times agrees to pay a \$3,000 fine for the violation described in Charge I and have its license suspended for five (5) days, with all five (5) days to be stayed for one-year period.
- (3) Charges II – X dismissed.
- (4) Charges XI-XX dismissed.
- (5) Kellys Irish Times agrees to pay a \$2,000 fine for the violation described in Charge XXI and have its license suspended for five (5) days, with all five (5) days to be stayed for one-year period. In addition, all employees who serve alcoholic beverages in the licensed establishment shall complete an alcohol training program within two (2) months from the date of this order.
- (6) Charge XXII dismissed.
- (7) If Kellys Irish Times fails to pay the fine by May 5, 2014, its license shall be suspended until all outstanding fines are paid. The Board may also deem the failure to pay the fine a violation of a Board order, which may result in additional enforcement actions being taken against Kellys Irish Times. See D.C. Official Code § 25-823(6).

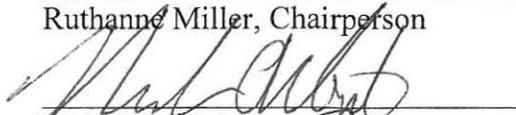
IT IS FURTHER ORDERED that the charges resulting from Case Number 13-CC-00062 are primary tier violations; therefore, as part of the OIC, Kellys Irish Times agrees that its investigative history shall reflect that it has committed two primary tier violations as of the date of this Order.

The ABRA shall deliver copies of this Order to the OAG and the Respondent.

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



Hector Rodriguez, Member

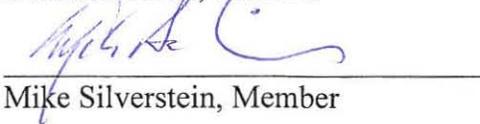


James Short, Member

We dissent from the Board's decision to accept the OIC in this matter.



Donald Brooks, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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 (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).