

In the Matter of:	)	
	)	
Kiss, LLC	)	Case No.: 19-CC-00149
t/a Kiss Tavern	)	License No.: ABRA-104710
	)	Order No.: 2021-103
Holder of a	)	
Retailer's Class CT License	)	
	)	
at premises	)	
637 T Street, N.W.	)	
Washington, D.C. 20001	)	
	)	

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

## 1

## **ORDER**

Therefore, on this 3rd day of March 2021, the Board **APPROVES** the OIC presented by the parties. The terms of the OIC are as follows:

1. The Respondent shall receive a **WARNING** for the alleged violation of D.C. Official Code § 25-781 (Charge I);
2. The Respondent shall receive a **WARNING** for the alleged violation of D.C. Official Code § 25-783 (Charge II); and
3. The Respondent shall receive a **WARNING** for the alleged violation of D.C. Official Code § 25-701 (Charge III).

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

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: a14236d1v1a3f1e1e4b72506081dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 547ac370f20c0e6c081b72245249cc

James Short, Member

eSigned via SeamlessDocs.com  
*Bobby Cato*  
Key: 256d3f6adff0c145c7f4b75ed7017e20a

Bobby Cato, Member

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*Rema Wahabzadah, Member*  
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Rema Wahabzadah, Member

eSigned via SeamlessDocs.com  
*Rafi Aliya Crockett, Member*  
Key: b550e91845e1f0e401615e6b1201cc

Rafi Crockett, Member

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*Jeni Hansen, Member*  
Key: 82172931f05c9447491b508c7a41b79

Jeni Hansen, Member

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*Edward S. Grandis, Member*  
Key: 5027bda7f0f0040ec14adeb52541ce5

Edward S. Grandis, Member

Pursuant to D.C. Official Code § 25-433(d)(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, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section II 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) (2004).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**



IN THE MATTER OF:	
KISS, LLC t/a KISS TAVERN,	Case No. 19-CC-00149
Respondent.	License No. 104710
	Retailer Class CT

**OFFER IN COMPROMISE FOR BOARD APPROVAL**

The District of Columbia, jointly with the licensee (respondent) submits this Offer in Compromise (OIC) to the Alcoholic Beverage Control Board (Board), as authorized by 23 DCMR § 1604.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, the above-captioned cases will conclude and any scheduled Show Cause Hearing will be vacated. Respondent will be obligated to abide by the terms of the OIC: a fine, suspension, both, or other term shown below. If the Board does not approve the OIC, the case will proceed to a Show Cause Hearing, currently scheduled for March 3, 2021 at 10:30 a.m.

The respondent has been advised that there is no obligation to accept an OIC. Respondent has been advised, through service of the Notice of Status Hearing and Show Cause Hearing that at a Show Cause Hearing, respondent may: be represented by legal counsel, have subpoenas issued to require the production of witnesses and evidence, produce witnesses and evidence, cross-examine witnesses, and apply to the Board for a qualified interpreter.

The OIC terms are as follows.

Charge I: Sale to Minor.

Statutory Authority: D.C. Code § 25-781.

(1) Fine: N/A.

(2) Suspension: N/A.

(3) Other term: Warning.

Charge II: Failure to Take Reasonable Steps Necessary to Ascertain Legal Drinking Age.

Statutory Authority: D.C. Code § 25-783.

(1) Fine: N/A.

(2) Suspension: N/A.

(3) Other term: Warning.

Charge III: No ABC Manager.

Statutory Authority: D.C. Code § 25-701.

(1) Fine: N/A.

(2) Suspension: N/A.

(3) Other term: Warning.

Dated: February 26, 2021.

Respectfully submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

TONI MICHELLE JACKSON  
Deputy Attorney General  
Public Interest Division

/s/ Fernando Rivero  
FERNANDO RIVERO [478765]  
Assistant Chief, Civil Enforcement Section

/s/ John Lui  
JOHN LUI [1021222]  
Assistant Attorney General  
Suite 10100  
400 Sixth Street, N.W.  
Washington, D.C. 20001  
Phone: (202) 724-6526  
Desktop Fax: (202) 730-1474  
E-mail: John.Lui@dc.gov

ATTORNEYS FOR THE DISTRICT OF COLUMBIA

**CONSENT OF RESPONDENT**

By this Offer in Compromise, I agree to accept and perform its terms. I acknowledge the validity of the OIC and waive a hearing to which I would have a right under D.C. Code § 25-826. I also recognize that I am waiving any right to appeal an adverse ruling of the Board that might have followed any such hearing. By this settlement, I waive all such rights. I sign this OIC without reservation, and I fully understand its meaning and my rights.

/s/ Eyob Asbeha  
Respondent

February 26, 2021  
DATE

/s/ [Signature]  
Attorney for Respondent

February 26, 2021  
DATE

**CERTIFICATE OF SERVICE**

I certify that on February 26, 2021, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

Richard Bianco, Esq.  
Bianco Law Offices, PLLC  
1402 Meridian Place, N.W.  
Washington, D.C. 20010  
rich@lawrjb.com

Martha Jenkins  
General Counsel, ABRA  
2000 14th Street, N.W.  
Suite 400 South  
Washington, D.C. 20009  
martha.jenkins@dc.gov

/s/ John Lui  
JOHN LUI  
Assistant Attorney General