

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

In the Matter of:

Meseret Ali & Yoans Chere
t/a Merkato Ethiopian Restaurant

Holder of a
Retailer's Class CR License

at premises
1909 9th Street, NW
Washington, D.C. 20001

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) Case No.: 14-251-00018

) License No.: 089019
) Order No.: 2014-471

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

ALSO PRESENT: Meseret Ali on behalf of Meseret Ali & Yonas Chere t/a Merkato
Ethiopian Restaurant

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 Meseret Ali & Yonas Chere t/a Merkato Ethiopian Restaurant (Respondent) located at 1909 9th Street, N.W., Washington, D.C. The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case Number 14-251-00018 on the Respondent, located at premises 1909 9th Street, N.W., Washington, D.C., on September

13, 2014. *ABRA Show Cause File No., 14-251-00018*, Service Form. 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: [On January 5, 2014,] [y]ou permitted the establishment to operate beyond the allowed operating hours for an on premise retail licensee in violation of D.C. Official Code § 25-823(1) . . .

ABRA Show Cause File No., 14-251-00018, Notice of Status Hearing and Show Cause Hearing, 2 (March 26, 2014).

At the Show Cause Hearing held on November 12, 2014, the Respondent and the Government entered into an OIC, which resolved the allegations set forth in the Notice.

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 through this Order.

The terms of the OIC are appended to this Order.

ORDER

Therefore, the Board, on this 12th day of November, 2014, hereby **APPROVES** the Offer-in-Compromise submitted on November 12, 2014, and **ORDERS** Meseret Ali & Yonas Chere t/a Merkato Ethiopian Restaurant to operate in accordance with the terms of the OIC.

It is further **ORDERED** that the Respondent shall abide by all laws and regulations of the District of Columbia, shall operate its establishment in a safe and competent manner, and shall refrain from engaging in the type of activity that led to this disciplinary action.

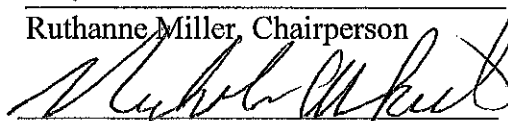
It is further **ORDERED** that the terms of Board Order No. 2014-406 remain in full force and effect.

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



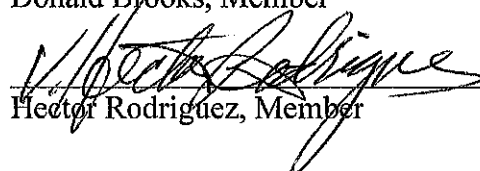
Ruthanne Miller, Chairperson



Nick Albert, Member

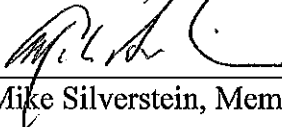


Donald Brooks, Member



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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. 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



Civil Litigation Division
Civil Enforcement Section



OFFER IN COMPROMISE¹

In the Matter of: Meseret Ali & Yonas Chere t/a Merkato Ethiopian Restaurant

Officer/owner: Meseret Ali & Yonas Chere

Case number: 14-251-00018

Incident occurring on: January 5, 2014.

For the Charge of: Permitted consumption of alcoholic beverages outside of the allowed hours of operation.

Statutory Authority: D.C. Official Code §25-723(b)(3).

This offer in compromise will be presented to the Alcoholic Beverage Control Board by the Assistant Attorney General at the Show Cause 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) The Licensee shall surrender the license for safekeeping effective December 1, 2014.

(2) The Licensee shall pay a fine of ~~\$3,000~~ ^{\$2,000 (FR)} within sixty (60) days.

(3) The license shall not be transferred until all outstanding fines are paid.


(4) The license shall remain suspended until a transfer of license application is approved by the Board.

(5) The Licensee shall not have an interest in the business that acquires the license.

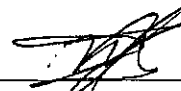
¹ Authorized under 23 DCMR 1604.5 (2008).

CONSENT

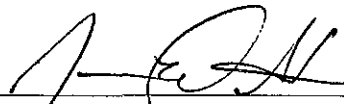
By this settlement agreement I agree to accept and perform its terms. I acknowledge the validity of the settlement and waive a hearing to which I would have a right under D.C. Official Code § 25-826. I also recognize that I am waiving any right to appeal an adverse ruling of the Board that might have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



11/12/14
Fernando Rivero
Assistant Attorney General



11/12/14
Licensee



11/12/14
~~Attorney~~ for Licensee
Personal Representative (FR)