

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

In the Matter of:)	
)	
Hak, LLC)	
t/a Midtown)	
)	Case No.:
)	12-CMP-0688
)	14-CC-0036
)	14-251-00050
)	14-251-00054
Holder of a)	License No.:
Retailer's Class CN License)	078642
)	Order No.:
)	2014-437
)	
at premises)	
1219 Connecticut Avenue, NW)	
Washington, D.C. 20036)	

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

ALSO PRESENT: Michael Rehman on behalf of Hak, LLC, t/a Midtown

Andrew Kline, Esq., on behalf of the Respondent

Christine Gephardt, Assistant Attorney General, on behalf of the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

Procedural Background

This case arises from several Notices of Status Hearing and Show Cause Hearing (Notices) issued by the Alcoholic Beverage Control Board (Board) in the matter of Hak,

LLC t/a Midtown (Respondent) located at 1219 Connecticut Avenue, N.W., Washington DC. Specifically, the Notices charge the Respondent with the following violations:

I. Case Number 12-CMP-00688

The Alcoholic Beverage Regulation Administration (ABRA) served the notice in Case Number 12-CMP-00688 on the Respondent, located at premises 1219 Connecticut Avenue, N.W., Washington, D.C., on January 3, 2014. *ABRA Show Cause File No., 12-CMP-00688*, Service Form. The notice charges the Respondent with two 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 November 8, 2012,] [y]ou violated permitted the sale of alcoholic beverages to a person under 21 years of age in violation of D.C. Official Code § 25-781 . . .

Charge II: [On November 8, 2012,], [y]ou failed to take steps reasonably necessary to ascertain whether any person to whom the licensee sells, delivers, or serves an alcoholic beverage to is of legal drinking age in violation of D.C. Official Code § 25-783...

ABRA Show Cause File No., 12-CMP-00688, Notice of Status Hearing and Show Cause Hearing, 2-3 (December 20, 2013).

II. Case Number 14-CC-00036

The Alcoholic Beverage Regulation Administration (ABRA) served the notice in Case Number 14-CC-00036 on the Respondent, located at premises 1219 Connecticut Avenue, N.W., Washington, D.C., on July 24, 2014 along with the Investigative Report related to this matter. *ABRA Show Cause File No., 14-CC-00036*, Service Form. The notice charges the Respondent with two 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 April 1, 2014,] [y]ou permitted the sale or delivery of alcohol to at least one confirmed minor in violation of D.C. Official Code § 25-781 . . .

Charge II: [On April 1, 2014,] [y]ou failed to take steps reasonably necessary to ascertain whether any person to whom the licensee sells, delivers, or serves an alcoholic beverage to is of legal drinking age in violation of D.C. Official Code § 25-783...

ABRA Show Cause File No., 14-CC-00036, Notice of Status Hearing and Show Cause Hearing, 2-3 (July 16, 2014).

III. Case Number 14-251-00050

The Alcoholic Beverage Regulation Administration (ABRA) served the notice in Case Number 14-251-00050 on the Respondent, located at premises 1219 Connecticut Avenue, N.W., Washington, D.C., on October 16, 2014. *ABRA Show Cause File No., 14-251-00050*, 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 February 8, 2014,] [y]ou violated your Security Plan when, after a physical altercation, you failed to immediately complete a report of all the facts, failed to prepare an incident jacket, and failed to provide copies of video recordings from the security cameras, in violation of D.C. Official Code § 25-823 . . .

ABRA Show Cause File No., 14-251-00050, Notice of Status Hearing and Show Cause Hearing, 2-3 (October 8, 2014).

IV. Case Number 14-251-00054

The Alcoholic Beverage Regulation Administration (ABRA) served the notice in Case Number 14-251-00054 on the Respondent, located at premises 1219 Connecticut Avenue, N.W., Washington, D.C., on August 12, 2014. *ABRA Show Cause File No., 14-251-00054*, Service Form. The notice charges the Respondent with two 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 January 23, 2014,] [y]ou violated your Security Plan by failing to have video cameras installed on your rooftop deck, in violation of D.C. Official Code § 25-823(6) . . .

Charge II: [On January 23, 2014,] [y]ou violated your Security Plan by failing to fill out an incident report, in violation of D.C. Official Code § 25-823(6) . . .

ABRA Show Cause File No., 14-251-00054, Notice of Status Hearing and Show Cause Hearing, 2-3 (August 6, 2014).

At the Show Cause Hearing held on October 29, 2014, the Respondent and the Government entered into an OIC, which resolved the allegations set forth in the above enumerated Notices.

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 as follows:

- I. The Respondent will submit an updated Security Plan within thirty (30) days of this Order.
- II. The Respondent will remit a fine in the total amount of \$12,000 by no later than thirty (30) days of this Order. Additionally, the Respondent shall have its license suspended for thirty (30) days, with the Respondent to serve twenty-one (21) days of the suspension. Nine (9) days will be stayed for a period of one year unless the Board finds that the Respondent committed a violation with one (1) year from the date of this Order. Five (5) of the served suspension days imposed by the OIC trigger from Case No. 11-251-00066.

The specific fines and suspension days for each case are as follows:

A. In Case No. 12-CMP-00688:

- a. The Respondent shall pay a \$5,000 fine and its license should be suspended for seven (7) days to be served and three (3) days stayed for up to one year for the violation alleged in Charge I.
- b. The Respondent shall pay a \$2,000 fine and its license should be suspended for three (3) days to be served and two (2) days stayed for up to one year for the violation alleged in Charge II.

B. In Case No. 14-CC-00036:

- a. The Respondent shall pay a \$3,000 fine and its license should be suspended for three (3) days to be served and two (2) days stayed for up to one year for the violation alleged in Charge I.
- b. The Respondent shall pay a \$2,000 fine and its license should be suspended for three (3) days to be served and two (2) days stayed for up to one year for the violation alleged in Charge II.

C. In Case No. 14-251-00050

- a. The charges enumerated in Case No. 14-251-00058 are dismissed.

D. In Case No. 14-251-00054

- a. The charges enumerated in Case No. 14-251-00054 are dismissed.

- III. Failure to remit payment of the fines within thirty (30) days will result in a suspension license until all outstanding fines are paid.
- IV. The Respondent shall provide alcohol awareness training for all employees within thirty (30) days of this Order;
- V. The Respondent shall provide alcohol awareness training for all newly hired employees within thirty (30) days of hire.

ORDER

Therefore, the Board, on this 29th day of October, 2014, hereby **APPROVES** the Offer-in-Compromise submitted on October 29, 2014, and **ORDERS** Hak, LLC, t/a Midtown to operate in accordance with the terms of the OIC.

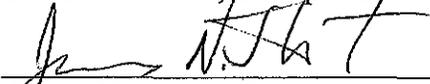
It is further **ORDERED** that the twenty-one day suspension of the Respondent's license shall start on January 1, 2015 and end at 2:00 a.m. on January 21, 2015.

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.

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

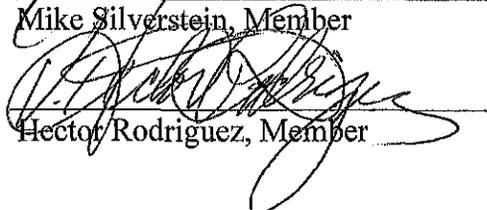
Ruthanne Miller, Chairperson



James Short, Member

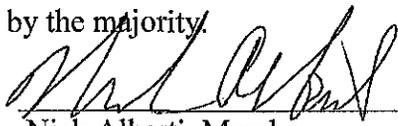


Mike Silverstein, Member



Hector Rodriguez, Member

I dissent as to the terms of this OIC approved by the majority.



Nick Alberti, 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).