

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

In the Matter of:

Mimosa, Inc.
t/a Mimosa Restaurant

Holder of a
Retailer's Class CR License

at premises
1915 18th Street, N.W.
Washington, D.C. 20009

Case Nos.: 15-CMP-00349
15-CMP-00759
15-CMP-00678
15-CC-00123
15-CMP-00653
15-CMP-00171

License No.: 96758
Order No.: 2016-126

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ALSO PRESENT: Mimosa, Inc., t/a Mimosa 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

On February 4, 2016, the Alcoholic Beverage Control Board (Board) served a Notice of Status and Show Cause Hearings (Notice) for Case No. 15-CMP-00349, dated January 20, 2016, on Mimosa, Inc., t/a Mimosa Restaurant (Respondent) located at 1915 18th Street, N.W., Washington, D.C. 20009, charging the Respondent with the following violation:

Charge I: [On Wednesday, April 29, 2015], [y]ou failed to keep a licensed ABC manager on duty at all times in violation of D.C. Official Code § 25-701.

On February 4, 2016, the Board also served Notice for Case No. 15-CMP-00759, charging the Respondent with the following violation:

Charge I: [On Friday, October 16, 2015], [y]ou failed to keep a licensed ABC manager on duty at all times in violation of D.C. Official Code § 25-701.

Both cases came before the Board for a Show Cause Status Hearing on March 23, 2016. At that time, the Office of the Attorney General for the District of Columbia (the Government) proposed, pursuant to 23 DCMR § 1611.5, and the Respondent accepted, an Offer-in-Compromise (OIC) in order to resolve the charges pending against the Respondent. The OIC also resolves the outstanding citations pending against the Respondent. Those citations are:

1. Case No. 15-CMP-00678 (Citation # 5184: No ABC Manager);
2. Case No. 15-CC-00123 No ABC Manager);
3. Case No. 15-CMP-00653 (Citation # 4548: Failure to File Quarterly Statement); and
4. Case No. 16-CMP-00171 (Citation # 3906: No ABC Manager).

The OIC is appended to this Order and resolves the charges set forth above.

On March 23, 2016, the Board voted five (5) to zero (0), in favor of accepting the OIC to resolve the charges listed in both Notices and the outstanding citations against the Respondent. This Order reduces the terms of such to writing as follows:

1. In Case No. 15-CMP-00349, the Respondent shall pay a \$250 fine for the violation alleged in Charge I.
2. In Case No. 15-CMP-00759, the Respondent shall pay a \$500 fine for the violation alleged in Charge I.
3. In Case No. 15-CMP-00678, the Respondent shall pay a \$250 fine for not having an owner or ABC manager on duty.
4. In Case No. 15-CC-00123, the Respondent shall pay a \$250 fine for not having an owner or ABC manager on duty.
5. In Case No. 15-CMP-00653, the Respondent shall pay a fine of \$250 for the quarterly statement late filing.
6. In Case No. 16-CMP-00171: Dismissed.

ORDER

Therefore, the Board, on this 23rd day of March, 2016, hereby **APPROVES** the OIC proffered by the Government and the Respondent on March 23, 2016; and **ORDERS** Mimosa, Inc., t/a Mimosa Restaurant, to comply with the terms of the OIC.

IT IS FURTHER ORDERED that the Respondent shall pay the above fines totaling \$1,500.00 no later than July 21, 2016.

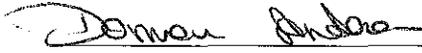
IT IS FURTHER ORDERED that the Respondent will place the license in safekeeping no later than March 25, 2016. If the license is not placed in safekeeping by March 25, 2016, it will be immediately suspended.

IT IS FURTHER ORDERED that the Respondent will pay the license renewal fee no later than March 31, 2016.

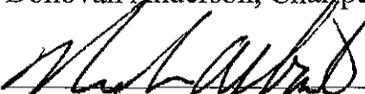
IT IS FURTHER ORDERED that the Respondent will not remove the license from safekeeping until the above fines totaling \$1,500.00 are paid in full.

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

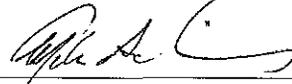
District of Columbia
Alcoholic Beverage Control Board



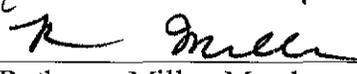
Donovan Anderson, Chairperson



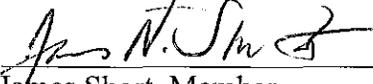
Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, 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 14th Street, N.W., Suite 400S, Washington, DC 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) (2004).