

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

In the Matter of:)	
)	
TBM Holdings, LLC	)	License No.: 86210
t/a TruOrleans	)	Case Nos.: 13-CMP-00303
	)	13-CMP-00261
	)	13-CMP-00321
	)	13-CMP-00145
Holder of a Retailer's Class CR License	)	13-AUD-00060
at premises	)	13-251-00086
400 H Street, N.E.	)	13-CMP-00363
Washington, D.C. 20002	)	13-AUD-00032
	)	11-CMP-00372
	)	Order No.: 2014-023

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member

ALSO PRESENT: TBM Holdings, LLC, t/a TruOrleans, Respondent

Karen Todd, Attorney, on behalf of the Respondent

Amy Schmidt, 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 CR License holder TBM Holdings, LLC, t/a TruOrleans (hereinafter, "TruOrleans" or "Respondent") in Case Numbers 13-CMP-00261, 13-CMP-00321, 13-CMP-00145, 13-AUD-00060, 13-251-00086, 13-CMP-00363, 13-AUD-00032, and 11-CMP-00372. The OAG and TruOrleans have agreed to resolve these matters through an Offer-in-Compromise (OIC), which the Board votes to accept.

ORDER

Therefore, on this 8th day of January, 2014, the Board accepts the OIC presented by the OAG and TBM Holdings, LLC, t/a TruOrleans. The requirements of the OIC are as follows:

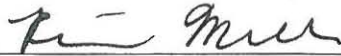
- (1) TruOrleans waives its right to a Show Cause Hearing for the charges arising from Case Numbers 13-CMP-00261, 13-CMP-00321, 13-CMP-00145, 13-AUD-00060, 13-251-00086, 13-CMP-00363, 13-AUD-00032, and 11-CMP-00372.
- (2) TruOrleans agrees to pay a \$15,000 fine in order to resolve any and all charges arising from Case Numbers 13-CMP-00261, 13-CMP-00321, 13-CMP-00145, 13-AUD-00060, 13-251-00086, 13-CMP-00363, 13-AUD-00032, and 11-CMP-00372, including the late payment of any fines related to these charges.
- (3) TruOrleans shall pay the fine by March 15, 2014 and the license shall remain in safekeeping with the Board until the fine is paid.
- (4) If TruOrleans fails to pay the fine by March 15, 2014, the Board will not permit TruOrleans to remove its license from safekeeping until the fine is 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 TruOrleans. See D.C. Official Code § 25-823(6).

IT IS FURTHER ORDERED that the charges resulting from Case Numbers 13-251-0086, 13-AUD-00060, and 13-CMP-00303 are primary tier violations; therefore, as part of the OIC, TruOrleans agrees that its investigative history shall reflect that it has committed three primary tier violations as of the date of this Order.

IT IS FURTHER ORDERED that the charges resulting from Case Numbers 13-CMP-00145, 13-CMP-00321, and 13-CMP-00261 are secondary tier violations; therefore, as part of the OIC TruOrleans agrees that its investigative history shall reflect that it has committed three secondary 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

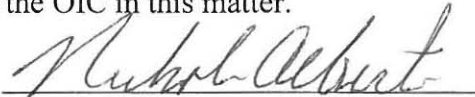


Donald Brooks, Member



Mike Silverstein, Member

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



Nick Alberti, 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).