THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:	)	
	)	
Kookoovaya, Inc.	)	
t/a We, The Pizza	)	
	)	Case No.: 14-CC-00141
Holder of a	)	License No.: 082062
Retailer's Class CR License	)	Order No.: 2015-095
	)	
at premises	)	
305 Pennsylvania Avenue, S.E.	)	
Washington, D.C. 20003	)	
	)	

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

ALSO PRESENT: Harvey Mendelson, CEO, on behalf of Kookoovaya, LLC t/a We, The Pizza

Louise Phillips, 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 Kookoovaya, LLC t/a We, the Pizza (Respondent) located at 305 Pennsylvania Avenue, S.E. Washington, D.C.

The Alcoholic Beverage Regulation Administration (ABRA) served the Investigative Report in Case Number 14-CC-00141 on the Respondent on October 22, 2014. ABRA also served the Notice in this matter on December 3, 2014. The Notice charges the Respondent with three 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 July 24, 2014] [y]ou allowed the sale or delivery of alcoholic beverages to minors in violation of D.C. Official Code § 25-781(a)...

Charge II: [On July 24, 2014] [y]ou, or your agent or employee, did not take steps reasonably necessary to ascertain whether any person to whom the licensee sells, delivers, or serves an alcoholic beverage is of legal drinking age in violation of D.C. Official Code § 25-783. . .

Charge III: [On July 24, 2014] [y]our establishment did not have an ABC manager on duty while serving alcohol in violation of D.C. Official Code § 25-701 and 23 DCMR 707. . .

ABRA Show Cause File No., 14-CC-00141, Notice of Status Hearing and Show Cause Hearing, 2-3 (December 3, 2014).

At the Show Cause Hearing held on March 11, 2015, the Respondent and the Government entered into an Offer in Compromise (OIC), which resolved the charges set forth above. By agreeing to the terms of the OIC, the Respondent hereby waives its right to a Show Cause Hearing and appeal.

The terms of the OIC are as follows:

I. The Respondent will remit a fine in the total amount of $4,000 by no later than ninety (90) days of this Order. Additionally, the Respondent shall have its license suspended for five (5) days. The suspension will be stayed for a period of one (1) year unless the Board finds that the Respondent committed a violation with one (1) year from the date of this Order.

The specific fines and suspension days are as follows:

a. The Respondent shall pay a $3,000 fine for the violation alleged in Charge I. This shall be the Respondent's first primary tier violation.

b. Charge II is dismissed.

c. The Respondent shall pay a $1,000 fine for the violation alleged in Charge III. This shall be the Respondent's fourth secondary tier violation.

ORDER

Therefore, the Board, on this 11th day of March, 2015, hereby **APPROVES** the OIC between the Government and the Respondent, Kookoovaya, LLC t/a We, the Pizza submitted on March 11, 2015 located at 305 Pennsylvania Avenue, S.E. Washington D.C.

IT IS FURTHER ORDERED that the Respondent shall 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 Respondent must pay the fines imposed by the Board within ninety (90) days from the date of this Order. If this condition is not met, the Respondent's license shall be immediately suspended until all amounts owed are paid.

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

Mike Silverstein, Member

Hector Rodriguez, Member

We dissent as to the approval of this OIC by the majority.

Nick Alberti, Member

James Short, Member

I abstain from the approval of this OIC by the majority.

Donald Brooks, 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, 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).