

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

<b>In the Matter of:</b>	)	
	)	
Kookoovaya, Inc.	)	
t/a We, The Pizza	)	
	)	Case No.: 15-CC-00101
Holder of a	)	License No.: ABRA-082062
Retailer's Class CR License	)	Order No.: 2016-043
	)	
at premises	)	
305 Pennsylvania Avenue, S.E.	)	
Washington, D.C. 20003	)	

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

**ALSO PRESENT:** Kookoovaya, Inc., t/a We, The Pizza  
  
Fernando Rivero, Assistant Attorney General, on behalf of the  
District of Columbia  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER APPROVING THE OFFER-IN-COMPROMISE**

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This case arises from a Notice of Status and Show Cause Hearing (Notice) issued by the Alcoholic Beverage Control Board (Board) in the matter of Kookoovaya, Inc., t/a We, The Pizza (Respondent) located at 305 Pennsylvania Avenue, S.E., Washington, D.C. The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case Number 15-CC-00101 on the Respondent on December 17, 2015. *ABRA Show Cause File No., 15-CC-00101.*

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-II: [On Thursday, August 20, 2015] [y]ou failed to take reasonable steps necessary to ascertain whether any person to whom you sell, deliver, or serve an alcoholic beverage is of legal drinking age, in violation of D.C. Official Code § 22-783(a)...

Charge III-IV: [On Thursday, August 20, 2015] [y]ou or some other person at the licensed establishment, gave, served, delivered, or in any other manner dispensed alcoholic beverages to persons under 21 years of age, in violation of D.C. Official Code § 25-781(c)...

*ABRA Show Cause File No., 15-CC-00101*, Notice of Status Hearing and Show Cause Hearing, 2-3 (December 15, 2015).

At the Show Cause Status Hearing held on February 3, 2016, the Respondent and the Government entered into an Offer in Compromise (OIC), which resolved the charges set forth above.

The terms of the OIC are as follows:

1. For Charge I – The Respondent shall pay a \$2,000 fine for the violation alleged in Charge I.
- 2.
3. For Charge I – 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.
4. For Charge II – Dismissed.
5. For Charge III – The Respondent shall pay a \$4,000 fine for the violation alleged in Charge III.
6. For Charge III – The Respondent shall be suspended for ten (10) days; four (4) days to be served, and six (6) days to 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.
7. For Charge IV – Dismissed.

8. In addition, all bar staff shall complete an alcohol training program within ninety (90) days from the date of this Order.
9. Finally, the Respondent must serve an additional five (5) days of suspension. These suspension days are activated from Case No. 14-CC-00141.

By agreeing to the terms of the OIC, the Respondent hereby waives its right to a Show Cause Hearing and appeal. The OIC has been reduced to writing and is formally approved through this Order.

### **ORDER**

Therefore, the Board, on this 3rd day of February, 2016, hereby **APPROVES** the OIC proffered by the Government and the Respondent on February 3, 2016, and **ORDERS** Kookoovaya, Inc., t/a We, The Pizza to comply with the terms of the OIC.

**IT IS FURTHER ORDERED** that the Respondent will remit the fine in the total amount of \$6,000 no later than sixty (60) days from the date of this Order. Failure to remit the amount in full within the time specified will result in the suspension of the license until the amount is paid.

**IT IS FURTHER ORDERED** that the Respondent will serve a total of nine (9) days suspension of its license. The agreed days of suspension are from February 8 through February 16, 2016. Following the served suspension days, the Respondent's license shall be available for pick-up after 9:00 a.m. at the address provided below.

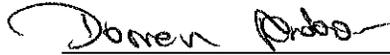
**IT IS FURTHER ORDERED** that the Respondent will also receive a total of eleven (11) days suspension of its license, all days stayed for one year provided that no further violations are committed.

**IT IS FURTHER ORDERED** that all bar staff shall complete an alcohol training program within ninety (90) days from the date of this Order.

**IT IS FURTHER ORDERED** that the Respondent's Investigative History will reflect the adjudication of a second Sale to Minor violation and a first Sale to Someone Who Fails to Produce a Valid Identification violation for this matter.

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

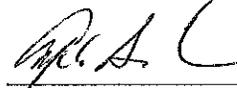
District of Columbia  
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



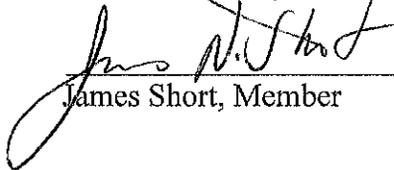
Nick Alberti, Member



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 14<sup>th</sup> 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).