

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

In the Matter of:)	
Eun Corporation)	
t/a West End Market)	
Holder of a)	Case No.: 15-CC-00004
Retailer's Class A License)	License No.: 090448
at premises)	Order No.: 2015-335
2424 Pennsylvania Avenue, N.W.)	
Washington, D.C. 20037)	

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

ALSO PRESENT: Hwan Eun, President, on behalf of Eun Corporation t/a West End Market

Rema Zadah, Esq., on behalf of Eun Corporation

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

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 Eun Corporation t/a West End Market (Respondent) located at 2424 Pennsylvania Avenue, N.W., Washington, D.C. The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case Number 15-CC-00004 on the Respondent on March 27, 2015. *ABRA Show Cause File No., 15-CC-00004.* The Notice charges the Respondent with twenty-

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 – Charge XX: [On January 22, 2015] [y]ou permitted the sale of an alcoholic beverage to a person under the age of twenty-one (21) years, in violation of D.C. Official Code § 22-781(a)...

Charge XXI – Charge XXVI: [On January 23, 2015] [y]ou failed to take steps reasonably 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 § 25-783 (b)...

Charge XXVII– Charge XXVIII: [On January 23, 2015] [y]ou permitted the sale of an alcoholic beverage to a person under the age of twenty-one (21) years, in violation of D.C. Official Code § 22-781(a)...

Charge XXIX: [On January 22, 2015 and January 23, 2015] [y]ou permitted your establishment to be used for an unlawful purpose, in violation of D.C. Official Code § 22-823(2)...

ABRA Show Cause File No., 15-CC-00004, Notice of Status Hearing and Show Cause Hearing, 2-8 (March 11, 2015).

At the Show Cause Status Hearing held on July 8, 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 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 approves the OIC which is appended to this Order.

ORDER

Therefore, the Board, on this 8th day of July, 2015, hereby **APPROVES** the OIC submitted on July 8, 2015, and **ORDERS** Eun Corporation t/a West End Market to comply with the terms of the OIC.

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

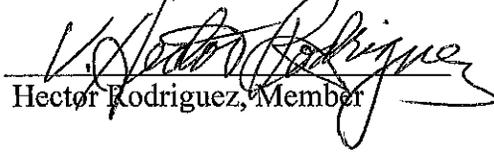
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson

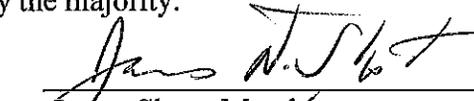


Nick Alberti, Member

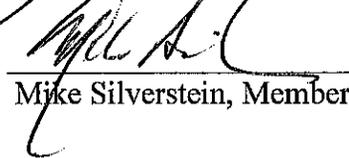


Hector Rodriguez, Member

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



James Short, Member



Mike Silverstein, 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).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Public Interest Division
Civil Enforcement Section

OFFER IN COMPROMISE¹

In the Matter of: Eun Corporation t/a West End Market

Officer/owner: Hwan Eun, President

Case number: 15-CC-00004, Hearing Date: May 6, 2015

Incidents occurring on: January 22, 2015; January 23, 2015.

For the Charge of: Sale to persons under age 21; failure to take reasonable steps to determine that persons to whom alcoholic beverages are sold are under age 21.

Statutory Authority: D.C. Official Code §§25-781, 25-783 (2012 Repl.).

This offer in compromise will be presented to the Alcoholic Beverage Control Board ("Board") by the Assistant Attorney General at the summary suspension proceeding. Please be advised that this is a proposed compromise. Accordingly, it is the discretion of the Board to accept or reject this offer.

The offer in compromise consists of the following terms:

- (1) Eun Corporation t/a West End Market ("Licensee") agrees to pay a fine of \$12,000. Of the total amount, \$3,000 is for Charge I; \$2,000 is for Charge XXI; \$3,000 is for Charge XXVII and \$4,000 is for Charge XXIX.
- (2) Licensee shall pay the \$12,000 fine within 60 days.
- (3) Licensee shall serve a 30-day suspension of the license. Of the total days, 5 days each are for Charges I, XXI, and XXVII, and 15 days are for Charge XXIX. The suspension shall be served from July 20, 2015 to August 20, 2015.
- (4) Mrs. Jeung Kim will not sell or serve alcoholic beverages as an employee or otherwise of West End Market. Mr. Richard Kim will not be an employee in any capacity of West End Market.
- (5) New employees will be hired to sell and serve alcoholic beverages. All such employees will be trained on ID compliance. At least one employee will obtain an ABC Manager's license.

¹ Authorized under 23 DCMR 1604.5 (2008).

