

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

In the Matter of:	)		
	)		
Dane Flannery Restaurant, LLC	)	Case No.:	22-CMP-00006
t/a The Big Board	)	License No:	ABRA-087398
	)	Order No:	2022-110
Holder of a	)		
Retailer’s Class CT License	)		
	)		
at premises	)		
421 H Street, N.E.	)		
Washington, D.C. 20002	)		
	)		

**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Rafi Aliya Crockett, Member  
Jeni Hansen, Member  
Edward S. Grandis, Member

**ALSO PRESENT:** Dane Flannery Restaurant, LLC, t/a The Big Board, Respondent  
  
Patrick Strawbridge, David Rosenthal, and Robert Alt, Counsels, on behalf of the Respondent  
  
Walter Adams II and Anthony Celo, Assistant Attorneys General  
Office of the Attorney General for the District of Columbia  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER APPROVING OFFER-IN-COMPROMISE**

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In Board Order No. 2022-057, the Alcoholic Beverage Control Board affirmed the summary suspension of Dane Flannery Restaurant, LLC, t/a The Big Board, (Respondent) based on evidence that “the owner, Eric Flannery, intentionally refuse[d] to comply with emergency mask wearing and proof of vaccine checking requirements on an ongoing basis, [which] constitute[d] a threat to the health safety and welfare of the public and the ability of the District to offer adequate, timely, and immediate medical care” during the COVID 19 pandemic. *In re Dane Flannery Restaurant, LLC, t/a The Big Board*, Case No. 22-CMP-0006, Board Order No. 2022-057, 2 (D.C.A.B.C.B. Feb. 14, 2022).

As of the date of this Order, the emergency requirements at issue have been lifted and the parties have presented an offer-in-compromise (OIC). The Board considered the OIC at a Summary Suspension Status Hearing on March 16, 2022 and voted to approve it on that date.

### **ORDER**

Therefore, on this 16th day of March 2022, the Board **APPROVES** the OIC presented by the parties. The terms of the OIC are as follows:

1. The ABC license suspension shall be **LIFTED** at 8:00 a.m. on Thursday, March 17, 2022, provided all other applicable requirements in this OIC have been satisfied by the Respondent; and
2. Prior to the Board lifting the suspension of the ABC license, the Respondent shall pay fines in the amount of \$4,000; which includes a \$1,000 fine for the citation previously issued in Case Number 22-CIT-00010, a \$1,000 fine for the citation previously issued in Case Number 22-CIT-00013, and a \$2,000 fine to resolve Case Number 22-CMP-00006, a violation of D.C. Code § 25-823(a)(1) and 23 DCMR § 810.2, including all issues and charges stemming from the aforementioned incidents as applied via D.C. Code § 25-830(f) as codified effective March 2, 2022.

The ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac43cb9eb9d5f09e4b730093d1dccc8

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Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 547ae373f822de6ac8d1b332d2249ec

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James Short, Member

eSigned via SeamlessDocs.com  
*Bobby Cato*  
Key: 256d3fca0fb146d7f4b75bd7917d20d

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Bobby Cato, Member

eSigned via SeamlessDocs.com  
*Rafi Aliya Crockett, Member*  
Key: b560e91845e1f9e4016155e5c12f81cc

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Rafi Crockett, Member

eSigned via SeamlessDocs.com  
*Jeni Hansen, Member*  
Key: 82172091f0508447491b56f9c2a41899

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Jeni Hansen, Member

eSigned via SeamlessDocs.com  
*Edward Grandis, Member*  
Key: 5027bda7f8f0040ec14adeb52541ce5

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Edward S. Grandis, Member

Pursuant to 23 DCMR § 1719.1, 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, 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 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). Finally, in the case of a summary suspension, “A person aggrieved by a final summary action may file an appeal in accordance with the procedures set forth in subchapter I of Chapter 5 of Title 2.” D.C. Code § 25-826(d); 23 DCMR § 810.12.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**



<p>IN THE MATTER OF:</p> <p>DRANE FLANNERY RESTAURANT, LLC t/a THE BIG BOARD,</p> <p style="text-align: center;">Respondent.</p>	<p>Case No. 22-CMP-00006 License No. 087398 Retailer Class CT</p>
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**OFFER IN COMPROMISE FOR BOARD APPROVAL**

The District of Columbia, jointly with the licensee (respondent), submits this Offer in Compromise (OIC) to the Alcoholic Beverage Control Board (Board), as authorized by 23 DCMR § 1604.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, this case will conclude. Respondent will be obligated to abide by the terms of the OIC shown below. If the Board does not approve the OIC, litigation of this Summary Suspension will continue.

By accepting this OIC, Respondent does not admit to liability and makes no statement as to the regulations underlying the violations. Respondent has been advised that there is no obligation to accept an OIC. Respondent has been advised, through service of the Notice of Summary Suspension that at any Summary Suspension Hearing or other proceedings, respondent may: be represented by legal counsel, have subpoenas issued to require the production of witnesses and evidence, produce witnesses and evidence, cross-examine witnesses, and apply to the Board for a qualified interpreter.

The OIC terms are as follows.

- (1) Suspension: The ABC license suspension shall be lifted at 8:00 a.m. on Thursday, March 17, 2022, provided all other applicable requirements in this OIC have been satisfied by the respondent.
- (2) Fine: Prior to the Board lifting the suspension of the ABC license, respondent shall pay fines in the amount of \$4,000.00; which includes a \$1,000.00 fine for the citation previously issued in Case Number 22-CIT-00010, a \$1,000.00 fine for the citation previously issued in Case Number 22-CIT-00013, and a \$2,000.00 fine to resolve Case Number 22-CMP-00006, a violation of D.C. Code § 25-823(a)(1) and 23 DCMR § 810.2, including all issues and charges stemming from the aforementioned incidents as applied via D.C. Code § 25-830(f) as codified effective March 2, 2022.

Dated: March 15, 2022.

Respectfully submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

CHAD COPELAND  
Deputy Attorney General  
Civil Litigation Division

/s/ Kimberly M. Johnson  
KIMBERLY M. JOHNSON [435163]  
Chief, Civil Enforcement Section

/s/ Charles J. Coughlin  
CHARLES J. COUGHLIN [1016993]  
Assistant Chief, Civil Enforcement Section

/s/ Walter Adams II

WALTER ADAMS II [459131]  
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/s/ Anthony P. Celo

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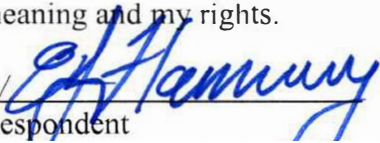
ATTORNEYS FOR THE DISTRICT OF COLUMBIA

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<sup>1</sup> Admitted to practice only in Pennsylvania and Ohio. Practicing in the District of Columbia under the direct supervision of Charles J. Coughlin, a member of the D.C. Bar, under D.C. Court of Appeals Rule 49(c)(4).

**CONSENT OF RESPONDENT**

By this Offer in Compromise, I agree to accept and perform its terms. I acknowledge the validity of the OIC and waive further litigation including the motion of reconsideration to which I would have a right under 23 DCMR § 1719.1. I also recognize that I am waiving any right to appeal an adverse ruling of the Board that might have followed any such hearing. By this settlement, I waive all such rights. I sign this OIC without reservation, and I fully understand its meaning and my rights.

/s/   
Respondent

March 15, 2022  
DATE

/s/   
Attorney for Respondent

March 15, 2022  
DATE

**CERTIFICATE OF SERVICE**

I certify that on March 15, 2022, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

Robert Alt, Esq.  
The Buckeye Institute  
88 East Broad Street, Suite 1300  
Columbus, OH 43215  
Robert@buckeyeinstitute.org

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Eric Flannery  
421 H Street N.E.  
Washington, D.C. 20002

/s/ Walter Adams II  
Walter Adams II  
Assistant Attorney General