

ABRA ORIENTATION FOR ANC COMMISSIONERS

January 2023



PRESENTER



Sarah Fashbaugh
Community Resource Officer

Sarah.Fashbaugh@dc.gov | (202) 397.3971



AGENDA

1. Agency Overview
2. Alcohol License Types, Classes, and Endorsements
3. Medical Cannabis Registrations, Licenses, and Laws
4. Notice of Public Hearings
5. Complaints
6. Document Requests
7. Resources
8. Q&A

Disclaimer

This presentation will provide guidance based on the laws, regulations, and procedures in effect as of today. Additional in-depth information sessions focused on the *Medical Cannabis Amendment Act of 2022* will be held if Mayor Muriel Bowser signs the legislation and following the subsequent legally required 30-day period of congressional review.

AGENCY OVERVIEW

LEADERSHIP | ABC BOARD





ABRA OVERVIEW

- The **Alcoholic Beverage Regulation Administration (ABRA)** is an independent agency within DC Government charged with supporting the public's health, safety and welfare through the control and regulation of the sale and distribution of alcoholic beverages and medical cannabis.
- **Director Fred Moosally** has served as the Director since 2009. Prior to leading ABRA, Director Moosally helmed the agency's Legal Division as the General Counsel for seven years.
- ABRA operates under the authority of the **Alcoholic Beverage Control (ABC) Board**, comprised of up to seven (7) DC residents nominated by the Mayor and confirmed by the DC Council. **Donovan Anderson** is the current ABC Board Chairperson.



ABC BOARD OVERVIEW

- The ABC Board:
 - Reviews and approves alcohol license and medical cannabis facility registration applications.
 - Administers and enforces alcohol and medical cannabis laws and regulations.
 - Issues new regulations and policies.
 - Adjudicates cases related to violations and disputes.
 - Refers violations to the Office of the Attorney General and other legal authorities for investigation and prosecution.
 - Issues cease-and-desist orders to entities and persons; suspends and revokes licenses and registrations when appropriate.
- Current ABC Board members are listed at abra.dc.gov/page/abc-board.



ABC BOARD MEETINGS

- The ABC Board convenes every Wednesday except when in recess. Meeting types include:
 - **Status** | Administrative hearing about the status of a pending protest or show cause matter.
 - **Show Cause** | Evidentiary hearing held to address violations of the law and regulations. May result in a fine, suspension, or revocation.
 - **Protest** | Evidentiary hearing stemming from a concern filed by the community, discussing the appropriateness of a license application.
 - **Qualifications** | Evidentiary hearing to allow the ABC Board to make a finding of fitness to hold a license.
 - **Fact Finding** | Non-adversarial meeting to obtain more information about an application or an event that may have occurred at an establishment.
- The weekly agenda is available at abra.dc.gov/page/abc-board-law.

ALCOHOL LICENSING

OVERVIEW | CLASSES AND TYPES | ENDORSEMENTS |
STIPULATED LICENSES | SUBSTANTIAL CHANGES | SAFEKEEPING |
MORATORIA



ALCOHOL LICENSE TYPES & CLASSES



- **Off-Premises Retailer** | A store where alcoholic beverages may be purchased for off-site consumption only or an e-commerce business with no physical location that sells alcohol online.
 - **Off-Premises Retailer**
 - **Class A**—Spirits, beer, and wine
 - **Class B**—Beer and wine
 - **Internet Retailer**
 - **Class A**—Spirits, beer and wine
 - **Class B**—Beer and wine.
- **On-Premises Retailer** | An establishment where alcoholic beverages may be purchased and consumed onsite, including Restaurants (R), Taverns (T), Nightclubs (N), Hotels (H), B&Bs (B), and Multipurpose Facilities (X).
 - **On-Premises Retailer | Class C**—Spirits, beer, and wine
 - **On-Premises Retailer | Class D**—Beer and wine

ALCOHOL LICENSE TYPES & CLASSES



- **Manufacturer** | Operator of a plant that manufactures spirits, wine (including cider), beer, or baked goods infused with alcohol.
- **Wholesaler** | Sells alcohol to licensed retailers in DC for resale.
- **Temporary** | Permits the sale and onsite consumption of alcohol for up to four (4) days at banquets, picnics, fairs or similar public gatherings.
- **Festival License** | Permits the sale and consumption of alcohol at sporting or performing arts events for up to 15 days.
- **Farmers Market** | Allows manufacturers and wine, brew, and distillery pubs to operate as a vendor of the product it produces. The farmers market is the licensed entity.

ALCOHOL LICENSE TYPES & CLASSES



- **Commercial Lifestyle License** | Permits patrons to purchase and consume alcohol from licensed on-premises retailers within predefined boundaries of a commercial development.
- **Third-Party Alcohol Delivery** | Permits local, same-day delivery of alcohol by companies on behalf of retailers and manufacturers.

ALCOHOL ENDORSEMENTS & PERMITS



- **Sidewalk Café** | Allows alcohol to be served and consumed outdoors on public space, such as a sidewalk. DDOT-approval is also required.
- **Summer Garden** | Allows alcohol to be served and consumed outdoors, including rooftops and courtyards, located on private property. Locations must be included in the Certificate of Occupancy.
- **Streatery** | Allows alcohol licensed establishments to sell and serve alcohol on new or expanded ground floor or street level outdoor public or private space not licensed by ABRA. Endorsements are valid through December 31, 2023.
- **Entertainment** | Allows licensees to provide live entertainment, such as band or singer, DJ, drag show, comedian, and trivia host; dancing; or to charge a cover. Licensees may apply for one or a combination of all three.
- **Alcohol Carry-Out and Delivery** | Allows establishments to sell alcohol for carry-out and delivery with at least one prepared food item.

ALCOHOL ENDORSEMENTS & PERMITS



- **Pub** | Allows an on-premises licensee to manufacture alcohol on or adjacent to its licensed premises and sell the product for on-site consumption and to wholesalers and patrons in sealed containers for off-premises consumption.
- **Extended Holiday Hours** | Allows a hotel, multipurpose facility, nightclub, restaurant, or tavern to sell and serve alcohol until 4:00 a.m. and operate 24-hours a day during select holidays and events. Settlement Agreements and Board Orders apply.
- **Tasting** | Allows manufacturers and off-premises retailers to provide customers alcohol samples on a portion of their licensed premises. Sample size maximums apply.

ALCOHOL ENDORSEMENTS & PERMITS



- **Games of Skill** | Allows manufacturers with an on-site sales permit and on-premises licensees to add up to five (5) electronic games of skill to their establishment. All licensees must also secure a Games of Skill Retailer License through Office of Lottery and Gaming (OLG).
- **Sports Wagering** | Allows licensees to add sports wagering devices or kiosks to their establishment. All licensees must also secure a Sports Wagering Operator license through OLG.
- **On-Site Sales and Consumption** | Allows manufacturers to sell and serve alcoholic products made at their facility for on-site consumption.



GENERAL

- Alcohol licenses are valid for up to three (3) years. Licenses of the same type expire on the same date regardless of the issuance date.
- Renewal deadlines during the current ANC commissioner term include:
 - **September 30, 2023** | Manufacturer B, Off-Premises Retailer B, Internet Retailer B, Wholesaler B
 - **March 31, 2024** | Manufacturer A/C, Off-Premises Retailer A, Internet Retailer A, Wholesaler A
 - **Annually from the license issue date** | Farmers Markets
- The alcohol license renewal and fee schedule is available at abra.dc.gov/page/license-fees-and-renewal-schedule.



STIPULATED LICENSES

- **Stipulated Licenses** allow an establishment to operate during the public comment period prior to being issued a/an:
 - New license
 - Transfer of a license to a new location
 - Substantial change to an existing license
- Requires a written letter of support from the ANC where the establishment is located. A vote by the ANC must occur at a duly noticed meeting with a quorum present.
- Stipulated licenses expire when a permanent license is issued or a protest is deemed valid at a Roll Call Hearing.

SUBSTANTIAL CHANGES

- **Substantial Changes** are modifications that would substantially change the nature of operations, as previously approved by the ABC Board, including:
 - Alterations to the physical interior or exterior of the establishment
 - Increase or expansion in occupancy
 - Change in hours of operation, sales, service, and consumption
 - Adding any activity that requires an Endorsement or Permit, including dancing, live entertainment, cover charges, games of skill, sports wagering, tastings, or a sidewalk café.
- If the ABC Board determines the requested change is substantial in nature, the establishment will be placarded for public comment.
- The ABC Board will consider:
 - Investigative history
 - Commercial or residential character of the neighborhood
 - Similarly situated licensees



SAFEKEEPING

- Any licensee that opts to close their establishment for 21+ days must place their license in **safekeeping**. Failure to do so may result in fines and/or license suspension.
- Removal of a license from safekeeping does not result in the issuance of placards and is not subject to community input.
- If the license was subject to a renewal period while it was held in safekeeping, renewal placards will be issued once the license becomes active.



MORATORIUM

- A **moratorium zone** is a defined area where the ABC Board has limited specific licensing activity. Requests are initiated by groups with standing.
- The following limitations may apply:
 - Number of licenses issued
 - Number of licenses issued of a certain class
 - Types of substantial changes allowed
 - The sale of a type of product by off-premises retailers
- Moratoriums are in place in Adams Morgan, Glover Park, Langdon Park, and West Dupont Circle. Details at abra.dc.gov/page/abc-neighborhood-moratorium-zones.

MEDICAL CANNABIS

FACILITIES | PATIENTS | *MEDICAL CANNABIS AMENDMENT ACT OF 2021*





FACILITIES

- Medical cannabis facility applications require ABC Board approval.
- Currently, there are three (3) facility types. Quantities of cultivation centers and dispensaries are currently capped.
 - **Dispensary** | A retail establishment that may possess and sell cannabis and paraphernalia to patients and caregivers with active registrations for medical treatment. Curbside pickup and delivery within DC is permitted. There are currently seven (7) registered operating dispensaries. An additional dispensary has been selected to operate in Ward 3.
 - **Cultivation Center** | A center that is permitted to grow, package, and sell cannabis to registered dispensaries in DC. There are currently (9) registered cultivation centers. Two additional cultivation centers have been selected to operate in Ward 4.
 - **Testing Laboratory** | A laboratory that tests cannabis products sold by cultivation centers and dispensaries. There are no registered testing laboratories but an open application period for up to two (2) testing labs is underway.



PATIENTS & CAREGIVERS

- Patients may purchase up to 8-ounces of cannabis product within a 30-day rolling period from a licensed dispensary.
- DC residents may purchase cannabis if they have an active patient registration issued by ABRA. Registrations are free through April 13, 2023.
- Non-DC residents may purchase cannabis if they:
 - Present an active patient registration from a medical cannabis program extended reciprocity. Currently, 38 U.S. states and territories qualify.
 - Register for and present a 30-day temporary patient registration. The fee is \$30 per registration and there is no cap on the number of times a patient may apply.



PATIENTS & CAREGIVERS

- Patient and caregiver applications are not subject to ABC Board approval. Application eligibility, options, and requirements vary by age and residency.
- DC residents:
 - At least 21 years of age may self-certify their application in lieu of receiving a healthcare provider recommendation.
 - Between 18-20 years of age are not permitted to self-certify and must include a healthcare provider recommendation with their application.
 - Seventeen (17) years of age or younger are eligible. Applications must be submitted by their parent or guardian, include a healthcare provider recommendation, and an identified registered caregiver.
- Non-DC residents that are least 21 years of age and not enrolled in a medical cannabis program extended reciprocity may apply for a temporary patient registration valid for 30-days. Self-certification is required.

MEDICAL CANNABIS AMENDMENT ACT



- Legislation, currently awaiting signature by Mayor Muriel Bowser, creates new licensing categories, expands permissions through endorsements, and extends ANCs greater opportunity to engage in the licensing process.
- Key highlights include:
 - Name change for the agency, Board.
 - Introduction of new licensing types including **couriers**, **internet retailers**, and **manufacturers**. Dispensaries will be reclassified as **retailers**.
 - Introduction of new endorsement types including **safe-use treatment facility**, **educational tasting**, and **summer garden**.
 - Increased public comment period for ANCs
 - Allows ANCs to file protests of facility applications of cultivation centers, manufacturers, retailers and internet retailers
 - Allows ANCs to reach settlement agreements with medical cannabis facilities
 - Elimination of facility caps.
 - A transition period for unlicensed operators, introduction of civil penalties.
 - Inclusion of social equity initiatives.

NOTICE OF PUBLIC HEARING

AFFECTED PARTIES | KEY COMPONENTS





NOTICE OF PUBLIC HEARING

Alcohol Applications

- Notice of Public Hearings are emailed to:
 - All SMDs in the ANC where the establishment will be/is located
 - All abutting SMDs
 - Any registered community association

Medical Cannabis Facility Applications

- Notice of Public Hearings are currently emailed to the following affected parties:
 - All SMDs in the Ward where the facility will be/is located
 - Councilmember representing the Ward where the facility will be/is located

NOTICE OF PUBLIC HEARING



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 12, 2021
Protest Petition Deadline: April 19, 2021
Roll Call Hearing Date: May 10, 2021
Protest Hearing Date: July 14, 2021

License No.: ABRA-117768
Licensee: Le Kavacha Bistro, LLC
Trade Name: Le Kavacha Bistro
License Class: Retailer's Class "C" Restaurant
Address: 4610 14th Street, N.W.
Contact: [REDACTED]

WARD 3 ANC 3E SMD 3E01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on May 10, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **July 14, 2021 at 1:30 p.m.**

NATURE OF OPERATION

The Establishment will be a restaurant serving French and American food and drinks with occasional karaoke. Seating Capacity of 163 and a Total Occupancy Load of 179. Request to add a Sidewalk Café with 80 seats. The licensee is also requesting an Entertainment Endorsement to provide live entertainment indoors only.

HOURS OF OPERATION FOR INSIDE OF THE PREMISES

Sunday through Thursday 7am – 2am, Friday and Saturday 7am – 3am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE OF THE PREMISES

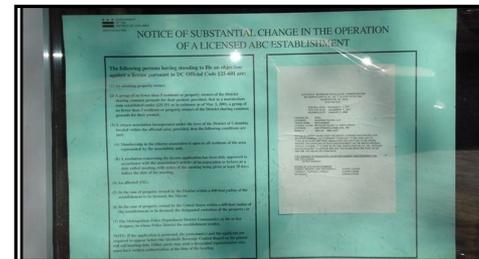
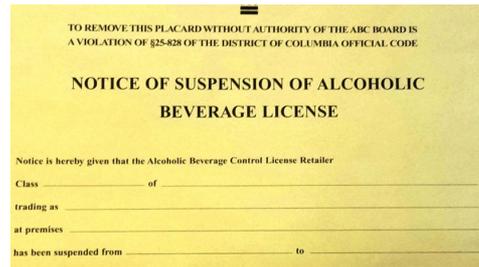
Sunday through Thursday 8am – 2pm, Friday and Saturday 8am – 3am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE SIDEWALK CAFÉ

Sunday through Thursday 8am – 2pm, Friday and Saturday 8am – 3am

PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE ONLY

Sunday through Thursday 6pm – 2am, Friday and Saturday 6pm – 3am





NOTICE OF PUBLIC HEARING

- Two (2) placards must be posted in conspicuous places on the outside of the establishment for the duration of the protest period.
- Key information included:
 - Key dates—placard posted, protest petition deadline, and hearing dates.
 - Nature and hours of the operation
 - Description of the request
 - Affected Ward, ANC, and SMDs
- If placards are not properly displayed or removed during the public comment period, new public comment period dates may be issued.
- Licensees are responsible for requesting new placards as needed and are provided at no cost.
- Public hearing notices are also available at abra.dc.gov/page/notices-public-hearing.

PROTESTS AND WRITTEN RECOMMENDATIONS

ELIGIBILITY | FILINGS | SETTLEMENT AGREEMENTS | BOARD ORDERS



PROTEST FILING

- **Alcohol Applications**

- Applications seeking a new license, renewal, substantial change, or location transfer, or for a catered site may be protested.
- Protests may only be filed by:
 - Abutting property owner(s)
 - Groups of Five (5) or More (*three if in a moratorium zone*)
 - Incorporated community association (*eligibility requirements apply*)
 - Any ANC located within 600'
 - Mayor, if property owned by District Government is located within 600'
 - A designated custodian, if a property owned by the U.S. Government is located within 600'
 - Metropolitan Police Department

PROTEST FILING



- Eligible parties must submit a written letter to ABRA’s Legal Division by the protest petition deadline stated on the notice of public hearing and include:
 - At least one appropriateness standard explaining the negative impact of the establishment on the neighborhood
 - A designated representative who will represent the party in all hearings if granted standing
 - Printed first and last names, addresses, and emails of all protestants identified as such in the letter
 - Signatures for all protestants identified as such in the letter

- Late and incomplete filings will not be granted standing without exception.

APPROPRIATENESS STANDARDS



- In determining the appropriateness of an establishment, the ABC Board shall consider all relevant evidence of record, including:
 - The effect of the establishment on real property values
 - The effect of the establishment on peace, order, and quiet, including the noise and litter
 - The effect of the establishment upon residential parking needs and vehicular and pedestrian safety
 - Whether the issuance of a license will contribute to an overconcentration of similarly licensed establishments in the neighborhood
 - The proximity of the license to schools, recreation centers, day care centers, libraries and similar facilities and its effect on the clientele of such facilities

PROTEST STAGES

- After filing a protest letter, subsequent steps include:
 - **Roll Call Hearing** | Proceeding where the ABC Board's agent grants standing to the parties and states the ground(s) for the protest.
 - **Mediation** | The ABC Board's mediator works with parties to settle the case if a middle ground is found.
 - **Status Hearing** | Proceeding held by the ABC Board where the parties provide an update on their progress towards reaching a resolution.
 - **Protest Hearing** | Adjudicatory proceeding where the ABC Board receives evidence and testimony on the appropriateness of the licensing action.
- A protest may be dropped or resolved, or an application withdrawn at any point throughout the process.

SETTLEMENT AGREEMENTS

- Alcohol Applications (continued)
 - A **Settlement Agreement** is a contract between a licensee and another party that includes terms and conditions aimed at addressing concerns of the neighborhood. They:
 - Are voluntary
 - May be entered into at any time
 - Are subject to ABC Board approval
 - Must conform with DC laws and regulations
 - Run for the term of the license, unless amended or terminated
 - Can be amended or terminated at any point with agreement of all signatories
 - Are only in effect once a Board Order is issued
 - Remain in effect permanently without an ABC Board Order evacuating the agreement



SETTLEMENT AGREEMENTS

- Parties that enter into a Settlement Agreement are expected to maintain ready access to them and review them on an annual basis.
- Licensees may request an amendment or the termination of a Settlement Agreement—without the consent of the other party—if the agreement has been in effect for at least four (4) years from the date it was approved by the ABC Board. The application must be submitted with renewal paperwork by the renewal deadline.
- Requests for the termination of or amendments to active Settlement Agreements are placarded and subject to community protest.
- Unless an eligible licensee requests to amend or terminate their Settlement Agreement, agreements survive the renewal period and transfer of ownership. They do not automatically sunset unless specified.

SETTLEMENT AGREEMENTS



- Alcohol Applications (continued)
 - While Settlement Agreements can be submitted at any time, they may only be approved by the ABC Board after the Protest Deadline has passed, if the establishment was placarded.
 - Settlement Agreements approved by the ABC Board between a licensee and the ANC will terminate a Group of 5 protest.
 - Other eligible protest groups are unaffected by the submission of an agreement, including community associations and abutting property owners.

WRITTEN COMMENTS

- **Medical Cannabis Facility Applications**
 - Written comments are accepted from:
 - Any ANC located in the Ward the facility is in or is requesting to operate in
 - The Councilmember representing the Ward where the facility is or is requesting to operate in
 - Resolutions submitted by an ANC must address concerns or support regarding the proposed location, including but not limited to:
 - The potential adverse impact of the proposed location to the neighborhood; and
 - An overconcentration or lack of cultivation centers, dispensaries, or testing laboratories in the affected Ward



WRITTEN COMMENTS

- Any submitted public comments from an eligible ANC or Councilmember will be given great weight by the ABC Board in their deliberation. Unlike the alcohol license application process, under current law there is no opportunity for mediation or public hearing.
- The pending Medical Cannabis Amendment Act of 2022 does require the ABC Board to hold a contested case protest hearing within 120 days of receiving a timely protest from an affected ANC involving a cultivation center, retailer, or internet retailer filed by a transitioning unlicensed establishment during the statutory 90-calendar day open application period.
- Additionally, until the Medical Cannabis Amendment Act of 2022 takes effect, settlement agreements do not currently apply to medical cannabis facilities.



BOARD ORDERS

- Legal matters that come before the ABC Board are resolved by Board Order. Orders may be issued for:
 - Protest dismissals or withdrawals
 - Settlement Agreements
 - Protest Hearing determinations
 - Show Cause Hearing results
 - Other enforcement matters
- Parties have 10 days from the receipt of any Board Order to file a request for reconsideration. Requests must be emailed to abra.legal@dc.gov.

DOCUMENT SUBMISSION GUIDANCE

GREAT WEIGHT | REQUIREMENTS



ANC SUBMISSION REQUIREMENTS



- All ANC resolutions must include the:
 - Date in which the duly-noticed meeting was held.
 - Number of votes favoring, abstaining, and opposing the motion.
 - Signature from the chairperson or other ANC officer.
- In matters pertaining to hearings, at least one designated representative must be selected to represent the ANC. The representative does not need to be an ANC commissioner.
- All documents must be timely and emailed to abra.legal@dc.gov.



GREAT WEIGHT

- The ANC receives **great weight** for recommendations pertaining to:
 - Placarded license applications (including protests).
 - Moratorium requests and recommendations regarding existing moratoria.
- The ANC does not receive great weight for:
 - Enforcement matters and hearings stemming from such matters.
 - Pending policy changes.
 - License applications that have not been issued placards.

COMPLIANCE, SAFETY, & ENFORCEMENT

INSPECTIONS | SECURITY PLANS | COMPLAINTS | VIOLATIONS





COMPLIANCE OVERVIEW

All ABC licensees are required to comply with:

- *DC Official Code Title 25: Alcoholic Beverage Regulation Administration*
- *DC Municipal Regulations Title 23: Alcoholic Beverages*
- Mayor's Orders
- ABC Board Orders
- Settlement Agreements
- Terms of their License



INSPECTIONS

- **Final** | Conducted by appointment at newly licensed establishments within 30-days of license issuance and treated as an educational opportunity. Violations are corrected, not penalized.
- **Regulatory** | Conducted a minimum of twice annually to confirm ongoing compliance. Inspections:
 - May take place anytime during operating hours and are unannounced.
 - Occur any time an ABRA investigator responds to a complaint.
- **Compliance Checks** | Conducted using minors under the age of 21. During checks, the minor attempts to purchase alcohol. If asked, the minor always provides their real DC-issued photo ID and states their true age and birthdate.



SECURITY PLANS AND CAMERAS

- A **Security Plan** is a document that details security procedures for an establishment. Security plans are required for nightclubs. The ABC Board may require security plans from other on-premises Retailers. ABC Board-approved plans must be adhered to.
- Security cameras are routinely incorporated into security plans. If added:
 - Cameras must be operational at all times
 - Footage capturing a crime of violence or a crime involving a gun must be preserved for a minimum of 30-days
 - Copies of any footage requested by ABRA or MPD must be provided within 48-hours.

NOISE FROM LICENSED PREMISES



- Licensees may not produce any sound, noise, or music that may be heard in any premises other than the licensed establishment by the use of:
 - Mechanical devices, machines, apparatus, or instruments for the amplification of the human voice or any sound or noise
 - Bells, horns, gongs, whistles, drums, or other noise-making articles, instruments, or devices
 - Musical instruments.
- Does not apply to building owned by the licensee which abuts the licensed establishment; HVAC and ventilation systems; sounds heard by normal opening of entrance and exit doors for the purpose of ingress and egress; among others.



HOW TO FILE A COMPLAINT

- ABRA only responds to complaints involving establishments holding an alcohol license. ABRA investigators must be able to personally substantiate a reported violation to cite a license.
- Complaints may be submitted by:
 - **Phone** | (202) 329-6347, 7:00 p.m. – 4:00 a.m., daily
 - **Online** | abra.dc.gov/service/filing-complaint-abra
 - **Email** | abra.enforcement@dc.gov
- For reoccurring concerns such as noise and trash, residents may request ABRA investigators conduct an inspection at a specific date and time.
- For noise complaints, ABRA investigators must be granted permission to enter the complainant's residence to be able to substantiate a noise violation in residentially zoned areas. This requirement applies regardless of the time of day.



VIOLATIONS

- Primary Tier violations:
 - **First** | \$1,000-\$2,000
 - **Second within Two Years** | \$2,000-\$4,000
 - **Third within Three Years** | \$4,000-\$6,000
 - **Fourth within Four Years** | License suspension or revocation for up to 30 consecutive days and fined \$30,000 or more
 - **Fifth within Five Years** | Mandatory license revocation
- Secondary Tier violations:
 - **First** | Written warning or \$250-\$500
 - **Second within Two Years** | \$500-\$750
 - **Third within Three Years** | \$750-\$1,000
 - **Fourth within Four Years** | \$1,000-\$2,000
 - **Fifth within Five Years** | \$2,000 minimum



VIOLATIONS

- Most common violations by ABC licensees:
 - No owner or ABC Manager on duty | **Secondary**
 - Operating after ABC Board-approved hours | **Primary**
 - Failure to post ABC license and warning signs | **Secondary**
 - Sale to minor | **Primary**
 - Substantial change in operation without ABC Board approval | **Primary**
 - Failure to obtain an endorsement | **Secondary**
 - Failure to keep books and records on premises | **Primary**
 - Failure to file a quarterly report (hotels and restaurants) | **Secondary**
 - Failure to meet food sales requirements (restaurants and hotels) | **Secondary**
 - Failure to serve food for up to two (2) hours prior to closing (restaurants and hotels) | **Secondary**

DOCUMENT ACCESS

ONLINE SEARCH TOOL | FOIA PROCESS





DOCUMENT REQUESTS

- ABRA's website provides the public 24/7 self-service access to the most commonly requested documents including:
 - Notices of Public Hearing
 - Board Dispositions
 - Board Orders
 - Board Transcripts (*Posted 10-14 days following the date of the hearing.*)
 - Settlement Agreements (*Up to the most recent three (3)-years.*)
 - Court of Appeals Decisions
 - Advisory Opinions
 - Rulemakings
- All persons are encouraged to use the online search tool to locate documents prior to submitting a request.



DOCUMENT REQUESTS

- Requests for documents not available on the website, such as alcohol licenses, should be made through FIOAXpress at foia-dc.gov/App/Index.aspx.
- While individuals may create their own user profiles to submit document requests, SMDs are strongly encouraged to create organizational accounts using their ANC.gov email account.
 - This provides commissioners a centralized location to track pending requests, search historical requests, and access documents, and promotes knowledge transfer between new and departing commissioners. Passwords can be reset.
- Simple requests such as a single document that does not require staff review or redaction are generally fulfilled within three to four business days. All other requests are fulfilled within 15 business days. ABRA may invoke a 10 business day extension if needed pursuant to DC Code § 2-532(d)(1).



DOCUMENT REQUESTS

Follow these tips to expedite fulfillment of document requests:

- **Specificity** | Requests should be specific and include, if applicable:
 - Time period such as November 25, 1995 or November 25, 1995 through December 1, 1995.
 - Establishment name, street address, and license number. Do not include only a case number.
 - Document type such as Substantial Change application or investigative history.
- **Attorney Agents** | Attorneys representing an ABC licensee may be entitled to non-redacted documents. Before any non-redacted documents can be made available, an executed Attorney/Agent Designation Form must be on file.



DOCUMENT REQUESTS

- **Document Review** | Licensees and their legal representatives may request to review contents of their license file by advance appointment. An ABRA staff member must be present while documents are reviewed, and no documents may be removed. Request an appointment by emailing abcdocs@dc.gov.
- **Format** | Documents will only be issued in the format they were originally created. ABRA's Officer is not permitted to convert documents into preferred formats, consolidate information from multiple sources or time periods, or conduct data analysis.
- **Availability** | Documents associated with a license are destroyed five (5) years after an establishment closes and are therefore no longer available.



DOCUMENT REQUESTS

- ABRA is legally authorized to establish and collect fees for the reasonable, direct costs of search, duplication (copy), and/or review of requested records. There is no cost to submit a request.
- ABRA provides requesters with a fee estimate in advance of processing if fees are expected to exceed \$100, or if requesters ask for an estimate. Requesters may also include a statement in their initial request limiting the amount of fees they are willing to pay.
- You may request a waiver or reduction of fees in your request letter. The request letter should indicate how the waiver or reduction in fees serves the public interest.

RESOURCES & TIPS

UPDATES | TRAININGS | CONTACT INFORMATION





RESOURCES

- **Quick Guides** | Brief synopsis of applicable laws and regulations by establishment type and other helpful content, such as alcoholic beverage classifications, security plans, and foreign identifications.
 - abra.dc.gov/page/abc-quick-guides
- **Info by Business** | Curated content by license type.
 - abra.dc.gov/page/abc-licensing-info-and-forms-establishment-type
- **Moratorium Zone Look Up** | DC has four unique moratorium zones. Our online search tool allows persons to determine if an address falls within an existing moratorium zone.
 - abra.dc.gov/page/abc-neighborhood-moratorium-zones



UPDATES

- The following updates are published to ABRA's website and distributed by email:
 - ABC Board Decisions, Hearing Transcripts, and Notice of Public Hearings | Thursdays
 - ABC Board Weekly Agenda | Fridays
 - License Issuances | Mondays
 - Last Call Newsletter | Bimonthly

TRAININGS



- ABRA offers various free trainings to licensees and the public including:
 - Community Training
 - ABC Licensee Orientation
 - Books and Records Training
 - ID Compliance Training (*only open to licensees*)
- Please encourage new applicants or renewing licensees to register for a training. Full details are available at abra.dc.gov/page/abc-trainings.

STAY CONNECTED



- **Staff** | ABRA's office is open to the public Monday-Friday, 8:30 a.m. - 4:00 p.m.
 - **Legal** | abra.legal@dc.gov or (202) 442-4423
 - **ANC or community concerns** | sarah.fashbaugh@dc.gov or (202) 397-3971
- **Enforcement Complaints** |
 - **Hotline** | (202) 329-6347; answered from 7:00 p.m. to 4:00 a.m., daily
 - **Online** | abra.dc.gov/node/620152
- **Social** |
 - **Facebook** | facebook.com/ABRADC
 - **Twitter** | [@DCGov_ABRA](https://twitter.com/DCGov_ABRA)