

DISTRICT OF COLUMBIA  
+ + + + +  
ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:                   :  
  :  
Southeast Restaurant               :  
Group, LLC,                         :  
t/a Wicked Bloom                   :  
1540 North                         :  
Capitol Street NW                 : Show Cause  
Retailer Caterer                   : Hearing  
ANC 5E                             :  
License No. 103208                 :  
Case #19-CIT-00541               :  
  :  
(Failed to File                     :  
Semiannual Caterer's              :  
Report)                             :

Wednesday  
March 3, 2021

The Alcoholic Beverage Control Board  
met via Webex videoconference, Chairperson  
Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson  
BOBBY CATO, JR., Member  
RAFI ALIYA CROCKETT, Member  
EDWARD S. GRANDIS, Member  
JENI HANSEN, Member  
JAMES SHORT, JR., Member  
REMA WAHABZADAH, Member

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff  
WALTER ADAMS, DC OAG  
MONICA CLARK, DC ABRA  
MELVIN HINES, Licensee

1 P-R-O-C-E-E-D-I-N-G-S

2 1:34 p.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case Number 19-CIT-00541,  
5 Wicked Bloom, License Number 103208.

6 Ms. Andrews, can you please elevate  
7 the rights of the Licensee and of the Government,  
8 please?

9 MS. ANDREWS: Sure, stand by.

10 CHAIRPERSON ANDERSON: Thank you.

11 MS. ANDREWS: Mr. Hines, your rights  
12 have been elevated. Ms. Clark, your rights have  
13 been elevated. Mr. Adams, your rights have been  
14 elevated. That's all, Mr. Chair.

15 CHAIRPERSON ANDERSON: Thank you.  
16 Good afternoon, everyone. This is a show cause  
17 hearing status.

18 And so I would ask all the parties to  
19 introduce themselves for the record. I will  
20 start with the Government. And if the Government  
21 has a witness, please identify the witness and  
22 then I'll have the witness identify themselves.  
23 And then we'll have the licensee identify  
24 themselves for the record. So, go ahead, Mr.  
25 Adams.

1 MR. ADAMS: Good morning, Mr. Chairman  
2 and members of the Board. I'm Walter Adams and  
3 I'm representing the District of Columbia. And  
4 we have listed as our witness Monica Clark,  
5 Compliance Analyst for the Alcoholic Beverage  
6 Regulation Administration.

7 CHAIRPERSON ANDERSON: Good afternoon,  
8 Mr. Adams. And, Ms. Clark, can you please  
9 identify yourself for the record, please?

10 MS. CLARK: Hi, I'm Monica Clark. I'm  
11 a Compliance Analyst with the Alcoholic Beverage  
12 Regulation Administration. The spelling of my  
13 name is M-O-N-I-C-A, C-L-A-R-K. Thank you.

14 CHAIRPERSON ANDERSON: Good afternoon,  
15 Ms. Clark. Mr. Hines, can you please identify  
16 yourself for the record, please?

17 MR. HINES: My name is Melvin Hines,  
18 I'm the owner of Wicked Bloom.

19 CHAIRPERSON ANDERSON: All right.  
20 Thank you, Mr. Hines. Okay. Are there any  
21 preliminary matters that should be brought to the  
22 attention of the Board prior to us starting this  
23 hearing?

24 MR. ADAMS: There is, Mr. Chairman.  
25 The parties have discussed the matters involved

1 in this case, which essentially involves the --  
2 in our notice the allegations that the  
3 establishment failed to file its semiannual  
4 caterer's report in a timely manner.

5 In that conversation, we had decided  
6 that -- or it's been discussed by Mr. Hines the  
7 ability to stipulate to the facts as stated in  
8 the notice, as well as to the admission of the  
9 District's exhibit, which is the investigative  
10 report, officially into the record.

11 CHAIRPERSON ANDERSON: So, Mr. Adams,  
12 what I would you like you to do, then, why don't  
13 you offer a proffer that if we were supposed to  
14 receive testimony on this case, what is it that  
15 you and the licensee have agreed to as the  
16 factual basis?

17 MR. ADAMS: As factual basis, Your  
18 Honor, what we are agreeing or stipulating to,  
19 essentially, is that this case, the establishment  
20 was supposed to report a semiannual caterer's  
21 report for a period of January 1st through June  
22 30th, 2019, that that was due to be filed to the  
23 Board or to ABRA by July 30th, 2019. The  
24 establishment did not submit that semiannual  
25 caterer's report by the July 30th deadline. And,

1 instead, I believe, submitted their report in  
2 September of 2019, which is after the deadline.

3 CHAIRPERSON ANDERSON: September when?

4 MR. ADAMS: If I'm not mistaken,  
5 September 14. Mr. Hines may be able to correct  
6 me.

7 CHAIRPERSON ANDERSON: All right. So,  
8 the stipulations of facts is that the report was  
9 due on July 30, 2019, it was not filed until on  
10 or about September 14, 2019, is that correct?

11 MR. HINES: It was September 5th.

12 MR. ADAMS: Sorry about that.

13 CHAIRPERSON ANDERSON: It was filed  
14 September 5th, 2019?

15 MR. HINES: Yes.

16 MR. ADAMS: Yes.

17 CHAIRPERSON ANDERSON: All right. So,  
18 that's the stipulation. Is there any other  
19 stipulation that the Government wants to make?

20 MR. ADAMS: Yes, Your Honor. The only  
21 other stipulation is the admission of District's  
22 exhibit, which is the investigative report, which  
23 is identified as Exhibit 1. Petitioner submitted  
24 that last week.

25 CHAIRPERSON ANDERSON: All right. So,

1 without -- so, both parties have stipulated that  
2 Exhibit 1, will be -- which is the -- I'm sorry,  
3 what again is Exhibit 1, Mr. Adams?

4 MR. ADAMS: It is the investigative  
5 report, or case reports for this case, 19-CIT-  
6 00541.

7 CHAIRPERSON ANDERSON: All right. So  
8 the case report has been submitted and accepted  
9 without objection into the record.

10 (Whereupon, the above-referred to  
11 document was marked as Government Exhibit No. 1  
12 for identification and received into evidence.)

13 CHAIRPERSON ANDERSON: That's it?

14 MR. ADAMS: That is it, Mr. Chairman.

15 CHAIRPERSON ANDERSON: All right.

16 MR. ADAMS: At this point --

17 CHAIRPERSON ANDERSON: So, Mr. -- I'm  
18 sorry, go ahead, Mr. Adams.

19 MR. ADAMS: At this point, I guess our  
20 only thing we can do is in terms of summation and  
21 any argument regarding penalty.

22 CHAIRPERSON ANDERSON: All right,  
23 that's fine. Mr. Hines, it's my understand that  
24 -- I'm not asking for justification, I'm just  
25 trying to agree on the facts -- it's my

1 understanding that there's a stipulation. And  
2 this stipulation is that the quarterly filing was  
3 due on June 30th, 2019, is that correct?

4 MR. HINES: Yes.

5 CHAIRPERSON ANDERSON: I'm sorry, was  
6 due to be filed by July 30th, 2019, is that  
7 correct?

8 MR. HINES: Yes.

9 CHAIRPERSON ANDERSON: And it's also  
10 correct that you filed the report -- the report  
11 was not filed with the Agency until September  
12 5th, 2019, is that correct?

13 MR. HINES: Yes.

14 CHAIRPERSON ANDERSON: All right,  
15 fine. Thanks. All right. So, thank you for  
16 that. So, the parties have stipulated that this  
17 was for the quarter January 1st through June  
18 30th, 2019, the report was due July 30th, 2019,  
19 and that the report was not received by the  
20 Agency until September 5h, 2019. All right.  
21 Fine.

22 So, Mr. Adams, in closing, what is it  
23 that the Government is arguing and what is it  
24 that the Government wants the Board to do?

25 MR. ADAMS: Yes, Your Honor. Yes, Mr.

1 Chairman and members of the Board. In this case,  
2 this case is obviously for the timely submission  
3 of a semiannual caterer's report.

4 Based upon the evidence, or what we've  
5 had here and the facts that have been stipulated  
6 to, that is enough information for the Board to  
7 see that the District has demonstrated a prima  
8 facie case that the licensee in this case indeed  
9 did violate the ABRA rules of this case, 23 DCMR  
10 Section 2006.1, by not -- where the facts are  
11 clear in this case, that the only thing that's  
12 the required is that the report, the semiannual  
13 caterer's report is filed on time and that, in  
14 this case, that the licensee did not file that  
15 report on time.

16 So, as a result, the District has met  
17 its burden to show that the establishment indeed  
18 did violate it and has essentially proven the  
19 facts that justify the charge and the notice for  
20 the show cause hearing.

21 And in this case, we believe that due  
22 to the violation, that there -- this  
23 establishment has not had any prior violations.  
24 So, in this case, the violation of 23 DCMR  
25 2006.5, and thus, the 25-823(a)(1), that that is



1 a secondary tier violation, it's a first for this  
2 establishment.

3 So the appropriate penalty is a fine  
4 in the range of \$250 to \$500. For this charge, a  
5 warning is not eligible, or the license is not  
6 eligible for a warning for this charge. And so  
7 we ask that the Board use its discretion in terms  
8 of applying a fine or a penalty to the  
9 establishment.

10 CHAIRPERSON ANDERSON: And, I'm sorry,  
11 what's the provision again? What's the provision  
12 that lists the fine range or what the Board can  
13 do? What provision of that law that is, sir,  
14 again?

15 MR. ADAMS: Yes. The penalty comes  
16 under -- well, in terms of statute, in terms of  
17 liability, first of all, it's under D.C. Code 25-  
18 823(a)(1). And the penalty is under -- or the  
19 regulation involved is 23 DCMR Section 2006.5.

20 According to the penalty chart within  
21 the regulations, which is 23 DCMR 800, according  
22 to the schedule for 23 DCMR 2006.5, that this is  
23 a secondary tier offense. For such offenses  
24 under 23 DCMR Section 802, it's a secondary tier  
25 offense, and under that, for a first secondary

1 tier violation, the fine is the range of \$250 to  
2 \$500, Mr. Chairman.

3 CHAIRPERSON ANDERSON: All right.  
4 Thank you. All right. Mr. Hines, your  
5 summation, please, sir.

6 You need to unmute your phone, sir.  
7 Unmute your phone. Unmute your phone.

8 MR. HINES: I think I have it now.

9 I acknowledge that I did not file it  
10 on time. As was mentioned by the Government,  
11 this is my first time being behind in submitting  
12 the form. Once I was alerted to it, that it was  
13 due, I immediately submitted it at that time.  
14 And I have not been late since that point. I  
15 just overlooked it. It's not a significant part  
16 of our business. It's not something that I  
17 really was managing, too.

18 So, at that time, once I was aware of  
19 it and understanding what the stipulation is  
20 going forward, I made sure that it has been  
21 turned in on time on a regular basis.

22 CHAIRPERSON ANDERSON: So, what is it  
23 that you're wanting the Board to do, sir?

24 MR. HINES: Well, I'm asking for some  
25 type of, I guess, understanding at this point. I

1 understand that it does call for a fine between  
2 250 to 500. I'm asking, based on the fact that  
3 I've since had to close my business because of  
4 the pandemic and we're not generating any  
5 revenue, because of that, that the fine be waived  
6 at this time.

7 CHAIRPERSON ANDERSON: All right. I  
8 don't think we can ask any questions, because  
9 we're at the stage -- I mean, we're at closing.  
10 So, it would be procedurally incorrect for the  
11 Board to ask questions. So, all right.

12 If that's all, any other comments,  
13 statements that you want to make, sir?

14 MR. HINES: I've been trying to be a  
15 good citizen within the ABRA, working within the  
16 ABRA framework. So, again, I'm just asking for  
17 mercy and consideration in this instance.

18 CHAIRPERSON ANDERSON: All right. All  
19 right. Any final comments you'd like to make,  
20 Mr. Adams?

21 MR. ADAMS: No, Mr. Chairman, the  
22 District has no further comments.

23 CHAIRPERSON ANDERSON: All right. The  
24 record is now closed. And, I guess, I ask this  
25 question, and I know that, since -- do the

1 parties wish to file proposed findings of fact  
2 and conclusions of law or waive their right to do  
3 so?

4 MR. ADAMS: The District waives the  
5 right to file findings of fact and conclusions of  
6 law.

7 CHAIRPERSON ANDERSON: And, Mr. Hines,  
8 that's basically -- because the parties have  
9 stipulated to the facts, it was asking whether or  
10 not the parties want to file some legal brief to  
11 say what was proven during the hearing today.  
12 But I think in this particular case, because both  
13 sides --

14 MR. HINES: Okay.

15 CHAIRPERSON ANDERSON: There's no  
16 dispute about what the facts are.

17 MR. HINES: Understood.

18 CHAIRPERSON ANDERSON: All right. The  
19 Board will issue a decision within 90 days. So,  
20 let me close this case officially, please. Hold  
21 on.

22 As Chairperson of the Alcoholic  
23 Beverage Control Board for the District of  
24 Columbia, in accordance with D.C. Official Code  
25 Section 2574(b) of the Open Meetings Act, I move

1 that ABC Board hold a closed meeting for the  
2 purpose of seeking legal advice from our counsel  
3 on Case Number 19-CIT-00541, Wicked Bloom,  
4 pursuant to D.C. Official Code Section 2574(b)(4)  
5 of the Open Meetings Act, and deliberating upon  
6 Case Number 19-CIT-00541, Wicked Bloom, for the  
7 reasons cited in D.C. Official Code Section  
8 2574(b)(13) of the Open Meetings Act. Is there a  
9 second?

10 MEMBER SHORT: Mr. Short, I second.

11 CHAIRPERSON ANDERSON: Mr. Short has  
12 seconded the motion. We'll now take a roll call  
13 vote on the motion that has been properly  
14 seconded by Mr. Short. Mr. Short?

15 MEMBER SHORT: Mr. Short. I agree.

16 CHAIRPERSON ANDERSON: Mr. Cato?

17 MEMBER CATO: Bobby Cato. I agree.

18 CHAIRPERSON ANDERSON: Ms. Wahabzadah?

19 MEMBER WAHABZADAH: Rema Wahabzadah.

20 I agree.

21 CHAIRPERSON ANDERSON: Ms. Crockett?

22 MEMBER CROCKETT: Rafi Crockett. I  
23 agree.

24 CHAIRPERSON ANDERSON: Ms. Hansen?

25 MEMBER HANSEN: Jeni Hansen. I agree.

1 CHAIRPERSON ANDERSON: Mr. Grandis?

2 MEMBER GRANDIS: Edward Grandis. I  
3 agree.

4 CHAIRPERSON ANDERSON: And Mr.  
5 Anderson. I agree. The matter passes 7-0-0.

6 Mr. Adams and Mr. Hines, the Board  
7 will take this matter under advisement. We will  
8 issue a decision within 90 days. And I  
9 appreciate the appearance today. And be mindful  
10 that whatever decision that the Board makes,  
11 we're making our decision based on what the law  
12 states.

13 MR. HINES: Understood.

14 CHAIRPERSON ANDERSON: I just want  
15 everybody to understand that. So, thank you very  
16 much for appearing today and have a great day.

17 (Whereupon, the above-entitled matter  
18 went off the record at 1:52 p.m.)

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In the matter of: Wicked Bloom

Before: DCABRA

Date: 03-03-21

Place: teleconference

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