



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

2 3:33 p.m.

3 CHAIRPERSON ANDERSON: Our final case  
4 for the afternoon is Case Number 23-CIT-00635,  
5 the Ugly Mug Dine In Saloon, License Number  
6 71793.

7 Mr. Jameson, can you please elevate  
8 the rights of the parties in this case?

9 MR. JAMESON: All names that I see  
10 listed.

11 CHAIRPERSON ANDERSON: We don't see Mr.  
12 -- we don't see the Licensee, and there should  
13 be, I believe, a Mr. Jones who is supposed to be  
14 the investigator. He was on earlier, and Mr.  
15 Jablanski (phonetic) is he on the phone in the  
16 waiting area?

17 Is Mr. Jablonski, I believe, can he  
18 identify himself if he wishes to participate  
19 today?

20 MR. JAMESON: He's not here yet.

21 CHAIRPERSON ANDERSON: Let me have the  
22 parties identify themselves. Let's start with  
23 you, Ms. Brown, can you please spell and state  
24 your name for the record.

25 You are on mute, Ms. Brown.

1 MS. BROWN: Good afternoon. This is  
2 Assistant Attorney General Shani Brown, here on  
3 behalf of the Petitioners. My name is spelled S-  
4 H-A-N-I B-R-O-W-N.

5 CHAIRPERSON ANDERSON: Ms. Brown, have  
6 you heard from the Licensee, have you had any  
7 contact with the Licensee?

8 MS. BROWN: I have not have any further  
9 contact regarding him.

10 CHAIRPERSON ANDERSON: I'm trying to  
11 see if the Licensee, if he had filed any  
12 documents. Do you know that, whether or not he  
13 has signed any documents for this case?

14 MS. BROWN: To continue here?

15 CHAIRPERSON ANDERSON: No, no, whether  
16 or not he had filed any disclosure documents in  
17 this case?

18 MS. BROWN: No, he did not. I did not  
19 receive witness list.

20 CHAIRPERSON ANDERSON: All right.

21 Is the Government ready to move  
22 forward ex parte?

23 MS. BROWN: Yes, it is.

24 CHAIRPERSON ANDERSON: All right.

25 Pursuant to D.C. Official Code Section 25447, the

1 Board has the authority to proceed ex parte where  
2 the Licensee waives the hearing or fails to  
3 appear, unless the hearing is extended for good  
4 and sufficient cause.

5 The Board's reflect the Licensee was  
6 properly served. Seeing no Licensee here today,  
7 and having no good and sufficient cause to extend  
8 this hearing, the Board will proceed with a show  
9 cause hearing.

10 Does the Government wish to make an  
11 opening statement?

12 MS. BROWN: Yes, it does.

13 CHAIRPERSON ANDERSON: Go ahead, ma'am.

14 MS. BROWN: Okay.

15 Good afternoon, Board Members. We are  
16 here today because the Ugly Mug, located at 723 H  
17 Street, S.E., in Washington, D.C., failed to  
18 timely file its quarterly statement for the  
19 period of April 1 to June 30th of 2023, in  
20 violation of D.C. Code 25-113-B2A and 23 DCMR  
21 Section 1207.1.

22 You'll hear from ABCA Lead  
23 Investigator Earl Jones that an ABCA compliance  
24 analyst, my apologies, that an ABCA Compliance  
25 Analyst provided a list of establishments that

1 had failed to file their quarterly statement by  
2 the prescribed deadline, and that Ugly Mug was on  
3 that list.

4 And, Investigator Jones will also tell  
5 you that Investigator Chanel Murray (phonetic)  
6 visited the Ugly Mug and informed them of this  
7 infraction and issued a citation in the amount of  
8 \$750.

9 Investigator Jones' testimony will  
10 clearly establish that the Ugly Mug failed to  
11 file it's quarterly statement by the August 1st  
12 deadline.

13 Thank you.

14 CHAIRPERSON ANDERSON: Does the  
15 Government wish to call a witness?

16 MS. BROWN: Yes. I would like to call  
17 Lead Investigator Earl Jones.

18 CHAIRPERSON ANDERSON: Mr. Jones, can  
19 you raise your right hand, please?

20 Do you swear or affirm to tell the  
21 truth and nothing but the truth?

22 You are on mute, sir.

23 You are muted.

24 MR. JONES: Can you hear me now?

25 CHAIRPERSON ANDERSON: I'm sorry, sir?

1 MR. JONES: Can you hear me now?

2 CHAIRPERSON ANDERSON: Yes. Okay,  
3 raise your right hand please now.

4 Do you swear or affirm to tell the  
5 truth and nothing but the truth?

6 MR. JONES: I do.

7 CHAIRPERSON ANDERSON: Your witness,  
8 ma'am.

9 MS. BROWN: Thank you.

10 Investigator Jones, can you please  
11 state and spell your name for the record?

12 MR. JONES: Earl Jones. First name E-  
13 A-R-L, last name common spelling, J-O-N-E-S.

14 MS. BROWN: And, where are you  
15 currently employed?

16 MR. JONES: I'm currently employed with  
17 the Alcohol Beverage and Cannabis Administration.

18 MS. BROWN: Now, if I refer to entity  
19 as ABCA do you understand what I'm referring to?

20 MR. JONES: I do.

21 MS. BROWN: Okay. And, what is your  
22 position at ABCA?

23 MR. JONES: I'm currently the Night  
24 Shift Supervisory Investigator.

25 MS. BROWN: How long have you been an

1 investigator with ABCA?

2 MR. JONES: I've been an Investigator  
3 with ABRA since 2010.

4 MS. BROWN: And, what are your duties  
5 and responsibilities as an Investigator?

6 MR. JONES: Well, as an Investigator I  
7 conduct inspections and investigations of  
8 licensed -- I'm sorry -- of licensed  
9 establishments within the District of Columbia.

10 As a Supervisory Investigator, I  
11 manage my shift team of investigators, which  
12 encompasses assigning case work, training newly  
13 hired investigators, ensuring all cases and  
14 paperwork are happening and accounted for, being  
15 responsible for handling any actions that take  
16 place at night within all ABCA establishments  
17 Sunday through Thursday, being responsive to the  
18 residents' needs as well as the ANCs' needs with  
19 regards to the licensees, and working cohesively  
20 with MPD, as well as other duties and  
21 responsibilities that I have to my Director and  
22 Chief of Enforcement.

23 MS. BROWN: Thank you.

24 Now, turning your attention to this  
25 case in particular, are you familiar with an

1 establishment named The Ugly Mug?

2 MR. JONES: Yes, I am.

3 MS. BROWN: And, how are you familiar  
4 with that establishment?

5 MR. JONES: I conducted inspections at  
6 this establishment in previous years.

7 MS. BROWN: Okay. And, as it relates  
8 to this case, how are you familiar with the  
9 establishment?

10 MR. JONES: With this case a former  
11 employee, Investigator Chanel Murray, she  
12 conducted a quarterly statement violation there,  
13 and at that time I was the Supervisor.

14 MS. BROWN: Thank you.

15 Did your Supervising Investigator  
16 Murray create a case report for this  
17 investigation?

18 MR. JONES: Yes, ma'am.

19 MS. BROWN: Now, I'd like to share my  
20 screen.

21 CHAIRPERSON ANDERSON: Mr. Jameson,  
22 please allow Ms. Brown to share her screen.

23 Thank you.

24 MS. BROWN: Wonderful.

25 Now, I show you what's been marked as

1 Government Exhibit No. 1.

2 (Whereupon, the above referred to  
3 document was marked as Government  
4 Exhibit No. 1 for identification.)

5 MS. BROWN: Investigator Jones, do you  
6 recognize this document?

7 MR. JONES: I do.

8 MS. BROWN: What is this document?

9 MR. JONES: That's the ABCA report that  
10 Investigator Murray drafted for this case.

11 MS. BROWN: And, did you review this  
12 report during the approval process?

13 MR. JONES: Yes, ma'am.

14 MS. BROWN: And, is that your signature  
15 here on page three?

16 MR. JONES: Yes, ma'am.

17 MS. BROWN: Now, just generally, why do  
18 ABCA investigators create reports?

19 MR. JONES: Case reports are created  
20 for various reasons. For the most part, they  
21 formally document findings, whether they are  
22 violations, fact finding notifications in nature  
23 for the Board to review in adjudication.

24 MS. BROWN: And, this case report that  
25 you said was drafted by you former Supervisory

1 Investigator Murray, is this a fair and accurate  
2 representation of that case report as you last  
3 saw it?

4 MR. JONES: Yes, ma'am.

5 MS. BROWN: Thank you.

6 Now, normally I would ask to move this  
7 into evidence, but my understanding that it's  
8 part of the record, pursuant to DCMR Section 23,  
9 Subsection 1713.10.

10 CHAIRPERSON ANDERSON: You are correct  
11 that it is a part of the record. Thank you.

12 MS. BROWN: Now, Investigator Jones,  
13 what was this investigation about?

14 MR. JONES: This investigation  
15 concerned The Ugly Mug being in violation of not  
16 filing a second quarter quarterly statement for  
17 2023.

18 MS. BROWN: And, what occurred during  
19 that investigation?

20 MR. JONES: Investigator Murray was  
21 notified by the Agency's Compliance Analyst that  
22 the establishment had failed to file said second  
23 quarter quarterly statement for 2023, followed by  
24 her paying a visit to The Ugly Mug to make a  
25 notification, conduct a regulatory inspection,

1 serve the citation for the violation subsequently  
2 off of this report.

3 MS. BROWN: And, did The Ugly Mug ever  
4 file its quarterly statement for the second  
5 quarter of 2023?

6 MR. JONES: Yes, they did.

7 MS. BROWN: And, on what date did they  
8 file that quarterly report?

9 MR. JONES: It was on August 7, 2023.

10 MS. BROWN: And, on what date were they  
11 required to submit the quarterly statement by?

12 MR. JONES: That was August 1, 2023.

13 MS. BROWN: And so, is August 7th before  
14 or after the deadline?

15 MR. JONES: It's definitely after.

16 MS. BROWN: Thank you.

17 Is it your understanding that The Ugly  
18 Mug ever paid the citation that Investigator  
19 Murray issued to it when she visited the  
20 establishment?

21 MR. JONES: To my understanding, no,  
22 they haven't paid the citation as of today's  
23 date.

24 MS. BROWN: Okay.

25 Thank you, I have no further

1 questions.

2 MR. JAMESON: Any questions by any  
3 Board members?

4 CHAIRPERSON ANDERSON: All right, thank  
5 you, Mr. Jones for your testimony.

6 Does the Government have another  
7 witness?

8 MS. BROWN: No, it does not. The  
9 Government rests.

10 CHAIRPERSON ANDERSON: Does the  
11 Government wish to make a closing statement?

12 MS. BROWN: Yes, it does.

13 CHAIRPERSON ANDERSON: Go ahead, ma'am.

14 MS. BROWN: Members of the Board, the  
15 Government has proven by a preponderance of the  
16 evidence that The Ugly Mug failed to timely file  
17 its quarterly statement for the second quarter of  
18 2023.

19 You heard Investigator Jones specify  
20 that the deadline to file the quarterly statement  
21 was August 1st of 2023, that ABCA produced a list  
22 of establishments that had not met that deadline,  
23 and that The Ugly Mug was included on that list.

24 You also that The Ugly Mug did submit  
25 its quarterly statement, but that was not until

1 August 7th, which was after the deadline.

2 You also heard that The Ugly Mug was  
3 assessed a \$750 fine, but that it has failed to  
4 pay that citation to the State.

5 Based on the evidence deducted today,  
6 the District has proven the charge in the Notice  
7 to Show Cause, and the District recommends that  
8 given that The Ugly Mug didn't even bother to  
9 appear at this hearing, that the Board issue a  
10 penalty that is at them maximum end allowed under  
11 D.C. Code 25-830, that will be \$1,000, as this is  
12 The Ugly Mug's third second tier violation in the  
13 last three years.

14 CHAIRPERSON ANDERSON: Thank you.

15 I'm going to follow up, the case is  
16 now closed and give me a minute.

17 As Chairperson of the Alcoholic  
18 Beverage and Cannabis Board from the District of  
19 Columbia, in accordance with D.C. official part  
20 Section 2575 of the Open Meeting Acts, I move  
21 that ABC Board hold a closed meeting for the  
22 purpose of seeking legal device from our Counsel  
23 on Case No. 23-CIT-00635, The Ugly Mug Dining  
24 Saloon, pursuant to D.C. Official Code Section  
25 2575.B.4A of the Open Meetings Act, and

1 deliberate upon Case No. 23-CIT-00635, The Ugly  
2 Mug Dining Saloon, for the reasons cited in D.C.  
3 Official Code Section 2575-B13 of the Open  
4 Meetings Act, is there a second?

5 MEMBER GRANT: Mr. Grant, I second the  
6 motion.

7 CHAIRPERSON ANDERSON: Mr. Grant has  
8 now seconded the motion. I will now take a roll  
9 call vote on the motion now that it's been  
10 seconded.

11 Mr. Short?

12 MEMBER SHORT: Mr. Short, I agree.

13 CHAIRPERSON ANDERSON: Mr. Grant?

14 MEMBER GRANT: Mr. Grant, I agree.

15 CHAIRPERSON ANDERSON: Mr. Anderson, I  
16 agree. It appears that the motion has passed. I  
17 hereby give notice that the ABC Board will recess  
18 this proceeding to hold a closed meeting pursuant  
19 to Section 2575 of the Open Meetings Act.

20 Mr. Jones, Ms. Brown, thank you very  
21 much for your presentation today. The Board will  
22 issue a decision within 90 days.

23 Have a great day. Thank you.

24 MS. BROWN: You, too, thank you.

25 CHAIRPERSON ANDERSON: We're now at the

1 end of our calendar for the day, and so I'll  
2 close the record officially.

3 As Chairperson of the Alcoholic  
4 Beverage and Cannabis Board from the District of  
5 Columbia, in accordance with Title 3, Chapter 4  
6 of 5, Office of Open Government, I moved that ABC  
7 Board hold a closed meeting on April 3rd for the  
8 purpose of discussing and hearing reports  
9 concerning ongoing our planned investigations of  
10 alleged criminal or civil misconduct, or  
11 violation of law or regulations, and seeking to  
12 get advice from our legal counsel on the Board's  
13 Investigative Agenda, Legal Agenda, and Licensing  
14 Agenda, for April 3rd as published in D.C.  
15 Register on March 29th.

16 Is there a second?

17 MEMBER SHORT: Mr. Short, I second.

18 CHAIRPERSON ANDERSON: Mr. Short has  
19 seconded the motion. I will now take a roll call  
20 vote on the motion that has now that has been  
21 properly seconded.

22 Mr. Short?

23 MEMBER SHORT: Mr. Short, I agree.

24 CHAIRPERSON ANDERSON: Mr. Grant.

25 MEMBER GRANT: Mr. Grant, I agree.

1 CHAIRPERSON ANDERSON: Mr. Anderson, I  
2 agree, as it appears that the motion has passed,  
3 I hereby give notice that the ABC Board will hold  
4 this closed meeting, pursuant to the Open  
5 Meetings Act. Notice will also be posted on the  
6 ABC Board Hearing Room bulletin board, placed on  
7 the electronic calendar on ABCA's website, and  
8 published in D.C. Register in as timely a manner  
9 as practical.

10 We are now adjourned for the day. I  
11 would like to thank the members of the public who  
12 participated on our hearing calendars today and I  
13 also want to thank our Board members for their  
14 active participation.

15 We are now adjourned for the day. I  
16 now ask all Board members to return to Executive  
17 Session further development.

18 Have a good afternoon. Thank you.

19 (Whereupon, the above-entitled matter  
20 went off the record at 3:50 p.m.)  
21  
22  
23  
24  
25

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This is to certify that the foregoing transcript

In the matter of: The Ugly Mug

Before: DC ABCA

Date: 03-27-24

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.

*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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