

IN THE MATTER OF:

Tundy Sea, LLC

t/a The Ugly Mug

723 Eighth Street SE

Retailer Caterer - ANC 6B:

License No. 113790

Case #24-CIT-00324

(Failure to File
Caterer Report)

The Alcoholic Beverage and Cannabis Board met via WebEx videoconference, Chairperson Donovan W. Anderson presiding.

DONOVAN W. ANDERSON, Chairperson
RYAN JONES, Member
DAVID MEADOWS, Member
TERI JANINE QUINN, Member

JOSE ORELLANA, DC ABCA Staff
COLLIN CENCI, DC OAG

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

2 11:03 a.m.

3 CHAIRPERSON ANDERSON: All right.

4 The next case on our calendar is Case Number 24-
5 CIT-00324, The Ugly Mug, License Number 113790.

6 Mr. Orellana, can you please elevate
7 the rights of the parties in this case.

8 MR. ORELLANA: Collin Cenci your
9 access has been elevated and Brianna Graham
10 (phonetic) access elevated. That is all, Chair.

11 CHAIRPERSON ANDERSON: Thank you.

12 Is the Licensee present? I thought -
13 - Mr. Orellana, I thought you elevated two
14 people. Okay. All right, okay. Is the Licensee
15 present?

16 Is there a -- is the Licensee present
17 for this case?

18 MR. CENCI: Are you talking to me,
19 Mr. Chair?

20 CHAIRPERSON ANDERSON: I'm just --
21 I'm asking you, I'm asking our IT professional.
22 I don't know. I'm just trying to -- Are we
23 expecting the Licensee to appear?

24 MR. CENCI: Mr. Chair, I believe that
25 Mr. Jablonski attended the status hearing for

1 this matter and I do not believe he has said
2 anything since.

3 I have received one email from him,
4 but in my follow-up emails I haven't gotten any
5 responses.

6 CHAIRPERSON ANDERSON: All right.
7 All right. So let's -- So this is the Case
8 Number 24-CIT-00324, The Ugly Mug. Can you
9 please identify yourself for the record, sir.

10 MR. CENCI: Yes. Good morning.
11 Collin Cenci, C-O-L-L-I-N, C-E-N-C-I, Assistant
12 Attorney General with the Office of the Attorney
13 General for the District of Columbia,
14 representing the District today.

15 CHAIRPERSON ANDERSON: Good morning,
16 sir. I see that the Licensee is not here. Is
17 the Government willing and able to move forward
18 ex parte?

19 MR. CENCI: Yes, we are, Mr. Chair.
20 The Government does raise the request that given
21 that the Licensee has failed to appear as they
22 are required to do for these hearings and the
23 fact that the case report by law is an exhibit
24 and already part of the record that essentially a
25 default be entered against the Licensee and that

1 the Board is able with the facts that are before
2 it already to proceed to its finding, but if the
3 Board would like us to proceed with testimony we
4 can.

5 CHAIRPERSON ANDERSON: I mean I think
6 for the record I mean if someone wants to appeal
7 technically we need to put some brief -- I mean --
8 - Let me -- Well let me do this first and then I
9 will think this through.

10 So pursuant to DC Official Code
11 Section 25-447 the Board has the authority to
12 proceed ex parte where the Licensee waives the
13 hearing or fails to appear unless a hearing is
14 extended for good and sufficient cause.

15 The Board's record reflects that the
16 Licensee was properly served on May 15, 2025.
17 Seeing no Licensee here today and having no good
18 and sufficient cause to extend this hearing the
19 Board will proceed with the show cause hearing.

20 All right. So what representation
21 are you wishing -- Okay, so what's the
22 Government's position, sir?

23 MR. CENCI: All right. Our request
24 of the Board is that because the Licensee has
25 failed to appear, especially given that they did

1 appear for the status hearing in this case and
2 have clearly chosen not to appear for this show
3 cause hearing as they are required to do, that
4 essentially a default be entered against the
5 establishment on this matter.

6 Essentially their failure to appear
7 mounting to a concession of liability of the
8 charges in the show cause notice, so we would ask
9 that the Board prepare to enter a finding against
10 the Licensee.

11 CHAIRPERSON ANDERSON: All right.

12 MR. CENCI: If you would like us to
13 proceed with testimony today we are ready and
14 prepared to do so.

15 CHAIRPERSON ANDERSON: I mean the
16 report is a part of our record so the Board can
17 rely on the report. So I guess the bottom line
18 then, sir, that I will just ask from you and --
19 We don't need to offer -- It doesn't have to be a
20 default.

21 I mean the Board can rely on the
22 record and you can just tell us what it is that
23 you wish the Board do, what order, what is that
24 you wish the Board to do based on the facts that
25 the Licensee, they have conceded, and we are

1 relying on the fact that they are not here, and
2 so what is it that you are asking the Board to
3 do.

4 So I don't need any testimony, you
5 can just tell us what it is that the Government
6 would want the Board to, what ruling the
7 Government would wish the Board to make.

8 MR. CENCI: Yes, Mr. Chair. If you
9 do not need any testimony I will just proceed
10 with a, it's a combination of an opening and
11 closing statement.

12 CHAIRPERSON ANDERSON: Thank you.
13 Thank you for being here, Ms. Graham. Your
14 testimony is not required in this particular
15 place. You can go ahead, Mr. Cenci.

16 MR. CENCI: Yes. Good morning,
17 Members of the Board. We appear today for what
18 was meant to be a show cause notice of Tundy Sea,
19 LLC, t/a The Ugly Mug, which is located at 723
20 Eighth Street, SE, Washington, DC 20003.

21 The case is about the Licensee
22 failing to follow the terms of its license. The
23 establishment, The Ugly Mug, which is a licensed
24 caterer, failed to file its required caterer's
25 report for the period of July to December of

1 2023, which is reflected in the case report of
2 24-CIT-00324.

3 That case report reflects that an
4 ABCA compliance monitor ran an inquiry for all
5 caterers who had failed to file caterer's reports
6 for the period of July 1st to December 31, 2023,
7 and that this caterer, The Ugly Mug, appeared on
8 that list.

9 Given that the establishment has
10 failed to appear today we are asking the Board to
11 treat that as a concession that the establishment
12 has, in fact, failed to file its caterer's report
13 and has failed to pay any citation or fine
14 associated with that charge.

15 Failure to file a caterer's report is
16 a violation of 23 DCMR Section 2006 for which
17 this Board take proposed action against the
18 establishment under DC Code 25-823(a)(1).

19 Based on the Licensee's failure to
20 comply and failure to appear for this hearing
21 before this Board we would ask that the Board
22 impose the maximum possible penalty afforded to
23 it by law. Thank you.

24 CHAIRPERSON ANDERSON: Thank you,
25 sir. The record is now closed. Thank you for

1 your presentation. The Board will rely on the
2 case report and close the record. So let me
3 close this case officially, too.

4 As Chairperson of the Alcoholic
5 Beverage and Cannabis Board for the District of
6 Columbia in accordance with DC Official Code
7 Section 2-575 of the Open Meetings Act I move
8 that ABC Board hold a closed meeting for the
9 purpose of seeking legal advice from our counsel
10 on Case Number 24-CIT-00324, The Ugly Mug,
11 pursuant to DC Official Code Section 2-
12 575(b)(4)(a) of the Open Meetings Act and
13 deliberate upon Case Number 24-CIT-00324, The
14 Ugly Mug, for the reasons cited in DC Official
15 Code Section 2-575(b)(13) of the Open Meetings
16 Act. Is there a second?

17 Ms. Quinn has seconded the motion. I
18 will now take a roll call vote on the motion
19 before us now that has been seconded. Ms. Quinn.

20 MEMBER QUINN: Ms. Quinn. I agree.

21 CHAIRPERSON ANDERSON: Mr. Meadows.

22 MEMBER MEADOWS: Mr. Meadows. I
23 agree.

24 CHAIRPERSON ANDERSON: Mr. Jones.

25 (No audible response.)

1 CHAIRPERSON ANDERSON: The motion has
2 passed 4-0. I hereby give notice that ABC Board
3 will recess its proceedings to hold a closed
4 meeting pursuant to Section 2-575 of the Open
5 Meetings Act.

6 Thank you, sir, for being here today,
7 you have a great day.

8 MR. CENCI: Thank you. You as well.

9 CHAIRPERSON ANDERSON: All right.

10 (Whereupon, the above-entitled matter
11 went off the record at 11:12 a.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings; and that I am neither counsel for, related to, nor employed by any of the parties to this action in which this matter was taken; and further that I am not a relative nor an employee of any of the parties nor counsel employed by the parties, and I am not financially or otherwise interested in the outcome of the action.

Court Reporter

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