

IN THE MATTER OF: :
 :
 :
 Stephen Lawrence, :
 t/a 600 T :
 600 T Street NW : Show Cause
 Retailer CT - ANC 6E : Hearing
 License No. 100515 :
 Case #18-CMP-00196 :
 :
 (Substantial Change in :
 Operation Without Board :
 Approval) :

**Wednesday,
March 6, 2019**

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT :

DONOVAN W. ANDERSON, Chairperson
NICK ALBERTI, Member
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member

ALSO PRESENT:

STEPHEN LAWRENCE, Licensee
CHRISTOPHER SOUSA, OAG

C-O-N-T-E-N-T-S

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WITNESS	DIRECT
Stephen Lawrence	7

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

3:00 p.m.

CHAIRPERSON ANDERSON: I think we are almost on schedule. Our next case, we have a Show Cause Hearing, Case No. 18-CMP-00196, 600 T, License No. 100515.

Will the parties, please, approach and identify themselves for the record, please?

MR. SOUSA: Christopher Sousa for the District of Columbia.

CHAIRPERSON ANDERSON: Mr. Sousa.

MR. LAWRENCE: Stephen Lawrence, owner of 600 T.

CHAIRPERSON ANDERSON: Mr. Lawrence. All right. This is a Show Cause Hearing. Are there any preliminary matters in this case?

MR. SOUSA: Yes, we have come to a factual stipulation that would cover all the facts that are at issue in this case. May I read the factual stipulation to the Board?

CHAIRPERSON ANDERSON: Right. So what I want you to do is just give me a background for

1 what the case is about.

2 MR. SOUSA: Fair enough.

3 CHAIRPERSON ANDERSON: And let me know
4 what the -- what facts are agreed to, please.

5 MR. SOUSA: It's very straightforward.
6 It's one charge in this Show Cause Hearing, a
7 substantial change without prior Board approval.
8 A substantial change with the operation of a
9 summer garden without the proper endorsement and
10 the parties have come to a factual stipulation
11 about what happened on the particular day when
12 the ABRA Investigator visited.

13 Can I read the --

14 MR. LAWRENCE: Sure.

15 MR. SOUSA: -- stipulation? And tell
16 me if this is not what you agreed to, so we --

17 MR. LAWRENCE: Yes.

18 MR. SOUSA: -- can just be sure.

19 Okay. As of August 17, 2018, 600 T, an
20 establishment located at 600 T Street, N.W., did
21 not have a summer garden endorsement. On August
22 17, 2018, ABRA Investigator Kevin Puente observed

1 several patrons on private property on the
2 outside of 600 T sitting in chairs and at a table
3 that was setup there consuming alcoholic
4 beverages.

5 CHAIRPERSON ANDERSON: All right. All
6 right. So does the Government wish to make an
7 opening statement or was that its opening
8 statement?

9 MR. SOUSA: Just a short one to talk
10 about the penalty the Government is going to
11 request.

12 CHAIRPERSON ANDERSON: Sure.

13 MR. SOUSA: It understands that the
14 licensee is going to ask for a written warning or
15 about \$1,000. But in line with the -- \$1,000
16 payable within 30 days.

17 In line with other penalties that our
18 office has asked for and the Board has assessed
19 for substantial changes, we are going to ask for
20 a \$1,250 fine, which is well within the statutory
21 range provided by ABRA Statutes.

22 CHAIRPERSON ANDERSON: All right. Do

1 we have any witnesses and stuff or it's just this
2 is just arguments?

3 MR. SOUSA: I don't know if he is
4 going to call any witnesses.

5 CHAIRPERSON ANDERSON: No, I'm saying
6 the Government.

7 MR. SOUSA: Yeah, I will rely on the
8 facts included in the investigation.

9 CHAIRPERSON ANDERSON: So basically,
10 the stipulation is that on August 17, 2018, that
11 there was -- that the licensee was -- I'm sorry.
12 The licensee had a summer garden and there was no
13 endorsement from the Agency?

14 MR. SOUSA: Yes.

15 CHAIRPERSON ANDERSON: All right. And
16 so based on that factor, the Government is asking
17 that we fine them \$1,250?

18 MR. SOUSA: Yes.

19 CHAIRPERSON ANDERSON: All right. I'm
20 sorry, your name again, sir?

21 MR. LAWRENCE: Stephen Lawrence.

22 CHAIRPERSON ANDERSON: Mr. Lawrence.

1 So, Mr. Lawrence, I guess the argument, do you
2 have any witnesses, sir?

3 MR. LAWRENCE: No, just myself.

4 CHAIRPERSON ANDERSON: So well, can
5 you raise your right hand, please?

6 Whereupon,

7 STEPHEN LAWRENCE

8 was called as a witness by the Licensee, and
9 having been first duly sworn, assumed the witness
10 stand and was examined and testified as follows:

11 MR. LAWRENCE: I do.

12 CHAIRPERSON ANDERSON: All right. So
13 tell us what is it that you want us to do and
14 tell us what is going on, sir.

15 DIRECT EXAMINATION

16 THE WITNESS: I, basically, was just
17 coming to understand the case a little better or
18 ask for some leniency in that I did not know I
19 had to have such a permit. It was on my
20 property. We had just opened up as a business
21 and I just didn't understand.

22 CHAIRPERSON ANDERSON: What do you

1 mean just opened up?

2 THE WITNESS: As a new business, we
3 are not really that old and we had just opened
4 up.

5 CHAIRPERSON ANDERSON: What do you
6 mean just opened? I'm not trying to --

7 THE WITNESS: Just opened the
8 business. I'm just talking about in general not
9 for the day.

10 CHAIRPERSON ANDERSON: No, no, no.
11 This is what -- all right. When you said just
12 opened up, tell me how long you had been in --
13 I'm just asking tell me how long you had been
14 operating the business.

15 THE WITNESS: Sure.

16 CHAIRPERSON ANDERSON: That's what I
17 want.

18 THE WITNESS: We had been open for
19 just over four months, I believe.

20 CHAIRPERSON ANDERSON: Okay.

21 THE WITNESS: Three months. And the
22 property, the piece of the property was actually

1 part of my property. It wasn't on public permit
2 or public space permit, which is what I was
3 understood that you had to have in order to have
4 outside seating. So I thought that it was my
5 property, I didn't have to have that. I was
6 unaware of the garden permit necessity.

7 The Inspector came and notified me of
8 that. He was very polite. I immediately took it
9 down and never did anything again. I have been
10 in compliance ever since. That was an innocent
11 mistake of me just not understanding what was
12 required.

13 I was informed that it was probably
14 just going to be a warning, because it was my
15 first offense. When I got the citation in the
16 mail that it was for \$1,000, I was kind of blown
17 back by the amount in which was penalized to me.
18 And I was only coming here today just to ask for
19 some leniency in that it was my only offense,
20 very innocently done. I did not know about the
21 permitting. Now, I know completely how it works.
22 It certainly won't happen again and that is why

1 I'm here today.

2 CHAIRPERSON ANDERSON: And that's all
3 you have to say?

4 THE WITNESS: Yes, sir.

5 CHAIRPERSON ANDERSON: Do you have any
6 questions of him, Mr. Sousa?

7 MR. SOUSA: No, I don't. I have no
8 questions of the licensee.

9 CHAIRPERSON ANDERSON: Well, so have
10 you applied for a permit to operate a summer
11 garden, sir?

12 THE WITNESS: I was going to do it in
13 summertime coming forward.

14 CHAIRPERSON ANDERSON: What do you
15 mean you're going to wait until summertime?

16 THE WITNESS: I mean, when the weather
17 gets warmer, I'm going to do it.

18 CHAIRPERSON ANDERSON: You don't apply
19 for something today and get it tomorrow.

20 THE WITNESS: Yeah, it takes some
21 time, you're right.

22 CHAIRPERSON ANDERSON: So if someone

1 came to you -- and when did this occur, sir?

2 THE WITNESS: This was August 17,
3 2018.

4 CHAIRPERSON ANDERSON: On August 17,
5 so why have you not -- you know, at least for me,
6 it would have been more convincing if you told me
7 that you know, I got the violation. I did not
8 know. The next day I came down to ABRA and I
9 applied for it, although it was the end of the
10 summer, but the next day I came down to ABRA. I
11 applied for it. I'm in the process and so
12 therefore, because it was an innocent mistake, I
13 did not know, I have done -- I have tried to
14 rectify it since, so --

15 THE WITNESS: I understand.

16 CHAIRPERSON ANDERSON: -- therefore,
17 I have only been open for four months. So I'm
18 asking for leniency. I mean, I'm just saying if
19 you had presented it that way, saying now -- I
20 don't know which way I'm going to go, but I'm
21 just saying when you are asking for leniency--

22 THE WITNESS: Right.

1 CHAIRPERSON ANDERSON: -- that you
2 have to tell me that steps that you have taken to
3 mitigate the violation, since you did not know.

4 THE WITNESS: That makes perfect
5 sense. My only response to that is that it was
6 the end of the summer and that it was already
7 approaching wintertime. I felt that there was no
8 need to do the outside garden permit. I was
9 going to apply for it now actually to do it for
10 the spring/summer.

11 MEMBER ALBERTI: May I ask a quick
12 question?

13 CHAIRPERSON ANDERSON: Go ahead, Mr.
14 Alberti.

15 MEMBER ALBERTI: Just out of
16 curiosity, do people -- this is that backyard
17 area behind your establishment, right?

18 THE WITNESS: That's in the front.

19 MEMBER ALBERTI: It's in the front?

20 THE WITNESS: Yes, sir.

21 MEMBER ALBERTI: Okay. Are you sure
22 that's not public space?

1 THE WITNESS: Yeah, I'm pretty sure my
2 deed shows it as being a part of property.

3 MEMBER ALBERTI: Okay. Great. All
4 right. So I'm just asking because most of the
5 time it is.

6 THE WITNESS: Yes.

7 MEMBER ALBERTI: All right. That's
8 neither here nor there. Do people go out there
9 and smoke?

10 THE WITNESS: Possibly, yes. I don't
11 really -- I don't --

12 MEMBER ALBERTI: Okay.

13 THE WITNESS: -- I'm not hanging out
14 outside.

15 MEMBER ALBERTI: Okay. The reason I
16 bring that up is that if someone takes their
17 drink and goes out there with a drink to smoke
18 and you have your endorsement to have a summer
19 garden out there, you're safe. So really it's
20 not that expensive. It only takes a few minutes
21 to come down here and apply.

22 THE WITNESS: Okay. And the Inspector

1 did explain that to me very well and that is what
2 I plan to do.

3 MEMBER ALBERTI: So --

4 THE WITNESS: I just didn't do it,
5 because it was wintertime.

6 MEMBER ALBERTI: -- it's future.

7 THE WITNESS: I understand. I
8 understand. No problem at all.

9 CHAIRPERSON ANDERSON: Any other
10 questions by other Board Members?

11 MEMBER SILVERSTEIN: No.

12 CHAIRPERSON ANDERSON: So what type of
13 training, if any, did you participate in once you
14 opened this business, since you were open four
15 months. So did you come down to ABRA for any
16 training prior to opening the business or you
17 just opened up the business?

18 THE WITNESS: Well, when we opened the
19 -- when we got the liquor license, we had a small
20 information pamphlet that was given to us that we
21 went through and trained with staff about,
22 basically, checking IDs and Clean Hands and

1 different --

2 CHAIRPERSON ANDERSON: Did you come
3 here for formal training?

4 THE WITNESS: Inside this building,
5 no, sir. I came here and got the permit and got
6 some information pamphlets and stuff like that,
7 but I did not do any training here, no, sir.

8 CHAIRPERSON ANDERSON: You know you
9 are supposed to try to convince me. You know,
10 you are supposed to tell me that --

11 THE WITNESS: I'm just being honest
12 with you.

13 CHAIRPERSON ANDERSON: Well, but when
14 you are asking someone -- and I said I have not
15 made up my mind, but I'm just talking to you, if
16 you are asking someone for leniency, this is what
17 you are saying. I'm a new business. I get that.
18 I am a new business. You don't know all the
19 rules and regulations.

20 THE WITNESS: Yes, sir.

21 CHAIRPERSON ANDERSON: ABRA has tons
22 of training. We are open to work with you. I'm

1 looking for you telling me that I have -- I did
2 all this training. I came -- I did all these
3 trainings and that stuff, but I would -- anyway.
4 All right.

5 It really doesn't matter to Board
6 Members. Now, so at the end of the day you are
7 asking us to issue a warning. That's what you
8 are asking for? All right. Any -- all right.

9 So you rest?

10 MR. LAWRENCE: Yes, sir.

11 CHAIRPERSON ANDERSON: Mr. Sousa, do
12 you wish to make a closing statement?

13 MR. SOUSA: Yes, just real quick. We
14 think that this is, just for the record, an open
15 and shut case. It's a violation of 762(b)(2).
16 There is the fact that he didn't have the
17 endorsement. Then he was operating a summer
18 garden on his private property. And a fine of
19 \$1,250 is in line with previous fines reached by
20 our office and assessed by the Board.

21 And with that, we submit the case for
22 the Board's consideration.

1 CHAIRPERSON ANDERSON: Mr. Lawrence,
2 closing statement?

3 MR. LAWRENCE: I would only just ask
4 for leniency that I was innocently naive enough
5 to not know what I was required from just that
6 opening and it was a mistake. It was an innocent
7 mistake. It has never happened again and it will
8 not. And going forward I will make sure I have
9 the correct procedures and permits required to be
10 operating in clear terms with ABRA.

11 CHAIRPERSON ANDERSON: All right.

12 MR. LAWRENCE: You have my word. And
13 I do apologize for this inconvenience.

14 CHAIRPERSON ANDERSON: All right. The
15 record is now closed. Do the parties wish to
16 file proposed findings of fact and conclusions of
17 law or waive --

18 MR. SOUSA: No, thank you.

19 CHAIRPERSON ANDERSON: -- their right
20 to do so? And what that means is that do you
21 want to go file some brief or do you just want to
22 just -- the Board to make a decision on what is

1 presented today?

2 MR. LAWRENCE: Yes, sir.

3 CHAIRPERSON ANDERSON: So you waive
4 your right. All right. So the Board will issue
5 a decision within 90 days. So hold on a minute,
6 please.

7 As Chairperson of the Alcoholic
8 Beverage Control Board for the District of
9 Columbia and in accordance with DC Official Code
10 Section 2-574(b) of the Open Meetings Act, I move
11 that the ABC Board hold a closed meeting for the
12 purpose of seeking legal advice from our counsel
13 on Case No. 18-CMP-00196, 600 T, pursuant to DC
14 Official Code Section 2-574(b)(4) of the Open
15 Meetings Act and deliberating upon Case No. 18-
16 CMP-00196, 600 T, for the reasons cited in DC
17 Official Code Section 2-574(b)(13) of the Open
18 Meetings Act.

19 Is there a second?

20 MEMBER SILVERSTEIN: Second.

21 CHAIRPERSON ANDERSON: Mr. Silverstein
22 has seconded the motion.

1 I will now take a roll call vote on
2 the motion before us now that it has been
3 seconded.

4 Mr. Silverstein?

5 MEMBER SILVERSTEIN: I agree.

6 CHAIRPERSON ANDERSON: Mr. Alberti?

7 MEMBER ALBERTI: I agree.

8 CHAIRPERSON ANDERSON: Mr. Cato?

9 MEMBER CATO: I agree.

10 CHAIRPERSON ANDERSON: Mr. Anderson?

11 I agree.

12 As it appears that the motion has
13 passed, I hereby give notice that the ABC Board
14 will recess these proceedings to hold a closed
15 meeting in the ABC Board conference room pursuant
16 to Section 2-574(b) of the Open Meetings Act.

17 Thank you very much for your
18 presentation today. The Board will make a
19 decision and issue one within 90 days. Thank
20 you.

21 MR. LAWRENCE: Thank you. Appreciate
22 it your time.

1 MR. SOUSA: Thank you.

2 CHAIRPERSON ANDERSON: All right.

3 (Whereupon, the Show Cause Hearing was
4 concluded at 3:12 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: 600 T Street NW

Before: DC ABRA

Date: 03-06-19

Place: Washington, DC

was duly recorded and accurately transcribed under
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Court Reporter

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