

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)	
)	
Stephen Lawrence)	
t/a 600 T)	Case No.: 18-CMP-00196
)	License No.: ABRA-100515
Holder of a)	Order No.: 2019-166
Retailer's Class CT License)	
)	
at premises)	
600 T Street, NW)	
Washington, D.C. 20001)	

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Bobby Cato, Member

PARTIES: Stephen Lawrence, on behalf of 600 T, Respondent

Christopher Sousa, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

INTRODUCTION

The Alcoholic Beverage Control Board (Board) finds that Stephen Lawrence, t/a 600 T (Respondent), violated District of Columbia (D.C.) Official Code § 25-762(b)(2). As a Result of the violation, the Respondent must pay a \$1,000 fine.

Procedural Background

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on December 12, 2018. The Alcoholic Beverage Regulation Administration (ABRA) served the Notice on the Respondent, located at premises 600 T Street, NW, Washington, D.C. 20001, on December 14, 2018.

The Notice charged the Respondent with the following violation:

Charge I: [On August 17, 2018,] [y]ou substantially changed the nature of the operation of the licensed establishment, in violation of D.C. Official Code § 25-113(a)(5)...

ABRA Show Cause File No. 18-CMP-00196, Notice of Status Hearing and Show Cause Hearing, 2 (December 12, 2018).

Only the Government appeared at the Status Hearing on January 30, 2019. A Show Cause Hearing was scheduled for March 6, 2019.

Both parties appeared at the Show Cause Hearing on March 6, 2019 and argued their respective cases.

FINDINGS OF FACT

The Board having considered the evidence contained in the record, the testimony of witnesses, and the documents comprising the Board's official file, makes the following findings:

I. Background

1. The Board issued a Notice of Status Hearing and Show Cause Hearing, dated December 12, 2018. See ABRA Show Cause File No. 18-CMP-00196. Stephen Lawrence, t/a 600 T, holds a Retailer's Class CT License, License No. ABRA-100515. See ABRA Licensing File No. ABRA-100515. The establishment's premises is located at 600 T Street, NW, Washington, D.C. See ABRA Licensing File No. ABRA-100515.

2. The Show Cause Hearing was held on March 6, 2019. The Notice charges the Respondent with a single violation enumerated above. See ABRA Show Cause File No. 18-CMP-00196.

II. Stipulation to Facts

3. The Government and the Respondent stipulated to the admissibility, sufficiency and accuracy of the evidence contained in ABRA's investigative report and the Notice to Show Cause. *Transcript (Tr.)* 3/6/19 at 3-4. See ABRA Show Cause File No. 18-CMP-00196.

Specifically, the stipulated facts as set forth in the Notice are:

- (a) On August 17, 2018, ABRA Investigator Kevin Puente visited the establishment and observed chairs and tables arranged on private property located outside of the licensed establishment.
- (b) Investigator Puente also observed several patrons seated and consuming alcoholic beverages on that private property.

III. Arguments as to Penalty

- 4. The Government recommends that because the violation is a primary tier violation, the Board should fine the Respondent \$1,250 to be paid within thirty (30) days from the date of the Order. *Id.* at 5.
- 5. The Respondent does not dispute the facts in Investigator Puente's report. *Id.* at 4, 7.
- 6. The Respondent claims that he did not know that the law required him to obtain a summer garden endorsement from ABRA in order to operate the outdoor space until Investigator Puente informed him about it on August 17, 2018. *Id.* at 7, 9.
- 7. Additionally, the Respondent stated that upon learning from Investigator Puente about the summer garden violation, the Respondent immediately stopped operating the outdoor area. *Id.* at 9. He has been in compliance with the law since that time. *Id.*
- 8. The Respondent has not yet applied for a summer garden endorsement and indicated that he was waiting until this spring or summer to do so. *Id.* at 12. He did not believe that it was necessary to apply for it during the winter months. *Id.*
- 9. The Respondent argues that he is entitled to a warning because he never intended to violate the law, he stopped use of the summer garden and this is his first violation. *Id.*

CONCLUSIONS OF LAW

- 10. The Board has the authority to fine, suspend, or revoke the license of a licensee who violates any provision of Title 25 of the District of Columbia Official Code pursuant to District of Columbia Official Code § 25-823(1). D.C. Official Code § 25-830; 23 DCMR § 800, *et seq.* (West Supp. 2013). Furthermore, after holding a Show Cause Hearing, the Board is entitled to impose conditions if the Board determines "that the inclusion of the conditions would be in the best interests of the locality, section, or portion of the District in which the establishment is licensed." D.C. Official Code § 25-447.

I. THE RESPONDENT VIOLATED § 25-762(b)(2)

11. Under § 25-762(b)(2) before a licensee changes the nature of the operation of the licensed establishment, the licensee shall obtain the Board's approval. Therefore, an on-premise retail licensee shall obtain an endorsement on its license before the licensee operates an outdoor summer garden. D.C. Code §§ 25-762(b)(2), 25-113a(c) (West Supp. 2019). In this case, on August 17, 2018, an ABRA investigator observed several patrons seated and consuming alcoholic beverages on private property outside of the licensed establishment. The Respondent did not have a Board approved summer garden endorsement on its license and thus could not legally utilize this space.

12. The Respondent admitted to the violation by stipulating to the facts. The stipulated facts are received into evidence in lieu of further proof and testimony. Thus the Board holds the Respondent liable for violating D.C. Official Code § 25-762(b)(2).

II. PENALTY

13. A violation of D.C. Official Code § 25-762(b)(2) is a primary tier violation under the law. The present violation is the Respondent's first primary tier violation and as such, the Board will impose a fine less than the amount sought by the Government. However, because the Respondent is presumed to know the law, the Board will impose a fine of \$1,000. *Licensing File No. ABRA-100515*, Investigative History; D.C. Official Code § 25-762(b)(2).

ORDER

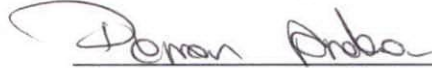
Based on the foregoing findings of fact and conclusions of law, the Board, on this 3rd day of April, 2019, finds that the Respondent, Stephen Lawrence, t/a 600 T, located at 600 T Street, NW, Washington, D.C., holder of a Retailer's Class CT license, violated D.C. Official Code § 25-762(b)(2).

The Board hereby **ORDERS** that:

- 1) For Charge I – The Respondent must pay a fine in the amount of \$1,000 by no later than thirty (30) days from the date of this Order or its license shall be suspended until all outstanding fines are paid.

Copies of this Order shall be sent to the Respondent and the Government.


District of Columbia
Alcoholic Beverage Control Board



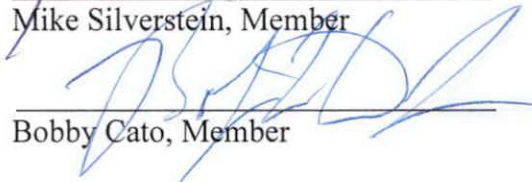
Donoyan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



Bobby Cato, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).