

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

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In the Matter of:	)	
	)	
Aware Bar and Restaurant, Inc.	)	Case No.: 24-CIT-00244
t/a Abuare Bar and Restaurant	)	License No.: ABRA-123105
	)	Order No.: 2025-122
Holder of a	)	
Retailer’s Class CR License	)	
	)	
at premises	)	
1524 U Street, N.W.	)	
Washington, D.C. 20009	)	

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**BEFORE:** Donovan Anderson, Chairperson  
Silas Grant, Jr., Member  
Teri Janine Quinn, Member  
Ryan Jones, Member  
David Meadows, Member

**PARTIES:** Aware Bar and Restaurant, Inc. t/a Abuare Bar and Restaurant,  
Respondent

Nibert Amidon, Designated Representative, on behalf of the Respondent

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

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**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

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**INTRODUCTION**

The Alcoholic Beverage and Cannabis (Board) finds that Aware Bar and Restaurant, Inc. t/a Abuare Bar and Restaurant, (hereinafter, “Respondent”) violated D.C. Code § 25-113(b)(2)(A) and 23 DCMR § 1207.1 where the Respondent failed to file its required quarterly statement for the period of October 1, 2023 to December 31, 2023.

### ***Procedural Background***

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice) for Case No. 24-CIT-00244. *ABCA Show Cause File No. 24-CIT-00244*. The Alcoholic Beverage and Cannabis Administration (ABCA) served the Notice on the Respondent on October 15, 2024. The Notice charges the Respondent with one violation, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Specifically, the Notice charges the Respondent with the following violation:

**Charge I:**     **You failed to file a quarterly statement to the Board for the period of October 1, 2023-December 31, 2023, on the date and in the manner prescribed by the Board, in violation of D.C. Official Code § 25-113(b)(2)(A) and 23 DCMR § 1207.1, for which the Board may take the proposed action under D.C. Official Code § 25-823(a)(l).**

*Notice of Status Hearing and Show Cause Hearing*, at 2.

Both the Government and Respondent appeared at the Show Cause Status Hearing on December 4, 2024. The parties proceeded to a Show Cause Hearing and argued their respective cases on January 15, 2025.

### **FINDINGS OF FACT**

The following statements represent the Board's findings of fact based on the evidentiary record. In reaching its determination, the Board considered the evidence, the testimony of the witnesses, the arguments of the Government, and all documents comprising the Board's official file. The Board credits all testimony and evidence identified or cited below unless otherwise stated.

#### **I.     Background**

1.     Aware Bar and Restaurant, Inc. t/a Abuare Bar and Restaurant, holds a Retailer's Class CR (Restaurant) License at 1524 U Street, N.W., Washington, D.C. 20009. *ABCA License No. 123105*. Restaurants are required to file quarterly statements with the Board, reporting for the preceding quarter their gross receipts and expenses for the sale of food and alcoholic beverages. D.C. Code § 25-113(b)(2)(A).

2.     On February 1, 2024, the Alcoholic Beverage and Cannabis Administration's (ABCA) Enforcement Division generated a list of Alcoholic Beverage and Cannabis (ABC)-licensed establishments that failed to file their Quarterly Statement for the reporting period of October 1 2023-December 31, 2023. *Transcript (Tr.)*, Jan. 15, 2025, at 6. The Respondent was one of the ABC-licensed establishments listed that failed to file its quarterly statement for that period. *Id.* at 9.

3. On March 26, 2024, Investigator Kevin Hall and Lead Investigator (L.I.) Vanessa Pleitez visited the Respondent's establishment to conduct a regulatory inspection and to advise the owner of her failure to file a quarterly statement for the period of October 1 2023-December 31, 2023. *ABCA Show Cause File No. 24-CIT-00244, Case Report. [Case Report]*. The investigators met with the manager, Amidon Haile. *Id.* The establishment was given a grace period through February 1, 2024 to file its quarterly statement and up to the date of the hearing, on January 15, 2025, there was no record of a filing. *Tr.* at 32. The owner, Nibert Amidon testified at the Show Cause Hearing that her Accountant had filed the quarterly statements but ABCA has no record of the filing. *Id.* at 30.

## CONCLUSIONS OF LAW

4. 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 (D.C.) Official Code pursuant to D.C. Code § 25-823(a)(1).

### II. Standard of Proof

5. In this matter, the Board shall only base its decision on the “substantial evidence” contained in the record. 23 DCMR § 1718.3 (West Supp. 2025). The substantial evidence standard requires the Board to rely on “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Clark v. D.C. Dep't of Employment Servs.*, 772 A.2d 198, 201 (D.C. 2001) *citing Children's Defense Fund v. District of Columbia Dep't of Employment Servs.*, 726 A.2d 1242, 1247 (D.C. 1999).

### III. The Board Sustains Charge I.

6. Under § 25-113(b)(2)(A),

The licensee shall file with the Board quarterly statements, on the dates and in the manner prescribed by the Board, reporting for the preceding quarter: the gross receipts for the establishment; its gross receipts for sales of alcoholic beverages; its gross receipts for the sale of food; its total expenses for the purchase of food and alcoholic beverages; its expenses for the purchase of food; and its expenses for the purchase of alcoholic beverages.

D.C. Code § 25-113(b)(2)(a). Under § 23 DCMR 1207.1, each restaurant licensee's quarterly report is due within 30 days “after the end of each quarter . . .” 23 DCMR § 1207.1 (West Supp. 2025). Nevertheless, the Respondent failed to file the quarterly report for the third quarter of 2023. *Supra*, at ¶ 3. Therefore, the Board sustains Charge I.

### IV. Penalty

7. Based on the violation identified above, the Respondent shall pay a fine of \$500 for Charge I. This violation constitutes a second secondary tier violation which permits the Board the discretion to levy a fine within the range of \$500-\$750. 23 DCMR § 802 (West Supp. 2025).

## **ORDER**

Therefore, the Board, on this 12th day of March 2025, finds Aware Bar and Restaurant, Inc. t/a Abuare Bar and Restaurant, liable for Charge I. The Board imposes the following penalty on the Respondent:

(1) For the violation described in Charge I, Respondent shall pay a \$500 fine.

**IT IS FURTHER ORDERED** that all fines shall be paid within thirty (30) days of receipt of this Order or the license shall be immediately suspended until all fines are paid.

**IT IS FURTHER ORDERED**, in accordance with 23 DCMR § 800.1, the violation found by the Board in this Order shall be deemed a secondary tier offense.

The ABCA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia  
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac430b06c00d5f0e4b730003d1dccc8

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Donovan Anderson, Chairperson



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Silas Grant, Jr., Member

*Teri Janine Quinn*

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Teri Janine Quinn, Member



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Ryan Jones, Member



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David Meadows, 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 and Cannabis Administration, 899 North Capitol Street, N.E., Suite 4200-B, Washington, DC 20002.

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 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).