

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

In the Matter of:	)	
	)	
Betty's Gojo Restaurant and Lounge, LLC	)	Case No.: 19-AUD-00016
t/a Betty's Gojo	)	License No.: ABRA-102500
	)	Order No.: 2019-877
Holder of a	)	
Retailer's Class CR License	)	
	)	
at premises	)	
7616 Georgia Avenue, N.W.	)	
Washington, D.C. 20012	)	
	)	

**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Rafi Aliya Crockett, Member

**ALSO PRESENT:** Betty's Gojo Restaurant and Lounge, t/a Betty's Gojo, Respondent  
  
John Lui, Assistant Attorney General  
Office of the Attorney General for the District of Columbia  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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

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**INTRODUCTION**

The Alcoholic Beverage Control Board (Board) finds that Betty's Gojo Restaurant and Lounge, t/a Betty's Gojo, (hereinafter "Respondent" or "BG") violated D.C. Official Code § 25-113(b)(2)(A) and 23 DCMR § 1207.1 for failing to file the required quarterly report for the period ending on December 2018. BG shall pay a fine of \$6,000.

***Procedural Background***

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on August 9, 2019. *ABRA Show Cause File No. 19-CMP-00016*,

Notice of Status Hearing and Show Cause Hearing, 2 (Aug. 9, 2019). The Alcoholic Beverage Regulation Administration (ABRA) served the Notice on the Respondent, located at premises 7616 Georgia Avenue, N.W., Washington, D.C., on August 13, 2019. *ABRA Show Cause File No. 19-CMP-00016*, Service Form. 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:** [The Respondent] failed to file a quarterly statement [for the quarter ending September 30, 2018], 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 pursuant to D.C. Official Code § 25-823(1).

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

Both the Government and Respondent appeared at the Show Cause Status Hearing on October 9, 2019. The parties proceeded to a Show Cause Hearing; however, the Respondent failed to appear at the hearing on October 30, 2019. At the hearing, the Board heard the case ex parte in accordance with D.C. Official Code § 25-447(e).

### FINDINGS OF FACT

The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file, makes the following findings:

1. BG holds a Retailer's Class CR License at 7616 Georgia Avenue, N.W., Washington, D.C. *ABRA License No. 102500*. ABRA Compliance Specialist Monica Clark is responsible for receiving and reviewing the quarterly reports submitted by restaurant license holders. *Transcript (Tr.)*, October 30, 2019 at 7. On January 30, 2019, it was required that all restaurant license holders, including BG, file quarterly reports for the quarter ending in December 2018. *Id.* at 9. Nevertheless, no quarterly report was received by the deadline. *Id.* at 10-11. Instead, BG's quarterly report was received by ABRA on March 28, 2019. *Id.* at 11.

### CONCLUSIONS OF LAW

2. 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).

3. In this matter, the Board shall only base its decision on the "substantial evidence" contained in the record. 23 DCMR § 1718.3 (West Supp. 2019). 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).

4. 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. Official Code § 25-113(b)(2)(A). Furthermore, under § 1207.1, “Within thirty (30) days after the end of each quarter, the holder of a Retailer's license Class CR, CH, DR, or DH shall file with the Board a statement of expenditures and receipts by the licensed establishment during that quarter . . . .” 23 DCMR § 1207.1.

5. In this case, quarterly reports for the quarter ending in December 2018 were due by January 30, 2019. *Supra*, at ¶ 1. No quarterly report was received by the legal deadline. *Id.*

6. BG’s investigative history shows that this is the Respondent’s seventh secondary tier violation within four years, which is fined as a primary tier violation. 23 DCMR § 804.1(D) (West Supp. 2019); *Case Report*, Case No. 18-AUD-00106, 2 (Nov. 1, 2018). The fine for this offense will be treated as a third level primary because the date of conviction for the seventh offense falls outside the relevant review period. 23 DCMR § 808.5(b) (West Supp. 2019). Therefore, the fine range for this offense falls between \$4,000 and \$6,000. 23 DCMR §§ 801.1(c), 804.1(D) (West Supp. 2019). The Board imposes the maximum fine permitted by law because BG is a habitual offender.

### ORDER

Therefore, the Board, on this 4th day of December 2019, finds BG guilty of violating D.C. Official Code § 25-113(b)(2)(A) and 23 DCMR § 1207.1. The Board imposes the following penalty on BG:

(1) For the violation described in Charge I, BG shall pay a fine of \$6,000.

**IT IS FURTHER ORDERED** that the Respondent must pay all fines imposed by the Board within thirty (30) days from the date of this Order, or its license shall be immediately suspended until all amounts owed 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 violation.

**IT IS FURTHER ORDERED** that the Board’s findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed

invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

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

District of Columbia  
Alcoholic Beverage Control Board




Donovan Anderson, Chairperson



James Short, Member



Bobby Cato, Member



Rafi Aliya Crockett, 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, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 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 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).