

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

In the Matter of:)		
)		
Betty's Gojo Restaurant and Lounge, LLC)	Case No.:	18-AUD-00089
t/a Betty's Gojo)	License No.:	ABRA-102500
)	Order No.:	2019-184
Holder of a)		
Retailer's Class CR License)		
)		
at premises)		
7616 Georgia Avenue, N.W.)		
Washington, D.C. 20012)		

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member

ALSO PRESENT: Betty's Gojo Restaurant and Lounge, LLC, t/a Betty's Gojo, Respondent

Louise Phillips, 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 Betty's Gojo Restaurant and Lounge, LLC, t/a Betty's Gojo, (hereinafter "Respondent" or "Betty's Gojo") violated D.C. Official Code §§ 25-113(b)(2)(A) by failing to file the required quarterly report for the second quarter of 2018. The Respondent shall pay a fine of \$2,000.

Procedural Background

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on December 12, 2018. *ABRA Show Cause File No. 18-AUD-00089*, - Notice of Status Hearing and Show Cause Hearing, 2 (Dec. 12, 2018). The Alcoholic Beverage Regulation Administration (ABRA) served the Notice on the Respondent, located at premises 7616 Georgia Avenue, N.W., Washington, D.C., on January 23, 2019. *ABRA Show Cause File No. 18-AUD-00089*, 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: You failed to file with the Board the required quarterly statements report for the April – June 2018 quarter . . . in violation of D.C. Official Code §§ 25-113(b)(2)(A), (3)(B) and 23 DCMR [§] 1207

Notice of Status Hearing and Show Cause Hearing, 2.

Both the Government and Respondent appeared at the Show Cause Status Hearing on February 13, 2018. The parties proceeded to a Show Cause Hearing and argued their respective cases on March 13, 2019.

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:

I. Background

1. Betty's Gojo holds a Retailer's Class CR (restaurant) License at 7616 Georgia Avenue, N.W., Washington, D.C. *ABRA License No. 102500*. After the second quarter in 2018, restaurant license holders were supposed to file their quarterly reports by July 30, 2018. *Transcript (Tr.)*, March 13, 2019 at 11. The quarterly report form states the due dates for all of the quarterly reports required to be filed during the year. *Id.* at 16, 22. ABRA Compliance Analyst Monica Clark examined ABRA's records and determined that the Respondent failed to file the required quarterly report for the second quarter of 2018, which ran from April to June 2018, because the report was filed on October 1, 2018. *Tr.*, 3/13/19 at 10, 12. The owner, Abeda Weldegebriel, indicated that she was unaware of the quarterly statement filing requirement or the availability of training offered by ABRA. *Id.* at 30.

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). 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. Code § 25-447.

I. Standard of Proof

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).

II. Violation

4. Under § 25-113(b)(2)(A), a restaurant license holder

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 § 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 (West Supp. 2019). It is uncontested that the Respondent failed to file the quarterly report by the required time. *Supra*, at ¶ 1. Therefore, the Board sustains Charge I.

III. Penalty

5. The present violation constitutes a fifth level secondary tier violation. 23 DCMR § 800 (West Supp. 2019); *Investigative History*, ABRA License No. 102500. The fine range for the offense falls between \$1,000 and \$2,000. 23 DCMR § 802.1(D) (West Supp. 2019). The Board further requires the license holder to undergo training based on her stated unfamiliarity with the laws and regulations governing the liquor license she holds.

ORDER

Therefore, the Board, on this 10th day of April 2019, finds Betty’s Gojo Restaurant and Lounge, LLC, t/a Betty’s Gojo, guilty of violating D.C. Official Code §§ 25-113(b)(2)(A), (3)(B) and 23 DCMR [§] 1207. The Board imposes the following penalty on Betty’s Gojo:

(1) For the violation described in Charge I, Betty’s Gojo shall pay a \$2,000 fine.

- (2) The license holder shall attend the books and records training provided by ABRA on April 25, 2019.¹ The license holder may request that ABRA provide an interpreter to provide translation during the class. This request should be made within a week of the training, if one is required.²

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.

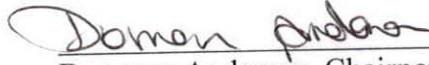
IT IS FURTHER ORDERED that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

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

¹ Information regarding the training may be found at this website: <https://abra.dc.gov/page/books-and-records-training-hotels-and-restaurants>.

² The Board encourages the license holder to attend all of the trainings offered by ABRA.

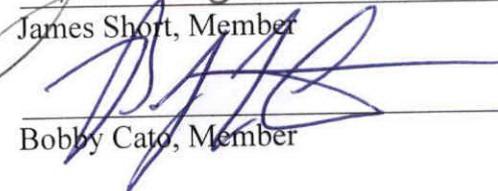
District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson


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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).