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IN THE MATTER OF:           :
                               :
Betty's Gojo Restaurant     :
and Lounge, LLC,            :
t/a Betty's Gojo           :
7616 Georgia Ave NW        :
Retailer CR - ANC 4A       :Show Cause Hearing
License No. 102500         : (Status)
Case #19-AUD-00016         :
                               :
                               :
(Failed to File Quarterly:
Statement)                  :

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Wednesday
October 30, 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
BOBBY CATO, JR., Member
JAMES SHORT, Member
RAFI ALIYA CROCKETT, Member

ALSO PRESENT:

JOHN LUI, DC OAG
MONICA CLARK, WITNESS FOR DC ABRA

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WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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1 P-R-O-C-E-E-D-I-N-G-S

2 10:08 a.m.

3 CHAIRPERSON ANDERSON: Well, our next
4 case is Case No. 19-AUD-00016, Betty's Gojo,
5 License No. 102500. Will the parties please
6 approach and identify themselves for the record,
7 please?

8 MR. LUI: Good morning, Board members.
9 John Lui on behalf of the District of Columbia.

10 CHAIRPERSON ANDERSON: Mr. Lui, I
11 don't see the licensee here. Have you been
12 contact? Do you have any idea what's going on?

13 MR. LUI: I do not know.

14 CHAIRPERSON ANDERSON: All right.
15 This matter was scheduled for a show cause
16 hearing at 10:00 o'clock. I'll give them another
17 five minutes. So I will recall this case at
18 10:00 o'clock and ask you what is it that you
19 want to do. Okay? So we'll be in recess until
20 10:15.

21 (Whereupon, the above-entitled matter
22 went off the record at 10:09 a.m. and resumed at
23 10:16 a.m.)

24 CHAIRPERSON ANDERSON: All right.
25 We're back on the record. I'm going to recall

1 Case No. 19-AUD-00016, Betty's Gojo, License No.
2 102500. This matter was scheduled for a show
3 cause hearing at 10:00 o'clock. I initially
4 called the case at 10:10. The licensee was not
5 here. It's now 10:17. I said that we would go
6 off the record and give the licensee a 15-minute
7 grace period from 10:00 to 10:15 to show up.

8 Mr. Lui, I see that the licensee is
9 not here. One of the things -- have you heard
10 from the licensee today?

11 MR. LUI: I have not.

12 CHAIRPERSON ANDERSON: And one of the
13 things that the agency did was to check our
14 records to see if the licensee had called in.
15 And I was told that they had not called in. So
16 this is a show cause hearing. Does the
17 Government wish to move forward?

18 MR. LUI: Yes, Mr. Chairperson.

19 CHAIRPERSON ANDERSON: Hold on one
20 minute, please. Just give me a minute. Let's
21 see.

22 Pursuant to D.C. Official Code Section
23 25-447, the Board has the authority to proceed ex
24 parte where the licensee waives the hearing or
25 fails to appear unless the hearing is extended

1 for good cause and sufficient cause.

2 The Board's records reflect that the
3 licensee was properly served on August 13th,
4 2019. Seeing no licensee here today and having
5 no good and sufficient cause to extend this
6 hearing, the Board will proceed with a show cause
7 hearing.

8 Mr. Lui, do you wish to make an
9 opening statement?

10 MR. LUI: Yes, Mr. Chairperson. Good
11 morning, Board members. We are here today in the
12 show cause matter of Betty's Gojo Restaurant and
13 Lounge, LLC, trading as Betty's Gojo which is
14 located 7616 Georgia Avenue, Northwest.

15 The show cause notice issued in this
16 matter concerns the charge that the licensee
17 failed to timely file with the Board the required
18 quarterly statements reporting for the preceding
19 quarter.

20 This includes gross receipts for the
21 establishments, gross receipts for sales of
22 alcoholic beverages, gross receipts for food
23 sales, total expenses for the purchase of food
24 and alcoholic beverages, and the expenses for
25 purchases of food and alcoholic beverages

1 separately in violation of D.C. Official Code
2 Section 25-113(b)(2)(a).

3 The evidence will show that the
4 licensee failed to timely file the quarterly
5 statement for the quarter ending December 30th,
6 2018 which was due to be filed on January 30th,
7 2019. At this time, we would like to call our
8 first witness.

9 CHAIRPERSON ANDERSON: And who's your
10 first witness?

11 MR. LUI: Ms. Monica Clark.

12 CHAIRPERSON ANDERSON: Ms. Clark,
13 please raise your right hand, please.

14 (Witness sworn.)

15 CHAIRPERSON ANDERSON: Thank you.
16 Have a seat, please.

17 MR. LUI: Good morning.

18 MS. CLARK: Good morning.

19 WHEREUPON,

20 MONICA CLARK

21 was called for examination by Counsel for the
22 District of Columbia, having been previously
23 sworn, assumed the witness stand, was examined
24 and testified as follows:

25 DIRECT EXAMINATION

1 MR. LUI: Could you please spell your
2 first and last name for the record?

3 MS. CLARK: My first name is Monica,
4 M-O-N-I-C-A. My last name is Clark, C-L-A-R-K.

5 MR. LUI: Ms. Clark, where are you
6 currently employed?

7 MS. CLARK: I am employed with the
8 Alcoholic Beverage Regulation Administration.

9 MR. LUI: And what is your position
10 role at the Alcoholic Beverage Regulation
11 Administration?

12 MS. CLARK: I am a compliance analyst.

13 MR. LUI: And how long have you been
14 a compliance analyst?

15 MS. CLARK: For seven years.

16 MR. LUI: What are your duties and
17 responsibilities as a compliance analyst?

18 MS. CLARK: Well, I receive, record,
19 and review quarterly statements submitted from
20 licensees that are both restaurants and hotels
21 within the District of Columbia.

22 MR. LUI: How can an establishment
23 submit quarterly reports?

24 MS. CLARK: They can submit them in
25 several ways. They can mail them. They can

1 bring them in. They can submit them online. And
2 they can also fax them.

3 MR. LUI: And are you familiar with
4 Betty's Gojo?

5 MS. CLARK: I am.

6 MR. LUI: How are you familiar with
7 this establishment?

8 MS. CLARK: Betty's Gojo is one of the
9 establishments within Washington, D.C. that
10 submits quarterly statements.

11 MR. LUI: I'm going to hand you a
12 document pre-marked as Government Exhibit 1, but
13 I have copies for the Board members as well.
14 Permission to approach.

15 CHAIRPERSON ANDERSON: She can give
16 it, yeah.

17 MR. LUI: Ms. Clark, do you recognize
18 this document?

19 MS. CLARK: I do.

20 MR. LUI: And how do you recognize
21 this document?

22 MS. CLARK: I authored this document.
23 It's a case report that I authored.

24 MR. LUI: What is in the case report?

25 MS. CLARK: The case report indicates

1 that Betty's Gojo had not submitted their
2 quarterly statement in a timely manner.

3 MR. LUI: Is this a fair and accurate
4 representation of the case report that you
5 created for Betty's Gojo?

6 MS. CLARK: Yes, it is.

7 MR. LUI: Mr. Chairperson, at this
8 time, the Government would like to move
9 Government Exhibit 1 into evidence.

10 CHAIRPERSON ANDERSON: So moved.

11 (Whereupon, the above-
12 referred to document was
13 received into evidence as
14 Government's Exhibit 1.)

15 MR. LUI: When was the quarterly
16 statement due for Betty's Gojo?

17 MS. CLARK: For this particular
18 quarter, it would've been the fourth quarter of
19 2018 and it would've been due by the 30th of
20 January 2019.

21 MR. LUI: And at this time, I would
22 like to hand you what has been pre-marked as
23 Government Exhibit No. 2. And I also have copies
24 of this document for the Board.

25 CHAIRPERSON ANDERSON: Sure.

1 MR. LUI: Ms. Clark, what is this? Do
2 you recognize this document?

3 MS. CLARK: Yes, I do.

4 MR. LUI: And how do you recognize
5 this document?

6 MS. CLARK: This is a manually
7 completed quarterly statement from Betty's Gojo.

8 MR. LUI: And is this a fair and
9 accurate representation of the quarterly
10 statement filing for the fourth quarter for the
11 calendar year of 2018 for Betty's Gojo?

12 MS. CLARK: Yes, it is.

13 MR. LUI: Mr. Chairperson, at this
14 time, the Government would like to move
15 Government Exhibit 2 into evidence.

16 CHAIRPERSON ANDERSON: So moved.

17 (Whereupon, the above-
18 referred to document was
19 received into evidence as
20 Government's Exhibit 2.)

21 MR. LUI: Could you please discuss
22 this generally about this quarterly statement?

23 MS. CLARK: Okay. This particular
24 quarterly statement was done for the calendar
25 year 2018 for the fourth quarter which covers the

1 periods of October through December 2018. It was
2 manually completed, not submitted through our
3 online system. And it was received by me on
4 March 28, 2019.

5 MR. LUI: I have no further questions
6 for this witness, Mr. Chairperson.

7 CHAIRPERSON ANDERSON: Do we have any
8 questions by any Board members? Hearing none,
9 thank you for your testimony, Ms. Clark. You can
10 step down.

11 MS. CLARK: Okay. Thank you.

12 MR. LUI: The District has no further
13 witnesses. We just have some brief closing
14 remarks.

15 CHAIRPERSON ANDERSON: Does the
16 District rest? The Government rests?

17 MR. LUI: Government rests.

18 CHAIRPERSON ANDERSON: Does the
19 Government wish to make a closing statement?

20 MR. LUI: Yes, briefly. The
21 Government has provided sufficient evidence for
22 the Board to find that the licensee failed to
23 timely file the quarterly statement for the
24 quarter ending December 30th, 2018 which was due
25 to be filed by January 30th, 2019.

1 We heard from Compliance Analyst
2 Monica Clark that the quarterly statement was
3 filed late and received in this office on March
4 28, 2019. The Government has therefore met its
5 burden and proven this charge. The Government
6 asks the Board for a penalty as provided under
7 D.C. Code Section 25-830. Thank you.

8 CHAIRPERSON ANDERSON: All right. The
9 record is now closed. Do you wish to file
10 proposed findings of fact and conclusion of law
11 or you waive the right to do so?

12 MR. LUI: We'll waive our right.

13 CHAIRPERSON ANDERSON: The Board will
14 issue its decision within 90 days. All right.

15 As Chairperson of the Alcoholic
16 Beverage Control Board for the District of
17 Columbia, in accordance with D.C. Official Code
18 Section 2574(b) of the Open Meetings Act, I move
19 that ABC Board hold a closed meeting for the
20 purpose of seeking legal advice from our counsel
21 on Case No. 19-AUD-00016, Betty's Gojo, pursuant
22 to D.C. Official Code Section 2574(b)(4) of the
23 Open Meetings Act and deliberating upon Case No.
24 19-AUD-00016, Betty's Gojo, for the reasons cited
25 in D.C. Official Code Section 2574(b)(13) of the

1 Open Meetings Act.

2 Is there a second?

3 MEMBER SHORT: Second.

4 CHAIRPERSON ANDERSON: Mr. Short has
5 seconded the motion. I will now take a roll call
6 vote of the motion before us now that it has been
7 seconded. Ms. Crockett?

8 MEMBER CROCKETT: Agreed.

9 CHAIRPERSON ANDERSON: Mr. Cato?

10 MEMBER CATO: I agree.

11 CHAIRPERSON ANDERSON: Mr. Short?

12 MEMBER SHORT: I agree.

13 CHAIRPERSON ANDERSON: Mr. Anderson,
14 I agree. As it appears that the motion has
15 passed, I hereby give notice that the ABC Board
16 will recess these proceedings to hold a closed
17 meeting in the ABC Board conference room pursuant
18 to Section 2574(b) of the Open Meetings Act.
19 Thank you.

20 MR. LUI: Thank you, Board members.

21 CHAIRPERSON ANDERSON: The Board will
22 be in recess until our 11:00 o'clock hearing.

23 (Whereupon, the above-entitled matter
24 went off the record at 10:26 a.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: Betty's Gojo

Before: DCABRA

Date: 10-30-19

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

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