

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

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In the Matter of:	)	
	)	
Bread and Chocolate, Inc.	)	Case No.: 21-CMP-00031
t/a Bread and Chocolate	)	License No.: ABRA-094780
	)	Order No.: 2022-156
Holder of a	)	
Retailer's Class DR License	)	
	)	
at premises	)	
2301 M Street, N.W.	)	
Washington, D.C. 20037	)	

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**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Rafi Aliya Crockett, Member  
Jeni Hansen, Member  
Edward S. Grandis, Member

**ALSO PRESENT:** Bread and Chocolate, Inc., t/a Bread and Chocolate, Respondent

Collin Cenci, 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 Bread and Chocolate, Inc., t/a Bread and Chocolate, (Respondent) failed to have a licensed ABC manager present at the required time in violation of D.C. Official Code § 25-701 and 23 DCMR § 707. The Respondent shall pay the minimum fine of \$250.

### ***Procedural Background***

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on November 15, 2021. *ABRA Show Cause File No. 094780*, Notice of Status Hearing and Show Cause Hearing, 2 (Nov. 15, 2021). 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:** [On July 7, 2021,] [y]ou failed to have the establishment’s owner or an ABC Board-approved manager present on the premises during the establishment’s hours of sale, in violation of D.C. Code § 25-701(a-1)(1) and 23 DCMR § 707.1(a)(1) and (3) . . . .

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

The Government and the Respondent appeared at the Show Cause Status Hearing on January 26, 2022. The case proceeded to a Show Cause Hearing on March 16, 2022.

### **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. Bread and Chocolate, Inc., t/a Bread and Chocolate, (Respondent) holds a Retailer’s Class DR License at 2301 M Street, N.W., Washington, D.C. *ABRA License No. 094780*. ABRA Investigator George Garcia conducted a regulatory inspection at the establishment on July 7, 2021 at 1:27 p.m. *Transcript (Tr.)*, 3/16/2022 at 16. At the premises, he met a male employee that said the licensed ABC manager was not present but would return. *Id.* at 17. Before he left, another employee, Atsou Amegee, approached the investigator and displayed a manager’s license that had expired in November 2020. *Id.* at 18-19. The establishment’s license indicated that it could sell alcohol from 7:00 a.m. to 9:00 p.m. *Id.* at 22. The owner indicated that the establishment did not sell any alcohol on that day. *Id.* at 29.

### **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).

#### **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. 2022). 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. The Respondent Failed to Have a Licensed Manager.**

4. The record contains sufficient credible evidence that the Respondent failed to have a licensed manager present on July 7, 2021. Under § 25-701(a) and (a-1),

(a) A person designated to manage an establishment shall possess a manager's license.

(a-1)(1) . . . an establishment’s owner or Board-approved manager shall be present on the premises at all times during the establishment’s hours of sale, service, and consumption of alcoholic beverages.

D.C. Code § 25-701(a), (a-1); 23 DCMR § 707.1 (West Supp. 2022). On July 7, 2021, no licensed manager or owner was present while the business was in operation. *Supra*, at ¶ 1. Moreover, it is the responsibility of the licensed manager and the ownership to ensure that the designated manager has a valid license and is present during the alcohol sale hours; therefore, any alleged failure of the manager to complete the renewal of the license rests with the Respondent. *Id.* Consequently, the Board sustains Charge I.

## **III. Penalty**

5. The Respondent has no prior secondary tier violations and shall receive the minimum fine.

## **ORDER**

Therefore, the Board, on this 27th day of April 2022, finds the Respondent **GUILTY** of violating D.C. Official Code §§ 25-701(a), (a-1); 23 DCMR § 707.1. The Board imposes the following penalty:

(1) For the violation described in Charge I, the Respondent shall pay a fine of \$250.

**IT IS FURTHER ORDERED** that the Respondent must pay all fines imposed by the Board within one hundred and twenty (120) 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 (West Supp. 2022), the violations found by the Board in this Order shall be deemed one 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

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac430b06b9d5f0be4c730009d1dccc8

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Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 547ae37285209e6ac8d1b3325d2948e

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James Short, Member

eSigned via SeamlessDocs.com  
*Bobby Cato*  
Key: 286d3fca4fba148d7f4b75bd7917d20d

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Bobby Cato, Member

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*Rafi Aliya Crockett, Member*  
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Rafi Crockett, Member

eSigned via SeamlessDocs.com  
*Jeni Hansen, Member*  
Key: 82172931f0508447401b56f9c2a41889

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Jeni Hansen, Member

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Edward S. Grandis, 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).