

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

In the Matter of:)	
)	
PFM Restaurants, LLC)	Case No.: 19-CMP-00203
t/a District Anchor)	License No.: ABRA-100517
)	Order No.: 2021-417
Holder of a)	
Retailer's Class CN License)	
)	
at premises)	
1900 M Street, N.W.)	
Washington, D.C. 20036)	

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

ALSO PRESENT: PFM Restaurants, LLC, t/a District Anchor, Respondent

Walter Adams, 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 PFM Restaurants, LLC, t/a District Anchor, (hereinafter "Respondent" or "Anchor") violated D.C. Official Code § 25-823(a)(6) by violating a cease and desist order prohibiting the sale, service, and consumption of alcohol on the premises. The Board revokes the license as a penalty for the offense.

Procedural Background

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which charges the Respondent with the following violations:

Charge I: [On October 31, 2019,] [y]ou failed to follow a Board Order, in violation of D.C. Code § 25-823(a)(6).

Charge II: [On October 31, 2019,] [y]ou sold alcoholic beverages without a license, in violation of D.C. Code § 25-102(a)

Notice of Status Hearing and Show Cause Hearing, at 2-3. The Notice charges the Respondent with multiple violations, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license. The Show Cause Status Hearing in this matter was held on February 24, 2021; nevertheless, the Respondent did not appear at the hearing. The parties proceeded to a Show Cause Hearing on June 16, 2021; however, the Respondent did not appear at this hearing as well, despite receiving appropriate service of process by certified mail on May 13, 2021. *Transcript (Tr.)*, Jun. 16, 2021 at 6. In light of service of process being duly provided, the Board proceeded 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. Anchor holds a Retailer's Class CN License at 1900 M Street, N.W., Washington, D.C. *ABRA License No. 100517*. ABRA Investigator Rhoda Glasgow visited Anchor on October 31, 2019. *Tr.*, 6/16/21 at 8. She arrived at around 10:35 p.m. *Id.* at 10. From outside the establishment, she and her partner, ABRA Investigator Kevin Puente, observed people entering and exiting the premises and people dancing inside. *Id.* at 11. Nevertheless, on October 31, 2019, Anchor was subject to a Board Order issued on October 23, 2019, that ordered the business to cease and desist all alcohol activity on the premises. *Id.* at 11-12. The Order was also served on the establishment on October 23, 2019. *Id.* at 12. The basis of the Order was the failure to pay required renewal fees and the expiration of the license. *Id.* at 13. Inside the establishment, Investigator Glasgow observed a licensed manager, Paul Kolkousis, pouring alcoholic beverages and shots from the bar. *Id.* at 15, 17. She also observed patrons at the bar with alcohol in their possession. *Id.*

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. 2021). 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 Violated an Order to Cease and Desist the Sale, Service, and Consumption of Alcohol.

4. Under § 25-823(a)(6), a licensee is obligated to comply with all orders issued by the Board. D.C. Code § 25-823(a)(6). Nevertheless, the ownership in this case deliberately disregarded a Board Order mandating the cessation of all alcohol activity, including the sale, service, and consumption of alcohol, at the premises. Therefore, the Board sustains Charge I.

III. Penalty

5. Based on the violation identified above, the offense amounts to contempt, a refusal to properly superintend the premises, and a willful violation of the law. For these reasons, the Board revokes the license.

ORDER

Therefore, the Board, on this 21st day of July 2021, finds Anchor, guilty of violating § 25-823(a)(6). The Board hereby **REVOKES** the license.

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.

IT IS FURTHER ORDERED that the remaining charge shall not be addressed at this time, as the Board’s finding related to Charge I is sufficient to resolve the present matter.

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: ac430b0669d5f00e4b730093d1dccc8

Donovan Anderson, Chairperson

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James Short
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James Short, Member

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Bobby Cato
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Bobby Cato, Member

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Rafi Crockett, Member

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Jeni Hansen, Member
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Jeni Hansen, Member

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).