

Status Hearing and Show Cause Hearing, 2 (Nov. 15, 2019). The Alcoholic Beverage Regulation Administration (ABRA) provided notice of the hearing to the Respondent on February 19, 2020. *ABRA Show Cause File No. 93580*, 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: [On September 20, 2018,] [y]ou failed to file a caterer's report for the first half of 2018, in violation of 23 DCMR § 2006.1

Notice of Status Hearing and Show Cause Hearing, 2.

The Respondent failed to appear at the Show Cause Status Hearing on January 29, 2020. Despite being provided with proper notice, the Respondent also failed to appear at the Show Cause Hearing on February 26, 2020. The Board permitted the Government to pursue the prosecution 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. Ugly Mug, LLC, t/a Katherine's Catering, holds a Retailer's Class Catering License at 5018 Connecticut Avenue, N.W., Washington, D.C. *ABRA License No. 93580*. Compliance Analyst Monica Clark reviewed ABRA's records and determined that the Respondent failed to submit the required caterer's report for the period of January 2018 through June 2018. *Transcript (Tr.)*, February 26, 2020 at 6.

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). Section 2006.1 requires that caterers file semiannual reports to the Board that disclose the license holder's alcohol and food sales and related purchases. 23 DCMR § 2006.1 (West Supp. 2020).

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. 2020). 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. The record shows that the Respondent failed to file the required report for the first half of 2018. Therefore, the Board sustains Charge I.

5. The Respondent has no prior violations listed in its investigative history. The violation is classified as a secondary tier violation that has a fine range of between \$250 and \$500. 23 DCMR §§ 800, 802 (West Supp. 2020).

ORDER

Therefore, the Board, on this 15th day of April 2020, finds Ugly Mug, LLC, t/a Katherine's Catering, guilty 23 DCMR § 2006.1. The Board imposes the following penalty:

(1) For the violation described in Charge I, the Respondent shall pay a \$500 fine.

IT IS FURTHER ORDERED that the Respondent must pay all fines imposed by the Board within ninety (90) 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 violations 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

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Donovan Anderson, Chairperson

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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, 2000 14th Street, N.W., Suite 400S, Washington, DC 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 (2008) 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).