

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:)	
)	
BG & AS Beverage, LLC)	Case No.: 24-CIT-00318
t/a Mac Market & Deli)	License No.: ABRA-123008
)	Order No.: 2024-777
Holder of a)	
Retailer's Class A License)	
)	
at premises)	
5185 MacArthur Blvd., N.W.)	
Washington, D.C. 20010)	

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Silas Grant, Jr., Member

ALSO PRESENT: BG & AS Beverage, LLC t/a Mac Market & Deli, Respondent

Alycia Hogenmiller, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage and Cannabis Administration

ORDER ISSUING A WARNING

INTRODUCTION

The Alcoholic Beverage and Cannabis (Board) finds that BG & AS Beverage, LLC t/a Mac Market & Deli (Respondent) violated D.C. Code § 25-701 (a-1)(1) and 23 DCMR § 707.1 where the Respondent failed to superintend in person or have a licensed ABC manager on duty at all times of sales and service of alcoholic beverages.

Procedural Background

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on June 18, 2024. *ABCA Show Cause File No. 24-CIT-00318*, Notice of Status Hearing and Show Cause Hearing, 2 (June 18, 20 24). 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 April 8, 2024,] [y]ou failed to superintend in person or have a licensed manager on duty at all times of sale and service of alcoholic beverages, in violation of D.C. Code § 25-701(a-1)(1) and 23 DCMR § 707.1, for which the Board may take the proposed action under D.C. Code § 25-823(a)(1).

On August 7, 2024, the Government and the Respondent appeared before the Board at the Show Cause Status hearing. The Parties appeared again on October 2, 2024, at the Show Cause hearing to argue their respective cases.

FINDINGS OF FACT

The following statements represent the Board's findings of fact based on the evidentiary record. In reaching its determination, the Board considered the evidence, the testimony of the witnesses, the arguments of the Government, and all documents comprising the Board's official file. The Board credits all testimony and evidence identified or cited below unless otherwise stated.

I. Background

1. BG & AS Beverage, LLC t/a Mac Market & Deli, holds a Retailer's Class A (Restaurant) License at 5158 MacArthur Boulevard, N.W., Washington, D.C. *ABCA License No. 125344*. Licensed establishments are required to superintend in person or have a licensed ABC manager on duty at all times of sales and service of alcoholic beverages. D.C. Code § 25-701 (a-1)(1) and 23 DCMR § 707.1

2. On April 8, 2024, Alcoholic Beverage and Cannabis Administration (ABCA) Lead Investigator Felecia Dantzler observed the cashier sell beer to patrons. *Transcript (Tr.)*, October 2, 2024, at 9. When LI Dantzler identified herself to the cashier, Manny Singh, she was informed that the owner was not present nor was an ABC licensed manager. *Id.* Mr. Singh informed LI Dantzler that his mother was the owner of the establishment and that his ABC Manager's license was expired. *Id.* During her conversation with Mr. Singh, LI Dantzler observed him sell a six pack of Blue Moon beer to another customer. *Tr.* at 10. LI Dantzler then advised Mr. Singh of the violation. *Id.*

3. Mr. Singh testified that he previously had a Solicitor's license, and he believed that it was the same as an ABC Manager's license. *Tr.* at 27. When he learned from LI Dantzler that he needed an ABC Manager's license, he applied for one the day after her visit. *Id.* On He indicated that his misunderstanding was a genuine mistake and that he and his family take the ABC rules and regulations very seriously. *Id.*

CONCLUSIONS OF LAW

4. 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

5. In this matter, the Board shall only base its decision on the “substantial evidence” contained in the record. 23 DCMR § 1718.3 (West Supp. 20 24). 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 Board Sustains Charge I and Imposes a Warning.

6. Under § 25-701 (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-1)(1). The record reflects that the Respondent failed to superintend in person or have a licensed ABC manager on duty at all times of sales and service of alcoholic beverages. *Supra*, at ¶ 2. The Board credits the evidence of the Government that the Respondent engaged in the charged violation. Therefore, the Board sustains Charge I.

7. Nevertheless, the Board credits and determines from the record that the Respondent has no prior violations, and the violation was not egregious. The Board also credits the Respondent’s assurances that it misunderstood its compliance obligations and will take steps to ensure compliance in the future.

ORDER

Therefore, the Board, on this 23rd day of October 2024, hereby issues the Respondent a **WARNING** in accordance with 23 DCMR § 800 (West Supp. 2024).

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

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac430b9b59d5f0e4b730060d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ac373f820de0ac8d1b3325d2049ec

James Short, Member



Silas Grant, Jr., 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 and Cannabis 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).