

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

In the Matter of:)
)
Michael A. Williams) License Number: N/A
) Order Number: 2018-746
)
Application for a)
Manager's License)
at address)
)
)
)
)

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member

ORDER DENYING APPLICATION

The Alcoholic Beverage Control Board denies the Application for a Manager's License (Application) filed by Michael A. Williams (Applicant) pursuant to D.C. Official Code § 25-301 and for failing to appear at a fact finding hearing regarding his application on December 12, 2018.

The Board denies the Application based on compelling evidence that Mr. Williams lied to investigators about his identity while managing a licensed establishment on September 24, 2018. *Case Report No. 18-CMP-00233*, 1 (Sept. 24, 2018).

Under § 25-301(a), "Before issuing, transferring to a new owner, or renewing a license, the Board shall determine that . . . [t]he applicant is of good character and generally fit for the responsibilities of licensure." D.C. Official Code § 25-301(a)(1). Under the law, interfering with an investigation is prohibited by D.C. Official Code § 25-823(a)(5).

On September 24, 2018, two ABRA investigators entered the The Big Hunt, located at 1345 Connecticut Avenue, N.W. *Case Report No. 18-CMP-0233*, at 1. While inside Michael Williams identified himself as the establishment's licensed manager despite having an expired license. *Id.* at 1-2. He further identified himself as Mark Babiak and presented investigators with Mr. Babiak's identification. *Id.* at 2. During his conversations with investigators, he repeatedly claimed that he was Mr. Babiak until he was confronted by investigators with statements by another employee identifying him as Michael Williams. *Id.* In light of this behavior, the Board does not find Mr. Williams fit for licensure under § 25-301(a)(1).

Furthermore, by failing to appear at the fact finding hearing, the Board is left to conclude that Mr. Williams has abandoned his Application.

ORDER

Therefore, the Board on this 12th day of December 2018, hereby **DENIES** the Application.

IT IS FURTHER ORDERED that if Mr. Williams files a timely motion for reinstatement or reconsideration, this Order shall be converted into a proposed order and the Board will schedule a qualifications hearing to adjudicate the Application. Instructions for a qualifications hearing may be found below.

Copies of this Order shall be delivered to the Applicant.

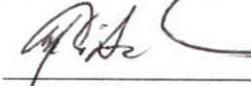
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson

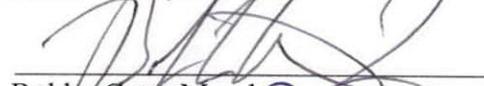


Nick Alberti, Member



Mike Silverstein, Member

James Short, Member



Bobby Cato, Member

Rema Wahabzadah, Member

RECONSIDERATION

Pursuant to 23 DCMR § 1719.1 (2008), 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. 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).

QUALIFICATIONS HEARING

If this matter is converted into a qualifications hearing, Michael A. Williams will be directed to appear before the Alcoholic Beverage Control Board (Board), located at the Reeves Center, 2000 14th Street, N.W., Suite 400, Washington, D.C., at a date and time selected by the Board to demonstrate his qualifications for licensure.

The qualifications hearing shall be held as a contested case pursuant to 23 DCMR § 1600.3(e). The hearing shall rely on the procedures provided by the D.C. Administrative Procedure Act (D.C. APA) (D.C. Official Code § 2-501 *et seq.*) and the hearing procedures

provided by Title 25 of the D.C. Official Code and Title 23 of the D.C. Municipal Regulations (Title 23).

All pleadings, or any other written communication, addressed to the Board, should be delivered to Martha Jenkins, General Counsel, 2000 14th Street, N.W., Suite 400, Washington, D.C. You should contact General Counsel Martha Jenkins at (202) 442-4456 upon receipt of this notice to discuss any potential settlement, consent order, or stipulation that you want the Board to consider in accordance with D.C. Official Code § 2-509(a).

All documents referenced in this notice are incorporated by reference, and also form the basis of the counts described below. Please find the relevant materials on ABRA's website or contact ABRA's Public Information Office if you seek to obtain copies of any document. Please also note that the Board has the right to obtain additional information regarding the application(s) under 23 DCMR § 500.3.

Under D.C. Official Code § 2-509(b), the Applicant may personally appear at the hearing, and may be represented by legal counsel. At the scheduled hearing, the Applicant has the right to produce witnesses and evidence on his or her behalf and to cross-examine witnesses. The Applicant may also examine evidence produced and have subpoenas issued on his or her behalf to require the production of witnesses and evidence.

The Board reserves the right to amend this notice in accordance with D.C. Official Code § 2-509 based on new information that is discovered during the hearing process. The Board also reserves the right to schedule additional hearings to address preliminary motions or additional information received by the Board during the hearing process.

All hearings are conducted before the Board in the English language. If a party or witness is deaf, or because of a hearing impediment cannot readily understand or communicate the spoken English language, the party or witness may apply to the Board for the appointment of a qualified interpreter. Please note that under § 2-509, the Applicant's failure to appear at the time and place set for the hearing, either in person or through counsel, or both, will not preclude the Board from proceeding in this matter, entering a default judgment, or denying the Application.