

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

**In the Matter of:** )  
 )  
Minnesota Store, LLC )  
t/a Minnesota Store )  
 )  
Holder of a )  
Retailer's Class B License )  
 )  
at premises )  
3728 Minnesota Avenue, NE )  
Washington, D.C. 20019 )  
 )

Case No.: 17-CC-00017  
License No.: ABRA-095245  
Order No.: 2018-001

**BEFORE:** Donovan Anderson, Chairperson  
Nick Alberti, Member  
Mike Silverstein, Member  
Donald Isaac, Sr., Member

**ALSO PRESENT:** Biniam Debesai, on behalf of Minnesota Store, LLC, t/a Minnesota Store, Respondent  
  
Bernard C. Dietz, Counsel, on behalf of the Applicant  
  
Fernando Rivero, 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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The Alcoholic Beverage Control Board (Board) finds that Minnesota Store, LLC, t/a Minnesota Store (Respondent), violated District of Columbia (D.C.) Official Code §25-781 on February 2, 2017.

As a result, the Respondent must pay a \$2,500 fine. Additionally, the Respondent shall have its license suspended for five (5) days; one (1) day to be served, and four (4) days to be stayed for one (1) year pending completion of alcohol awareness training for all employees who serve alcoholic beverages within ninety (90) days from the date of this Order.

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Alcoholic Beverage Control Board executed on May 19, 2017. The Alcoholic Beverage Regulation Administration (ABRA) served the Notice on the Respondent, located at premises 3728 Minnesota Avenue, NE, Washington, D.C., on May 23, 2017 and a Reschedule Hearing Notice on July 29, September 26 and October 28, 2017.

The Notice charged the Respondent with the following violations:

Charge I: [On Thursday, February 2, 2017] [y]ou permitted the sale of an alcoholic beverage to a person under the age of twenty-one (21) years, in violation of D.C. Official Code § 25-781(a)...

Charge II: [On Thursday, February 2, 2017] [y]ou failed to take steps reasonably necessary to ascertain whether a patron to whom you sold an alcoholic beverage was of legal drinking age, in violation of D.C. Official Code § 25-783(a)...

*ABRA Show Cause File No. 17-CC-00017*, Notice of Status Hearing and Show Cause Hearing, 2 (May 19, 2017).

The Office of the Attorney General (OAG) and the Respondent appeared at the Show Cause Status Hearing on June 28, 2017, where there was no settlement of the matter. The parties argued their respective cases at the Show Cause Hearing held on November 29, 2017.

## FINDINGS OF FACT

The Board having considered the evidence contained in the record, the testimony of witnesses, and the documents comprising the Board's official file, makes the following findings:

### I. Background

1. The Board issued a Notice of Status Hearing and Show Cause Hearing, dated May 19, 2017. *ABRA Show Cause File No. 17-CC-00017*. Minnesota Store, LLC, t/a Minnesota Store, holds a Retailer's Class B License No. ABRA-095245. *ABRA Licensing File No. ABRA-095245*. The establishment's premises is located at 3728 Minnesota Avenue, NE, Washington, D.C. *ABRA Licensing File No. ABRA-095245*.

2. The Show Cause Hearing was held on November 29, 2017. The Notice charges the Respondent with the violations enumerated above. *See ABRA Show Cause File No. 17-CC-00017*.

### II. Testimony of ABRA Investigator Shawn Townsend

3. The Government presented its case through the testimony of ABRA Investigator Shawn Townsend. *Transcript (Tr.), 11/29/17 at 7-8*.

4. Investigator Townsend authored the Investigative Report, whose contents and exhibits serve as the basis of the factual nature of the incident. *Id.* at 9-11; Government's Exhibit 1.

5. Investigator Townsend was tasked with conducting a Sale to Minor Compliance Check at the Respondent's establishment on February 2, 2017. *Id.* at 8.

6. Investigator Townsend was accompanied on the Compliance Check by an undercover minor (hereinafter "the minor"). *Id.* at 11. On February 2, 2017 at approximately 7:15 p.m., Investigator Townsend entered the establishment followed by the minor a few minutes later. *Id.*

7. Investigator Townsend stood by the cash register during the alcohol sales transaction. *Id.* He had an unobstructed view when he observed the minor retrieve a two-pack of Bud Light Lime from the cooler. *Id.* at 11-12. The minor approached the cash register where the Respondent's ABC-licensed Manager, Teklu Gebreslasie, sold the alcoholic beverages to the minor. *Id.* at 11-13

8. Mr. Gebreslasie did not ask the minor for his identification. *Id.* at 12. The minor purchased the alcoholic beverages and exited the establishment. *Id.* Investigator Townsend followed the minor out of the establishment. *Id.*

9. After Investigator Townsend witnessed the sales transaction, he retrieved the alcoholic beverages from the minor. *Id.*

10. Then, ABRA Investigators Jason Peru and Vanessa Pleitez entered the Respondent's establishment and informed Mr. Gebreslasie that the establishment sold alcoholic beverages to a minor which was a violation of the ABC laws. *Id.* at 12-13. They completed a sale to minor notification form and a regulatory inspection form. *Id.* at 13. Mr. Gebreslasie signed both forms. *Id.* The investigators then exited the establishment. *Id.*

11. After completing the compliance check operation, the investigators returned to ABRA's offices and filled out an evidence transmittal sheet. *Id.* at 13-14. The evidence was secured in ABRA's offices. *Id.* at 14.

### **III. Testimony of Biniam Debesai**

12. Biniam Debesai is the owner of the licensed establishment. *Id.* at 16. He has owned the establishment for four (4) years. *Id.* at 18. Mr. Debesai admitted that Mr. Gebreslasie sold alcoholic beverages to the minor. *Id.* at 17. He stated that after the incident, Mr. Gebreslasie no longer works for the establishment. *Id.* at 17.

13. As a result of the incident, they now carefully check every patron's identification to ensure that this violation does not happen again. *Id.* at 18. Mr. Debesai also provides training to his employees to ensure they understand the laws and regulations that govern ABC licensees. *Id.* at 19-21.

## CONCLUSIONS OF LAW

14. 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 Official Code pursuant to District of Columbia Official Code § 25-823(1). D.C. Official Code § 25-830; 23 DCMR § 800, *et seq.* (West Supp. 2013). Furthermore, after holding a Show Cause Hearing, the Board is entitled to impose conditions if the Board determines “that the inclusion of the conditions would be in the best interests of the locality, section, or portion of the District in which the establishment is licensed.” D.C. Official Code § 25-447.

### I. THE RESPONDENT VIOLATED § 25-781

15. The Board finds that the Respondent sold alcoholic beverages to an underage male on February 2, 2017. Under D.C. Official Code § 25-781, the Respondent may not sell or deliver alcohol to an individual under 21 years of age.

16. In this instance the Board finds that the facts set forth in the record and the Investigative Report support the charge and support a finding of liability as to the Respondent. Specifically, the Board finds that an undercover minor purchased two-pack of Bud Light Lime from the Respondent’s establishment. The Board credits the testimony of Investigator Townsend who witnessed the sales transaction between the Respondent’s ABC-licensed Manager and the minor inside the establishment.

17. Additionally, Mr. Debesai, the owner, admitted that his ABC-licensed Manager sold the alcoholic beverages to the minor on February 2, 2017, further supporting the Board’s findings.

### II. THE RESPONDENT VIOLATED § 25-783

18. Under § 25-783(b), the Respondent and its agents must “take steps reasonably necessary to ascertain whether any person to whom the licensee sells, delivers, or serves an alcoholic beverage is of legal drinking age.” The Respondent admits and the Board finds that reasonable measures were not taken to ascertain the age of the individual purchasing the alcohol on February 2, 2017. However, because the Respondent already received a Warning for this violation by written letter dated, March 16, 2017, the Board will not now assess a second penalty. Therefore, Charge II is dismissed.

### III. PENALTY

19. The Respondent’s Investigative History shows that Charge I is the Respondent’s first Sale to Minor violation within four years. *Licensing File No. ABRA-095245*, Investigative History. Under the graduated penalty schedule, the Board may fine the Respondent between \$2,000 and \$3,000 for Charge I. *Licensing File No. ABRA-095245*, Investigative History; D.C. Official Code § 25-781(f)(1).

## **ORDER**

Based on the foregoing findings of fact and conclusions of law, the Board, on this 31st day of January, 2018, finds that the Respondent, Minnesota Store, LLC, t/a Minnesota Store, located at 3728 Minnesota Avenue, NE, Washington, D.C., holder of a Retailer's Class B License, violated D.C. Official Code § 25-781.

The Board hereby **ORDERS** that:

- 1) For Charge I – The Respondent must pay a fine in the amount of \$2,500 payable on or before March 5, 2018. Failure to remit the amount in full within the time specified will result in the suspension of the license until the amount is paid. In addition, the Respondent shall have its license suspended for five (5) days, with one (1) day to be served, and four (4) days to be stayed for one (1) year pending completion of alcohol awareness training for all employees who serve alcoholic beverages within ninety (90) days from the date of this Order.
- 2) For Charge II – Dismissed.
- 3) The Respondent's one (1) day suspension will be served on Friday, February 16, 2018.

Copies of this Order shall be sent to the Respondent and the Government.

District of Columbia  
Alcoholic Beverage Control Board

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Donovan Anderson, Chairperson



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Nick Alberti, Member



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Mike Silverstein, Member



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Donald Isaac, Sr., 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 14<sup>th</sup> 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).