

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

In the Matter of:)		
)		
)		
Sohal, Inc.,)	Case No.:	23-CIT-00509
t/a Mood Swings Food Hall)	License No.:	ABRA-117346
(Formerly Glassey))	Order No.:	2024-164
)		
Holder of a)		
Retailer’s Class CR License)		
)		
at premises)		
1625 1st Street, N.W.)		
Washington, D.C. 20001)		

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

ALSO PRESENT: Sohal, Inc., t/a Mood Swings Food Hall (Formerly Glassey), Applicant

Anthony Celo, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage and Cannabis Administration

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

INTRODUCTION

The Alcoholic Beverage and Cannabis Board (Board) finds that Sohal, Inc., t/a Mood Swings Food Hall (formerly Glassey), (hereinafter “Mood Swings” or “Respondent”) violated D.C. Official Code § 25-113(b)(2)(A) and 23 DCMR § 1207.1 when it failed to file a quarterly statement for the period of April 2023 to June 2023. Therefore, the Board fines the Respondent \$500 for the single offense.

Procedural Background

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on December 6, 2023. *ABCA Show Cause File No. 23-CIT-00509* Notice of Status Hearing and Show Cause Hearing, 2 (Dec. 6, 2023). 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 July 30, 2023,] you failed to file a quarterly statement to the Board for the period of April 2023 – June 2023, on the date and in the manner prescribed by the Board, in violation of D.C. Official Code § 25-113(b)(2)(A) and 23 DCMR § 1207.1, for which the Board may take the proposed action under D.C. Code § 25-823(a)(1).

Notice of Status Hearing and Show Cause Hearing, at 2.

The Government appeared at the Show Cause Status Hearing on February 7, 2024. The parties were subsequently scheduled for a Show Cause Hearing on March 13, 2024 and for the second time, only the Government appeared at the hearing to present its case. The Board notes that the Respondent did not appear despite the Alcoholic Beverage and Cannabis Administration's (ABCA) records showing appropriate service; therefore, the Board proceeded to hear the case ex parte in accordance with D.C. Official Code § 25-447(e).

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 parties, 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. The Respondent holds a Retailer's Class CR License at 1625 1st Street, N.W., Washington, D.C. 20001. *ABCA License No. 117346*. The record developed at trial affirms the statement of facts contained in the Notice. Namely, the uncontroverted evidence shows the following:

On August 1, 2023, ABCA's Enforcement Division generated a list of District-licensed establishments that had failed to timely file a quarterly statement for the period of April 2023 through June 2023. The Respondent, Mood Swings, was mentioned on the list. Thus, on August 22, 2023, ABCA investigator George Garcia, visited the establishment to conduct an investigation. He met with Paiwinder Deo, the ABC manager present at the time of his visit. He informed her of the establishment's non-compliance with the quarterly statement requirement in the statute and ABCA's regulations. Investigator

Garcia subsequently met with Taj Sohal, owner of the establishment and informed her of the future filing dates to file the quarterly statement for the establishment.

Notice of Status Hearing and Show Cause Hearing, at 2.

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. Official Code § 25-823(a)(1). 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(f).

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. 2024). 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 failed to timely file its quarterly statement for the period of April 2023 to June 2023 in violation of D.C. Official Code § 25-113(b)(2)(A) and 23 DCMR § 1207.1.

4. The Respondent violated D.C. Official Code § 25-113(b)(2)(A) and 23 DCMR § 1207.1 when it failed to timely file its quarterly statement for the period of April 2023 to June 2023. Section 25-113(b)(2)(A) stipulates that licensees “. . . shall file with the Board quarterly statements, on the dates and in the manner prescribed by the Board, reporting for the preceding quarter. . . .” D.C. Official Code § 25-113(b)(2)(A). 23 DCMR § 1207.1 expounds on this by stating, “Within thirty (30) days after the end of each quarter, the holder of a Retailer’s license, class CR, DR, CH, or DH, shall file with the Board a self-certified statement of expenditures and receipts by the licensed establishment during that quarter. . . .” 23 DCMR § 1207.1. In this case, the Respondent holds a class CR License and has not provided to the Board uncontroverted evidence that demonstrates it complied with the quarterly statement requirements in the statute and regulation. When Investigator Garcia visited the establishment on August 1, 2023 and subsequently met with Ms. Sohal, owner of the establishment, neither the ABC manager at the time of his visit nor Ms. Sohal provided him with evidence that showed that the quarterly statement was timely filed with ABCA. *Supra*, at ¶ 1. Furthermore, neither Ms. Sohal nor the ABC manager, Ms. Deo entered any evidence into the record that substantiated a timely filing on the date of the evidentiary hearing. For these reasons, the Board is convinced that the Respondent violated D.C. Official Code § 25-113(b)(2)(A) and 23 DCMR § 1207.1, therefore, sustains the single charge.

III. Penalty

5. The Board fines the Respondent \$500 for the single offense.

ORDER

Therefore, the Board, on this 11th day of April 2024, finds Mood Swings Food Hall (formerly Glassey), liable for violating D.C. Official Code § 25-113(b)(2)(A) and 23 DCMR § 1207.1. The Board imposes the following penalty:

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

IT IS FURTHER ORDERED that all fines shall be paid within 30 days of receipt of this Order or the license shall be immediately suspended until all fines are paid.

IT IS FURTHER ORDERED, in accordance with 23 DCMR § 800 (West Supp. 2024), the violations found by the Board in this Order shall be deemed three primary tier violations.

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 omission of any testimony or evidence in the Board's Order indicates that such testimony or evidence was contravened by the evidence or testimony credited by the Board, had no or minimal weight on the Board's findings and conclusions, was irrelevant, was not credible, was not truthful, was repetitious, was too speculative, or was otherwise inappropriate for consideration.

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

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeambaseDocu.com
Donovan Anderson
Key: ac430b9b59d5f0e4b730069d1dccc8

Donovan Anderson, Chairperson

eSigned via SeambaseDocu.com
James Short
Key: 547ae373820de0ac8d1b332d42048e

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).