

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

In the Matter of:)		
)		
)		
HSR, Inc.)	Case No.:	21-CC-00031
t/a New Dodge Market)	License No.:	ABRA-99565
)	Order No.:	2022-199
Holder of a)		
Retailer's Class A License)		
)		
at premises)		
3620 14th Street, N.W.)		
Washington, D.C. 20010)		

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ALSO PRESENT: HSR, Inc., t/a New Dodge Market, Respondent

Janika Jordan, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

INTRODUCTION

The Alcoholic Beverage Control Board (Board) finds that HSR, Inc., t/a New Dodge Market, (hereinafter "Respondent" or "New Dodge Market") violated D.C. Official Code § 25-781(a)(1) on August 22, 2021. The Respondent shall pay a \$3,000 fine and serve an appropriate suspension, as discussed below.

Procedural Background

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on November 16, 2021. *ABRA Show Cause File No. 21-CC-00031*, Notice of Status Hearing and Show Cause Hearing, 2 (Nov. 16, 2021). 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 August 22, 2021,] [y]ou, or another person at the licensed establishment, sold an alcoholic beverage to a person under 21 years of age, in violation of D.C. Code § 25-781(a)(1). . . .

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

Both the Government and Respondent appeared at the Show Cause Status Hearing on January 26, 2022. The parties proceeded to a Show Cause Hearing and argued their respective cases on March 23, 2022. At the hearing, the Respondent did not contest the charges and merely requested to be heard on the issue of an appropriate penalty. *Transcript (Tr.)*, March 23, 2022 at 11. The Government noted that the current offense represented a second sale to minor violation. *Id.* at 12. The Government further noted that the present offense triggered four stayed suspension days from a prior offense in Case No. 20-CC-00065. *Id.* The Respondent indicated that the incident was caused by an employee making a mistake and requested a reduced penalty. *Id.* at 14-15. The Respondent further asked the Board to consider the hardship on the business. *Id.* at 15.

CONCLUSIONS OF LAW

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). In this case, the minimum penalty is a \$3,000 fine and 10-day suspension where some days may be stayed if the licensee obtains appropriate training for staff. D.C. Official Code § 25-781(f)(2). The Board notes that it has no discretion to reduce the penalty below that which is required by the statute.

ORDER

Therefore, the Board, on this 4th day of May 2022, finds HSR, Inc., t/a New Dodge Market, guilty of violating § 25-781. The Board imposes the following penalty:

- (1) For the violation described in Charge I, New Dodge Market shall pay a fine of \$3,000. The Respondent shall also receive a ten (10) day suspension of its license for this offense. Four (4) of the days shall be served, and six (6) of the days shall be stayed on the condition that all employees serving alcohol at the establishment are provided with alcohol awareness training with three (3) months from the date of this Order.

- (2) The stayed suspension days shall go into effect so long as the New Dodge Market does not commit any additional violations within one (1) year from the date of this Order.
- (3) New Dodge Market shall also serve the four (4) stayed suspension days incurred from Case No. 20-CC-00065.

IT IS FURTHER ORDERED that the 8-day suspension of the Respondent's license shall start on May 16, 2022, and end at 11:59 p.m. on May 19, 2022, and the rest of the suspension shall be served on May 23, 2022, and end at 11:59 p.m. on May 26, 2022.

IT IS FURTHER ORDERED that the Respondent must pay all fines imposed by the Board within one hundred and twenty (120) 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 (West Supp. 2022), the violations found by the Board in this Order shall be deemed a primary 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

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac430bb9b26d5d0e4b730093d1dccc8

Donovan Anderson, Chairperson

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James Short
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James Short, Member

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Bobby Cato, Member

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Jeni Hansen, Member

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Edward Grandis, Member
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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, 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).