

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

In the Matter of:)		
)		
Sandra Molina)	Case No.:	21-MGR-00008
)	License No.:	ABRA-116803
)	Order No.:	2022-122
Holder of an)		
ABC Manager's License)		
)		

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

ALSO PRESENT: Sandra Molina, Respondent

Collin Cenci, 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 Sandra Molina, (Respondent) violated D.C. Official Code § 25-120(i)(A)(i) by selling alcohol to a minor on two or more occasions within the past three years. Based on the repetitive nature of the violation, the Board revokes the Respondent's license.

Procedural Background

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on October 25, 2021. *ABRA Show Cause File No. 21-MGR-00008*, Notice of Status Hearing and Show Cause Hearing, 2 (Oct. 25, 2022). 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 28, 2021,] [y]ou sold an alcoholic beverage to a person under 21 years of age on two or more dates, in violation of D.C. Official Code § 25-781 . . . [and] D.C. Code § 25-120(i)(A)(i).

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

The Show Cause Status Hearing in this matter was held on December 1, 2021. The parties proceeded to a Show Cause Hearing and argued their respective cases on January 26, 2022.

FINDINGS OF FACT

The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file, makes the following findings:

1. Sandra Malina holds an ABC Manager's License. *ABRA License No. 116803*. ABRA Investigator Tavril Prout conducted a compliance check at Rioja Market on August 28, 2021, at around 5 p.m. *Transcript (Tr.)*, 1/26/22 at 9-10. As part of the check, Investigator Prout was accompanied by an 18-year old undercover minor. *Id.* at 10, 16. Both the investigator and the undercover minor entered the premises. *Id.* at 10. Inside, the minor took a Bud Light beer from the store's refrigerator. *Id.* The minor then went to the cash register to purchase the drink. *Id.* At that time, Ms. Molina was attending the store's cash register. *Id.*

2. At the cash register, Ms. Molina requested identification and the minor presented their identification. *Id.* at 11. Even though Ms. Molina reviewed the identification, she sold the minor the beer for \$2.75. *Id.* at 11-12. The minor then left the premises with a beer in his hand. *Id.* at 12. At the hearing, Ms. Molina did not dispute the facts but indicated that she was distracted. *Id.* at 23-24.

3. ABRA's records show that she previously sold alcohol to a minor on July 31, 2020. *Id.* at 17.

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). In this matter, the Board shall only base its decision on the "substantial evidence" contained in the record. 23 DCMR § 1718.3 (West Supp. 2022). 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).

5. In this case, D.C. Official Code § 25-120 provides that

(i)(A) The Board may fine, suspend, revoke, or not renew the manager's license of a manager who within the prior 3 years has:

(i) Directly sold an alcoholic beverage to a minor on 2 or more dates;

D.C. Code § 25-120(i)(A)(i). In this case, the investigator observed the sale of beer to an 18-year-old on August 28, 2021. *Supra*, at ¶ 1. Furthermore, the Respondent previously sold alcohol to a minor on July 31, 2020. *Supra*, at ¶ 3. Consequently, the Board sustains Charge I.

ORDER

Therefore, the Board, on this 23rd day of March 2022, finds Sandra Molina guilty of violating D.C. Official Code § 25-120. The Board imposes the following penalty:

- (1) For the violation described in Charge I, the Respondent's license shall be **REVOKED**. The Respondent shall be permitted to apply for a new license on March 23, 2024, pursuant to D.C. Official Code § 25-120(i)(C).

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: ac430b06c9d5f00e4c730009d1dccc8

Donovan Anderson, Chairperson

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James Short
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James Short, 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).