

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

In the Matter of:

La Trattoria, LLC
t/a Siroc

Holder of a
Retailer's Class CR License

at premises
915 15th Street, N.W.
Washington, D.C. 20005

Case No.: 19-CIT-00025
License No.: ABRA-080975
Order No.: 2019-531

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

ALSO PRESENT: La Trattoria, LLC, t/a Siroc, Respondent

Lindsay Marks, 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) issues a warning to La Trattoria, LLC, t/a Siroc, (hereinafter "Respondent" or "Siroc") for failing to have a licensed manager present while the business was in operation on January 10, 2019.

Procedural Background

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on April 3, 2019. *ABRA Show Cause File No. 19-CIT-00025*, Notice of Status Hearing and Show Cause Hearing, 2 (Apr. 3, 2019). The Alcoholic Beverage Regulation Administration (ABRA) served the Notice on the Respondent, located at premises 915 15th Street, N.W., Washington, D.C., on April 8, 2019. *ABRA Show Cause File No. 19-CIT-00025*, Service Form. 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 January 10, 2019,] [y]ou failed to superintend in person or keep a Board-approved ABC Manager on duty during your establishment's licensed hours of sales in violation of D.C. Code § 25-701 and 23 DCMR § 707.1

Notice of Status Hearing and Show Cause Hearing, 2.

Both the Government and Respondent appeared at the Show Cause Status Hearing on May 9, 2019. The parties proceeded to a Show Cause Hearing and argued their respective cases on June 5, 2019.

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. Siroc holds a Retailer's Class CR License at 915 15th Street, N.W., Washington, D.C. *ABRA License No. 19-CIT-00025*. On January 10, 2019, ABRA Investigator Kevin Puente entered the Respondent's establishment at around 10:12 p.m. and observed the business in operation. *Transcript (Tr.)*, June 5, 2019 at 8-9. Staff indicated that no manager was present, but that the manager would return to the premises shortly. *Id.* at 8-9. The owner indicated that after the incident, the establishment had three of its employees obtain manager's licenses to avoid future incidents. *Id.* at 19.

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. 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. 2019). 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).

3. It is uncontested that the Respondent operated without a licensed manager present on January 10, 2019. *Supra*, at ¶ 1. Nevertheless, the Respondent has no prior violations on its record since 2014 and no history of committing primary tier violations as of the date of the show cause hearing. *Investigative History*, Siroc, ABRA License No. 080975 (Jun. 6, 2019). The licensee has also sought to prevent future violations by having three employees obtain manager's licenses. Under these circumstances, the Board issues a warning for the offense.

ORDER

Therefore, the Board, on this 10th day of July 2019, issues La Trattoria, LLC, t/a Siroc, a **WARNING** for the above-cited offense. The ABRA shall deliver copies of this Order to the Government and the Respondent.

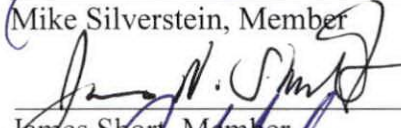
District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson

Nick Alberti, Member



Mike Silverstein, Member



James Short, Member



Bobby Cato, Member

Rema Wahabzadah, Member

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).