

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

In the Matter of:)	
)	
)	
Southeast Restaurant Group)	Case No.: 19-CIT-00541
t/a Wicked Bloom)	License No.: ABRA-103208
)	Order No.: 2020-165
Holder of a)	
Retailer's Class Caterer's License)	
)	
at premises)	
1540 North Capitol Street, N.W.)	
Washington, D.C. 20002)	

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

ALSO PRESENT: Southeast Restaurant Group, t/a Wicked Bloom, Respondent

Walter Adams, 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 Southeast Restaurant Group, t/a Wicked Bloom, (hereinafter "Respondent" or "Wicked Bloom") violated 23 DCMR § 2006.1 (West Supp. 2021) for failing to file the required catering report for the period ending on June 30, 2019. The Respondent shall pay a fine of \$250 for the offense.

Procedural Background

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on January 13, 2020. *ABRA Show Cause File No. 19-CIT-00541*, Notice of Status Hearing and Show Cause Hearing, 2 (Jan. 20, 2020). 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: You failed to timely file a semiannual Caterer's Report, in violation of 23 DCMR § 2006.1 [for the period ending on June 30, 2019.]

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

The parties proceeded to a Show Cause Hearing and argued their respective cases on March 3, 2021.

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. Wicked Bloom holds a Caterer's License at 1540 North Capitol Street, N.W., Washington, D.C. *ABRA License No. ABRA-103208*. The parties stipulated to the facts contained in the Notice; namely, that the Respondent failed to timely file its semiannual caterer's report for the period running from January 1, 2019, to June 30, 2019, and which had to be filed by July 30, 2019. *Transcript (Tr.)*, Mar. 3, 2020 at 4. The parties further stipulated that the report was filed on September 5, 2019, after the deadline. *Id.* at 4-5, 7.

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).

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. 2021). 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).

I. The Respondent Failed to Timely File its Caterer's Report Pursuant to 23 DCMR § 2006.1.

4. Section 2006.1 requires that licensees holding a Caterer's License shall semiannually file a required report by the legal deadline. 23 DCMR §§ 2006.1, 2006.5 (West Supp. 2021). In this case, the parties stipulated that the required report was not filed until after the deadline. Therefore, the Board sustains the charge.

II. Penalty

5. The present violation constitutes a first level secondary violation. *Tr.*, 3/3/21 at 9. The minimum fine level for a first level secondary offense is \$250. *Id.* Finally, the Board is aware of the licensee's request to waive the fine; nevertheless, the Board cannot issue the warning in this case where a warning has already been issued to the Respondent for a prior incident. 23 DCMR § 805.2 (West Supp. 2021).

ORDER

Therefore, the Board, on this 7th day of April 2021, finds the Respondent **LIABLE** of violating § 2006.1. The Board imposes the following penalty:

(1) For the violation described in Charge I, the Respondent shall pay a fine of \$250.

IT IS FURTHER ORDERED that the Respondent must pay all fines imposed by the Board within one-hundred 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 § 800.1, the violation found by the Board in this Order shall be deemed a secondary 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 SeamlessDocz.com
Donovan Anderson
Key: 843C8097048684270000418028

Donovan Anderson, Chairperson

eSigned via SeamlessDocz.com
James Short
Key: 3470e3709270e6e81107020420454

James Short, Member

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Bobby Cato
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Bobby Cato, Member

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Jeni Hansen, Member

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Edward Grandis, Member
Key: 5077fda7f89f9040ec14adeb02541ee5

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).