

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

In the Matter of:)	
)	
JRC Group, LLC)	
t/a Old Dominion Brew House)	
Holder of a Retailer's Class CR License)	Case No. 11-CMP-00416
)	License No. ABRA-072288
)	Order No. 2013-011
at premises)	
1219 9 th Street, N.W.)	
Washington, D.C. 20001)	

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member

ALSO PRESENT: Michael Stern, Senior 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

On September 26, 2012, the Alcoholic Beverage Control Board (Board) served a Notice of Status Hearing and Show Cause Hearing (Notice), dated August 8, 2012, on JRC Group, LLC, t/a Old Dominion Brew House (Respondent), at premises 1219 9th Street, N.W., Washington, D.C., charging the Respondent with the following violation:

Charge I: The Licensee failed to file a quarterly statement in the manner prescribed by the Board, in violation of D.C. Official Code § 25-113(b)(2)(A) (2012), for which the Board may take the proposed action pursuant to D.C. Official Code § 25-823(1) (2012).

The Licensee failed to file a quarterly statement for the period of April 1, 2011 through June 30, 2011.

The Board held a Show Cause Status Hearing on September 19, 2012, and the Respondent failed to appear. The Board's record reflects that the Notice was not properly served on the Respondent for the Show Cause Status Hearing, but that the Respondent was properly served on September 26, 2012, for the Show Cause Hearing. The matter proceeded to a Show Cause Hearing on November 28, 2012. The Respondent failed to appear at the Show Cause Hearing, and the Board proceeded to a hearing pursuant to D.C. Official Code § 25-447(e), which allows for an ex parte proceeding.

The Board having considered the evidence, the testimony of the Government's witness, the arguments of counsel, and the documents comprising the Board's official file, makes the following:

FINDINGS OF FACT

1. The Board issued a Notice of Status Hearing and Show Cause Hearing, dated August 8, 2012. *See* Alcoholic Beverage Regulation Administration (ABRA) Show Cause File No. 11-CMP-00416. The Respondent holds a Retailer's Class CR license and is located at 1219 9th Street, N.W., Washington, D.C. *See* ABRA Licensing File No. ABRA-072288.
2. The Show Cause Hearing was held on November 28, 2012. The Notice charges the Respondent with the single violation enumerated above. *See* ABRA Show Cause File No. 11-CMP-00416.
3. The Government presented its case through the testimony of one witness, ABRA Compliance Analyst, Adeniyi Adejunmobi. *Transcript (Tr.)*, 11/28/12 at 5.
4. Mr. Adejunmobi testified that he is a Compliance Analyst for ABRA, and he is responsible for quarterly statements reports filed by ABC-licensed establishments. *Tr.*, 11/28/12 at 6.
5. Mr. Adejunmobi testified that the Respondent failed to timely file a quarterly statement for the period of April 1, 2011 through June 30, 2011, which was due on July 30, 2011. *Tr.*, 11/28/12 at 6-7. Mr. Adejunmobi stated that the quarterly statement was filed by the Respondent on September 7, 2011. *Tr.*, 11/28/12 at 7.
6. The Respondent failed to appear at the Show Cause Hearing held on November 28, 2012, and did not present any testimony or evidence, nor did the Respondent refute the evidence submitted by the Government. The Respondent did not contact the Office of the Attorney General for the District of Columbia or ABRA to request a continuance. The Board takes administrative notice that Citation #7829 was issued to the Respondent on September 13, 2011, for the amount of \$500.00 for this matter. The Citation #7829 should have been issued for \$250.00 because this was the Respondent's first secondary tier violation within two (2) years. On September 15, 2011, the Respondent requested a hearing.

CONCLUSIONS OF LAW

7. The Board has the authority to suspend or revoke the license of a licensee who violates any provision(s) of Title 25 of the D.C. Official Code pursuant to D.C. Official Code § 25-823(1) (2009). Additionally, pursuant to the specific statutes under which the Respondent was charged, the Board is authorized to levy fines. D.C. Code § 25-830 and 23 DCMR § 800, *et. seq.*

8. In order to hold a Licensee liable for a violation of the ABC laws, the Government must show that there is substantial evidence to support the charge. Substantial evidence is defined as evidence that a “reasonable mind might accept as adequate to support the conclusion” and there must be a “rational connection between facts found and the choice made.” 2461 Corp. v. D.C. Alcoholic Bev. Control Bd., 950 A.2d 50, 52-53 (D.C. 2008).

9. With regard to Charge I, the Board must determine whether the Respondent failed to timely file quarterly statements on the dates and in the manner prescribed by the Board, in violation of D.C. Official Code § 25-113(b)(2)(A).

10. The Board credits the testimony of ABRA Compliance Analyst, Adeniyi Adejunmobi, who testified that the Respondent did not timely file the statutorily required quarterly statements for the second quarter of 2011.

11. Therefore, based upon the above, the Board finds that the Respondent’s violation of D.C. Official Code § 25-113(b)(2)(A), as set forth in Charge I of the Notice to Show Cause, dated August 8, 2012, warrants the imposition of a fine further set forth below.

12. The Board takes administrative notice that this violation is the second secondary tier violation within two years and, thus, warrants a higher fine under D.C. Official Code § 25-830.

ORDER

Based on the foregoing findings of fact and conclusions of law, the Board, on this 9th day of January, 2013, finds that the Respondent, JRC Group, LLC, t/a Old Dominion Brew House, located at 1219 9th Street, N.W., Washington, D.C., holder of a Retailer’s Class CR license, violated D.C. Official Code § 25-113 (b)(2)(A) and 23 DCMR § 2107.1.

The Board hereby **ORDERS** that:

- 1) The Respondent shall pay a fine in the amount of \$500.00 by no later than thirty (30) days from the date of this Order. Failure to remit the fine in a timely manner may subject the Respondent to additional sanctions.

Copies of this Order shall be sent to the Respondent and the Government.

District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson


Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (April 2004) 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).