

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

**In the Matter of:** )  
 )  
 Sofenias Amde )  
 t/a Queen Makeda )  
 )  
 Holder of a Retailer's Class CR License )  
 )  
 at premises )  
 1917 9th Street, N.W. )  
 Washington, D.C. 20001 )

Case Nos. 12-AUD-00026(a)  
12-CMP-00281  
License No. ABRA-060510  
Order No. 2013-057

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

**ALSO PRESENT:** Sofenias Amde, Respondent

Michael Stern, Senior Assistant Attorney General  
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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

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These cases arise from the Notices of Status Hearing and Show Cause Hearing (Notices), dated October 3, 2012 and October 10, 2012, served on October 17, 2012 and October 20, 2012, respectively, on Amde Sofenias, t/a Queen Makeda (Respondent), located at premises 1917 9th Street, N.W., Washington, D.C. The Notices charged the Respondent with the following violations, which if proven true, would justify the imposition of a fine, suspension, or revocation of the Respondent's ABC-license:

Notice dated October 3, 2012:

Charge I: The Respondent failed to file his Quarterly Statement for the period of October – December 2011, in violation of D.C. Official Code § 25-113(b)(2)(A) (2001), for which the Board

may take the proposed action pursuant to D.C. Official Code § 25-823(1) (2001).

The Quarterly Statement for the Respondent for October – December 2011 was due to Alcoholic Beverage Regulation Administration (ABRA) on January 30, 2012.

*ABRA Show Cause File No. 12-AUD-00026(a), Notice of Status Hearing and Show Cause Hearing (Oct. 3, 2012).*

Notice dated October 10, 2012:

**Charge I:** The Respondent sold or served alcoholic beverages on the premises between the hours of 3:00 a.m. and 8:00 a.m. on Saturday, in violation of D.C. Official Code § 25-723, for which the Board may take the proposed action pursuant to D.C. Official Code § 25-823(1) (2001).

On Saturday, July 7, 2012, at approximately 3:25 a.m., an ABRA Investigator visited the establishment to check for after hours violations. There were patrons on the sidewalk and the “Open” sign was still on. Inside, patrons were purchasing and drinking alcoholic beverages. The investigator himself ordered and paid for a beer. The investigator asked Eyob Amde, the manager, to speak with the ABC Manager or Owner. Eyob Amde stated that his brother was the owner. The owner, Sofenias Amde, was not present at the establishment, and arrived later, at which point the investigator advised the owner that his establishment was serving alcoholic beverages after ABC Board approved hours and did not have an ABC Manager or owner on duty.

**Charge II:** The Respondent failed to have a Board approved manager present at the licensed premises during the hours that alcoholic beverages are permitted to be sold, served, or consumed on the licensed premises, in absence of a licensee, in violation of D.C. Official Code § 25-701, for which the Board may take the proposed action pursuant to D.C. Official Code § 25-823(1) (2001).

The facts supporting Charge I above are incorporated herein and made a part hereof.

*ABRA Show Cause File No. 12-CMP-00281, Notice of Status Hearing and Show Cause Hearing (Oct. 10, 2012).*

A Show Cause Status Hearing for Case No. 12-AUD-00026(a) was held on November 14, 2012, and for Case No. 12-CMP-0028 on December 5, 2012. The Respondent did not appear at either hearing. Both matters proceeded to a Show Cause

Hearing on February 20, 2013. At the Show Cause Hearing, the parties stipulated to facts contained in the Notice dated October 3 and the Notice dated October 10, 2012. *Transcript (Tr.)*, 2/20/13 at 4-7.

The Government recommended that the Board fine the Respondent \$2,000.00 for each violation. *Tr.*, 2/20/13 at 14. However, the Respondent stated that the fine recommended by the Government was too much of a financial burden. *Tr.*, 2/20/13 at 15.

Based on the stipulated facts, the Board finds that the Respondent violated D.C. Official Code § 25-113(b)(2)(A), on February 1, 2012, by failing to file his Quarterly Statement for the period of October – December 2011. The Board also finds that on July 7, 2012, the Respondent violated D.C. Official Code § 25-723, by selling or serving alcoholic beverages on the premises after his approved hours. The Board also finds that the Respondent violated § 25-701, by permitting the establishment to operate without the presence of a Board-approved Manager.

The Board takes administrative notice that these violations are the tenth secondary tier violation within four years and the second primary tier violation within two years, and thus, warrants the imposition of a fine as set forth below.

### **ORDER**

Therefore, based on the foregoing findings of fact and conclusions of law, the Board, on this 17<sup>th</sup> day of April, 2013, finds that the Respondent, Sofenias Made, t/a Queen Makeda, located at 1917 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), 25-723, and 25-701.

The Board hereby **ORDERS** that:

Case No. 12-AUD-00026(a):

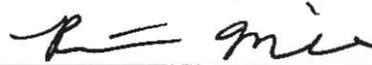
- 1) Charge I: Respondent shall pay a fine in the amount of \$4,000.00.

Case No. 12-CMP-00281:

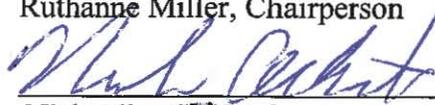
- 2) Charge I: Respondent shall pay a fine in the amount of \$2,000.00.
- 3) Charge II: Respondent shall pay a fine in the amount of \$4,000.00.
- 4) In total, the Respondent shall pay a fine in the amount of \$10,000 by no later than sixty (60) days from the date of this Order. Failure to remit the 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.

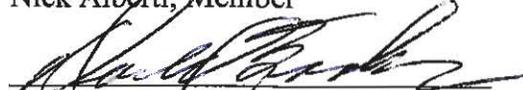
District of Columbia  
Alcoholic Beverage Control Board



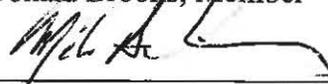
Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member

I concur with the majority's decision as to its finding of the Respondent's liability, but I dissent as to the penalty selected by the majority of the Board.

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Herman Jones, Member

Pursuant to D.C. Official Code § 25-433, 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 14<sup>th</sup> 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 D.C. Official Code § 25-433, 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).