

- Charge I: The Respondent failed to follow the Alcoholic Beverage Control Board (Board) approved hours of operation according to the establishment's Entertainment Endorsement in violation of District of Columbia Official Code § 25-113a and 23 DCMR § 1000.5.
- Charge II: The Respondent failed to make a copy of the establishment's Voluntary Agreement immediately accessible to an Alcoholic Beverage Regulation Administration (ABRA) official in violation of District of Columbia Official Code § 25-711(b).
- Charge III: The Respondent failed to follow the Board approved hours to offer entertainment according to the establishment's Voluntary Agreement in violation of District of Columbia Official Code § 25-446(c).

The Board held the Show Cause Status Hearing in this matter on September 21, 2011. The matter proceeded to a Show Cause Hearing on November 2, 2011. During the hearing, the Board approved the Government's Motion to Dismiss Charge II and Charge III, because the Respondent had already paid the fines for those violations. *Transcript (Tr.)*, November 2, 2011 at 4.

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

FINDINGS OF FACT

1. Humberto Lopez, the establishment's owner, admits that the Respondent committed the violation described in Charge I. *Tr.*, 11/2/11 at 7.
2. Mr. Lopez stipulated to the following facts that form the basis for Charge I in the Notice of Status Hearing and Show Cause Hearings, dated August 10, 2011:

On Wednesday, May 18, 2011, at approximately 8:40 p.m., an Alcoholic Beverage Regulation Administration ("ABRA") Investigator visited the establishment because he heard loud music coming from the establishment. Mr. Humberto Lopez identified himself as the owner of the establishment and the Investigator explained his reason for his visit. The Investigator conducted a Regulatory Inspection and requested to review all of the establishment's licenses. While reviewing the ABC License, the Investigator noticed the establishment had an Entertainment Endorsement but the Endorsement did not allow entertainment on Wednesdays. The Investigator informed Mr. Lopez that although the establishment had an Entertainment Endorsement, the Board did not previously allow the establishment to offer entertainment on Wednesdays. The Investigator informed Mr. Lopez that providing entertainment without Board approval is an ABRA violation.

Notice of Status Hearing and Show Cause Hearings, 2.

CONCLUSIONS OF LAW

3. The Board has the authority to suspend or revoke the license of a licensee who violates any provision of Title 25 of the District of Columbia Official Code pursuant to District of Columbia Official Code § 25-823(1). Additionally, pursuant to the specific statutes under which the Respondent was charged, the Board is authorized to levy fines. D.C. Code § 25-830; 23 DCMR § 800, *et seq.*
4. The Respondent admitted that it offered entertainment on Wednesday, May 18, 2011, without approval from the Board. Supra, at ¶ 1-2. Therefore, we find that the Respondent committed the violation described in Charge I.

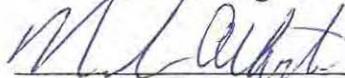
ORDER

Based on the foregoing findings of fact and conclusions of law, the Board, on this 8th day of February 2012, finds that the Respondent, Humberto Lopez, t/a Restaurant Judy, violated of District of Columbia Official Code § 25-113a and 23 DCMR § 1000.5 The Board hereby **ORDERS** that

- (1) the Respondent shall pay a \$750.00 fine by no later than thirty (30) days from the date of this Order; and
- (2) Charge II and Charge III are dismissed.

The Alcoholic Beverage Regulation Administration shall deliver copies of this Order to the Government and the Respondent.

District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Interim Chairperson



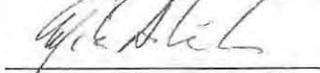
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, 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, Reeves Center, 2000 14th Street, N.W., 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, District of Columbia 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).