

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

In the Matter of:	)	
Jonai Morse	)	
Applicant for Sierra Catering	)	
Holder of a Temporary G License	)	License Number: ABRA-086514
Mailing Address	)	Case Number: 11-CMP-00141
1354 Leegate Road, N.W.	)	Order Number: 2013-013
Washington, D.C. 200012	)	

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

**ALSO PRESENT:** Amy Schmidt, Assistant Attorney General  
Office of Attorney General, 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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On September 12, 2012, the Alcoholic Beverage Control Board (Board) served a Notice of Status Hearing and Show Cause Hearing (Notice), dated July 18, 2012, on Jonai Morse, Applicant for Sierra Catering (Respondent), charging the Respondents with the following violation:

Charge I: The Respondent failed to follow a Board Order in violation of D.C. Official Code § 25-823(6) (2001) in that the Respondent failed to pay a fine as ordered by the Board on March 28, 2012, and for which

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

A Show Cause Status Hearing was held October 17, 2012, and the Respondent failed to appear. 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.

### FINDINGS OF FACT

1. The Board issued a Notice of Status Hearing and Show Cause Hearing, dated July 18, 2012. *See* Alcoholic Beverage Regulation Administration (ABRA) Show Cause File No. 11-CMP-00141. The Respondent held a Temporary G License on February 26, 2011, for a Black Tie Annual Event for Hampton University College, which was held at 801 K Street, N.W., Washington, D.C. *See* ABRA Licensing File No. ABRA-086514.
2. The Show Cause Hearing in this matter was held on November 28, 2012. The Notice to Show Cause charged the Respondent with the single violation enumerated above. *See* ABRA Show Cause File No. 11-CMP-0014.
3. The Government presented its case through the testimony of one witness, ABRA Supervisory Records and Data Management Specialist, William Hager. *Transcript (Tr.)*, 11/28/12 at 4. Mr. Hager testified that the fine imposed on the Respondent in the amount of \$2,600.00 by Board Order No. 2012-115, dated March 28, 2012, had not been paid. *Tr.*, 11/28/12 at 5. Mr. Hager also testified that the Respondent had not applied for any new temporary license. *Tr.*, 11/28/12 at 5.
4. 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 Board takes administrative notice that a Notice of Delinquency, dated April 30, 2012, was mailed to the Respondent, requesting the payment of \$2,600.00 imposed by Order No. 2012-115 and which payment was now overdue.

### CONCLUSIONS OF LAW

5. 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 D.C.M.R. 800, *et seq.*

6. The Board finds that the Government has proven the charge against the Respondent. The Government's witness, William Hager, testified that he is the Supervisor of Records and Data Management Specialist and as such, he had no record of any payment of the fine by the Respondent. It is evident to the Board that the Respondent failed to comply with the terms of Board Order No. 2012-115 by failing to pay her \$2,600.00 fine within thirty (30) days from receipt of the Order in violation of D.C. Official Code § 25-823 (2009).

7. Therefore, based upon the above, the Board finds that the Respondent's violation of D.C. Official Code § 25-823(6) as set forth in Charge I of the Notice to Show Cause, dated July 18, 2012.

8. In light of the above, pursuant to D.C. Official Code § 25-823, the Board is obligated to impose a penalty of no less than \$2,000.00 because this violation was the Respondent's second primary tier violation within two (2) years. D.C. Official Code § 25-830(c)(1)(B).

### **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, Jonai Morse, Applicant for Sierra Catering, violated D.C. Code § 25-823.

The Board hereby **ORDERS** that:

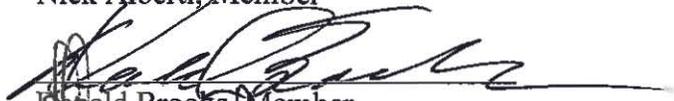
1. The Respondent shall pay the fine issued in Board Order No. 2012-115 in the amount of \$2,600.00 by no later than thirty (30) days from the date of this Order.
2. In addition, the Respondent shall pay another fine in the amount of \$2,000.00 by no later than thirty (30) days from the date of this Order for violating D.C. Code § 25-823 by failing to pay the fine originally levied by the Board in Order No. 2012-115. Failure to remit the fine in a timely manner may subject the Respondent to additional sanctions.
2. Neither the Respondent, nor any entity or licensee with whom the Respondent is affiliated, shall be approved for Temporary or One Day Substantial Change Licenses until the fines have been paid.

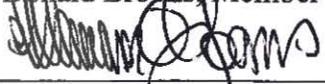
Copies of this Order shall be sent to the Respondent and the Government.

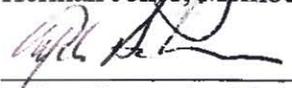
District of Columbia  
Alcoholic Beverage Control Board

  
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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 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 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).