

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

In the Matter of:)	
)	
Central Wines, LLC)	
t/a Central Liquors)	
)	Case No. 12-CMP-00262
Holder of a Retailer's Class A License)	License No. ABRA-086268
)	Order No. 2013-046
at premises)	
625 E Street, N.W.)	
Washington, D.C. 20004)	

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

ALSO PRESENT: Raj Singh, on behalf of Central Wines, LLC, t/a Central Liquors,
Respondent

Amy Schmidt, 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 November 11, 2012, the Alcoholic Beverage Control Board (Board) served a Notice of Status Hearing and Show Cause Hearing (Notice), dated November 7, 2012, on Central Wines, LLC, t/a Central Liquors (Respondent), at premises 625 E Street, N.W., Washington, D.C., charging the Respondent with the following violation:

Charge I: The Respondent failed to have an ABC Manager on the licensed premises during the sale, service, or consumption of alcoholic beverages, in violation of D.C. Official Code § 25-701 (2012) and 23 DCMR § 707, for which the Board may take the proposed action pursuant to D.C. Official Code § 25-823(3) (2012).

The Board held a Show Cause Status Hearing on December 12, 2012, and the Respondent failed to appear. The Board's record reflects that on November 26, 2012, the Respondent requested to postpone the Show Cause Status Hearing. The Board denied the request on December 12, 2012, and scheduled a Show Cause Hearing for January 23, 2013.

The Show Cause Hearing was held on January 23, 2013, in accordance with D.C. Official Code § 25-447(e). The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, 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 to the Respondent, dated November 7, 2012. *See* Alcoholic Beverage Regulation Administration (ABRA) Show Cause File No. 12-CMP-00262. The Respondent holds a Retailer's Class A license and is located at 625 E Street, N.W., Washington, D.C. *See* ABRA Licensing File No. ABRA-086268.
2. The Show Cause Hearing was held on January 23, 2013. *See* ABRA Show Cause File No. 12-CMP-00262. The Notice charges the Respondent with the single violation enumerated above. *See* ABRA Show Cause File No. 12-CMP-00262.
3. The Government presented its case through the testimony of one witness, ABRA Investigator Felicia Martin. *Transcript (Tr.)*, 1/23/13 at 3.
4. Investigator Martin testified that on May 24, 2012, she visited the Respondent's establishment to conduct a regulatory inspection. *Tr.* 1/23/13 at 4-5. Investigator Martin stated that after entering the establishment, she observed a female patron purchasing a bottle of wine. *Tr.* 1/23/13 at 4-5. Investigator Martin testified that she asked the cashier if he was the ABC-licensed manager or the owner. The cashier informed Investigator Martin that he was neither the ABC-licensed manager nor the owner, but he would contact the owner. *Tr.* 1/23/13 at 5. Investigator Martin testified that the cashier made a telephone call and approximately three to five minutes later, Raj Singh walked from the sidewalk into the establishment and identified himself as the owner. *Tr.* 1/23/13 at 6-7. Investigator Martin testified that she advised Mr. Singh that the establishment was in violation for selling alcoholic beverages without having an ABC-licensed manager or an owner present. *Tr.* 1/23/13 at 8.
5. Investigator Martin testified that she gave Mr. Singh a verbal warning for not posting the required pregnancy sign or window lettering. *Tr.* 1/23/13 at 9. Investigator Martin stated that she issued a citation to the Respondent for not having an ABC-licensed manager on duty. *Tr.* 1/23/13 at 9. *See* ABRA Show Cause File No. 12-CMP-00262. Investigator Martin also testified that the Respondent's employee stated that the owner was behind the building. *Tr.* 1/23/13 at 16.
6. The Respondent, Raj Singh, testified that he was standing outside in the alleyway right next to the establishment, when he received a telephone call from his employee. *Tr.*

1/23/13 at 24-25. Mr. Singh testified that when his employee informed him that an ABRA investigator was looking for him, he was in the alleyway, outside the front door, talking to a vendor about the prices of products. *Tr.* 1/23/13 at 25-26.

7. Mr. Singh testified that Investigator Martin informed him that he did not have a pregnancy sign posted, nor was there an ABC-licensed manager on duty. *Tr.* 1/23/13 at 26. Mr. Singh testified that he informed Investigator Martin that he did not need to have an ABC-licensed manager, because he was the owner and he was on the premises. *Tr.* 1/23/13 at 26.

8. Mr. Singh testified that Investigator Martin provided him with a pregnancy sign. *Tr.* 1/23/13 at 27. Mr. Singh testified that Investigator Martin stated that she could give him either a citation for not having a pregnancy sign posted, or a citation for not having an ABC-licensed manager on premises. *Tr.* 1/23/13 at 27. Mr. Singh testified that he asked Investigator Martin to give him a citation for not having a pregnancy sign posted. *Tr.* 1/23/13 at 27. Mr. Singh testified that Investigator Martin decided to give him a citation for not having an ABC-licensed manager on premises instead of a citation for not having a pregnancy sign posted. *Tr.* 1/23/13 at 27. *See* Respondent's Exhibit 1.

9. Mr. Singh testified that Investigator Martin informed him that he did not have window lettering, and she could give him a citation for that violation too. *Tr.* 1/23/13 at 27.

10. Mr. Singh testified that he was on the premises when Investigator Martin gave him the citation for not having an ABC-licensed manager on premises. *Tr.* 1/23/13 at 32.

11. The Board takes administrative notice that Mr. Singh is the owner of Central Wines, LLC, t/a Central Liquors. *See* ABRA Licensing File No. ABRA-086268.

CONCLUSIONS OF LAW

12. 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.*

13. 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).

14. The Board finds that the Government has not proven that the Respondent violated D.C. Official Code § 25-701, not having an ABC Manager on the licensed premises during the sale, service, or consumption of alcoholic beverages. The Board credits the testimony of Mr. Singh who testified that he was on the premises, conducting business in the alleyway, when Investigator Martin visited his establishment. The Board is confident that

there was adequate supervision of the premises during the sale of alcoholic beverages, even if Mr. Singh was out in the alley. Therefore, the Board dismisses Charge I as being unsubstantiated.

ORDER

Based on the foregoing findings of fact and conclusions of law, the Board, on this 20th day of February, 2013, finds that the Respondent, Central Wines, LLC, t/a Central Liquors, located at 625 E Street, N.W., Washington, D.C., holder of a Retailer's Class A license, did not violate D.C. Official Code § 25-701.

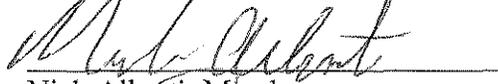
The Board hereby **ORDERS** that Charge I be **DISMISSED**.

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

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



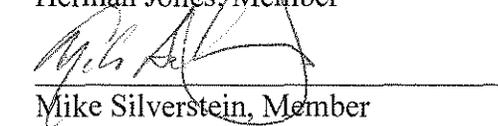
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member

Pursuant to 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 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 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).