

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

_____)	
In the Matter of:)	
)	
Twin T's LLC)	License No.: 88119
t/a DC Shenanigans)	Case No.: 12-CC-00051
)	Order No.: 2013-351
)	
)	
)	
Holder of a Retailer's Class CT License)	
at premises)	
2450 18th Street, N.W.)	
Washington, D.C. 20009)	
_____)	

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

ALSO PRESENT: Twin T's LLC, t/a DC Shenanigans, Respondent

Emanuel Mpras, Esq., on behalf of the Respondent

Chrissy Gephardt, Assistant Attorney General,
on behalf of the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**ORDER DENYING RESPONDENT'S MOTION FOR RECONSIDERATION AND
PETITION FOR STAY**

INTRODUCTION

The Alcoholic Beverage Control Board (Board) found Twin T's LLC, t/a DC Shenanigans, (Respondent) guilty of multiple underage drinking related violations on March 18, 2012, and May 17, 2012. In re Twin T's LLC, t/a DC Shenanigans, Case Nos. 12-CC-00057, 12-CC-00051, Board Order No. 2013-181, 6 (D.C.A.B.C.B. May 22, 2013). In response to this Order, the Respondent has filed a Motion for Reconsideration asking the Board to stay our Order

and reconsider the penalty selected by the Board in Case Number 12-CC-00057. In justifying its request, the Respondent claims that the Alcoholic Beverage Regulation Administration (ABRA) and the Metropolitan Police Department (MPD) violated the First Amendment by targeting its “Irish-themed establishment” on St. Patrick’s Day for underage drinking enforcement, and that the Board lacked substantial evidence to find the Respondent in violation of the District’s underage drinking laws. Mot. for Recon., 1.

The Government argues the Board should deny the Respondent’s request, because the Respondent waived these arguments by failing to raise them at the Show Cause Hearing. Opp., 1. According to the Government, “if the petition is based in whole or in part on a new matter, that matter shall be set forth in an affidavit and be accompanied by a statement that the petitioner could not by due diligence have known or discovered the new matter prior to the date the case was presented to the Board for decision.” 23 DCMR § 1719.4 (West Supp. 2013); Opp, 2. We agree with the Government that the Respondent could have raised its First Amendment claims at the Show Cause Hearing and had adequate opportunity to address whether the Respondent committed the underage drinking violations based on the Notice and Case Reports available before the hearing. Opp., 2. Therefore, we conclude that the Respondent failed to exercise due diligence and should have known or discovered the matters it raised in its Motion for Reconsideration prior the hearing. Opp. 2-3. As a result, the Respondent is not entitled to raise either of its arguments at this late-stage.

Even if the Respondent were entitled to raise claims that should have been raised at the Show Cause Hearing, we would reject the Respondent’s farcical constitutional claims. A quick review of the record reveals that ABRA and MPD had good reason to conduct an underage enforcement check of the establishment. As ABRA Investigator Erin Mathieson testified on the record, ABRA and MPD “were doing routine identification checks throughout the District for St. Patrick’s Day.” *Transcript*, May 13, 2013, at 35. Investigator Mathieson also noted that the Respondent was targeted for investigation, because it had a long history of underage drinking issues and Catholic University has repeatedly complained about underage drinking at the establishment. *Id.* at 35, 50; see also In re Twin T’s LLC, t/a DC Shenanigans, Board Order No. 2013-181, ¶ 3. Therefore, if we reached the issue, we would not credit the Respondent’s claim that ABRA and MPD targeted it for being Irish-themed or celebrating St. Patrick’s Day; therefore, the Respondent’s First Amendment claims lack merit and are unsupported by the record.

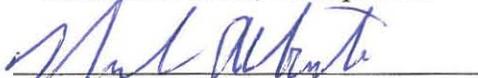
ORDER

For these reasons, the Board, on this 17th day of July 2013, hereby **DENIES** the Motion for Reconsideration and Petition for Stay filed by Twin T’s LLC, t/a DC Shenanigans. Accordingly, because the original suspension days chosen by the Board have elapsed, we now suspend the Respondent’s license beginning August 22, 2013, and ending at midnight on August 26, 2013. All other terms and conditions found in Board Order No. 2013-181 shall remain in full force and effect. The ABRA shall deliver copies of this Order to the Government and the Respondent.

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, 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).