

**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-00057
	)	12-CC-00051
	)	Order No.: 2013-181
	)	
	)	
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

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

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**INTRODUCTION**

The Alcoholic Beverage Control Board (Board) finds that Twin T's LLC, t/a DC Shenanigans, (Respondent) violated District of Columbia (D.C.) Official Code §§ 25-781(a)(1) and 25-783(b) on March 18, 2012, and May 17, 2012. The Respondent shall pay an \$8,000 fine and have its license suspended for ten (10) days. The suspension shall run from June 1, 2013, to June 10, 2013.

### *Procedural Background*

This case arises from the Notice of Status Hearing and Show Cause Hearing (First Notice), which the Board executed on September 6, 2012, as part of Case Number 12-CC-00051. The Alcoholic Beverage Regulation Administration (ABRA) served the First Notice on the Respondent, located at premises 2450 18th Street, N.W., Washington, D.C., on September 14, 2012. In addition, the Board executed a second Notice of Status Hearing and Show Cause (Second Notice) on November 15, 2012, as part of Case Number 12-CC-00057. The ABRA served the Second Notice on the Respondent on November 20, 2012.

Both Notices charged the Respondent with a number of violations, which if proven true, would justify the imposition of a fine, suspension, or revocation of the Respondent's ABC-license.

Specifically, the First Notice, in Case Number 12-CC-00051, charged the Respondent with the following violations:

- Charge I: [On March 18, 2012,] [y]ou permitted the sale of an alcoholic beverage to a person under 21 years of age, in violation of D.C. [Official] Code § 25-781(a)(1) . . . .
- Charge II: [On March 18, 2012,] [y]ou failed to take steps reasonably necessary to ascertain whether the persons you served alcoholic beverages to is of legal drinking age, in violation of D.C. [Official] Code § 25-783(b) . . . .

*ABRA Show Cause File No.*, 12-CC-00051, Notice of Status Hearing and Show Cause Hearing, 2-3 (Sept. 6, 2012).

Furthermore, the Second Notice, in Case Number 12-CC-00057, charged the Respondent with the following violations:

- Charge I: [On May 17, 2012,] [y]ou permitted the sale of an alcoholic beverage to a person under 21 years of age, in violation of D.C. [Official] Code § 25-781(a)(1) . . . .
- Charge II: [On May 17, 2012,] [y]ou failed to take steps reasonably necessary to ascertain whether the persons you served alcoholic beverages to is of legal drinking age, in violation of D.C. [Official] Code § 25-783(b) . . . .

*ABRA Show Cause File No.*, 12-CC-00057, Notice of Status Hearing and Show Cause Hearing, 2-3 (Nov. 15, 2012).

Both the Government and Respondent appeared at the Show Cause Status Hearings for the matters raised in the First Notice on October 24, 2012. The parties appeared at the Show Cause Status Hearing for the matters raised in the Second Notice on January 16, 2013. The

parties proceeded to a Show Cause Hearing for both matters and argued their respective cases on February 20, 2013.

## FINDINGS OF FACT

The Board having considered the evidence contained in the record, the testimony of witnesses, and the documents comprising the Board's official file, makes the following findings:

1. The Respondent holds a CT License, ABRA License Number 88119. *See ABRA Licensing File No. 88119*. The establishment's premises are located at 2450 18th Street, N.W., Washington, D.C. *Id.*

### I. Case Number 12-CC-00057

2. The parties stipulated to the facts contained in Case Report Number 12-CC-00057. *Transcript (Tr.)*, March 13, 2013 at 30-31. According to the Notice,

On Thursday, May 17, 2012, at approximately 7:10 p.m., an Alcoholic Beverage Regulation Administration ("ABRA") Investigator and MPD Officer conducted a compliance check of DC Shenanigans, located at 2450 18<sup>th</sup> Street N.W., Washington, D.C. 20036. They were assisted by two minors ("UCs") who entered your establishment to order and purchase the alcoholic beverages. The UCs, 18 and 19 years old respectively, sat at the bar area. UC1's ID clearly states in red that UC1 is "UNDER 21 UNTIL 08-12-2014," and UC2's ID clearly states in red that UCS is "UNDER 21 UNTIL 03-18-2014." UC1, furnished with ABRA money, ordered two Miller Lite beers, and both UC1 and UC2 touched the glasses that were placed on the bar. The bartender did not ask UC1 or UC2 for identification, and sold the alcoholic beverages to UC1. After they were served, UC1 asked for the check, paid it, and the minors left the establishment. The Investigator and MPD Officer observed the entire transaction between the UCs and the bartender.

Upon their exit, two MPD Officers and two ABRA Investigators entered the establishment to secure and take photographs of the alcoholic beverages. The MPD Officers and Investigators identified themselves and requested to speak with the owner. Thomas Hall approached them, and stated that he was the owner. The Investigator explained to Mr. Hall the violations of sale to a minor and not checking for identification. Mr. Hall read and signed the Sale to Minor Notification.

Notice of Status Hearing and Show Cause Hearing, 2.

### II. Case Number 12-CC-00051

3. ABRA Investigator Erin Mathieson was performing routine identification checks on Sunday, March 18, 2012, with ABRA Investigator Ileana Corrales and members of the Metropolitan Police Department (MPD). *Tr.*, 3/13/13 at 34-36. The investigation team chose to

visit the Respondent's establishment because it had a history of underage drinking sales. Id. at 35.

4. When the team arrived at the establishment, Investigator Mathieson observed a line of patrons outside the establishment. Id. at 37. The team watched the line for approximately ten to fifteen minutes. Id. Investigator Mathieson saw two people at the door checking the identification of patrons. Id.

5. The team approached Thomas Hall, who was standing outside the establishment and checking patron identification documents. Id. The team identified themselves to Mr. Hall and told him that the team would be performing identification checks inside the establishment. Id.

6. Following their conversation with Mr. Hall, the team entered the establishment. Id. at 38. The team then began to check the identifications of patrons holding alcoholic beverages inside the establishment. Id.

7. MPD and ABRA's practice during the investigation was to request the identification of patrons. Id. at 67. If the patron presented a fake identification, the document was confiscated and the officers requested the real one. Id.

8. During this process, Investigator Mathieson noticed that the majority of the patrons began leaving the premises. Id. As people exited the establishment en masse, Investigator Mathieson and MPD Detective Emmons observed a male patron leave the establishment with an alcoholic beverage in his hand. Id.

9. Detective Emmons and Investigator Mathieson detained the individual, determined that he was under the age of twenty-one, and confiscated the alcoholic beverage. Id. Investigator Mathieson observed that many of the patrons inside the establishment were highly intoxicated. Id. at 43.

10. In total, the team found seventeen patrons under the age of twenty-one who were in possession of alcoholic beverages inside the establishment. Id. at 39. Thirteen of the patrons possessed fake identification documents. Id. Two of the patrons possessed an identification document belonging to another person. Id. And two patrons were under the age of twenty-one, and they did not have fake identification documents in their possession. Id. at 46.

11. Investigator Mathieson recalled that one underage suspect stopped by MPD did not have an identification document on her person. Id. at 71. In addition, two underage suspects stopped by the team possessed identification documents belonging to other people, and the pictures on the identification documents did not match the individuals possessing the document. Id. at 72.

12. During the investigation, Investigator Mathieson approached Mr. Hall to advise him of the situation. Id. at 44. Mr. Hall told Investigator Mathieson that the establishment carded everyone and that all of the patrons must have had fake identification documents. Id. at 44. In response, Investigator Mathieson noted that many of the identifications were of poor quality and easily identifiable as fake identifications. Id. at 44-45.

13. At the end of the investigation, Travis McCarthy, the establishment's ABC Manager, signed the regulatory inspection and sale to minor notification forms. *Id.* at 45-46. Investigator Mathieson noted that between the time they entered the establishment and the time the team finished their investigation, the majority of the establishment's patrons had left. *Id.* at 48-49.

14. Mr. Hall testified that he has made changes to the establishment's operations to combat the establishment's reputation as an establishment that serves minors. *Id.* at 80. Mr. Hall stated that he fired the previous employee that he had checking identifications. *Id.* at 87. In addition, the establishment has installed high-resolution cameras at the front door to ensure that the establishment has the ability to prove that it checked the identification of patrons entering the establishment. *Id.* at 94-95.

### CONCLUSIONS OF LAW

15. The Board has the authority to fine, 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). D.C. Code § 25-830 (West Supp. 2013); 23 DCMR § 800, *et seq.* (West Supp. 2013). Furthermore, after holding a Show Cause Hearing, the Board is entitled to impose conditions if we determine "that the inclusion of the conditions would be in the best interests of the locality, section, or portion of the District in which the establishment is licensed." D.C. Code § 25-447 (West Supp. 2013).

#### I. Case Number 12-CC-00057

16. We find that the Respondent sold alcoholic beverages to minors on May 17, 2012. Under § 25-781(a)(1), the Respondent may not sell or deliver alcohol to an individual "under 21 years of age." D.C. Code § 25-781(a)(1) (West Supp. 2013). The record shows that on May 17, 2012, two undercover minors were able to purchase Miller Lite beer from the Respondent, which was observed by MPD officers present in the establishment. *Supra*, at ¶ 2. Therefore, we find the Respondent guilty of Charge I in Case Number 12-CC-00057.

17. We also find that the Respondent failed to take reasonable measures to ascertain the age of individuals purchasing alcohol on May 17, 2012. Under § 25-783(b), the Respondent and its agents must "take steps reasonably necessary to ascertain whether any person to whom the licensee sells, delivers, or serves an alcoholic beverage is of legal drinking age. D.C. Code § 25-783(b) (West Supp. 2013). Here, we cannot say that the Respondent took reasonable steps to ascertain the age of the minors when the Respondent's bartender failed to ask the minors for identification before completing the sale. *Supra*, at ¶ 2. Therefore, we find the Respondent guilty of Charge II in Case Number 12-CC-00057.

#### III. Case Number 12-CC-00051

18. Additionally, on March 18, 2012, we conclude that the Respondent, at the very least, unjustifiably sold alcohol to two minors, and failed to take reasonable steps to ascertain their ages in violation of the law. ABRA investigators and MPD officers found seventeen patrons under the age of twenty-one inside the establishment and in possession of alcoholic beverages.

Supra, at ¶ 10. During the hearing, we heard arguments regarding whether the licensee should be responsible for patrons that may have been hiding their identifications or possessed sophisticated fake identification documents. There is no need to reach this issue, because there was no excuse for the Respondent to deliver alcoholic beverages to the two underage patrons that presented identifications with pictures that did not match the bearers. Supra, at ¶ 11. The Board notes that checking whether the picture on an identification document matches the bearer is the hallmark of a responsible and reasonable identification-checking procedure. Based on these facts, we find the defendant violated both D.C. Official Code §§ 25-781(a)(1) and 25-783(b) on March 18, 2012.

### ORDER

Therefore, based on the foregoing findings of fact and conclusions of law, the Board, on this 22nd day of May 2013, finds that Twin T's LLC, t/a DC Shenanigans, committed multiple violations of D.C. Official Code §§ 25-781 and 25-783 in Case Numbers 12-CC-00057 and Case Number 12-CC-00051. Accordingly, the Board imposes the following penalty on the licensee:

- (1) For the violation described in Charge I, in Case Number 12-CC-00051, the Respondent shall pay a fine of \$3,000. The Respondent shall also receive a five (5) day suspension of its license for this offense;
- (2) For the violation described in Charge II, in Case Number 12-CC-00051, the Respondent shall pay a fine of \$1,000;
- (3) For the violation described in Charge I, in Case Number 12-CC-00057, the Respondent shall pay a fine of \$3,000. The Respondent shall also receive a five (5) day suspension of its license for this offense; and
- (4) For the violation described in Charge II, in Case Number 12-CC-00057, the Respondent shall pay a fine of \$1,000.

**IT IS FURTHER ORDERED** that the Respondent must pay all fines within thirty (30) days from the date of this Order.

**IT IS FURTHER ORDERED** that the Respondent's ten (10) day suspension shall begin on June 1, 2013, and end at midnight on June 10, 2013.

**IT IS FURTHER ORDERED** that the following conditions are in the best of the community and shall be added to the Respondent's license as a condition of licensure under D.C. Official Code § 25-447:

- (1) The Respondent shall obtain the following tools, and make them available to employees checking identification for the establishment:
  - a. ABRA's 2012/2013 ID Checking Guide;

- b. ID Scanner;
  - c. Flash Light Camera; and
  - d. UV Light.
- (2) The Respondent shall provide security and identification checking training to all security staff within thirty (30) days from the date of this Order. All future security personnel hired by the establishment shall receive such training within sixty (60) days of being hired. All security personnel shall be required to receive security and identification checking training on an annual basis.
- (3) The Respondent must provide alcohol awareness training to all of its security, bar, and wait staff.
- (4) The Respondent shall submit and be required to follow a security plan that meets the requirements of D.C. Official Code § 25-402(f).<sup>1</sup> Additionally, the security plan shall describe the establishment's procedures for dealing with underage individuals attempting to gain entrance into the establishment. The plan shall also describe how the establishment intends to integrate ABRA's 2012/2013 ID Checking Guide, ID Scanner, Flash Light Camera, and UV Light into its identification checking procedures.
- (5) The Respondent shall have fourteen (14) days from the date of this Order to submit a security plan that complies with the conditions set by the Board.

The ABRA shall deliver copies of this Order to the Government and the Respondent.

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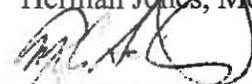
<sup>1</sup> We note that § 25-402(f) has been recently updated by the Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012. As such, the Respondent shall ensure that the security plan conforms with the new security plan requirements adopted by the Council of the District of Columbia.

District of Columbia  
Alcoholic Beverage Control Board

  
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Nick Alberti, Member

  
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Donald Brooks, Member

  
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Herman Jones, Member

  
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Mike Silverstein, Member

I concur with the decision reached by the majority of the Board. I only dissent from the penalty selected by the majority, because I believe the recommendation provided by the Government was an appropriate penalty in this case.

  
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Ruthanne Miller, Chairperson

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).