

on Dennis Hodge, t/a Family Liquors, at premises 710 H Street, N.W. The Respondent was charged with violating District of Columbia law related to the sale of alcohol to minors and failing to take reasonably necessary steps to determine their age under District of Columbia Official Code §§ 25-781(a) and 25-783(b).

The Show Cause Hearing in this matter occurred on November 30, 2011. On March 7, 2011, the Board found the Respondent liable on both counts. Subsequently, the Board levied the statutory minimum fines for both offenses; specifically, the Board levied a \$3,000.00 fine for the Respondent's second violation of § 25-781(a) and a \$1,000.00 fine for the Respondent's first violation of § 25-783(b). D.C. Code §§ 25-781(f); 25-830(c)(1) (West Supp. 2012). The Board also required the Respondent to serve a fifteen day suspension; ten days to be served between April 2, 2012, through April 7, 2012, and from April 9, 2012, through April 12, 2012, and five days stayed, pending no further violations with violations within a one year period; and have its employees take an alcohol awareness training class. In re Denis Hodge, t/a Family Liquors, Board Order No. 2012-080, 7 (D.C.A.B.C.B. Mar. 7, 2012).

Discussion

The Respondent requests that the Board reduce the amount of the fine and stay the suspension days levied against the Respondent, which we deny.

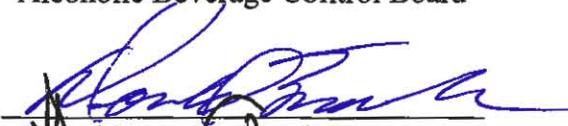
We deny the request for a stay, because the Board shall only grant such a request "upon good cause, which shall consist of unusual or exceptional circumstances." D.C. Code § 25-433 (West Supp. 2012). The financial hardship claimed by the Respondent does not constitute unusual or exceptional circumstances; therefore, we deny the request.

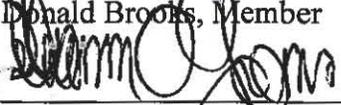
We further deny the request for a reduced fine, because the Board imposed the minimum fine allowed by law. The Board could have fined the Respondent between \$3000.00 and \$5000.00 for the establishment's second violation of § 25-781(a), and between \$1,000.00 and \$2,000.00 for the establishment's first violation of § 25-783(b). §§ 25-781(f); 25-830(c)(1). Under these circumstances, the Board has no discretion to lower the penalty, and we must affirm our prior Order.

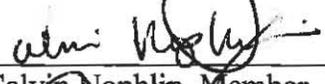
ORDER

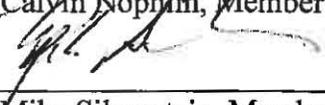
Based on the foregoing, the Board, on this 2nd day of May 2012, **DENIES** the Motion for Reconsideration filed by Dennis S. Hodge, t/a Family Liquors. The Alcoholic Beverage Regulation Administration shall deliver copies of this Order to the Protestants and the Applicant.

District of Columbia
Alcoholic Beverage Control Board


Donald Brooks, Member


Herman Jones, Member

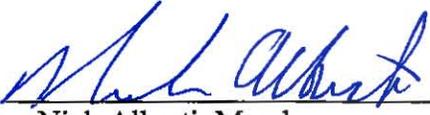

Calvin Nophlin, Member

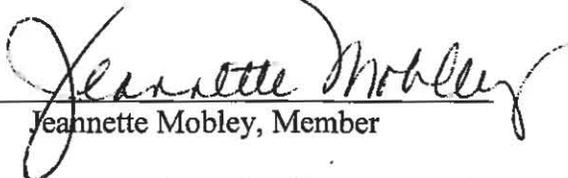

Mike Silverstein, Member

I abstain from deciding this matter, because I did not participate in the proceeding that led to the Motion for Reconsideration filed by the Applicant.


Ruthanne Miller, Chairperson

I recuse myself from this matter.


Nick Alberti, Member


Jeannette Mobley, 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).