

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

In the Matter of:)	
Arzo Amin)	Case No.: 16-251-00031
t/a Grace Period)	License No: 99262
Holder of a)	Order No: 2016-586
Caterer's License)	
at premises)	
350 G Street, S.W.)	
Washington, D.C. 20024)	
)	

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member

ALSO PRESENT: Arzo Amin, t/a Grace Period, 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**

INTRODUCTION

The Alcoholic Beverage Control Board (Board) finds Arzo Amin, t/a Grace Period, (hereinafter "Respondent" or "Grace Period") in violation of D.C. Official Code §§ 25-113, 25-701, and 23 DCMR § 2002.1. Based on the offenses, the Respondent shall pay a fine of \$3,850 within sixty days of receipt of this Order.

Procedural Background

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on May 18, 2016. *ABRA Show Cause File No., 16-251-00031*, Notice of Status Hearing and Show Cause Hearing, 3 (May 18, 2016). The Notice charges the Respondent with multiple violations, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Specifically, the Notice charges the Respondent with the following violations:

Charge I: [On February 5, 2016,] [y]ou failed to comply with the terms of your caterers license as provided in D.C. Official Code § [25-113(i)(1)] since you were not serving food at your catered event

Charge II: [On February 5, 2016,] [y]ou failed to superintend in person or keep an ABC-licensed manager on duty at all times in violation of D.C. Official Code § 25-701 . . . 23 DCMR § 707.1

Charge III: [On February 5, 2016,] [y]ou failed to maintain and make available for inspection distinct records identifying the alcoholic beverages served at the event . . . in violation of 23 DCMR § 23-2002.1

Notice of Status Hearing and Show Cause Hearing, 2-3 (underline removed).

Both the Government and Respondent appeared at the Show Cause Status Hearing on June 29, 2016. The parties proceeded to a Show Cause Hearing and argued their respective cases on September 7, 2016. At the beginning of the hearing, Grace Period stipulated to the three charges brought by the Government. *Transcript (Tr.)*, September 7, 2016 at 9-12.

CONCLUSIONS OF LAW

1. Grace Period has stipulated to the three charges brought by the Government; therefore, the sole matter remaining is determining the appropriate penalty. 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 (D.C.) Official Code pursuant to D.C. Official Code § 25-823(1). D.C. Official Code § 25-830; 23 DCMR § 800, *et seq.* (West Supp. 2016).
2. Grace Period has no prior violations; therefore, all of the violations constitute first time primary tier and secondary tier violations. Charges I and III constitute primary tier violations, while Charge II constitutes a secondary tier violation.
3. The Government proposed a \$2,000 fine for Charge I, a \$350 fine for Charge II, and a \$1,500 fine for Charge III. *Tr.*, 9/7/16 at 10. Grace Period has requested a warning for all of the offenses. *Id.* at 39-40. The Board considered the statements of the owner that the Respondent is engaged in charity work, cannot afford the penalty, and was ignorant of the law at the time of the offenses. Nevertheless, the violations charged in this case represent very basic legal obligations

of caterers holding events, which should have been known by the Respondent. *Id.* at 13-14, 21, 23, 43-44. For this reason, the Board adopts the Government's fine proposal, because the Respondent offered no compelling mitigating evidence or other reason that would justify a lesser penalty.

ORDER

Therefore, the Board, on this 26th day of October 2016, finds that Arzo Amin, t/a Grace Period, committed the violations described above. The Board imposes the following penalty on Grace Period:

- (1) For the violation described in Charge I, Grace Period shall pay a fine of \$2,000.
- (2) For the violation described in Charge II, Grace Period shall pay a fine of \$350.
- (3) For the violation described in Charge III, Grace Period shall pay a fine of \$1,500

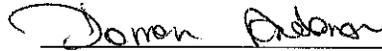
IT IS FURTHER ORDERED that the Respondent must pay all fines imposed by the Board within sixty (60) days from the date of this Order, or its license shall be immediately suspended until all amounts owed are paid. If the license is suspended, ABRA is authorized to seize and hold the license in safekeeping until all fines or paid or the license is cancelled.

IT IS FURTHER ORDERED, in accordance with 23 DCMR § 800.1, the violations found by the Board in this Order shall be deemed two primary tier violations and one secondary tier violation.

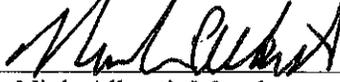
IT IS FURTHER ORDERED that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

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

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Nick Alberti, Member

Mike Silverstein, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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, NW, 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, 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, 430 E Street, N.W., Washington, D.C. 20001; (202-879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 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) (2004).