

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

In the Matter of:)	
)	
Mac's Liquors, Inc.)	
t/a Mac's Wine & Liquors)	
)	Case No. 13-CC-00022
Holder of a Retailer's Class A License)	License No. ABRA-060758
)	Order No. 2013-578
at premises)	
401 Rhode Island Avenue, N.E.)	
Washington, D.C. 20002)	

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

ALSO PRESENT: Hye Park, on behalf of Mac's Liquors, Inc., t/a Mac's Wine & Liquors, Respondent

Louise Phillips, 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

The Alcoholic Beverage Control Board (Board) finds that Mac's Liquors, Inc., t/a Mac's Wine & Liquors, (Respondent), violated District of Columbia (D.C.) Official Code § 25-701 and Title 23 of the District of Columbia Municipal Regulations (DCMR) § 707 on March 30, 2013. As a result, the Respondent must pay a \$1,000.00 fine.

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), dated July 13, 2013. The Respondent acknowledged at the Show Cause Status Hearing, held on September 18, 2013, that she received the Notice setting forth the Charge enumerated below and the hearing dates.

The Notice charged the Respondent with the following violation, which if proven true, would justify the imposition of a fine, suspension, or revocation of the Respondent's ABC-license:

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 DCMR § 23-707, for which the Board may take the proposed action pursuant to D.C. Official Code § 25-823(1) (2012).

The facts supporting Charge I above are incorporated herein and made a part hereof.

The matter came before the Board for a Show Cause Status Hearing on September 18, 2013. There was no settlement of the matter and the Board proceeded to a Show Cause Hearing on October 30, 2013.

The Board held a Show Cause Hearing on October 30, 2013. At the Show Cause Hearing, the Parties stipulated to facts contained in the Notice dated July 13, 2013. *Transcript (Tr.)*, 10/30/13 at 5-7.

Based on the stipulated facts, the Board finds that the Respondent violated D.C. Official Code § 25-701 and DCMR § 23-707 on March 30, 2013, by permitting the establishment to operate without the presence of a Board-approved Manager.

The Board takes administrative notice that this violation is the third secondary tier violation within three years. As such, the Board will impose the fine as set forth below, pursuant to 23 DCMR § 802.1(C).

ORDER

Therefore, based on the foregoing findings of fact and conclusions of law, the Board, on this 4th day of December, 2013, finds that the Respondent, Mac's Liquors, Inc., t/a Mac's Wine & Liquors, located at 401 Rhode Island Avenue, N.E., Washington, D.C., holder of a Retailer's Class A license, violated D.C. Official Code § 25-701 and DCMR § 23-707.

The Board hereby **ORDERS** that:

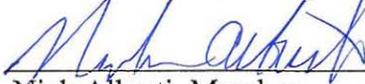
- 1) The Respondent shall pay a fine in the amount of \$1,000.00 by no later than thirty (30) days from the date of this Order. Failure to remit the fine in a timely manner may subject the Respondent to additional sanctions.

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

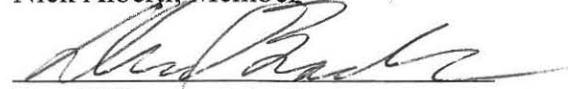
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member.



Herman Jones, 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).