

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

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In the Matter of:	)		
	)		
Po Boy Jim, LLC	)	Case No.:	19-AUD-00085
t/a Po Boy Jim	)	License No.:	ABRA-87903
	)	Order No.:	2021-086
Holder of a	)		
Retailer's Class DN License	)		
	)		
at premises	)		
709 H Street, N.W.	)		
Washington, D.C. 20001	)		

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**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Rema Wahabzadah, Member  
Rafi Aliya Crockett, Member  
Jeni Hansen, Member  
Edward S. Grandis, Member

**ALSO PRESENT:** Po Boy Jim, LLC, t/a Po Boy Jim, Respondent  
  
Shahzeb Asim, Assistant Attorney General  
Office of the Attorney General for 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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The Alcoholic Beverage Control Board (Board) finds that Po Boy Jim, LLC, t/a Po Boy Jim, (Respondent) violated D.C. Official Code § 25-113(b)(2)(A) and 23 DCMR § 1207.1 by failing to file timely a required quarterly report. The Respondent shall pay a \$2,000 fine for the offense, which constitutes the Respondent's fifth secondary tier offense.

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on November 14, 2019. *ABRA Show Cause File No. 19-AUD-00085*, Notice of Status Hearing and Show Cause Hearing, 2 (Nov. 14, 2019). The Alcoholic Beverage

Regulation Administration (ABRA) served the Notice on the Respondent, located at premises 709 H Street, N.W., Washington, D.C., on October 8, 2020. *ABRA Show Cause File No. 19-AUD-00085*, Service Form. The Notice charges the Respondent with one violation, 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 violation:

**Charge I: You failed to file a quarterly statement, in violation of D.C. Official Code §§ 25-113(b)(2)(A) and 23 DCMR § 1207.1, . . . [for the quarter ending June 30, 2010, due by August 1, 2019].**

*Notice of Status Hearing and Show Cause Hearing, 2.*

The parties proceeded to a Show Cause Hearing and argued their respective cases on January 13, 2021. At the hearing, the Respondent did not contest the charge or the facts related to the charge, but solely made arguments regarding the penalty. *Transcript (Tr.)*, January 13, 2021 at 6-8, 10-12. Nevertheless, \$2,000 is the minimum penalty and the Respondent's violation history does not merit a warning. 23 DCMR § 802(D) (West Supp. 2021).

### **ORDER**

Therefore, the Board, on this 24th day of February 2021, finds the Respondent guilty of violating §§ 25-113(b)(2)(A) and 23 DCMR § 1207.1. The Board imposes the following penalty:

(1) For the violation described in Charge I, the Respondent shall pay a fine of \$2,000.

**IT IS FURTHER ORDERED** that the Respondent must pay all fines imposed by the Board within 120 days from the date of this Order, or its license shall be immediately suspended until all amounts owed are paid.

**IT IS FURTHER ORDERED**, in accordance with 23 DCMR § 800.1, the violation found by the Board in this Order shall be deemed a 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

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac430e3c9e95f89e4b7329903d1d2c38

Donovan Anderson, Chairperson

James Short, Member

eSigned via SeamlessDocs.com  
*Rema Wahabzadah, Member*  
Key: bf2ca40b5f6b74099b19b35b738f16c2

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com  
*Jeni Hansen, Member*  
Key: 021729310009447491256f6c2441805

Jeni Hansen, Member

eSigned via SeamlessDocs.com  
*Edward Grandis, Member*  
Key: 5027bda7f9f9040ec14adeb52541ca5

Edward S. Grandis, Member

We concur with the majority's determination as to liability but dissent to the majority's decision to grant the Respondent 120 days to pay the fine rather than 90 days.

eSigned via SeamlessDocs.com  
*Bobby Cato*  
Key: 256d33ca1f0e146c7f6b73ca7617420d

Bobby Cato, Member

eSigned via SeamlessDocs.com  
*Rafi Aliya Crockett, Member*  
Key: b560e91845e1f0e4010125e5e12f91c2

Rafi Crockett, 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, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section II 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 (2008) 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).