

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

**In the Matter of:** )  
 )  
CSBT, Inc. )  
t/a Town House Tavern Restaurant )  
 )  
Holder of a )  
Retailer's Class CR License )  
 )  
at premises )  
1637 R Street, N.W. )  
Washington, D.C. 20009 )  
 )

Case Nos. 14-AUD-00078  
License No. ABRA-024682  
Order No. 2015-112

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Mike Silverstein, Member  
Hector Rodriguez, Member  
James Short, Member

**ALSO PRESENT:** Louise Phillips, 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 CSBT, Inc., t/a Town House Tavern Restaurant (Respondent), violated District of Columbia (D.C.) Official Code § 25-113(b)(2)(A), on August, 2014. As a result, the Respondent must pay a \$6,000.00 fine. Additionally, the Respondent shall have its license suspended for six (6) stayed days, which shall not go into effect unless the Board finds that the Respondent committed a violation within one year from the date of this Order.

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Alcoholic Beverage Control Board executed on January 9, 2015. The ABRA served the Notice on the Respondent, located at premises 1637 R Street, N.W., Washington, D.C., on January 18, 2015.

The Notice charged the Respondent with the following violation:

Charge I: The Respondent failed to file with the Board quarterly statements, on dates and in the manner prescribed by the Board, reporting for the preceding quarter: the gross receipts for the establishment; its gross receipts for sales of alcoholic beverages; its gross receipts for the sale of food; its total expenses for the purchase of food; and its expenses for the purchase of alcoholic beverages, in violation of D.C. Official Code § 25-113(b)(2)(A) (2012 Repl.), for which the Board may take the proposed action pursuant to D.C. Official Code § 25-823(1) (2012 Repl.).

The Respondent's Quarterly Statement for the reporting period of April – June 2014 was due to the ABRA on August 1, 2014.

*ABRA Show Cause File No. 14-AUD-00078*, Notice of Status Hearing and Show Cause Hearing, 2 (January 9, 2015).

The Respondent failed to appear at the Show Cause Status Hearing held on February 18, 2015. A Show Cause Hearing was scheduled for March 11, 2015.

The Respondent also failed to appear at the Show Cause Hearing held on March 11, 2015. The Board proceeded to hearing pursuant to D.C. Official Code § 25-447(e), which allows for an ex parte proceeding.

#### 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 Retailer's Class CR License, License No. ABRA-024682. *See* ABRA Licensing File No. ABRA-024682. The establishment's premises are located at 1637 R Street, N.W., Washington, D.C. *See* ABRA Licensing File ABRA-024682.
2. The Show Cause Hearing was held on March 11, 2015. The Notice charges the Respondent with the single violation enumerated above. *See* ABRA Show Cause File No. 14-AUD-00078.
3. The Government presented its case through the testimony of one witness, ABRA Compliance Analyst, Monica Clark. *Transcript (Tr.)*, 3/11/15 at 3.
4. Upon review of the ABRA records, Ms. Clark determined that the Respondent failed to file its Quarterly Statement for the period of April through June, 2014, which was due on August 1, 2014. *Tr.*, 3/11/15 at 6. The Quarterly Statement remains unfiled and overdue as of the date of the Show Cause Hearing. *Tr.*, 3/11/15 at 7.

5. The Board finds that the Respondent was given adequate notice of the charges brought against it, and adequate notice of the Show Cause Hearing before the Board. The Respondent did not appear at the hearing and did not file any testimony or exhibits refuting the evidence submitted by the Government. Furthermore, the Respondent did not contact the Office of the Attorney General for the District of Columbia or ABRA to request a continuance of the hearing. As such, the finding of facts are undisputed.

### CONCLUSIONS OF LAW

6. The Board determines that the Respondent committed the violation described in Charge I of the Notice.

7. 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 D.C. Official Code § 25-823(1), D.C. Official Code § 25-830; 23 DCMR § 800, *et seq.* (West Supp. 2013). Additionally, pursuant to the specific statutes under which the Respondent was charged, the Board is authorized to levy fines. D.C. Code § 25-830.

8. The Board finds that the Respondent failed to timely file its Quarterly Statement for the period of April 1 through June 30, 2014. The Board makes this finding based on the testimony of Ms. Clark and the evidence in the record.

9. The Respondent's Investigative History shows that this is the Respondent's sixth secondary tier violation within five years. *Licensing File No. ABRA-024682*, Investigative History. Thus, the Board may fine the Respondent between \$4,000.00 and \$6,000.00. *Licensing File No. ABRA-024682*, Investigative History; DCMR § 23-802.

### ORDER

Based on the foregoing findings of fact and conclusions of law, the Board, on this 1st day of April, 2015, finds that the Respondent, CSBT, Inc., t/a Town House Tavern Restaurant, located at 1637 R Street, N.W., Washington, D.C., holder of a Retailer's Class CR license, violated D.C. Official Code § 25-113(b)(2)(A).

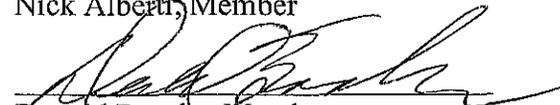
The Board hereby **ORDERS** that:

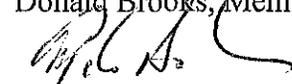
- 1) The Respondent must pay a fine in the amount of \$6,000.00 by no later than thirty (30) days from the date of this Order or its license shall be suspended until all outstanding fines are paid; and
- 2) The Respondent will also receive six (6) days suspension of its license, all days stayed for one year provided that no further violations are committed.

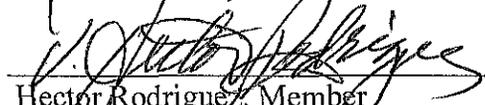
Copies of this Order shall be sent to the Respondent and the Government.

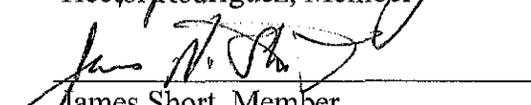
District of Columbia  
Alcoholic Beverage Control Board

  
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Nick Alberti, Member

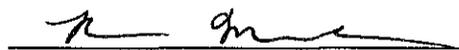
  
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Donald Brooks, Member

  
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Mike Silverstein, Member

  
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Hector Rodriguez, Member

  
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James Short, Member

I concur with the majority of the Board's decision regarding the establishment's liability. Nevertheless, I dissent as to the suspension imposed by the majority based on the District of Columbia Court of Appeals' direction that suspensions are only warranted when there has been a flagrant disregard for the "public safety and welfare." See 1900 M Rest. Ass'ns, Inc., 56 A.3d. at 486, 493 (D.C. 2012). In my view, a failure to file quarterly statements does not show a disregard for public welfare or safety.

  
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Ruthanne Miller, Chairperson

Under 23 DCMR § 1719.1 (2008), 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 (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).