

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

CASE REPORT

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|--|--|---|---|
| Case Number 12-CMP-00018 | Date of Occurrence January 4, 2012 | License Number ABRA-072626 | Application Number |
| Trade Name Petworth Liquors | | Owner/Licensee (List Sole Owner or Principal) Hundal, Inc. / Balbir Singh, Owner | |
| Address 3210 Georgia Avenue, N.W., Washington, D.C. 20010 | | License Class Retailer A | Date of Complaint January 4, 2012 |
| Complainant Name and Address | | <input type="checkbox"/> Anonymous | Complainant Telephone |
| Investigator Name Roxanna Maisel | | Type of Report <input checked="" type="checkbox"/> Investigative <input type="checkbox"/> Supplemental <input type="checkbox"/> Information | |
| Alleged Violation(s) and Code/Regulation Citation | | | Substantiated Yes/No |
| D.C. Official Code §25-446 Voluntary Agreements: approval process; show cause hearing for violation | | | Yes |
| D.C. Official Code §25-741 Go-cups and back-up drinks prohibited. | | | Yes |
| Manager-in-charge/Owner's name at the time of inspection and identification: Balbir Singh Hundal | | | |
| All Licenses in Compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable | | | |
| List Licenses not in Compliance: | | | |
| <p>SUMMARY: On Wednesday, January 4, 2012, Alcoholic Beverage Regulation Administration (ABRA) Investigator Roxanna Maisel determined that Petworth Liquors, located at 3210 Georgia Avenue, N.W., was in violation of D.C. Official Codes §25-446 and §25-741. Specifically, the establishment violated its Voluntary Agreement (VA) by offering Go-cups.</p> <p>DETAILS: On Wednesday, January 4, 2012, ABRA Investigators Roxanna Maisel and Tyrone Lawson visited Petworth Liquors, located at 3210 Georgia Avenue, N.W., to conduct a Regulatory Inspection (Exhibit #1). Upon entering the establishment, Investigators Maisel and Lawson identified themselves as ABRA investigators and asked to speak to an ABC Manager or owner. Investigators Maisel and Lawson spoke to the owner, Balbir Singh Hundal, regarding the Regulatory Inspection. Investigators Maisel and Lawson observed Go-cups under the counter near the cash register (Exhibits #2, #3, and #4). Investigator Lawson was informed by an unidentified cashier that Petworth Liquors offered Go-cups to customers for \$0.75 each with the purchase of alcoholic beverages. Investigator Lawson was also informed by Mr. Hundal that Petworth Liquors offers Go-cups for sale with the purchase of alcoholic beverages. The Go-cups were divided into packages of five (See Exhibits #2 and #3).</p> <p>On Wednesday, January 4, 2012, Investigator Maisel reviewed Petworth Liquors's VA (Exhibit #5). Petworth Liquors's VA states:</p> | | | |

7. **“Go-cups”**: That licensee will not provide ‘go-cups’ to customers. A “go-cup” is defined in Section 709.7 of the ABC regulations as a “drinking utensil provided at no charge or a nominal charge to customers for the purpose of consuming beverages.”

Investigator Maisel also observed that the VA was signed by Balbir Singh Hundal (owner), of Hundal, Inc., on May 13, 2009. Investigator Maisel provided an extra copy of Petworth Liquors’s VA to Mr. Hundal and advised Mr. Hundal that Petworth Liquors was in violation of its VA for offering Go-cups to patrons. No other ABRA violations were found.

Exhibits Attached

- Exhibit #1 Copy of Regulatory Inspection dated 1/4/2012
- Exhibit #2 Photograph of Go-cups under checkout counter of Petworth Liquors dated 1/4/2012
- Exhibit #3 Photograph of Go-cups under checkout counter of Petworth Liquors dated 1/4/2012
- Exhibit #4 Photograph of Go-cups near cash register of Petworth Liquors dated 1/4/2012
- Exhibit #5 Copy of Petworth Liquors’s VA approved by the Board on June 24, 2009

INVESTIGATIVE HISTORY

1. 01/25/07: Case #8381, Sale to minors. On August 8, 2007, Show Cause Hearing resulting in a \$3,500 fine; a 15 day suspension with 8 days stayed and 7 days served on 8/20/07-8/28/07.
2. 12/07/06: Case #8268, Sale to minors. Same disposition as Case #8381.

GOVERNMENT WITNESS INTERVIEWED

| NAME: | ADDRESS: | TEL # |
|-------|----------|-------|
| NAME: | ADDRESS: | TEL # |
| NAME: | ADDRESS: | TEL # |
| NAME: | ADDRESS: | TEL # |

Investigator’s Printed Name Roxanna Maisel Signature and Date  1/26/12

Reviewed By Printed Name C. Stewart Signature and Date _____

Approved By Printed Name Johnnie Jackson Jr. Signature and Date  1/26/12



Alcoholic Beverage Regulation Administration
Enforcement Division
Licensed Premises

Exhibit 1

Regulatory Inspection

Re-Inspection

VA: No ~~VA~~ *Voluntary Agreement*

| | | |
|---|---|--|
| Date: <u>1/11/2012</u> | Time In: <u>4:35</u> <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M. | Time Out: <u>8:30</u> <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M. |
| License # <u>ABRA-072626</u> | Business Name: <u>Hundal, Inc.</u> | Endorsements |
| Expiration: <u>2/31/2012</u> | Trade Name: <u>Petworth Liquors</u> | |
| License Class: <u>A</u> | Address: <u>3210 GEORGIA AVE NW, Washington, DC 20010</u> | |
| <input type="checkbox"/> Fine Dining <input type="checkbox"/> Dining w/Bar <input type="checkbox"/> Dining w/o Bar <input checked="" type="checkbox"/> N/A | Ward: <u>1</u> Telephone#: <u>202-544-0081</u> | |

ABC Manager(s) _____ Email: petworthliquors@gmail.com

Owner: Balbir Singh Hundal, exp 9/1/11
VA # T40-81-996

In what language does the licensee need vital documents translated? English

C of O # CA96109 Date Issued 4/22/2009 Kitchen Operating: Yes No N/A

Zone PSA Occupancy Load N/A Toilet Facility: Yes No N/A

Approved Floors _____

Trash: Name of Company W.M.F. Days of Removal 2x weekly

| Day | Operation Hours | Hours of Sales | Entertainment Hours | Sidewalk Operation | Summer Garden |
|-----------|-----------------|----------------|---------------------|--------------------|---------------|
| Sunday | - | - | - | - | - |
| Monday | 9 am - 9 pm | 9 am - 9 pm | - | - | - |
| Tuesday | 9 am - 9 pm | 9 am - 9 pm | - | - | - |
| Wednesday | 9 am - 9 pm | 9 am - 9 pm | - | - | - |
| Thursday | 9 am - 9 pm | 9 am - 9 pm | - | - | - |
| Friday | 9 am - 10 pm | 9 am - 10 pm | - | - | - |
| Saturday | 9 am - 10 pm | 9 am - 10 pm | - | - | - |

| Required Items | Yes | No | N/A | Required Items | Yes | No | N/A |
|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|---------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Posting of ABC License - 25-711 (a) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Under 21 Sign - 25-713 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ABC Window Lettering - 25-711 (a) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Pregnancy Sign - 25-712 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Signage - 25-763 or 25-765 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Import Permits - 23 DCMR 1204.3 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Books & Invoices - 23 DCMR 1204.3 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Keg Registration - 25-753 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Remarks to include confirmation or discrepancy in hours, list other pertinent licenses:
~~GO signs for sale - VA Violation~~
~~Business license for [unclear] [unclear]~~

Advised establishment on Quarterly Statement Requirements Yes No N/A Delinquent Yes No

Investigator's Recommendations:
 Re-Inspection Warning Letter Citation Refer to Board Refer to Another Agency Violations

ABC Approved Manager / Owner Signature: _____ Investigator Signature: _____ S/I Initials: _____



Petworth Liquors - ABRA-072626 - 3210 Georgia Avenue, NW
1/4/2012, 4:40 p.m. - Investigator Tyrone Lawson



Petworth Liquors - ABRA-072626 - 3210 Georgia Avenue, NW
1/4/2012, 4:40 p.m. - Investigator Tyrone Lawson



Petworth Liquors - ABRA-072626 - 3210 Georgia Avenue, NW
1/4/2012, 4:40 p.m. - Investigator Tyrone Lawson

Hundal, Inc.
t/a Petworth Liquors
License No: 72626
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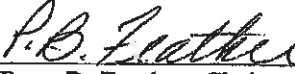
Accordingly, it is this 24th day of June 2009, **ORDERED** that:


1. The Application filed by Hundal, Inc., t/a Petworth Liquors for a Retailer's Class A license located at 3210 Georgia Avenue, N.W., Washington, D.C., is **GRANTED**

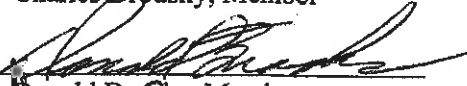
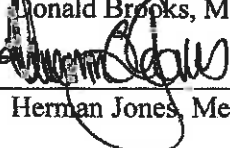
2. This above-referenced Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and

3. Copies of this Order shall be sent to the Applicant and to ANC 1A.

District of Columbia
Alcoholic Beverage Control Board


Peter B. Feather, Chairperson

Mital M. Gandhi, Member

Nick Alberti, Member

Charles Brodsky, Member

Donald Brooks, Member

Herman Jones, 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, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.



ADVISORY NEIGHBORHOOD COMMISSION 1A

ANC 1A01 - Lisa Kralovic
ANC 1A04 - Betty Pair
ANC 1A07 -
ANC 1A10 - Lenwood Johnson

ANC 1A02 - Calvin Woodland
ANC 1A05 - William H. Jordan
ANC 1A08 - Cliff Valenti

ANC 1A03 - Luis A. Morales
ANC 1A06 - Samuel Johnson
ANC 1A09 - LaKeisha G. Thomas
ANC 1A11 - Open

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
CONTROL BOARD
ADMINISTRATION

MAY 13 P 3:16

VOLUNTARY AGREEMENT

THIS AGREEMENT made and entered into this 13 day of May, 2009 by and between Hundal, Inc. t/a Petworth Liquors (hereinafter the "Applicant") and The Neighborhood Advisory Commission 1A ("ANC 1A")

WHEREAS, Applicant has filed an application with the District of Columbia Alcohol Beverage Control Board (hereinafter "ABC Board") for issuance of a class "A" license for the restaurant premises located at 3210 Georgia Avenue, NW, Washington D.C. 20010 (the "Store"); ABC Board license no. 072626.

WHEREAS, in recognition of the ABC Board's policy of encouraging parties to address neighborhood concerns by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby Applicant will agree to adopt certain measures to address the ANC 1A's concerns and ANC 1A will agree to support the issuance of the ABC License.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

- Cooperation:** That licensee and its officers and employees will cooperate with the Advisory Neighborhood Commission 1A ("ANC") and all community organizations to address any alleged violation of the laws and regulations referred to in Paragraph A above or of this agreement, and in any request that the appropriate enforcement agency investigate an alleged violation. **Hours of Operation:** Applicant shall have the right but not be obligated to open its doors to receive patrons from 9:00 am to 9:00 pm Monday through Thursday, 9:00 am to 10:00 pm on Friday and Saturday. The establishment shall be closed on Sunday in accordance with current regulations.
- Noise Suppression:** Sound emanating from any part of the establishment shall not be audible in residential structures in the vicinity. The Restaurant's operation shall at all times be in compliance with the D.C. Noise Control Act.
- Loitering :** All due diligence shall be made by the Applicant to ensure that there is no loitering in front of or in the vicinity of the Store, especially loud cursing, public drunkenness, fighting and other acts of aggression.
- Trash Removal:** Applicant will maintain regular trash/garbage removal service, a minimum of 2 times per week from the trash and dumpster area and see that those areas are regularly kept clean.
- Intoxication:** That licensee will not sell or deliver alcohol in any form to any intoxicated person.
- Underage:** That licensee will not sell or deliver alcohol in any form to any person less than 21 years of age.
- "Go-cups":** That licensee will not provide 'go-cups' to customers. A "go-cup" is defined in Section 709.7 of the ABC regulations as a "drinking utensil provided at no charge or a nominal charge to customers for the purpose of consuming beverages."
- Adherence:** That licensee will assure that all employees of licensee adhere to the provisions of this agreement, particularly with respect to the sale of alcohol in any form.
- Signage:** Not to have excessive alcoholic beverage signage in the establishment's windows (more than 25 % of total window area).
- Right to Protest:** The parties agree that if reasonable discussion of violations are not resolved, after notice to the Applicant, then any failure of the Applicant to adhere to the foregoing commitments would constitute a breach of this agreement and grounds for the ANC 1A to petition the Board for issuance of an order to Show Cause, as provided by the D.C. Regulations.

IN WITNESS WHEREOF, the Parties place their signatures to this agreement, this 13 day of May, 2009

ANC 1A

Cliff Valenti, Chair

Hundal, Inc.
By:
Print Name: BALBIR SINGH

Lenwood O. Johnson, Secretary

LaKeisha G. Thomas, 1A09

MAY 13 P 3:20
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
CONTROL BOARD
ADMINISTRATION