

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

CASE REPORT

| | | | |
|--|---|---|--|
| Investigation Number 13-CMP-00217 | Date of Occurrence April 20, 2013 | License Number ABRA-072626 | Application Number |
| Trade Name Petworth Liquors | | Owner/Licensee (List Sole Owner or Principal) Hundal, Inc Balbir Singh / Managing Member | |
| Address 3210 Georgia Ave. N.W. Washington, D.C. 20010 | | License Description A | Date of Complaint April 15, 2013 |
| Complainant Name, Phone and Address Oliver, Nicholas (MPD) | | | <input type="checkbox"/> Anonymous |
| Investigator Name Earl R. Jones | | 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 § 25-723 (b) Hours of sale and service for on-premises retail licensees and temporary licensees | | | Yes |
| D.C. Official Code § 25-446 Settlement agreements; approval process, show cause hearing for violation | | | Yes |
| Manager-in-charge/Owner's name at the time of inspection and identification: Balbir Singh (Virginia D.L.# T60-81-9956; Exp 9/4/18) | | | |
| 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: Alcoholic Beverage Regulation Administration (ABRA) Investigator Earl Jones determined that on Saturday, April 20, 2013, at approximately 10:05 p.m., Petworth Liquors, located at 3210 Georgia Ave. N.W. Washington, D.C., was in violation of D.C. Official Codes §25-446, and § 25-723. Specifically, Investigator Jones observed an intoxicated male appearing to be intoxicated and loitering, in front of the ABC establishment, which is in violation of their Settlement Agreement. Investigators Jones and Brooks also stood inside of the establishment and witnessed three individuals enter the location and purchase alcoholic beverages after its Board-approved hours of operation. These determinations were based on Investigator Jones' response to a complaint from a Metropolitan Police Department (MPD) official.</p> <p>DETAILS: On Saturday, April 20, 2013, at 9:30 p.m., ABRA Investigators Jones and Derek Brooks responded to Petworth Liquors, located at 3210 Georgia Ave. N.W., in response to an e-mail complaint from MPD (Exhibit #1). Investigators Jones and Brooks arrived at Petworth Liquors at approximately 9:50 p.m., and monitored the establishment from across the street. The investigators observed an intoxicated male sitting on a bucket lined with a cushion in front of the establishment (Exhibit #2). An employee of the establishment pulled the store front shutters down partially, but did not address the loitering male. After 10 minutes, the male stood to his feet and stumbled around. The male at one point stumbled onto Georgia Ave., N.W., and was nearly struck by a vehicle. The intoxicated male then opened the front door of the establishment, exchanged words with workers, and then left the premises.</p> | | | |

Investigators Jones and Brooks then entered the establishment at 10:05 p.m., and observed three other patrons enter the establishment and purchase alcoholic beverages. The investigators then identified themselves and requested to speak with an ABC Manager or owner. Balbir Singh identified by his Virginia Driver's License (T60-81-9956; Exp 9/4/18), stated he was the owner. Investigator Jones stated the reason for the visit and advised Mr. Singh the time was 10:10 p.m., and Petworth Liquors was in violation operating after-hours. Mr. Singh then locked the door to the establishment, denying entry to other patrons who attempted to enter. Mr. Singh offered no explanation for operating after-hours. Investigator Jones then conducted a Regulatory Inspection (Exhibit #3), in which no other ABRA violations were found.

On Sunday, April 21, 2013, Investigator Jones responded to Officer Oliver, by e-mail, documenting violations that were found on Saturday, April 20, 2013 (Exhibit #4).

On Monday, April 22, 2013, Investigator Jones reviewed the ABRA records of Petworth Liquors, which revealed that the establishment had committed multiple violations of its Settlement Agreement. Petworth Liquors' Settlement Agreement has provisions concerning Hours of Operation, and Loitering on page three (3), under the heading Settlement Agreement 1), 3) (Exhibit #5):

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:

- 1) 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 Friday and Saturday.**
- 3) 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.**

EXHIBITS ATTACHED

- Exhibit #1 E-mail from MPD Officer Nicholas Oliver
- Exhibit #2 Picture of loiterer and bucket
- Exhibit #3 Copy of Regulatory Inspection
- Exhibit #4 E-mail response from Investigator Jones
- Exhibit #5 Copy of Settlement Agreement

INVESTIGATIVE HISTORY

1. 1/4/12: **Case #12-CMP-00018**, Voluntary Agreement, Go-Cups. 2/29/12: The Board referred to staff for settlement. 3/8/12: \$250 fine paid.
2. 1/25/07: **Case #8381**, Sale to minors. 8/8/07: A 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. 10/9/07: Fine paid.
3. 12/7/06: **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 Earl R. Jones Signature and Date *Earl R. Jones #8 5/13/13*

Reviewed By Printed Name C. Stewart Signature and Date _____

Approved By Printed Name Johnnie Jackson Signature and Date *J - J 5/17/13*

- EXHIBIT # 1 -

From: Oliver, Nicholas (MPD)
Sent: Monday, April 15, 2013 1:44 PM
To: abra, director (ABRA)
Subject: singles icenses

To whom it may concern,

THis is Officer Oliver with the Metropolitan Police, and I had a general inquiry. I am having difficulty with two liquor stores, or shall I say the patrons. They are often found intoxicated and unable to function in front of certain liquor stores. These individuals will often be in possession with singles that they purchased from the very liquor store they are itoxicated in front of, and the store will continue to sell singes to them every single day, despite my requesting that they not sell singles to someone who is known to stay in front of the very store. I was wondering if there are any sanctions that can be put into place, such as suspending the store's license to sell singles.

I would appreciate any information that can be provided.

Regards

April is National 9-1-1 Education Month!

Create a Safety Profile for your household at Smart911.com.

It's free, 100% private and secure. Help 9-1-1, help you!

Retiwardn Kigurs / # 072222
#/20/13 3210 George Ave No. 10.

- EXH 18 IT #2 -





Alcoholic Beverage Regulation Administration

Enforcement
Licensed

EXHIBIT #3

Regulatory Inspection Re-Inspection VA: Yes

| | | |
|---|---|--|
| Date: <u>4-20-13</u> | Time In: <u>10:10</u> <input type="checkbox"/> A.M <input checked="" type="checkbox"/> P.M. | Time Out: <u>10:30</u> <input type="checkbox"/> A.M <input checked="" type="checkbox"/> P.M. |
| License #: <u>072026</u> | Business Name: <u>HUNDAL, INC</u> | Endorsements <u>N/A</u> |
| Expiration: <u>3/31/2015</u> | Trade Name: <u>PETWORTH LIQUORS</u> | |
| License Class: <u>A</u> | Address: <u>3210 GEORGIA AVE NW</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>202-561-0281</u> | |

ABC Manager(s): _____ E-mail: PetworthLiquors@gmail.com

Owner: Hundal, Balbir Singh
760-81-7956

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

C of O # 96109 Date Issued: 4/22/2015 Kitchen Operating: Yes No N/A

Zone: C2A Occupancy Load: _____ Toilet Facility: Yes No N/A

Approved Floors: 1st

Trash: Name of Company: AAA Days of removal: 1

| Days | Hours of Operation | Hours of Sales | Entertainment Hours | Sidewalk Hours | Summer Garden Hours |
|-----------|---------------------------|---------------------------|---------------------|----------------|---------------------|
| Sunday | — | — | — | — | — |
| Monday | <u>7:00 am - 9:00 pm</u> | <u>7:00 am - 9:00 pm</u> | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> |
| Tuesday | <u>7:00 am - 9:00 pm</u> | <u>7:00 am - 9:00 pm</u> | | | |
| Wednesday | <u>7:00 am - 9:00 pm</u> | <u>7:00 am - 9:00 pm</u> | | | |
| Thursday | <u>7:00 am - 9:00 pm</u> | <u>7:00 am - 9:00 pm</u> | | | |
| Friday | <u>7:00 am - 10:00 pm</u> | <u>7:00 am - 10:00 pm</u> | | | |
| Saturday | <u>7:00 am - 10:00 pm</u> | <u>7:00 am - 10:00 pm</u> | | | |

REQUIRED ITEMS

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

Remarks to include confirmation or discrepancy in hours, list other pertinent licenses:
One drunken individual sitting on bench in front of location.
Allowed three individuals to enter establishment and purchase alcoholic beverages after 10:00 pm.

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: Earl R. Jones #58 S/I Initials: _____

Jones, Earl (ABRA)

From: Oliver, Nicholas (MPD)
Sent: Sunday, April 21, 2013 9:52 AM
To: Jones, Earl (ABRA)
Subject: Re: Petworth Liquors

Copy. Thank you for your efforts. I have been transferred off georgia avenue, but will attempt to make my way over there whenever I can.

-----Original Message-----

From: Jones, Earl (ABRA)
To: Oliver, Nicholas (MPD)
Subject: Petworth Liquors
Sent: Apr 20, 2013 10:20 PM

Officer Oliver, I actually drove by the establishment tonight, at 10:10pm, observed a drunken individual outside sitting on a bucket, as well as owners allowing three individuals to enter after closing time (10:00pm). Found establishment in violation of operating after hours.

April is National 9-1-1 Education Month!
Create a Safety Profile for your household at Smart911.com.
It's free, 100% private and secure. Help 9-1-1, help you!

Sent via BlackBerry by AT&T

THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

| | | |
|---------------------------|---|-------------------------------|
| In the Matter of: |) | |
| |) | |
| Hundal, Inc., |) | License Number: 72626 |
| t/a Petworth Liquors |) | ORDER NUMBER: <u>2009-162</u> |
| |) | |
| Renewal of Retailer's |) | |
| Class A License |) | |
| at premises |) | |
| 3210 Georgia Avenue, N.W. |) | |
| Washington, D.C. 20010 |) | |

Hundal, Inc., t/a Petworth Liquors, Applicant

Cliff Valenti, Chair, Advisory Neighborhood Commission 1A (ANC 1A)

BEFORE: Peter B. Feather, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Charles Brodsky, Member
Donald Brooks, Member
Herman Jones, Member

ORDER ON VOLUNTARY AGREEMENT

The official records of the Alcoholic Control Board (Board) reflect that Hundal, Inc., t/a Petworth Liquors (Applicant), has filed an Application for Renewal of a Retailer's Class A License located at 3210 Georgia Avenue, Washington D.C., and Cliff Valenti, Chair, ANC 1A (collectively, the Parties), have entered into a Voluntary Agreement (Agreement) dated May 13, 2009, setting forth the terms and conditions that govern the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. Both the Applicant and Chairman Valenti are signatories to the Agreement.

Hundal, Inc.
t/a Petworth Liquors
License No: 72626
Page 2

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



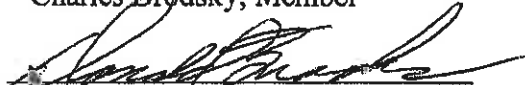
Peter B. Feather, Chairperson

Mital M. Gandhi, Member

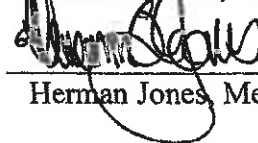


Nick Alberti, Member

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

2009 MAY 18 P 3:16

VOLUNTARY AGREEMENT

THIS AGREEMENT made and entered into this 13 day of May, 2009 by and between Hundal, Inc. /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

2009 MAY 18 P 3:20
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION

Lenwood O. Johnson, Secretary

LaKeisha G. Thomas, 1A09