

Virginia Alcoholic Beverage Control Authority

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**Board of Directors**  
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March 22, 2022

## NOTICE OF APPEAL BEFORE THE BOARD

**IN THE MATTER OF:** 8<sup>th</sup> STREET GRILL AND MARKET, INC.  
**8<sup>th</sup> STREET GRILL AND MARKET**  
502 8<sup>TH</sup> STREET NW  
ROANOKE, VIRGINIA 24016-1709  
**SENT VIA ELECTRONIC MAIL ONLY**

**SENT VIA ELECTRONIC MAIL:** [correy@stricklandattorneys.com](mailto:correy@stricklandattorneys.com)

**LICENSE NUMBER:** 086465 - WINE AND BEER OFF PREMISES  
**RECORD NUMBER:** 013128375  
**INCIDENT NUMBER:** 22-00078

The Administrative Law Judge who presided over the matter has decided that good cause exists to **REVOKE** the license privileges for Charges 1, 2, and 3. For Charge 4, suspended the privileges for ten (10) days; however, upon payment of a civil penalty of one thousand two hundred fifty dollars (\$1,250.00), the suspension shall be terminated. Charge 5 was **DISMISSED**. For Charge 6, suspended the privileges for seven (7) days; however, upon payment of a civil penalty of seven hundred fifty dollars (\$750.00) the suspension shall be suspended. The periods of suspension shall be served concurrently for a total of seventeen (17) days and the civil penalties shall be imposed in the aggregate for a total penalty of two thousand dollars (\$2,000.00).

After reviewing the Administrative Law Judge's decision, the Board proposes to adopt the decision as rendered.

The requested appeal hearing will be held at the offices of the Board, First Floor, Virginia ABC Building, 7450 Freight Way, Mechanicsville, Virginia, Wednesday, **March 30, 2022, at 10 a.m.**

The grounds for the above-mentioned proposed action which will be considered at the hearing is as follows:

- 1. A cause exists for which the Board would be entitled to refuse to issue a license, in that the place occupied by the licensee is so located that violations of the ABC Act or the laws of the Commonwealth relating to peace and good order have resulted from issuance of the license and operation thereunder, in violation of Sections 4.1-222 A.2.b., 4.1-225 5. and 4.1-203 D. of the Code of Virginia.**
- 2. The licensee has failed to take reasonable measures to prevent the licensed premises, an adjacent premises owned or leased by the licensee, or public property adjacent to the licensed premises, from becoming a place where patrons of the establishment commit criminal violations enumerated in 4.1-225 1.p. and such violations lead to arrests that are so frequent and serious as to be reasonably deemed a continuing threat to public safety, in violation of Section 4.1-225 1.p. of the Code of Virginia.**
- 3. Between 1/1/2020 and 1/23/2022, the licensee allowed the licensed premises to become a meeting place or rendezvous for members of street gangs as defined in § 18.2-46.1, in violation of Section 4.1-225 1.g. of the Code of Virginia.**

4. On 1/23/2022 at approximately 7:00 pm, the licensee allowed the consumption of alcoholic beverages upon the licensed premises except as provided under the ABC Act, in violation of Sections (Insert 4.1-208 for beer, 4.1-207 for wine, 4.1-209 for wine & beer, 4.1-210 for mixed beverages) and 4.1-225 1.k. of the Code of Virginia.
5. **DISMISSED** - On 1/23/2022 at approximately 7:13 pm, the licensee illegally possessed, distributed, sold or used, or knowingly allowed any employee, agent or other person(s) to illegally possess, distribute, sell or use marijuana or other controlled substances, imitation controlled substances, drug paraphernalia, controlled paraphernalia or synthetic cannabinoids as defined in 18.2-247 et seq. upon the licensed premises, in violation of Section 4.1-225 1.o. of the Code of Virginia.
6. On 1/23/22 at approximately 7:00 pm, the licensee or an employee of the licensee consumed alcoholic beverages while on duty and in a position involved in the selling and serving of alcoholic beverages to customers, in violation of Section 4.1-325.2 A. of the Code of Virginia.

At the appeal hearing, new evidence only will be accepted if it was unavailable for the initial hearing, has the potential to alter the result, is proffered five business days before the appeal hearing, and is unanimously accepted by members of the appeal panel. The Board reserves the right to impose any penalty authorized by law after reviewing any evidence or argument presented at the appeal hearing.

**NOTE:** Requirements for Continuances:

The following continuance policy will be strictly enforced for appeal hearings.

- Continuances will be granted only upon showing (i.e., proving) good cause.
- You must make all continuance requests as soon as you learn a conflict exists and no later than seven (7) full calendar days prior to the formal hearing.
- Continuance requests must be supported by verifiable, extenuating and unforeseeable circumstances.
- Delays in hiring an attorney rarely will justify a continuance.
- Requests for continuances by email shall be sent to the following email addresses: [Hearing@VirginiaABC.com](mailto:Hearing@VirginiaABC.com) and [John.Daniel@VirginiaABC.com](mailto:John.Daniel@VirginiaABC.com)
- Requests for continuances by fax should be sent to the Government Affairs Officer and the Chief Clerk at (804) 213-4442.
- Should faxed requests arrive at any other fax number, they will not be considered received in HAJIS until received by the Government Affairs Officer and the Chief Clerk. For example, a document received at a fax number other than (804) 213-4442 on July 27th, but not delivered to HAJIS until July 31st, would be treated as arriving in HAJIS on July 31st.

**Virginia Alcoholic Beverage Control Authority**



Meghan Wallmeyer Rose  
Chief Clerk

cc.: HEARINGS, APPEALS, AND JUDICIAL SERVICES  
ROANOKE REGIONAL OFFICE  
C. A. DIVINEY, ESQ.  
R. L. YATES, ESQ., ASSOCIATE LEGAL COUNSEL  
A. B. GOODMAN, SPECIAL AGENT