

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

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In the Matter of:	)	Case No.:	N/A
	)	License No.:	N/A
Unlicensed Premise	)	Order No:	2022-036
	)		
Order to Cease and Desist	)		
	)		
903 U Street, N.W.	)		
Washington, D.C. 20001	)		

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

**PARTIES:** Odarte Mills  
1344 Park Road, N.W.  
Washington, D.C. 20010

Jody Green  
903 U Street, N.W.  
Washington, D.C. 20001

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**CEASE AND DESIST ORDER**

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**INTRODUCTION**

On February 2, 2022, the Alcoholic Beverage Control Board reviewed compelling evidence that the illegal consumption of alcohol occurred at 903 U Street, N.W., on December 5, 2021, which was facilitated by Odarte Mills and the landlord Jody Green. In light of this violation, the parties are ordered to cease and desist the sale, service, and consumption of alcohol at 903 U Street, N.W., and any other location that is not authorized by a valid alcohol license.

## FINDINGS OF FACT

1. On Sunday, December 5, 2021, no temporary or permanent alcohol license authorized the sale, service, or consumption of alcoholic beverages at 903 U Street, N.W. *Case Report*, 903 U Street, at 1 (Dec. 5, 2021). Nevertheless, on December 5, 2021, MPD officers observed a nightclub in operation at that address. *Id.*
2. Specifically, police officers assigned to the area observed an admission line in front of 903 U Street, N.W. at around 4:10 a.m. *Id.* at 1-2. The manager of the nightclub identified himself as Odarte Mills. *Id.* During his conversation, he claimed to have “an active Tavern License with ABRA” and identified the business as “The Townhouse Uptown.” *Id.* at 2. He further claimed the owner’s name on the license was Jody Green, the landlord of the building. *Id.*
3. Inside, police observed approximately fifty patrons distributed over three floors. *Id.* They further observed patrons holding cups and bottles and a bar stocked with wine and other alcoholic beverages. *Id.*
4. MPD contacted ABRA and was informed that no license was issued for the premises. *Id.* Upon learning this, MPD instructed Mr. Mills to end the event. *Id.*

## CONCLUSIONS OF LAW

5. Title 25 of the District of Columbia (D.C.) Official Code (Title 25) provides the Board with the authority to order any individual or licensee to immediately cease “. . . violating any provision of . . . [Title 25 when] the violation has caused, or may cause, immediate and irreparable harm to the public . . .” D.C. Official Code § 25-829(a).

### **I. The Event Violated D.C. Official Code §§ 25-102 and 25-1001.**

6. The Board finds that the event held on December 5, 2021, violated §§ 25-102(d) and 25-1001.
7. Under § 25-102(d), “No person operating any premises . . . where facilities are especially provided and service is rendered for the consumption of alcoholic beverages who does not possess a license under this title shall permit the consumption of alcoholic beverages on the premises.” D.C. Code § 25-102(d). Furthermore, under § 25-1001(a)(4), it is illegal for a person to possess an open container of alcoholic beverages: . . . “Any place to which the public is invited and for which a license to sell alcoholic beverages has not been issued under this title.” D.C. Official Code § 25-1001(a)(4).
8. In this case, MPD officers observed the operation of a nightclub at 903 U Street, N.W. *Supra*, at ¶¶ 2-3. The site had an admission line and a manager facilitating the event on behalf of the landlord. *Id.* The facilitators also provided or made available a stocked bar full of alcohol and three floors of space for patrons to consume alcohol. *Id.* Finally, MPD officers observed people

consuming alcoholic beverages in open containers. *Id.* Consequently, there is sufficient evidence in the record to find that the event constituted a violation of § 25-102(d) and § 25-1001(a)(4).

**II. THE CONTINUED OPERATION OF THE PREMISES FOR UNLICENSED PARTIES CREATES IRREPERABLE HARM TO THE PUBLIC.**

9. The Board finds that the continued operation of the establishment by an unapproved operator causes irreparable harm to the public by allowing the establishment to maintain a continuing nuisance and threatens the safety and welfare of the public. All violations of Title 25 are deemed nuisances pursuant to § 25-805. D.C. Official Code § 25-805; *see also Com. ex rel. Preate v. Danny's New Adam & Eve Bookstore*, 625 A.2d 119, 122 (1993) (It is well-settled that even a lawful business may be enjoined from operation if it is shown that, under the particular circumstance, its operation constitutes a public nuisance); *Camp v. Warrington*, 227 Ga. 674, 674, (1971) (“where it is made to appear with reasonable certainty that irreparable harm and damage will occur from the operation of an otherwise lawful business amounting to a continuing nuisance, equity will restrain the construction, maintenance or operation of such lawful business.”). In this case, permitting the proprietors to continue to illegally operate without approval would allow them to maintain and benefit from the operation of a continuing nuisance.

10. Furthermore, the Board is convinced that the circumvention of the licensing process threatens the health, safety, and welfare of the public. The misuse of alcohol encourages crime, disorder, and other antisocial behavior. The licensing process keeps those who cannot be trusted to superintend a licensed establishment, such as criminals and individuals with a history of repeated violations of the District’s alcohol laws, from obtaining a license. Therefore, the business cannot be permitted to continue operating and the landlord cannot allow or permit the nuisance to continue.

**ORDER**

Therefore, the Board on this 2nd day of February 2022, hereby orders Odarte Mills and Jody Green to cease distributing, purchasing, selling, serving, or otherwise permitting the consumption of alcoholic beverages at 903 U Street, N.W., and any other location not authorized by a valid alcohol license.

**IT IS FURTHER ORDERED**, pursuant to D.C. Official Code § 25-115(c) and 23 DCMR § 1003.1, that ABRA shall no longer issue temporary licenses and one-day substantial change licenses for the above-mentioned address until this matter is resolved to the satisfaction of the Board.

**IT IS FURTHER ORDERED**, pursuant to D.C. Official Code § 25-801(e), that ABRA refer this matter to the Office of the Attorney General for the District of Columbia (OAG) for prosecution. The Board further requests that OAG seek the enforcement of this Order in the Superior Court of the District of Columbia under D.C. Official Code §§ 25-829(f) (cease and desist orders) and 25-805 (nuisance) should it be deemed necessary.

Please be **ADVISED** that a copy of this Order is being forwarded to the Metropolitan Police Department to ensure compliance. If it is found that you are continuing to sell, serve, or permit the consumption of alcoholic beverages without approval from the Board, you and all other persons involved may be subject to both civil and criminal penalties.

ABRA shall serve notice by certified mail or personal delivery on the parties.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac432b98593522646759493d1d2c38

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Donovan Anderson, Chairperson

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James Short, Member

eSigned via SeamlessDocs.com  
*James Short*  
Key: 20602e427-12617103c-791-0228

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Bobby Cato, Member

eSigned via SeamlessDocs.com  
*Rafi Aliya Crockett, Member*  
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Rafi Crockett, Member

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Jeni Hansen, Member

eSigned via SeamlessDocs.com  
*Edward Grandis, Member*  
Key: 85274da71950348ec14ad8b57341cc5

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Edward S. Grandis, 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, 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 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).

All hearings are conducted in the English language. If you, any corporate officer, or any witnesses to be called are deaf, have a hearing impediment, or cannot readily understand or communicate the spoken English language, an application may be made to the Board for the appointment of a qualified interpreter.

Your failure to appear at the time and place set for the hearing, if requested, either in person or through counsel, or both, will not preclude the Board from proceeding in this matter. Should you have any questions, contact ABRA Adjudication Specialist Danette Walker at 202-442-4418.

Finally, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, District of Columbia 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 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).