

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

In the Matter of:	)	
Techno Excess LLC, t/a	)	Case Nos.: 18-CMP-00067
Ababa Ethiopian Restaurant	)	18-CMP-00075
Holder of a	)	18-CMP-00024
Retailer's Class CR License	)	License No.: 103289
2106 18 <sup>th</sup> Street N.W.	)	Order No: 2018-360
Washington, D.C. 20009	)	

**TO:** Alemseged Kassaye  
Managing Member

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**ORDER TO CEASE AND DESIST**

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On May 23, 2018, the Alcoholic Beverage Control Board reviewed compelling evidence that Techno Excess LLC, t/a Ababa Ethiopian Restaurant, (Respondent) holder of a Retailer's Class CR License hosted multiple events involving the illegal distribution of marijuana and permitted the illegal consumption of alcohol.

Specifically, on January 5, 2018, investigators with the Alcoholic Beverage Regulation Administration (ABRA) observed an event at the Respondent's premises featuring the displaying large amounts of marijuana products. *Case Report No. 18-CMP-00024*, at 2. After this event, the Respondent's license was placed in safekeeping and rendered inactive on February 7, 2018 in accordance with D.C. Official Code § 25-791. *Case Report No. 18-CMP-00075*, 1.

Despite having placed the license in safekeeping, on March 3, 2018, ABRA investigators observed an event at the premises where patrons were drinking alcoholic beverages. *Case Report No. 18-CMP-00067*, at 2. Various patrons indicated that they had brought the alcohol themselves, brought it from a local liquor store, and that a server had opened the bottles for them. *Id.* While this investigation was ongoing, another investigator observed an event where vendors were displaying large amounts of marijuana products. *Id.*

Likewise, on March 7, 2018, investigators with ABRA observed an event at the premises where a large amounts of marijuana being displayed. *Id.* at 2. During this event, one of the vendors was observed drinking a Heineken beer from an open container. *Id.*

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). Under D.C. Official Code § 25-830(i) it is a primary tier offense for a “licensee to sell or serve alcohol on a . . . license held in safekeeping. D.C. Code § 25-830(i). It is also unlawful to sell alcohol without a license or permit the consumption of alcohol in any venue where food, nonalcoholic beverages, or entertainment are sold or the facilities are rented for compensation. D.C. Code § 25-102(a), (d). All violations of Title 25 are deemed a nuisance under D.C. Code § 25-805.

In this case, the Respondent is causing an immediate harm to the public by repeatedly and illegally permitting the consumption of alcohol on the premises under an inactive license, violating the terms of safekeeping.

### **ORDER**

Therefore, the Board on this 23rd day of May 2018, hereby orders the Respondent to **CEASE** distributing, purchasing, selling, serving, or otherwise permitting the consumption of alcoholic beverages at 2106 18th Street N.W., Washington, D.C.


**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.

**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 may be subject to both civil and criminal penalties.

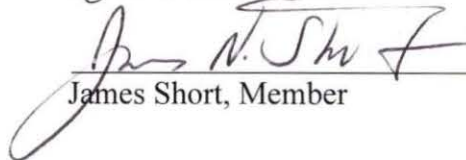
ABRA shall serve notice by certified mail or personal delivery on the parties.

District of Columbia  
Alcoholic Beverage Control Board

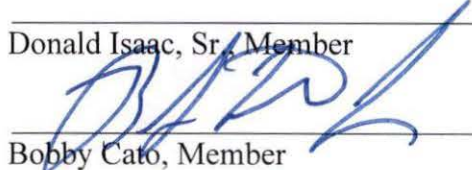
  
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Donovan Anderson, Chairperson

  
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Nick Alberti, Member

  
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Mike Silverstein, Member

  
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James Short, Member

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Donald Isaac, Sr., Member

  
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Bobby Cato, Member

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Rema Wahabzadah, Member

You have the right to request a hearing before the Board conducted in accordance with subchapter I of Chapter 5 of Title 2. Pursuant to D.C. Official Code § 25-829(b)(1), you may submit a written request to the Board for a hearing within fifteen (15) days of service of this Order. Additionally, you also have the option of submitting a written request to the Board for an expedited hearing pursuant to D.C. Official Code § 25-829(c)(1) within ten (10) days of service of this Order. Please note that if you fail to request a hearing, this Order shall be deemed final. D.C. Official Code § 25-829(d).

If you request a hearing, you may appear personally at the hearing, and you and the establishment, may be represented by legal counsel. You have the right to produce witnesses and evidence on your behalf and to cross-examine witnesses. You may examine evidence produced, and have subpoenas issued on your behalf to require the production of witnesses and evidence.

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).