THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

In the Matter of:		
Sophie DC, Inc. t/a B&B Convenience & More	Case No.: License No.:	25-PRO-00075 ABCA-132583
	Order No.:	2025-1071
Application for a New Retailer's Class B License		
at premises 1447 Maryland Avenue, N.E. Washington, D.C. 20002		

BEFORE: Donovan Anderson, Chairperson
Silas Grant, Jr., Member
Teri Janine Quinn, Member
David Meadows, Member

PARTIES: Sophie DC, Inc., t/a B&B Convenience & More, Applicant

Jeff Jackson, Counsel on behalf of B&B Convenience & More, Applicant

Mr. Daniel Aboagye, Ms. Meredith Barley, Mr. Al Smith, Mr. Jacob Barnes and Mr. Cameron Allen Cohen, Group of Five or More, Protestants

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

INTRODUCTION

The Alcoholic Beverage and Cannabis Board (Board) approves the Application for a New Retailer's Class B License filed by Sophie DC, Inc., t/a B&B Convenience & More (hereinafter "Applicant" or "B&B Convenience"). The Board finds that the Applicant has demonstrated that its proposed operations would not have an adverse impact on peace, order, and quiet. The Board also finds no negative impact on residential parking needs; vehicular and pedestrian safety; and sanitation. Therefore, the Board approves the Applicant's license.

Procedural Background

The Notice of Public Hearing advertising B&B Convenience's Application was posted on May 30, 2025, and informed the public that objections to the Application could be filed on or before July 14, 2025. *ABCA Protest File No. 25-PRO-00075*, Notice of Public Hearing [*Notice of Public Hearing*]. The records of the Alcoholic Beverage and Cannabis Administration (ABCA) indicate that a group of five or more has filed a protest against the Application. *ABCA Protest File No. 25-PRO-00075*, *Protest Report* (Aug. 2025) [*Protest Report*].

The parties came before the Board's Agent for a Roll Call Hearing on August 4, 2025, where the above-mentioned objector was granted standing to protest the Application. Finally, the Protest Hearing in this matter occurred on September 17, 2025.

Based on the issues raised by the Protestant, the Board may only grant the Application if the request will not have an adverse impact on the peace, order, and quiet of the neighborhood and vehicular and pedestrian safety. D.C. Official Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2025). The Protestant also raised appropriateness and ownership issues during the hearing. *Transcript* (*Tr.*), Sept. 17, 2025, at 46.

FINDINGS OF FACT

The following statements represent the Board's findings of fact based on the evidentiary record. In reaching its determination, the Board considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file. The Board credits all testimony and evidence identified or cited below unless otherwise stated.

I. Background

1. B&B Convenience submitted an Application for a New Retailer's Class B License at 1447 Maryland Ave. N.E. Washington, D.C. 20002. *Notice of Public Hearing*. The Application was submitted by Jeff Jackson, CEO of Alcohol Beverage Consultants on behalf of B&B Convenience. *Protest Report*.

2. ABCA Investigator, Leon Harris, investigated the Application and prepared the Protest Report submitted to the Board. *Id.*

3. The proposed store is in a Mixed-Use zone (NMU-4/H-A zone). There are 17 licensed ABCA establishments located within 1,200 feet of the proposed location. *Id*. at 3-4. There are no schools within 400 feet of the establishment. *Id*.

4. The establishment's proposed hours of operation are from 7:00 a.m. to 10:00 p.m., Sunday through Saturday. The sale hours are from 10:00 a.m. to 10:00 p.m., Sunday through Saturday. *Tr*. at 23.

5. ABCA investigators visited the establishment on seven different occasions in the month of August and did not observe any ABCA violations. *Protest Report* at 5-6. On Saturday, August 16, 2025, Investigator Harris observed two people loitering near the establishment's gate; however, they did not enter the property. *Id*. at 6. On Thursday, August 21, 2025, at

approximately 12:05 a.m., there was some high foot traffic on the same block as the establishment, but no ABCA violations were found. *Id*. Mr. Harris believes there are no peace, order, or quiet issues. *Tr.* at 27-28.

6. There are two Metro bus stops and one DC Streetcar Station in the vicinity of B&B Convenience. *Id*. There are several pedestrian crosswalks in the surrounding area as well. *Id*. During the monitoring period, there were times when parking was unavailable right in front of the establishment, however, there were no ABCA violations and parking was available in the surrounding area. *Id.*

II. Venes Zevenay

7. Venes Zevenay is the owner of B&B Convenience. *Tr*. at 52. Ms. Zevenay has prior experience of owning and operating a business. *Tr*. at 73. She owned a convenience store for three years that sold beer and wine prior to the establishment burning down a couple of years ago. *Id*. at 74. When the store was open, Ms. Zevenay never received any ABCA violations. *Id*.

8. Ms. Zevenay signed a lease for B&B Convenience on February 1, 2025, and began making renovations to the premises. *Id* at 52. Trash is picked up three times a week and has several rodent-proof trash cans. *Id.* at 53. Future deliveries will be made in front and back of the establishment and that there is ample parking for deliveries. *Id.* Ms. Zevenay plans to sell coffee, breakfast, beer, and wine at the establishment. *Id*. at 72.

III. Daniel Aboagye

9. Mr. Aboagye raised concerns about trash pickup and sanitation, peace, order, and quiet as well as vehicular and pedestrian safety in his Protest Letter to the Board. *Protest Report*, Exhibit 1. Mr. Aboagye argued that the Applicant created a defacto parking lot that blocks the sidewalk and causes vehicular and pedestrian safety concerns. *Id*. at 108.

10. Mr. Aboagye challenged the character and fitness and qualifications of the Applicant pursuant to D.C. Official Code §§ 25–301 and 302. *Tr*. at 46. Specifically, Mr. Aboagye believes that the actual owner of B&B Convenience is the landlord, Wundine Seyum Dennessey and that Ms. Zevenay is a straw owner. *Id.* Mr. Aboagye claims that Mr. Dennessey has another ABCA license that would prohibit him from having a Retailer's Class B License with ABCA. *Id*. at 70.

CONCLUSIONS OF LAW

11. The Board may approve an Application for a New Retailer's Class B License when the proposed establishment will not have an adverse impact on the neighborhood. D.C. Code §§ 25-104, 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 20 25). Specifically, the question in this matter is whether the Application will have a negative impact on the peace, order, and quiet and residential parking and vehicular and pedestrian safety of the area located within 1,200 feet of the establishment. D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 20 25).

I. The Burden of Proof Lies with the Applicant to Prove its Case Through Substantial Evidence.

12. The burden of proof in this matter is assigned to the Applicant. D.C. Code § 25-311(a). ". . . [T]he Applicant in meeting its burden may rely on the record as a whole, which includes information provided in the Protest Report and the Protestant's case, and not just what the Applicant presents during its case-in-chief." *In re The New 7307, t/a Premier Lounge,* Case No. 22-PRO-000222, Board Order No. 2022-701, ¶ 1 (D.C.A.B.C.B. Oct. 19, 2022) *citing Esgar Corp. v. Commissioner of Internal Revenue*, 744 F.3d 648, 655 (10th Cir. 2014); *see also Washington Metro. Area Transit Auth. v. Dist. of Columbia Dept. of Employment Services*, 992 A.2d 1276, 1283 (D.C. 2010) *citing Dale v. S & S Builders, LLC,* 188 P.3d 554, 561 (Wyo. 2008) (saying in determining whether a party met its burden during an administrative hearing the court will look at the "record as a whole"). The Board further notes that where there is an "absence of evidence on an essential point [this] supports denial rather than granting of an application." Conrad v. Dist. of Columbia Alcoholic Beverage Control Bd., 21-AA-748, 2023 WL 163964, at *5 (D.C. Jan. 12, 2023).

13. Furthermore, in determining whether the Applicant has met its burden, the Board shall only base its decision on the "substantial evidence" contained in the record. 23 DCMR § 1718.3 (West Supp. 20 24). The substantial evidence standard requires the Board to rely on "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Clark v. D.C. Dep't of Employment Servs.*, 772 A.2d 198, 201 (D.C. 2001) *citing* Children's Defense Fund v. District of Columbia Dep't of Employment Servs., 726 A.2d 1242, 1247 (D.C. 1999).

II. The Establishment is Appropriate for the Neighborhood.

14. The Board is persuaded that the Application is appropriate. Under the appropriateness test, "the applicant shall bear the burden of proving to the satisfaction of the Board that the establishment for which the license is sought is appropriate for the locality, section, or portion of the District where it is to be located . . . ." D.C. Code § 25-311(a). In determining appropriateness, the Board must consider whether the Applicant's future operations will satisfy the reasonable expectations of residents to be free from disturbances and other nuisances—not just whether the Application complies with the minimum requirements of the law. D.C. Council, Bill 6-504, the "*District of Columbia Alcoholic Beverage Control Act Reform Amendment Act of 1986*," Committee on Consumer and Regulatory Affairs, 38 (Nov. 12, 1986); *see Panutat, LLC v. D.C. Alcoholic Beverage Control Bd.*, 75 A.3d 269, 277 n. 12 (D.C. 2013) ("However, in mandating consideration of the effect on peace, order, and quiet, § 25-313(b)(2) does not limit the Board's consideration to the types of noises described in § 25-725."). As part of its analysis, the Board should evaluate each "unique" location "according to the particular circumstances involved" and attempt to determine the "prospective" effect of the establishment on the neighborhood. *Le Jimmy, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 433 A.2d 1090, 1093 (D.C. 1981). Furthermore, the analysis may also include the Applicant's efforts to mitigate or alleviate operational concerns, the "character of the neighborhood," the character of the establishment, and the license holder's future plans. *Donnelly v. District of Columbia Alcoholic Beverage Control Board*, 452 A.2d 364, 369 (D.C. 1982) (saying that the Board could rely on testimony related to the licensee's "past and future efforts" to control negative impacts of the

operation); *Upper Georgia Ave. Planning Comm. v. Alcoholic Beverage Control Bd.*, 500 A.2d 987, 992 (D.C. 1985) (saying the Board may consider an applicant's efforts to "alleviate" operational concerns); *Citizens Ass'n of Georgetown, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 410 A.2d 197, 200 (D.C. 1979); *Gerber v. D.C. Alcoholic Beverage Control Bd.,* 499 A.2d 1193, 1196 (D.C. 1985); *Sophia's Inc. v. Alcoholic Beverage Control Bd.*, 268 A.2d 799, 800-801 (D.C. 1970).

15. First, the establishment is unlikely to have a negative impact on peace, order, and quiet. "In determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment on peace, order, and quiet, including the noise and litter provisions set forth in §§ 25-725 and 25-726." D.C. Code § 25-313(b)(2); *see also* D.C. Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider "noise, rowdiness, loitering, litter, and criminal activity." 23 DCMR § 400.1(a) (West Supp. 20 25). In this case, disturbances seem unlikely. ABCA Investigators visited the establishment on several occasions and found no concerns regarding peace, order, and quiet. *Supra*, at ¶ 5. Furthermore, disturbances appear unlikely when the business will not operate in the early morning and as a new establishment, it has no record of violations. *Supra***,** at ¶¶ 4-5. As such, the Board finds in favor of B&B Convenience on the issue of peace, order, and quiet.

16. Second, the establishment is unlikely to have a negative impact on traffic safety or parking. "In determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment upon residential parking needs and vehicular and pedestrian safety . . . ." D.C. Code § 25-313(b)(3); *see also* D.C. Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider the availability of both private and public parking, any parking arrangements made by the establishment, whether "[t]he flow of traffic . . . will be of such pattern and volume as to . . . increase the [reasonable] likelihood of vehicular [or pedestrian] accidents . . . ." 23 DCMR § 400.1(b), (c) (West Supp. 2025). In this case, the location has access to adequate public transportation based on its location near Metro Bus stops and there is no history of parking or traffic issues related to B&B Convenience. *Supra*, at ¶ 6. The Board notes that alleged disturbances caused by a fence regarding deliveries or vendors is speculative and not related to the appropriateness criteria. *Supra*, at ¶ 9. As such, the Board finds in favor of the Applicant on this issue.

III. The Board Dismisses Protestant's Claims About Ownership.

17. During the Protest Hearing, Protestant presented character and fitness and actual owner qualifications arguments under D.C. Code § 25-301(a)(1) and §25-301(a)(5). These issues and claims were not raised in the Protest Letter filed with the Board.[1] *Protest Report*, Exhibit 1.

18. Nevertheless, D.C. Official Code § 25-601(a) requires these issues to be raised in the protest letter not at the hearing. Therefore, the protestants arguments were not timely raised and are legally waived pursuant to D.C. Code § 25-602, which requires all arguments against the application to be raised during the protest period. Furthermore, the ownership allegations are wholly speculative. A business may have assistance from third parties without those third parties

[1] The Board allowed Protestants to present their case so that the information they provided could be preserved in the record and may be referred to for investigatory purposes and future proceedings.

exercising unlawful control or illegally sharing in the profits. Here, it is reasonable to believe that the landlord is helping the business solely to obtain rent or other benefits. Furthermore, there is no indication the landlord intends to hire and fire employees, make alcohol orders, exercise control over financial accounts, and have other indica of control over the business. Therefore, the Board finds the qualifications arguments waived and without merit at this time.

IV. The Application Satisfies All Remaining Requirements Imposed by Title 25.

19. Finally, the Board is only required to produce findings of fact and conclusions of law related to those matters raised by the Protestants in their initial protest. *See Craig v. District of Columbia Alcoholic Beverage Control Bd.*, 721 A.2d 584, 590 (D.C. 1998) ("The Board's regulations require findings only on contested issues of fact."); 23 DCMR § 1718.2 (West Supp. 20 25). Accordingly, based on the Board's review of the Application and the record, the Applicant has satisfied all remaining requirements imposed by Title 25 of the D.C. Official Code and Title 23 of the D.C. Municipal Regulations.

ORDER

Therefore, the Board, on this 19th day of November 2025, hereby **APPROVES** the Application for a New Retailer's Class B License at premises 1447 Maryland Avenue, N.E., filed by Sophie DC, Inc. t/a B&B Convenience & More.

IT IS FURTHER ORDERED that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision. The omission of any testimony or evidence in the Board's Order indicates that such testimony or evidence was contravened by the evidence or testimony credited by the Board, had no or minimal weight on the Board's findings and conclusions, was irrelevant, was not credible, was not truthful, was repetitious, was too speculative, or was otherwise inappropriate for consideration.

The ABCA shall deliver a copy of this order to the Parties.

District of Columbia
Alcoholic Beverage and Cannabis Board

Donovan Anderson, Chairperson

Silas Grant, Jr., Member

David Meadows

David Meadows, Member

I dissent from the position taken by the majority of the Board. I believe the facts of this case merit the denial of the application for a New Retailer's Class B License.

Teri Janine Quinn

Teri Janine Quinn, Member

Any party adversely affected may file a Motion for Reconsideration of this decision or other motion permitted by law within ten days of service of this Order. If a motion is filed, the opposing party may file a response within seven days. If a response is filed, the movant may file a reply within three days. All filings should be served on all parties to the matter and delivered to the Alcoholic Beverage and Cannabis Administration, 899 North Capitol Street, N.E., Suite 4200-A, Washington, D.C. 20002, or sent by email to abca.legal@dc.gov. Parties are further advised that the failure to properly serve the other parties or to present all matters of record that have allegedly been erroneously decided in a motion for reconsideration may result in the waiver of those matters being considered by the Board. The Board also reserves the right to summarily deny or not consider multiple and repetitive motions.

In addition to filing a Motion for Reconsideration, pursuant to § 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, a party that is adversely affected may have the right to appeal this Order by filing a petition for review, within 30 days of the date of service of this Order, with the District of Columbia Court of Appeals, located at 430 E Street, N.W., Washington, D.C. 20001. Parties are advised that the timely filing of a Motion for Reconsideration 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).

Parties are also advised that the Superior Court of the District of Columbia may have jurisdiction to hear appeals in non-contested cases or in matters where that court is specifically provided jurisdiction by law. Finally, advisory neighborhood commissions (ANCs) are advised that their right to appeal or challenge a decision of the Board may be limited by the laws governing ANCs. See e.g., D.C. Code § 1-309.10.