

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

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|-----------------------------|---|--------------------------|
| In the Matter of: |) | |
| |) | |
| El, LLC |) | |
| t/a Bricklane Restaurant |) | Case No.: 21-CMP-00022 |
| |) | License No.: ABRA-109778 |
| Holder of a |) | Order No: 2021-457 |
| Retailer's Class CT License |) | |
| |) | |
| 517 8th Street, S.E. |) | |
| Washington, D.C. 20003 |) | |

TO: Elalami Ikhiar
Managing Member
El, LLC
t/a Bricklane Restaurant
517 8th Street, S.E.
Washington, D.C. 20003

Mohamed Karrakchou
517 8th Street, S.E.
Washington, D.C. 20003

ORDER TO CEASE AND DESIST

INTRODUCTION

On July 15, 2021, the Alcoholic Beverage Control Board (Board) reviewed compelling evidence that Elalami Ikhiar illegally transferred and has failed to properly superintend the Retailer's Class CT License issued to El, LLC, t/a Bricklane Restaurant, (Bricklane) at 517 8th Street, S.E., Washington, D.C., in violation of D.C. Official Code §§ 25-301, 25-405, and 25-701.

In addition, the Board has been presented with compelling evidence that this activity constitutes a nuisance under D.C. Official Code § 25-805. Therefore, under the authority granted by D.C. Official Code § 25-829, the Board orders the cessation of the sale, service, distribution, and consumption of alcohol at the premises.

FINDINGS OF FACT

The Board bases its decision on the following factual findings:

1. ABRA's records show that a Retailer's Class CT License has been issued to El, LLC, t/a Bricklane Restaurant, located at 517 8th Street, S.E., Washington, D.C. *ABRA Licensing File No. 109778*. ABRA's records further show that the sole owner of Bricklane is Elalami Ikhiar.
2. On Monday, June 28, 2021, ABRA Investigator Mark Ruiz conducted a regulatory inspection at the establishment to verify the ownership of Bricklane. *Case Report No. 21-CMP-00022*, at 1. ABRA Enforcement was contacted by the attorney for the landlord of the building at 517 8th Street, S.E. who suspected that the owner was no longer operating the business. *Id.*
3. Upon arrival at the establishment, Inv. Ruiz observed that the establishment was operating as "Mekki DC" which was the trade name used on the restaurant's menus. *Id.* Additionally, Inv. Ruiz noticed that the signage for the Board-approved trade name "Bricklane Restaurant" had been removed from the building. *Id.*
4. Inside, Mohamed Karrakchou identified himself as the owner. *Id.* Mr. Karrakchou indicated that he knew Mr. Ikhiar well and that Mr. Ikhiar was overseas and would not be returning to the United States. *Id. at 2.* Mr. Karrakchou admitted that he had been operating the establishment since February 2020 and that he had submitted transfer documents to ABRA. *Id.*
5. Inv. Ruiz confirmed with ABRA's Licensing Division that there no Transfer Application had been filed, nor did the Board approve a change in the establishment's Trade Name. *Id.*

CONCLUSIONS OF LAW

6. 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. Code § 25-829(a).
7. Section 25-301(a)(5) requires that all license holders be "the true and actual owner of the establishment . . . and not the agent of any other individual . . . not identified in the application." D.C. Code § 25-301(a)(5). The law further requires in § 25-301(a)(6) that "The licensed establishment will be managed by the applicant in person or by a Board-licensed manager." D.C. Code § 25-301(a)(6). Section § 25-701(a) requires that "A person designated to manage an establishment shall possess a manager's license." D.C. Code § 25-701. Furthermore, in order to transfer a license to new owner, such a transaction must be approved by the Board in accordance with D.C. Official Code § 25-405(a)-(b). D.C. Code § 25-405(a)-(b).
8. In this case, the sole recognized owner of Bricklane is Elalami Ikhiar. *Supra*, at 1. As a result, in the absence of the ownership, it is the responsibility of the owner to ensure that the premises are operated and managed by persons holding an ABC Manager's License in

accordance with D.C. Official Code §§ 25-301(a)(6) and 25-701(a). Nevertheless, Mohamed Karrakchou is exercising managerial authority, operating the premises without holding an ABC's Manager's License, and moreover, holding himself out to be the owner. *Supra*, at ¶ 2. Therefore, the Board finds sufficient cause to find that an illegal transfer has occurred and that the establishment is currently operating in violation of D.C. Official Code §§ 25-301, 25-405, and 25-701.

9. The Board finds that the continued sale and service of alcohol at the premises 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. 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 unauthorized persons to continue to operate the business allows the violators to maintain a public nuisance and benefit from the operation of a continuing nuisance at the expense of the public.

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 above-mentioned parties cannot be permitted to allow the sale, service, or consumption of alcohol on the premises to continue until a license is properly applied for, vetted, and approved by the Board.

11. Finally, where the business has been left in the control of a non-owner and unlicensed manager and no temporary operating retail permit has been issued to the purchaser authorizing a new operator, the Board finds that the business has been discontinued pursuant to D.C. Official Code § 25-791. *See* 23 DCMR § 703 (West Supp. 2021). Therefore, the Board orders the parties to surrender the license to the Board for safekeeping.

ORDER

Therefore, the Board on this 11th day of August 2021 hereby orders the parties to cease distributing, purchasing, selling, serving, or otherwise permitting the consumption of alcoholic beverages and maintaining a public nuisance at 517 8th Street, S.E., or any other location in the District of Columbia.

IT IS FURTHER ORDERED, pursuant to D.C. Official Code § 25-115(c) and 23

DCMR § 1003.1, that ABRA shall not issue temporary licenses and one-day substantial change licenses for the above-mentioned address.

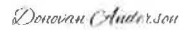
IT IS FURTHER ORDERED, pursuant to D.C. Official Code § 25-801(e), that ABRA refer this matter to the Office of the Attorney General for the District of Columbia (OAG) for prosecution. The Board further requests that OAG seek the enforcement of this Order in the Superior Court of the District of Columbia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

IT IS FURTHER ORDERED, pursuant to D.C. Official Code § 25-791, that the parties shall surrender the license to the Board for safekeeping. In the alternative, ABRA is simultaneously authorized to seize the license in order to place it in safekeeping.

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 the establishment is continuing to sell, serve, or permit the consumption of alcoholic beverages without approval from the Board, all of the persons engaging in such activity may be subject to both civil and criminal penalties.

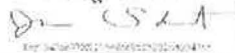
ABRA shall serve notice by certified mail or personal delivery on the parties.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson

Donovan Anderson, Chairperson



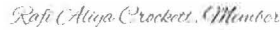
James Short

James Short, Member



Bobby Cato

Bobby Cato, Member



Rafi Aliya Crockett, Member

Rafi Crockett, Member



Jeni Hansen, Member

Jeni Hansen, Member



Edward S. Grandis, Member

Edward S. Grandis, 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).