THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

In the Matter of:		
T&N Angels, LLC t/a Cielo's Angels	Case No.: License No.: Order No:	N/A 131487 2025-915
Application to Transfer a Retailer's Class CN License with Nude Dancing Endorsement		
1813-1815 M Street, NW Washington, DC 20036		

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

PARTIES: T&N Angels, LLC, t/a Cielo's Angels, Applicant

Andrew Kline and Cameron Mixon, Counsels, on behalf of the Applicant

APPROVAL ORDER

On September 24, 2025, the Alcoholic Beverage and Cannabis Board reviewed the Application to Transfer a Retailer's Class CN License with Nude Dancing Endorsement to 1813-1815 M Street, N.W., filed by T&N Angels, LLC, t/a Cielo's Angels (Applicant). The Board **APPROVES** the Application on the condition that Applicant fulfill any remaining document or information requests required by the Alcoholic Beverage and Cannabis Administration Licensing Division.

The Board provides the following history of the license application and explanation of its decision to approve this application for approval and future issuance.

On April 2, 2025, the Board rescinded a public notice related to the application based on concerns that the application did not comply with D.C. Official Code § 25-374. A memorandum supporting this conclusion was provided to the Applicant on April 9, 2025.

In pertinent part, D.C. Official Code § 25-374, which limits the locations that an establishment with a nude dancing endorsement as authorized by D.C. Official Code § 25-371(b) may locate, provides that:

> (a) A license under § 25-371(b) may only be transferred to a location in the Central Business District or, if the licensee is currently located in a CM or M-zoned district, transferred within the same CM or M-zoned district, as identified in the zoning regulations of the District of Columbia and shown in the official atlases of the Zoning Commission of the District of Columbia; provided, that no license shall be transferred to any premises which is located:
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> (1) Six hundred feet or less from another licensee operating under § 25-371(b); and
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> (2) Six hundred feet from a building with a *certificate of occupancy for residential use* or a lot or building with a permit from the Department of Buildings for residential construction at the premises.

D.C. Code § 25-374(a), (1)-(2) (emphasis added).

On April 21, 2025, the Board received a motion for reconsideration disputing this action. The Board held oral arguments on the motion on May 21, 2025. In Board Order No. 2025-664, the Board affirmed the decision to rescind the placard and deny the application. The basis of this determination was the Board's conclusion that the certificate of occupancy for the Jefferson Row Condominium should be deemed "residential use" because the use section of the relevant Certificate of Occupancy described it as a "Condominium Building (23) UNITS." *In re T& Angels, LLC, Cielo's Angels*, ABRA License No. 131487, Board Order No. 2025-664, 2 (Jun. 24, 2025). The Board reached this conclusion because (1) it interpreted the reference to residential use as including mixed use premises; (2) that the term condominium implied a residential use, and (3) that the interpretation was reasonable where the Department of Buildings had not provided definitive guidance on the definition of the term.

In response to the Board's Order, Cielo filed a second motion for reconsideration on June 16, 2025 and a supplemental filing on June 23, 2025. *Mot. for Recon. (Second)*, 1 (Jun. 16, 2025); *Supplemental*, 1 (Jun. 23, 2025). Based on filings, the Board vacated the prior order and determined that it should address the matter as part of the protest process. *In re T& Angels, LLC, Cielo's Angels*, ABRA License No. 131487, Board Order No. 2025-664, 2 (Jul 9, 2025).

On September 10, 2025, the Board approved a settlement agreement between the Applicant and Advisory Neighborhood Commission (ANC) 2B, which resulted in the dismissal of the sole remaining group protestant pursuant to D.C. Official Code § 25-609(b). *In re T& Angels, LLC, Cielo's Angels*, ABRA License No. 131487, Board Order No. 2025-664, 2 (Sept. 10, 2025). As such, based on the procedural posture of the case, there will be no hearing to argue the factual and legal issues related to the application of D.C. Official Code § 25-374.

Moreover, D.C. Official Code § 25-311(a) creates a presumption of appropriateness resolving all appropriateness issues listed in D.C. Official Code §§ 25-313.

Based on this turn of events, the Board provides the following explanation for the basis of approving the application.

Prior to this case, the Board could not find any prior decision of the Board interpreting the meaning of a certificate of occupancy that lists condominium usage under the auspices of § 25-374. Nevertheless, the Board is not bound by any prior determinations should they exist or its prior Order in this case, as "An agency may change its interpretation of a statute if it believes that a different interpretation is more consistent with the statutory language and legislative intent, but if it does so, it is obligated to provide an explanation of the change." *Dist. of Columbia Dep't of Corr. v. Dist. of Columbia Dep't of Employment Services*, 281 A.3d 588, 592 (D.C. 2022). Moreover, as a matter of administrative law, the agency is entitled to choose between competing alternate reasonable interpretations. *Dist. of Columbia Office of Human Rights v. Dist. of Columbia Dept. of Corr.*, 40 A.3d 917, 926 (D.C. 2012). Therefore, the Board is entitled to reexamine its interpretation of § 25-374 at any time.

In that vein, on reconsideration, the Board is persuaded that while its prior interpretation and denial may have been reasonable, the interpretation advanced by the Applicant is also a possible, permissible, and reasonable interpretation of the statute.

In particular, the Board is persuaded that the term "for residential use" in § 25-374 is ambiguous when the certificate of occupancy at issue does not use the word residential in the use section. As such, the phrase "for residential use" may be read narrowly to only apply to certificates of occupancy *solely* for residential use or to certificates that specifically list the term "residential" or derivatives of that term in the certificate. This means that in the case of a certificate of occupancy that solely lists condominium usage, this should not be deemed a residential use under § 25-374, because such a description allows for both residential or commercial usage. *Applicant's Motion for Reconsideration*, at § C. The Board is further persuaded that this is a reasonable interpretation because portions of the law related to condominiums allows for condominiums to be solely for commercial usage. *See, e.g.,* D.C. Code §§ 42-1901.01, 42-1901.02, 42-1901.06a, 42-1903.10.[1]

The Board is further persuaded to depart from its initial interpretation as better policy. Specifically, the Board recognizes that a statute like § 25-374 may raise First Amendment concerns as a content-based restriction that may receive heightened scrutiny by the courts; therefore, it is important that the Board interpret such statutes as narrowly as possible to avoid accidently infringing on constitutional rights. *Mack v. United States*, 6 A.3d 1224, 1233 (D.C. 2010) (the canon of constitutional avoidance advises that "ambiguous statutory language be construed to avoid serious constitutional doubts."); *R.V.S., L.L.C. v. City of Rockford*, 361 F.3d 402, 405, 416 (7th Cir. 2004) (enjoining ordinance that barred nude dancing establishment within

[1] For the purposes of § 25-374, no investigation as to whether persons reside in a specific building is required because the plain text of the statute does not consider actual usage of a property, but rather solely the usage listed on the certificate of occupancy.

1000 feet of residences). In adopting this interpretation, the Board considered the potential purpose of the statute as providing protection to residents related to the overconcentration of nude dancing establishments. Nevertheless, this does not appear to be a reasonable policy interpretation of § 25-374 where the statute ignores the fact that single family homes are exempt for the certificate of occupancy requirement and not considered. *Mot. for Recon*., at 6, *citing* 12 DCMR § 110.3.1A. For these reasons, the Board finds that changing course is warranted and the present application should not be prohibited under § 25-374.

ORDER

Therefore, the Board, on this 24th day of September 2025, hereby **APPROVES** the Application. A copy of this Order shall be sent to the Applicant.

IT IS FURTHER ORDERED that the Application shall be deemed and presumed appropriate pursuant to D.C. Official Code § 25-311(a). The Board is only required to produce findings of fact and conclusions of law related contested matters; nevertheless, as no viable protest remains the Board is not obligated to produce findings of fact or conclusions of law in this matter. *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. 2025). In light of this presumption of appropriateness, it shall be presumed that the presence of the Applicant's establishment shall have no negative impact on peace, order, and quiet; residential parking; vehicular and pedestrian safety; real property values; or overconcentration. Moreover, to the extent this establishment is near facilities that serve school age children (e.g., schools, recreation centers, day cares, public libraries, and similar facilities), the establishment shall be deemed not to have a negative impact or attractiveness to school-age children or other clients of these facilities or have a negative impact on the facilities themselves. D.C. Code §§ 25-313(b)(1)-(3), 25-314(a)(1)-(4). Any errors or omissions in the Application are deemed unintentional, harmless, and de minimis and would not change the Board's decision to approve or issue the license.[2] 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 related to the approval of the license.

[2] The Board is aware of the potential presence of day cares near the proposed location, including Children's Creative Learning Center at 1225 Connecticut Avenue, N.W.; Bright Horizons at 2101 L Street, N.W., La Petit Academy at 1307 19th Street, N.W.; and Bambini Play & Learn at 2001 M Street, N.W., Suite 200; however, there presence is irrelevant in terms of the application in light of the settlement agreement and D.C. Official Code § 25-311. To the extent the application did not identify these locations, the Board is aware of the potential error and considered the presence of these facilities. The Board notes that it does not rely on applications to find the presence of prohibited locations but instead relies on information provided by the Geographic Information System. The Board is aware of the difficulties individual applicants may have in determining distances, property lines, the presence of prohibited locations, and specific location's qualifications as a prohibited locations (e.g., determine a specific facility's licensure or permit status); therefore, any errors in the application had no impact on the Board's review and approval. Therefore, the Board, in its discretion, takes no action against the Applicant based on its determination that any errors were not made intentionally or willfully, and had no impact on the application review. *See* D.C. Code § 25-401(c).

District of Columbia
Alcoholic Beverage and Cannabis Board

Donovan Anderson, Chairperson

Silas Grant, Jr., Member

Ryan Jones, Member

David Meadows, Member

I dissent from the position taken by the majority of the Board and would affirm the Board's decision to block the application pursuant to D.C. Official Code § 25-374 for the reasons stated in Board Order No. 2025-664 issued on June 4, 2025.

Teri Janine Quinn

Teri Janine Quinn, Member

Any party adversely affected may file a Motion for Reconsideration of this decision within ten days of service of this Order with the Alcoholic Beverage and Cannabis Administration, 899 North Capitol Street, N.E., Suite 4200-A, Washington, D.C. 20002. Also, pursuant to § 11 of the *District of Columbia Administrative Procedure Act*, Pub. L. 90-614, 82 Stat. 1209, D.C. 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 further advised that the failure 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.

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(g).