

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

In the Matter of:)	
)	
Heirloom Catering, LLC)	Case No.: N/A
t/a Delia's Catering)	License No.: ABRA-103563
)	Order No.: 2022-920
Order to Cease and Desist)	
)	
362 West Broad Street)	
Falls Church, VA 22046)	
)	

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member

PARTIES: Heirloom Catering, LLC, t/a Delia's Catering, Respondent

CEASE AND DESIST ORDER

On November 9, 2022, the Alcoholic Beverage Control Board reviewed compelling evidence that Heirloom Catering, LLC, t/a Delia's Catering, (Respondent) illegally held events within the District of Columbia by failing to have an owner or licensed manager present during an event on October 11, 2022, and illegally importing alcohol into the District of Columbia, among other violations. In addition, the licensee demonstrated basic ignorance regarding the District's alcohol laws, which demonstrate a high risk of repeated illegal activity if not stopped immediately.¹ Therefore, the Respondent is ordered to cease hosting events without the presence of an owner or licensed manager, and cease engaging in the illegal importation of alcohol into the District of Columbia.

¹ The issue of caterers located in Maryland and Virginia has been addressed by ABRA as part of the Quick Guide titled, "Exceptions to the Liquor License Requirement," which states: "*Alcohol licenses issued by other jurisdictions or states (e.g., catering license), such as Maryland or Virginia, do not authorize the sale, service, distribution, or consumption of alcohol in the District of Columbia.*" Alcoholic Beverage Regulation Administration "*Quick Guide: Exceptions to the Liquor License Requirement,*" https://abra.dc.gov/sites/default/files/dc/sites/abra/publication/attachments/QG%20Exemptions%20for%20Liquor%20License%20Requirement2_AK%20v9.pdf (last visited Nov. 10, 2022) (italics added).

FINDINGS OF FACT

1. On October 15, 2022, Alcoholic Beverage Regulation Administration (ABRA) Investigator Mark Ruiz observed an event occurring at 1234 9th Street, N.W., Washington, D.C. *Case Report*, at 1 (Oct. 11, 2022). Inside, he observed a catered event facilitated by the Respondent's catering company, including patrons consuming beer and wine. *Id.* at 1-2. No person working on behalf of the caterer could display an ABC Manager's License. *Id.* at 2. Over the phone, a supervisor for the company informed the investigator that she left before the event even though patrons were still consuming alcohol at the event site. *Id.*
2. On October 15, 2022, the Respondent provided Investigator Ruiz with alcohol invoice documents. *Id.* The invoices showed purchases from a "Virginia ABC store" and Republic National Distributing Company. *Id.* The invoices showed purchases of various alcoholic beverage products from a store located at 6206 Little River Turnpike, Alexandria, Virginia 22312. *Id.* at *Exhibit No. 6*. The Republic National invoice showed that alcohol also came from Republic National Distributing Company, LLC, located at 14038 Washington HWY, Ashland, Virginia, 23005. *Id.* at *Exhibit No. 7*. The Board further takes administrative notice that the invoice also showed license numbers and licenses not issued or that otherwise exist under the District's alcohol system. *Id.*
3. In an email from a representative of the Respondent, the Respondent's representative stated: "We hold a DC ABRA caterers license to serve alcohol in DC venues with our legally purchased spirits and wine from Virginia." *Id.* at 2. As noted below, this is incorrect and illegal in the District of Columbia.

CONCLUSIONS OF LAW

4. 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).
5. Under the District's alcohol laws:
 - 2004.1 The licensee under a Caterer's license may transport alcoholic beverages within the District of Columbia subject to the requirements of § 1303. *The importation of alcoholic beverages by the licensee under a Caterer's license into the District of Columbia from outside of the District of Columbia shall be prohibited pursuant to D.C. Official Code § 25-772, and said alcoholic beverages shall be deemed illegal contraband goods subject to seizure and forfeiture to the District of Columbia pursuant to D.C. Official Code § 25-911.*
 - 2005.1 Either the holder of a caterer's license or a designated manager shall remain on the premises for the duration of the catered event.

23 DCMR § 2004.1 (West Supp. 2022) (emphasis added).

§ 25-701. Board-approved manager required.

(a) A person designated to manage an establishment shall possess a manager's license. (a-1)(1). . . . an establishment's owner or Board-approved manager shall be present on the premises at all times during the establishment's hours of sale, service, and consumption of alcoholic beverages.

§ 25-772. Unlawful importation of beverages.

(a) Only a licensee under a manufacturer's, wholesaler's, or common carrier's license, or retailer's license *under a validly issued import permit* shall transport, import, bring, or ship or cause to be transported, imported, brought, or shipped into the District from outside the District any wines, spirits, or beer in a quantity in excess of one case at any one time.

(d) The penalty for violation of this section shall consist of (1) the forfeiture of the beverages transported, imported, brought, or shipped, or caused to be transported, imported, brought, or shipped in violation of this section, and (2) a fine of not more than the amount set forth in [§ 22-3571.01] or imprisonment for not more than 6 months.

(e) In addition to other penalties provided in this section, any person who violates the provisions of this section shall be liable for any tax, penalties, and interest provided for in this title.

D.C. Code §§ 25-701, 25-772 (emphasis added). In this case, the evidence shows that the Respondent failed to properly superintend an event and illegally imported alcohol into the District from Virginia in violation of D.C. Official Code §§ 25-701 and 25-772 and 23 DCMR §§ 2004.1 and 2005.1.

6. The Board further finds that the present violations constitute an immediate and irreparable harm to the public. The Respondent's actions demonstrate a continued intention to continue operating without appropriate supervision and to continue to illegally import alcohol into the District. *Supra*, at ¶ 3. The Board further notes that the import system ensures that alcohol is sourced from appropriate and lawful suppliers, that unsafe alcohol products can be removed from the market, and that appropriate taxes are paid. The Board also notes that the requirement that a licensed manager or owner be present is an important requirement because (1) it helps ensure the lawful operation of the business; (2) helps prevent the capture of the business by unlicensed third parties; and (3) ensures someone with sufficient authority is present to address immediate requests by government officials (e.g., obtaining security camera footage, displaying identification, providing records, etc.). For these reasons, a cease and desist order is warranted.

ORDER

Therefore, the Board on this 9th day of November 2022, hereby orders the Respondent to cease the illegal importation of alcohol and to cease failing to properly superintend its events in accordance with D.C. Official Code §§ 25-701 and 25-772 and 23 DCMR §§ 2004.1 and 2005.1.

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.

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: ac43cb9eb9d45f09e4b730093d1dccc8

Donovan Anderson, Chairperson

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James Short
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James Short, Member

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Bobby Cato, Member

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Rafi Crockett, Member

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Jeni Hansen, Member
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Jeni Hansen, 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).