

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

_____)	
In the Matter of:)	
816 Dirty Water, LLC, t/a)	Case No.: 25-251-00024
Dirty Water)	License No.: ABRA-125771
Holder of a)	Order No.: 2026-304
Retailer’s Class CT License)	
at premises)	
816 H Street, NE)	
Washington, D.C. 20002)	
_____)	

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

PARTIES: 816 Dirty Water, LLC, t/a Dirty Water, Respondent

Luke Casey, Designated Representative, on behalf of the Respondent

Sophia Mietus, Assistant Attorney General
Office of the Attorney General for the District of Columbia

**ORDER APPROVING IN PART AND DENYING IN PART RESPONDENT’S REQUEST
FOR A SUBPOENA**

INTRODUCTION

816 Dirty Water, LLC, t/a Dirty Water (hereinafter, “Respondent” or “Dirty Water”) is scheduled for a Show Cause Hearing on April 22, 2026 regarding Case No. 25-251- 00024. The charges are as follows: Charge I: “You permitted the consumption of an alcoholic beverage at the licensed establishment by persons under 21 years of age, in violation of D.C. Code § 25-781(b)(1), for which the Board may take the proposed action under D.C. Code § 25-823(a)(1);” and Charge II: “Your employee failed to take reasonably necessary steps to ascertain whether a patron was of legal drinking age, in violation of D.C. Code § 25-783(b), for which the Board may take the proposed action under D.C. Code § 25- 823(a)(1).” The alleged incident took place on the night of Sunday, September 21, 2025, when Alcoholic Beverage and Cannabis Administration (ABCA)

Investigators Leon Harris and LaKeta Coates investigated the establishment in response to an anonymous complaint.

The Respondent filed a Request for Subpoena requesting that the Alcoholic Beverage and Cannabis Board (Board) direct the production of the following: (1) Two underaged patrons originally interviewed by the Metropolitan Police Department (MPD) officers (hereinafter, “the underaged patrons”) on the night of the incident; (2) investigative reports and notes regarding sale-to-minor complaints filed in 2025 against six establishments, Town Tavern, St. Yves, Public Bar Live, Mission Navy Yard, Royal Sands, and Madhatter; (3) all body-worn camera footage from MPD officers on September 21, 2025 regarding the inspection and identification checks conducted at Dirty Water; and (4) identification scanner logs for any entries matching the two underaged patrons from the above-mentioned establishments. See *Request for Subpoena*.

The District of Columbia (hereinafter, “District” or “Government”) filed an opposition to the Respondent’s Request for Subpoena challenging the release of all requested materials with the sole exception of item (3), all body-worn camera footage from MPD officers on September 21, 2025 regarding the inspection and identification checks conducted at Dirty Water. In response, the Respondent submitted a Reply to the District’s opposition, offering further explanation for the contested subpoenas. The Board will address each item below.

(1) Subpoena Request for the Two Underaged Patrons

The Respondent requests that the two underaged patrons who originally interviewed with MPD officers, produced a valid “under 21” identification (I.D.) card, and consumed alcoholic beverages at the premises, appear before the Board to testify at the Show Cause hearing. *Request for Subpoena* at 1; *Case Report* at 1. The Respondent argues that the testimonies will be “relevant to establishing the affirmative defense under D.C. Code § 25-781(h) by confirming the use of fraudulent identification that reasonably appeared valid.” *Request for Subpoena* at 1. The District opposes this request on grounds that the live testimonies will be “cumulative.” *District’s Response* at 1-2. The Board agrees. The District does not oppose producing the MPD body-worn camera footage that captured the interactions between the MPD officers, ABCA investigators, and patrons. *Id.* In addition, the ABCA investigators and MPD officers will be present for examination at the hearing. *Id.* In light of this, the Board is persuaded that the record contains sufficient evidence to make a final determination absent the direct testimony of the minors.

Even if this were not the case, the testimony of the minors is not relevant to asserting the affirmative defense. D.C. Official Code § 25-781(h). For asserting a reasonable belief that the identification was valid, the defense focuses solely on the identification itself, not the person presenting it under the terms of D.C. Official Code § 26-781(h)(1). Moreover, none of the criteria that defeat the affirmative defense automatically rely on a showing the person presenting the fake identification, but rather identification itself or the knowledge of the Respondent’s employee. Consequently, the subpoena requiring that these two underage persons testify serves no purpose other than to potentially annoy, intimidate, and harass third parties. As a result, the Board finds for the Government on this issue.

(2) Subpoena Request for the Investigative Reports and Notes Regarding the Sale-to-Minor Complaints Filed in 2025 against Town Tavern, St. Yves, Public Bar Live, Mission Navy Yard, Royal Sands, and Madhatter

The Respondent requests that the Government produces the investigative reports and notes regarding sale-to-minor complaints filed in 2025 against the above-named establishments. The Respondent argues that the records “have probative value during examination of . . .” the underaged patrons “. . . by providing context regarding the ID-verification procedures in place at the establishments where the individuals gained entry.” *Request for Subpoena* at 5. Furthermore, the Respondent argues that the materials seek to “. . . confirm that the individuals identified in this matter gained entry to multiple age-restricted establishments and that ABCA investigators determined that sufficient ID verification systems were employed as to not draft a case report. . .” *Id.* The Board finds this request irrelevant to the “merits of the hearing.” 23 DCMR § 1710.6(e).

First, the “ID-verification procedures” of the other establishments are immaterial to this hearing. Under D.C. Official Code § 25-781(b)(1) and § 25-783(b), the Board’s inquiry is limited to whether the Respondent met its specific statutory obligations: (1) not selling alcohol to persons under 21 years of age; and (2) taking reasonable steps to ascertain a patron’s legal drinking age. D.C. Code § 25-781(b)(1); D.C. Code § 25-783(b). Whether other establishments successfully identified or failed to identify the two underaged patrons or the practices of a limited subset of establishments has no bearing on the Respondent’s own compliance or the validity of the identification presented at the time of the alleged violations. Second, the Respondent’s argument is speculative. If, arguendo, the underaged patrons entered the third-party establishments, the Respondent relies on the unproven assumption that an I.D. card was the exclusive means of entry into the establishments. Third, the Respondent improperly attempts to shift the burden to the underaged patrons by focusing on their alleged pattern of fraudulent practices. Such a pattern is immaterial to the affirmative defense under D.C. Official Code § 25-781(h)(2). Indeed, the statute as a matter of policy presumes that minors may attempt to circumvent the underage drinking laws and places the burden on the licensee to take reasonable steps to defeat this known practice. For these reasons, the Board finds for the Government on this issue.

(3) Subpoena Request All Body-Worn Camera Footage from MPD Officers on September 21, 2025 Regarding the Inspection and Identification Checks Conducted at Dirty Water

The Respondent requests that the Government produces MPD body-worn camera footage that captured officers’ interactions at the premises on September 21, 2025 specifically, during the inspection and I.D. checks. The Respondent asserts that, “The footage is necessary to evaluate the context, sequencing, and attribution of statements relied upon in the charging documents . . .” and that the footage is necessary to examine the underaged patrons “. . . because the case report does not distinguish which patron made which statements.” *Request for Subpoena* at 6. This request is not in dispute between the parties, and the Board agrees that the request for materials pertaining to item (3) should be granted.

(4) Subpoena Request for Identification Scanner Logs for any Entries Matching the Two Underaged Patrons from the Third-Party Establishments.

The Respondent requests that the Government produces the ID scanner logs for any entries matching the underaged patrons at the Town Tavern, St. Yves, Public Bar Live, Mission Navy Yard, Royal Sands, and Madhatter. The Respondent argues that these materials “corroborate Respondent’s scanner logs and demonstrate the apparent validity of the identification used to gain entry.” *Request for Subpoena* at 6-10. This request is not relevant to the “merits of the hearing” and hereby denied under 23 DCMR § 1710.6(e).

As mentioned above, the Board’s inquiry is limited to whether the Respondent met its specific statutory obligations and not whether other establishments successfully identified or failed to identify the two underaged patrons as they allegedly entered their establishments. Furthermore, the affirmative defense rests on a licensee’s physical examination of I.D. cards to detect certain questionable factors at the time of inspection. D.C. Code § 25-781(h)(2). The Government does not challenge the validity of the identification but rather asserts that the Respondent allowed the underaged patrons with “real” identification cards inside the establishment to consume alcohol. *District’s Response* at 1. As a result, how the valid I.Ds interacted with scanners at the other venues is irrelevant in this case. For this reason, the Board denies the Respondent’s request.

ORDER

Therefore, the Board, on this 8th day of April 2026, **GRANTS** the Request for Subpoena **IN PART** pertaining to item (3) only. These items shall be due to Respondent **14 DAYS** prior to the scheduled Show Cause Hearing, which shall be rescheduled to a new date and time to accommodate the information transfer. The parties are instructed to work cooperatively to facilitate the transfer of the information.

The Board **DENIES** the Request for Subpoena regarding items (1), (2), and (4).

The ABCA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia
Alcoholic Beverage and Cannabis Board

signed via SeamlessDocs.com
Donovan Anderson
Key: ac430b08b69d5f06e4b730093d1dccc8

Donovan Anderson, Chairperson



Silas Grant, Jr., Member

Teri Janine Quinn

Teri Janine Quinn, Member



Ryan Jones, Member



David Meadows, 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).