

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

In the Matter of:)	
)	
)	
DC Winery LLC)	Case No.: 20-CMP-00021
t/a District Winery/Ana Restaurant & Bar)	License No.: ABRA-098684
)	Order No.: 2024-435
Holder of a)	
Retailer’s Class CT License)	
)	
at premises)	
385 Water Street, S.E.)	
Washington, D.C. 20003)	

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Silas Grant, Member

ALSO PRESENT: DC Winery, t/a District Winery/Ana Restaurant, Respondent

Nassim Ahmadi and David Goldblatt, Counsels, on behalf of the Respondent

Anthony Celo, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER GRANTING MOTION FOR EXTENSION

In Board Order No. 2021-882, the Alcoholic Beverage Control Board (Board) found that DC Winery, t/a District Winery/Ana Restaurant, (hereinafter “Respondent” or “District Winery”) violated D.C. Official Code § 25-754(b), which prohibits the storage of alcohol outside the District, by storing a large amount of wine in Virginia, and unjustifiably shielding its full operations from appropriate inspections since 2017. The matter was appealed and the conditions imposed by the Board were stayed pending the resolution of the appeal.

The sole issue on appeal was whether D.C. Official Code § 25-754(b) should not be enforced because it is unconstitutional under the dormant Commerce Clause. In issuing its decision on August 10, 2023, the District of Columbia Court of Appeals wrote that “The in-

District storage requirement is constitutional under § 2 of the Twenty-first Amendment” and affirmed the Board’s decision. *DC Winery, LLC, t/a District Winery/Ana Restaurant & Bar v. D.C. Alcoholic Beverage Control Board*, 20-CMP-00021, 18 (D.C. 2023).

In order to avoid hardship related to the appeal and provide clarity regarding compliance, the Board reset the time period related to the prior Order to start on October 1, 2023. Nevertheless, despite making good faith efforts to comply, the Respondent requested additional time in a motion dated November 20, 2023, which has not been objected to by the Government. Therefore, the Board granted the request for an additional six months of time to comply with the Board’s Order.

Subsequently, on May 30, 2024, the Respondent filed a status report showing good faith efforts to comply but demonstrating financial hardship and potential change in circumstance regarding the law. As such, the Board finds good cause to extend the time for compliance until January 1, 2025.

ORDER

Therefore, the Board, on this 5th day of June 2024, hereby **MODIFIES** the penalties and conditions imposed by Board Order No. 2021-882 to require District Winery to be in compliance with that Order as of January 1, 2025, and to file all necessary reports by that date.

IT IS FURTHER ORDERED that District Winery shall report on the status of its efforts to comply with the conditions imposed on the license on December 1, 2024.

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

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac430b9b59d5f0e4b730060d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ac373f820de0ac8d1b3325d2049ec

James Short, Member



Silas Grant, Jr., Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, pursuant to section 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, 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, 430 E Street, N.W., Washington, D.C. 20001; (202-879-1010). 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) (2004).