

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

In the Matter of:)		
)		
Exotic Hookah)	Case No.:	N/A
)	License No.:	N/A
Cease and Desist)	Order No.:	2024-107
)		
at premises)		
2409 18 th Street, N.W.)		
Washington, D.C. 20009)		

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

PARTIES: Helen Gebremedhin
Exotic Hookah
2409 18th Street, N.W.
Washington, D.C. 20009

ORDER TO CEASE AND DESIST

INTRODUCTION

On March 13, 2024., the Alcoholic Beverage and Cannabis Board reviewed compelling evidence that the illegal sale, service, and consumption of alcohol occurred at 2409 18th Street, N.W., on February 17, 2024. In light of this illegal activity, Helen Gebremedhin is ordered to cease and desist the sale, service, and consumption of alcohol at the property, and any other location in the District until an appropriate license is obtained.

FINDINGS OF FACT

The following statements represent the Board’s findings of fact based on the evidentiary record. In reaching its determination, the Board considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board’s official file. The Board credits all testimony and evidence identified or cited below unless otherwise stated.

1. On February 17, 2024, the Alcoholic Beverage and Cannabis Administration (ABCA) received a complaint regarding illegal alcohol sales at Exotic Hookah, located at 2409 18th

Street, N.W. *Case Report*, Exotic Hookah at 1. On that date, ABCA Investigators JoVan Miller and Mikea Nelson reported to the location at around 11:40 p.m. *Id.* ABCA’s records show that a prior alcohol license was applied for at the address, but no license was ever issued. *Id.* at 2.

2. Investigator Miller entered Exotic Hookah in an undercover capacity. *Id.* at 1. After receiving a pat down from a security person, the investigator asked if the business sold alcohol. *Id.* The security person said “yes.” *Id.* The investigator then went to the bar and asked a female employee if the establishment sold alcohol. *Id.* The female employee said, “yes.” *Id.* The investigator then ordered tequila. *Id.*

3. The female employee went to a register, rang up the purchase, and provided a printed receipt for the purchase. *Id.* Once she gave the receipt to the investigator, he saw her go to the bar, pick up a 750 ml bottle of Blanco Don Julio off the floor and pour it into a white plastic cup with pineapple juice. *Id.* at 2. He then tasted the beverage and confirmed that alcohol was present in the drink. *Id.*

4. Investigator Nelson entered the establishment with police officers after being notified that the establishment had sold alcohol without a license. *Id.* The owner then lied about not selling alcohol when confronted by Investigator Nelson based upon Investigator Miller’s observations. *Id.*

CONCLUSIONS OF LAW

5. 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).

I. THE EVENTS VIOLATED D.C. OFFICIAL CODE § 25-102.

6. The Board finds that the event on February 17, 2024, violated D.C. Official Code §§ 25-102(a). Under §§ 25-102(a) and (d), the sale of alcohol without a license is illegal and D.C. Code §§ 25-102(a), (d). In this case, Investigator Miller was able to purchase alcohol at the establishment despite the lack of an alcohol license being issued to Exotic Hookah. *Supra*, at ¶¶ 2-4. Under these circumstances, the Board finds that a clear violation of § 25-102(d) occurred at Exotic Hookah.

II. THE CONTINUED OPERATION OF THE PREMISES FOR UNLICENSED PARTIES CREATES IRREPERABLE HARM TO THE PUBLIC.

7. The Board finds that the continued operation of unlicensed business causes irreparable harm to the public by allowing the facilitators to maintain a continuing nuisance that threatens the safety and welfare of the public.

8. The Board further notes that all violations of Title 25 are deemed nuisances pursuant to § 25-805. D.C. Official 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 the proprietors to continue to illegally operate without approval would allow them to maintain and benefit from the operation of a continuing nuisance.

9. Finally, 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 event, such as criminals, individuals with a history of repeated violations of the District’s alcohol laws, and those without sufficient knowledge and training, from obtaining a license. Therefore, the sale or consumption of alcohol cannot be allowed to occur at this location until an appropriate alcohol license is obtained.

ORDER

Therefore, the Board, on this 13th day of March 2024, hereby orders Helen Gebremedhin and her agents to cease distributing, purchasing, selling, serving, or otherwise permitting the consumption of alcoholic beverages, or otherwise allowing third parties to engage in such activities at 2409 18th Street, N.W., and any other location in the District until an appropriate license is obtained.

IT IS FURTHER ORDERED, pursuant to D.C. Official Code § 25-115(c) and 23 DCMR § 1003.1, that ABRA shall no longer issue temporary licenses and one-day substantial change licenses for the above-mentioned address until this matter is resolved to the satisfaction of the Board.

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.

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 you are continuing to sell, serve, or permit the consumption of alcoholic beverages without approval from the Board, you and all other persons involved 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 and Cannabis Board

esigned via SeamlessDocx.com
Donovan Anderson
Key: ac43cb9b69d5f69e4b739669d1dccc8

Donovan Anderson, Chairperson

esigned via SeamlessDocx.com
James Short
Key: 5476e379820d9e6ac9d1b3325d2948e

James Short, Member



Silas Grant, Jr., 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).

