

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

In the Matter of:)	
Unlicensed Premises)	Case No.: N/A
Order to Cease and Desist)	License No.: N/A
1215 Connecticut Avenue, N.W.)	Order No: 2020-117
Washington, D.C. 20036)	

TO: HNC Enterprises, Inc.
Howard Cromwell
2619 Evarts Street, N.E.
Washington, D.C. 20018

3101 Rhode Island Avenue, LLC
Property Owner
3399 Benning Road, N.E.
Washington, D.C. 20019-1502

ORDER TO CEASE AND DESIST

INTRODUCTION

The Alcoholic Beverage Control Board has reviewed compelling evidence that HNC Enterprises, Inc., and Howard Cromwell engaged in the illegal sale and consumption of alcohol at 1215 Connecticut Avenue, N.W., Washington, D.C., on or about December 28, 2019. In light of this evidence, the Board is further compelled to conclude that the activity at the premises constitutes a nuisance under D.C. Official Code § 25-805 for which the District of Columbia may take action against HNC Enterprises, Inc., Howard Cromwell, and landlord 3101 Rhode Island Avenue, LLC. Therefore, under the authority granted by D.C. Official Code § 25-791, the Board orders all parties to cease the sale, service, distribution, and consumption of alcohol at the premises. The Board notes that this Order does not apply to 1215 CT, LLC, t/a Rosebar Lounge, ABRA License No. 077883, which operates a tavern in a different part of the building.

FINDINGS OF FACT

The Board bases its decision on the following factual findings:

1. ABRA's records show that 1215 CT, LLC, t/a Rosebar Lounge, ABRA License No. 077883, holds a Retailer's Class CT License for a portion of the building located at 1215 Connecticut Avenue, N.W. The tax records of the District of Columbia show that 3101 Rhode Island Avenue, LLC, is the property owner of 1215 Connecticut Avenue, N.W. *Office of Tax and Revenue*, SSL 0159 0075 (last visited Feb. 21, 2020). The business records of the District of Columbia indicate that HNC Enterprises, Inc. holds a basic business license assigned number 400319802115 and located at 2619 Evarts Street, N.E., Washington, D.C. 20018. *District of Columbia Department of Consumer and Regulatory Affairs*, Business License Verification (Search HNC Enterprises). Monster Morning's website shows that it is owned by HNC Enterprises.¹
2. On Friday, December 27, 2019, Alcoholic Beverage Regulation Administration (ABRA) Supervisory Investigator Mark Brashears was forwarded advertisements advertising the sale of alcohol at 1215 Connecticut Avenue, N.W., by Monster Morning. *Case Report*, Monster Morning/HNC Enterprises, at 2 (Dec. 28, 2019). On December 28, 2019, Supervisory Investigator Brashears, ABRA Investigator Jovan Miller, ABRA Investigator Mikea Nelson, and police officers with the Metropolitan Police Department (MPD) conducted a walkthrough of the 4th floor of 1215 Connecticut Avenue, N.W. *Id.*
3. Upon entering the premises, the investigative team observed a bar area with numerous alcoholic beverages available. *Id.* at 2, Exhibit 5. Investigator Miller spoke with Howard Cromwell who stated that he organized the event. *Id.* at 2. Mr. Cromwell claimed that he only gave away alcohol; however, a sign at the premises indicated that alcohol was for sale. *Id.* In particular, among other offerings, the sign indicated that beer and wine could be purchased for \$7, shots were \$20, and limited bottle service was available. *Id.* at Exhibit No. 4. Another sign indicated that money could be forwarded "\$HNCInc" through the "Cash App." *Id.* at Exhibit 6. The investigative team advised Mr. Cromwell that the sale of alcohol without a license was illegal and left the premises. *Id.* at 2.
4. A review of ABRA's records indicate that Mr. Cromwell previously applied for temporary licenses in October 2019; as a result, he knew or should have known that he was obligated to obtain a liquor license in order to sell alcohol. *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, entity, 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. Code § 25-829(a).

¹ Monster Mornings, Homepage, <https://www.monstermornings.com/> (last visited Feb. 21, 2020).

6. Under § 25-102(a), “No person shall sell any alcoholic beverage in the District without having first obtained an appropriate license as required by this title.” D.C. Code § 25-102(a). The term “sell” or “sale” in Title 25 refers to the “*offering for sale*, keeping for sale, . . . delivering for value or in any way other than by purely gratuitously transferring. Every delivery of any alcoholic beverage made otherwise than purely gratuitously shall constitute a sale.” D.C. Code § 25-101(45) (emphasis added).

7. On December 28, 2019, ABRA investigators observed HNC Enterprises, Inc., and Mr. Cromwell illegally offer alcohol for sale in violation of D.C. Official Code §§ 25-101(45) and 25-102(a). *Supra*, at ¶ 3.

8. The Board finds that the continued service and consumption of alcohol at the premises causes irreparable harm to the public by allowing the establishment to maintain a continuing nuisance and threatens the safety and welfare of the public. All violations of Title 25 are deemed nuisances pursuant to § 25-805. D.C. 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 illegal sale, service, or consumption of alcohol allows the violator to maintain a public nuisance and benefit from the operation of a continuing nuisance at the expense of the public.

9. Furthermore, 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 establishment, such as criminals and individuals with a history of repeated violations of the District’s alcohol laws, from obtaining a license. Therefore, the above mentioned parties cannot be permitted to allow the sale, service, or consumption of alcohol on the premises until a license is properly applied for, vetted, and approved by the Board.

ORDER

Therefore, the Board, on this 26th day of February 2020, hereby orders HNC Enterprises, Inc., Howard Cromwell, and 3101 Rhode Island Avenue, LLC, to cease distributing, purchasing, selling, serving, or otherwise permitting the consumption of alcoholic beverages and maintaining a public nuisance at 1215 Connecticut Avenue, N.W. The Board further orders the parties to cease engaging or permitting the illegal sale or consumption of alcoholic beverages within the District of Columbia.

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

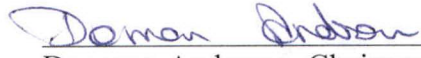
Superior Court of the District of Columbia under D.C. Official Code §§ 25-829(f) (cease and desist orders) and 25-805 (nuisance) should it be deemed necessary.

IT IS FURTHER ORDERED that this Order does not apply to 1215 CT, LLC, t/a Rosebar Lounge, ABRA License No. 077883, and the activity it conducts under the auspices of its liquor license.

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 the establishment is continuing to sell, serve, or permit the consumption of alcoholic beverages without approval from the Board, all of the persons engaging in such activity 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 Control Board



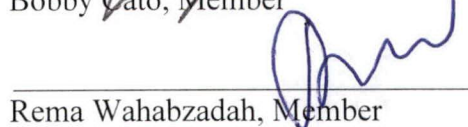
Donovan Anderson, Chairperson



James Short, Member



Bobby Cato, Member



Rema Wahabzadah, Member



Rafi Aliya Crockett, Member



Jeni Hanson, Member
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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).