

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

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In the Matter of:)	
Rob Beverage III, LLC)	Case No.: N/A
t/a Ledo Pizza and Bar)	License No.: ABRA-114097
Order to Cease and Desist)	Order No: 2022-641
1400 Irving Street, N.W.)	
Washington, D.C. 20010)	
_____)	

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

PARTIES: Rob Beverage III, LLC, t/a Ledo Pizza and Bar, Respondent

CEASE AND DESIST ORDER

On August 31, 2022, the Alcoholic Beverage Control Board reviewed compelling evidence that Rob Beverage III, LLC, t/a Ledo Pizza and Bar, (hereinafter Respondent or “Ledo Pizza”) was keeping and storing alcohol for sale in violation of D.C. Official Code § 25-102. In light of these violations, Ledo Pizza is ordered to cease and desist the sale, service, storage, and consumption of alcohol at 1400 Irving Street, N.W., Washington D.C.

FINDINGS OF FACT

1. In issuing this Cease and Desist Order, the Board reviewed Case Report No. 22-CMP-00064. The Case Report indicated that on August 4, 2022, Investigator Christopher Condon and other ABRA officials entered Ledo Pizza located at 1400 Irving Street, N.W., Washington, D.C. at around 9:37 p.m. *Case Report No. 22-CMP-00064*, at 1. The records of the Alcoholic Beverage Regulation Administration (ABRA) indicate that Ledo Pizza’s alcohol license had been cancelled on November 17, 2021. *Id.* at 3. Inside, the investigator observed beer in a cooler and wine on top of a bar. *Id.* at 1.

CONCLUSIONS OF LAW

2. 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).

3. Under Title 25 of the D.C. Official Code, the term

“Sale” or “sell” includes *offering for sale, keeping for sale*, manufacturing for sale, soliciting orders for sale, trafficking in, importing, exporting, bartering, 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). Under D.C. Official Code 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). In this case, Investigator Condon observed beer in a cooler and a wine on top of a bar in the restaurant. Maintaining alcohol in a refrigerator to keep cold and wine on top of a bar within sight of potential consumers and accessible by employees is indicative of offering and keeping alcohol for sale, which is not permitted under D.C. Official Code § 25-102.

4. The Board finds that the continued illegal storage of alcohol 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. 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 illegal storage of alcohol suggests that the operator may or will engage in the illegal sale of alcohol at the premises in the future.

5. 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 business cannot be permitted to continue maintaining a nuisance and should remove all alcohol from the premises until an appropriate alcohol license is obtained.

ORDER

Therefore, the Board on this 31st day of August 2022, hereby orders Ledo Pizza to cease distributing, purchasing, selling, serving, storing or otherwise permitting the consumption of alcoholic beverages at 1400 Irving Street, N.W.

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 Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43cb9eb9d5f09e4b730093d1dccc8

Donovan Anderson, Chairperson

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James Short
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James Short, Member

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Bobby Cato
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Bobby Cato, Member

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Rafi Aliya Crockett, Member
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Rafi Crockett, Member

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Jeni Hansen, Member

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Edward Grandis, Member
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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).