GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

Brian L. Schwalb
Attorney General

Legal Counsel Division

MEMORANDUM

TO: **Jonathan Berman**
Assistant General Counsel
Alcoholic Beverage Regulation Administration

FROM: **Megan D. Browder** MDB
Deputy Attorney General
Legal Counsel Division

DATE: **March 27, 2023**

SUBJECT: **Legal Analysis – Authority of the Alcoholic Beverage Regulation Administration to Exercise Jurisdiction Over Franklin Park (AL-23-158)**

You asked whether the Alcoholic Beverage Regulation Administration ("ABRA") may exercise jurisdiction over Franklin Park, which is part of the National Park System, by requiring anyone serving alcohol at the park to first obtain an ABRA-provided license. To aid us in reviewing this question, you sent us several documents, which we have carefully reviewed, including agreements involving the Department of General Services ("DGS"), the National Park Service ("NPS"), and the DowntownDC Business Improvement District ("BID").[1] You have indicated that, in ABRA's view, it may exercise jurisdiction, based on the cooperative agreements you sent and the NPS regulations they incorporate. We agree that ABRA may exercise jurisdiction, but for a slightly different reason: either Title 25 itself or a long-standing Act of Congress that applies District law to federal land.

Since this memorandum involves the unique context of Franklin Park, we start with background on the park and the relevant statutes. We then proceed to explain our conclusions.

---

[1] *See* Coop. Mgmt. Agreement Between the Nat'l Park Serv., United States Dep't of the Interior and the Dist. of Columbia Gov't for the Revitalization of Franklin Park, Mar. 14, 2019 ("NPS-DGS Agreement"); Philanthropic P'ship Agreement Between the Nat'l Park Service, Nat'l Mall and Memorial Parks and the DowntownDC Bus. Improvement Dist. and DowntownDC Found., May 4, 2020 ("NPS-BID Agreement"). The latter agreement is included in the Investigative Case Report PDF document you sent us, starting on p. 12 of that PDF.

1350 Pennsylvania Avenue, N.W., Suite 409, Washington, D.C. 20004 Phone (202) 724-5524 Email: megan.browder@dc.gov

Background

1. Franklin Park

Franklin Park (known previously as Fountain Square, then Franklin Square)[2] has played a significant role in the District's history. It was part of architect Pierre L'Enfant's plan for the new city of Washington,[3] and it "supplied the water for all American presidents in the White House from Andrew Jackson through William McKinley."[4] Soldiers were billeted there during the Civil War,[5] and the Franklin School directly across from it was the home of Alexander Graham Bell's famous experiment in sending a wireless voice message over a telephone (then called a "photophone").[6]

The park was "managed under several different jurisdictions from the establishment of Washington, D.C. in 1790 and up through the 1930s and its transfer to the National Park Service."[7] It began as private land,[8] but was bought by the federal government in 1832 to "protect the fresh spring or springs on the site that were used to supply water to the White House, several blocks to the southwest, and other federal buildings."[9] Our understanding is that Franklin Park, which today is part of the National Park System, remains exclusively federal property.[10]

The need to renovate the park has encouraged the federal government to partner with local entities. In the early 1930s, the park was "considered one of the city's most rundown reservations."[11] Over time, however, public and private entities have sought to partner with NPS to restore it. For example, in the early 2000s, Franklin Park was the "focus of a rehabilitation effort jointly undertaken by National Capital Parks-Central, the National Capital Region, and the Downtown BID."[12] And in the mid-2000s, the District government and the DowntownDC BID sought to enter cooperative agreements with NPS to facilitate further restoration efforts, relying on NPS's statutory authority to enter cooperative management agreements with state and

---

[2] Nat'l Park Service Cultural Landscapes Inventory: Franklin Park (2005) ("2005 CLI"), at 24, *available from* https://irma.nps.gov/DataStore/Reference/Profile/2184710. Some legislation, alternatively, combines these names, referring to the park as "Franklin Square Park." *See, e.g.,* DPR Parks Adoption and Sponsorship Amendment Act of 2017, § 4082(b), effective Dec. 13, 2017 (D.C. Law 22-33; 64 DCR 7652) (authorizing agreements between the District and business improvement districts for parks leased or transferred from the federal government).

[3] 2005 CLI at 4.

[4] *Id.* at 2. The springs were closed in 1897 "because of fears concerning their vulnerability—and that of the White House drinking water—to poisoning by Spanish sympathizers in the days leading up to the Spanish-American War." *Id.* at 19.

[5] *Id.* at 15.

[6] *Id.* at 27.

[7] *Id.* at 23.

[8] *Id.* at 24.

[9] *Id.* at 2.

[10] *See* 2005 CLI at 13 (describing NPS's interest in the park as "fee simple"); Nat'l Park Service Cultural Landscapes Inventory: Franklin Park (2017) ("2017 CLI"), at 19, *available from* https://irma.nps.gov/DataStore/Reference/Profile/2184710 (same); NPS-DC Agreement, Art. I ("The Park, also known as Reservation 9, is owned by the United States and administered by the NPS").

[11] 2005 CLI at 33.

[12] *Id.* at 37.

local governments. [13] It was not initially clear whether NPS had the authority to enter these agreements,[14] but in 2017, Congress passed legislation specifically authorizing it to do so.[15] NPS then entered the two cooperative agreements you sent us, with DGS and the DowntownDC BID.

2. Statutory Background

Two statutory schemes—one generally applicable to public peace and order and the specific alcohol regulation laws—are pertinent to our discussion.

A. The Extension Act.

A long-standing act of Congress, which was adopted in 1892 and which we will refer to as the Extension Act, says that:

> The provisions of the several laws and regulations within the District of Columbia for the protection of public or private property and the preservation of peace and order are extended to all public buildings and grounds belonging to the United States within the District of Columbia.[16]

---

[13] *See* 54 U.S.C. § 101703(a). Congress gave NPS general authority to enter these agreements in 1996. *See* National Parks Omnibus Management Act of 1998, approved Nov. 13, 1998 (Pub. L. 105-391; 112 Stat. 3497) (establishing this authority); H.R. Rep. No. 105-767 (1998), at 25 (previously, NPS was generally not "authorized to enter into cooperative agreements with state, local, or other public entities to acquire from or provide to goods and services for the cooperative management of lands that are contiguous to federal properties").

[14] *See* S. Rep. No. 115-315, at 2 (2018).

[15] *See* John D. Dingell, Jr. Conservation, Management, and Recreation Act, § 2403, approved Mar. 12, 2019 (Pub. L. 116-9; 133 Stat. 580) (authorizing NPS to enter into collective management agreements with the District government in accordance with 54 U.S.C. § 101703).

[16] An act for the preservation of the public peace and the protection of property within the District of Columbia, § 15, approved July 29, 1892 (27 Stat. 322; D.C. Official Code § 5-133.05).

We have identified no legislative history that sheds light on the meaning of this provision. There appears to be no publicly available legislative history for the original Aldermen/Common Council enactment, and when Congress adopted (roughly) this same language in 1892, it did so without discussion in the committee reports or floor debates. The language was subsequently codified in both the D.C. Official Code, D.C. Official Code § 4-120 (1973 ed.), and the United States Code, 40 U.S.C. § 101 (2000 ed.). In 2002, Congress enacted it as part of Title 40 of the United States Code. *See* An Act To revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works", approved Aug. 21, 2002 (116 Stat. 1205; Pub. L. 107-217) (enacting this provision as 40 U.S.C. § 8103). Subsection (a) of this codified provision is worded slightly differently from its D.C. Official Code counterpart. It reads: "Laws and regulations of the District of Columbia for the protection of public or private property and the preservation of peace and order are extended to all public buildings and public grounds belonging to the Federal Government in the District of Columbia." 40 U.S.C. § 8103(a). Legislative history indicates that these differences in wording were not intended to convey differences in meaning. *See* H.R. Rep. No. 107-479, at 2 (2002). As was the case before 2001, this U.S. Code provision also contains federal criminal penalties not mentioned in the D.C. Official Code. *See id.* § 8103(b). We note, of course, that District law still applies only to the extent it is consistent with federal law. *See Hughes v. Talen Energy Mktg., LLC*, 578 U.S. 150, 162 (2016) (noting that "federal law preempts contrary state law").

This statute traces its origins to an 1853 local act of Washington's Board of Aldermen and the Board of Common Council,[17] which had the power to adopt "ordinances or acts" that would be "sent to the mayor for his approbation."[18] That act said that:

> The provisions of this act and the several laws and regulations of this Corporation for the protection of public or private property and the preservation of peace and order be and the same are hereby extended to all public buildings and public grounds belonging to the United States within the city of Washington.[19]

B. *Laws Regulating Alcohol Licensing in the District*

After Congress repealed the National Prohibition Act in 1933, it enacted the District of Columbia Alcoholic Beverage Control Act ("1934 ABC Act").[20] The 1934 ABC Act applied "only to the District of Columbia," and required District Commissioners to appoint an Alcoholic Beverage Control Board ("Board") that would have the "sole[]" "right, power, and jurisdiction to issue, transfer, and revoke all [alcohol] licenses."[21] Commissioners were also "authorized to prescribe such rules and regulations not inconsistent with [the] Act as they may deem necessary . . . to control and regulate the manufacture, sale, keeping for sale, offer for sale, solicitation of orders for sale . . . in the District of Columbia for the protection of the public health, comfort, safety and morals."[22] Commissioners further had authority to "make rules and regulations for the issuance, transfer, and revocation of licenses" in the District."[23]

As the District government underwent significant changes, Congress changed the authorizing body, but did not change the jurisdiction of the District government over alcohol licensing in the District. Reorganization Plan No. 3 of 1967 gave the Council authority to "precrib[e], mak[e], alter[], and amend[] rules and

---

[17] An act for the preservation of order and the protection of property ("1853 Act"), effective June 3, 1853, *reprinted in* James W. Sheahan, Compiler, Corp. Laws of the City of Wash., to the End of the Fiftieth Council (to June 3d, 1853, inclusive) to Which are Added the Laws Enacted between That Day, and Oct. 10, 1853, at 147 (1853).

[18] An Act to incorporate the inhabitants of the city of Washington, and to repeal all acts heretofore passed for that purpose, § 4, approved May 15, 1820 (3 Stat. 585).

[19] 1853 Act § 14. This section, like the congressionally adopted language quoted in n.16 of this memo, also established penalties for "disorderly and unlawful conduct in or about the same," as well as for various types of damage to federal property. As for the "city of Washington" part of this provision, the District originally consisted of two "counties": the county of Alexandria (ceded from Virginia) and the county of Washington (ceded from Maryland and containing the city of Washington). Once Alexandria was retroceded to Virginia, the city and county of Washington were all that remained of the District. *See* Statement of James S. Easby-Smith Before the H. Comm. on the Revision of the Laws, July 12, 1926, *reprinted in* Codification and Revision of the Laws: Hearings Before the Comm. on Revision of the Laws, at 5 (GPO 1926) (available from Google Books); An Act to retrocede the County of Alexandria, in the District of Columbia, to the State of Virginia, approved July 9, 1846 (9 Stat. 35).

[20] Effective Jan. 24, 1934 (Pub. L. No. 73-85, 48 Stat. 323) ["1934 ABC Act"]. *See also Milton S. Kronheim & Co. v. Dist. of Columbia*, 91 F.3d 193, 196 (D.C. Cir. 1996) ("[F]ollowing the repeal of Prohibition," Congress passed the District of Columbia Alcoholic Beverage Control Act "to regulate the importation and distribution of liquor within the District of Columbia.").

[21] 1934 ABC Act §§ 2, 4, 6. After the abolition of the District's territorial government in 1874 until the Home Rule Act, Commissioner(s), appointed by the President, governed the local affairs of the District. *E.g.*, *Filippo v. Real Estate Comm'n of D.C.*, 223 A.2d 268, 270 (1966).

[22] 1934 ABC Act § 7.

[23] *Id.*

regulations" regarding alcohol,[24] and subsequently transferred the authority to "make rules and regulations for the issuance, transfer and revocation of licenses" in the District from the Commissioner to the Council.[25]

After Congress granted the District home rule, the Council modified license categories[26] and the legal drinking age,[27] then passed a comprehensive update, enacted as Title 25 of the D.C. Official Code.[28] It followed that comprehensive update with a pair of substantial amendments: the Omnibus Alcoholic Beverage Amendment Act of 2004[29] and the Alcoholic Beverage Enforcement Amendment Act of 2019.[30] Until the comprehensive update in 2001, these Council changes were amendments to the 1934 ABC Act as that act was codified within Title 25. The 2001 law, however, was styled as a direct enactment of Title 25 itself, though it retains a requirement for anyone selling alcoholic beverages "in the District" to first obtain a license.[31]

Analysis

We agree with you that the District has the authority to regulate the sale and service of alcohol in Franklin Park. Our conclusion, however, is based on the 1934 ABC Act and the Extension Act; in our view, the two cooperative agreements and NPS regulations do not, by themselves, give ABRA authority over Franklin Park. We first address the cooperative agreements and the NPS regulations before turning to our statutory interpretation.

1. The cooperative agreements do not apply Title 25's licensing requirements to Franklin Park.

The cooperative management agreements between the District government, the DowntownDC BID, and NPS do not apply Title 25's licensing requirements to Franklin Park. These agreements, which necessarily retain NPS's exclusive administrative authority over the park, do not expand the District's authority over it and therefore do not extend District-law licensing requirements to the park.

These agreements are governed by section 2403 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act,[32] which authorizes the Secretary of the Interior to "enter into a cooperative management agreement with the District of Columbia in accordance with section 101703 of title 54, United States Code."[33] Section 10703, in turn, allows the Secretary, "under such terms and conditions as the Secretary considers advisable," to "enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas" in cases where an NPS park "is

[24] Reorg Plan No. 3 of 1967, § 402(215).

[25] Dist. of Columbia Revenue Act of 1968, § 403, effective Aug. 2, 1968 (82 Stat. 616; Pub. L. No. 90-450).

[26] *See* Alcoholic Beverage Control Amendments Act of 1982, effective Sept. 29, 1982 (D.C. Law 4-157; 29 DCR 3617).

[27] *See* District of Columbia Alcoholic Beverage Control Act Legal Drinking Age Amendment Act of 1986, effective Feb. 24, 1987 (D.C. Law 6-178; 33 DCR 7654).

[28] *See* Title 25, D.C. Code Enactment and Related Amendments Act of 2000, effective May 3, 2001 (D.C. Law 13-298; 48 DCR 2959).

[29] Effective Sept. 30, 2004 (D.C. Law 15-187; 51 DCR 6525).

[30] Effective Feb. 21, 2020 (D.C. Law 23-50; 67 DCR 9).

[31] D.C. Official Code § 25-102(a).

[32] Approved Mar. 12, 2019 (Pub. L. 116-9; 113 Stat. 747).

[33] This amendment did not directly amend Title 54 of the United States Code, but it is codified as a note to 54 U.S.C. § 101703.

located adjacent to or near a State or local park area, and cooperative management between [NPS] and a State or local government agency of a portion of either" the NPS park or the state or local park "will allow for more effective and efficient management" of the NPS park and the state or local park.[34] Under a cooperative management agreement, the Secretary "may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local government agency in the cooperative management of land."[35] A cooperative agreement cannot, however, give the District regulatory authority it would otherwise lack with respect to Franklin Park because these agreements cannot "transfer administration responsibilities" for an NPS park.[36]

The agreements you have sent us reflect this limit. The first of these agreements, between NPS and the District government, "set[s] forth the terms and conditions under which the NPS and the District will cooperate to design and construct improvements to Franklin Park . . . and to operate, maintain, and manage the Park on a long-term basis."[37] Under this agreement, "the District will fund agreed-upon improvements" to the park "based on the approved concept plan," but the park "will remain under the NPS's administrative jurisdiction."[38] Moreover, nothing in the agreement purports to modify existing law. Instead, it indicates that its operation will be subject to existing law. For example, NPS regulations "govern the NPS's processing of applications for permits for demonstrations and special events in the Park,"[39] and the District's performance of its financial obligations under the agreement is subject to the limits in the Home Rule Act and the federal and District anti-deficiency statutes.[40] The second agreement, between the NPS and the DowntownDC BID, operates along similar lines. It notes that the agreement is "subject to all Laws whether now in force or hereafter enacted or promulgated," and cannot be construed in a way that is "inconsistent with, or contrary to, the purpose or intent of any Act of Congress."[41] In other words, the agreements themselves do not make Title 25 applicable to federal land absent other statutory authorization.

3. NPS regulations do not apply the licensing requirement to Franklin Park.

Similarly, NPS regulations require sellers to follow state and local alcohol licensing requirements that already apply; they do not, by themselves, require sellers of alcohol in Franklin Park to acquire a license from ABRA.

---

[34] 54 U.S.C. § 101703(a).

[35] *Id.* § 101703(b).

[36] *Id.* § 101703(a); H.R. Rep. No. 105-767, at 47 (1998) (the Secretary "may not transfer responsibility for administration of a park to a state or local government"). A separate statute, however, permits a federal authority to "transfer jurisdiction" of property owned by the federal government to the District "for purposes of administration and maintenance," 40 U.S.C. 8124. To do so, however, NPS must execute a Transfer of Jurisdiction. *See Island Dev. Corp. v. District of Columbia*, 933 A.2d 340, 342-43 (D.C. 2007).

[37] NPS-DC Agreement at 1.

[38] *Id.* Art. I.

[39] *Id.* Art. III(G).

[40] *See id.* Art. IX(B)(1).

[41] NPD-BID Agreement Part XII(D).

National parks like Franklin Park are governed by NPS regulations.[42] Some rules, like the ones relevant here, direct parties to follow applicable state and local law.[43] 36 C.F.R. § 5.2(a), says that the sale of alcohol in a national park must "conform with all applicable Federal, State, and local laws and regulations."[44] As representatives from the Department of the Interior recently confirmed to us, and as the ordinary meaning of this language would suggest, [45] this rule is not self-executing. It does not automatically subject national park land to state and local alcoholic beverage laws unless those laws apply. Accordingly, this rule does not, on its own terms, make District alcoholic beverage licensing requirements applicable to Franklin Park; it only requires compliance with District licensing requirements that already apply.

4. ABRA licensing requirements nonetheless apply in Franklin Park.

A. Title 25 may reach federal property.

Title 25 makes it unlawful for a person to "sell any alcoholic beverage in the District without first having obtained an appropriate license as required by this title."[46] While this issue has not been conclusively decided, it is arguable that it applies to Franklin Park.

Prior to the Home Rule Act, local District government had authority to regulate all alcohol sales in the District.[47] Federal property was not expressly excluded from that authority. For example, the 1934 ABC Act stated categorically that "[n]o individual, partnership, association, or corporation shall, within the District of Columbia," sell an alcoholic beverage, manufacture one for sale, or keep one for sale without a license "within the District of Columbia," without any specification as to location.[48] It also contained certain carve-outs to protect federal authority, such a prohibition on taxing alcohol that was federally tax-exempt,[49] but lacked any carve-out for federal property. One could thus argue that the 1934 Act applied on federal property (to the extent otherwise consistent with federal law), although you have indicated that it had not previously been so interpreted.

To the extent that the District government had authority to regulate alcohol sales on federal property before home rule, there is a reasonable argument that the Home Rule Act did not change that authority. The Act

---

[42] *See* 36 C.F.R. Ch. 1.

[43] State and local laws can be directly applicable to national park land if, for example, the state reserved a degree of legislative jurisdiction over the land when it ceded the land to the federal government. *See, e.g., Collins v. Yosemite Park & Curry Co.*, 304 U.S. 518, 526-527 (1938) (noting that the United States has exclusive jurisdiction over Yosemite except as statutorily reserved); *Defenders of Wildlife v. Everson*, 984 F.3d 918, 927 (10th Cir. 2020) (describing a jurisdiction-sharing arrangement between Wyoming and the federal government concerning Grant Teton National Park).

[44] This provision includes District laws. The term "State" in these rules refers to any "State, territory, or possession of the United States," and "State law" refers to the "applicable and nonconflicting laws, statutes, regulations, ordinances, infractions and codes of the State(s) and political subdivision(s) within whose exterior boundaries a park area or a portion thereof is located." *Id.* § 1.4.

[45] *See Applicable*, Black's Law Dictionary (11th ed. 2019); *ITEL Corp. v. Dist. of Columbia*, 448 A.2d 261, 262 (D.C. 1982) (framing the question of whether private property on federal land was subject to District personal property tax as "whether the District of Columbia personal property tax is *applicable* to privately-owned personalty located on federally-owned land in the District") (emphasis added).

[47] *See, e.g.,* 1934 ABC Act § 7.

[47] *See, e.g.,* 1934 ABC Act § 7.

[48] *Id.* § 9(a).

[49] *Id.* § 23.

says that laws preceding home rule continue to apply unless the Home Rule Act explicitly provides or unless they are inconsistent with its terms.[50] It also makes clear that "all of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia" and the District "shall continue to be charged with all the duties, obligations, responsibilities, and liabilities . . . imposed upon and vested in" local District government.[51] One could therefore argue that ABRA's jurisdiction extends to federal land unless Congress or the Council repeals the 1934 ABC Act that is now enacted as Title 25 of the Code.

That enactment could, however, complicate this argument somewhat. In the 2001 act, the Council did not amend the 1934 ABC Act itself. It enacted a new Title 25 with new statutory language, though that language still gives ABRA authority over the District. The effect of this amendment on ABRA's jurisdiction over federal land is unclear. Because the Council did not repeal the 1934 ABC Act, it can be argued that ABRA's jurisdiction over all land in the District—local and federal—remains even after the amendments.[52] We thus think it is possible that Title 25 applies of its own force to Franklin Park.

B. Even if Title 25 does not apply on its own, it applies through the Extension Act.

Even if Title 25 does not apply to Franklin Park of its own accord, we conclude that, combined with the Extension Act, it does. The Extension Act expressly applies the "provisions of the several laws and regulations within the District of Columbia for the protection of public or private property and the preservation of peace and order . . . to all public buildings and grounds belonging to the United States within the District of Columbia."[53]

Since the terms in the Extension Act are undefined, we give them their ordinary meaning. *See New Prime Inc. v. Oliveira*, 139 S. Ct. 532, 539 (2019). The term "public buildings and grounds belonging to the United States" (or, in the U.S. Code version, "belonging to the Federal Government")[54] encompasses Franklin Park.[55] We also agree with you that ABRA's licensing requirement is both for the "protection of public or private property" and the "preservation of peace and order." When ABRA considers whether to issue, renew, or transfer a license, one relevant consideration is the "effect of the establishment on peace,

---

[50] D.C. Official Code § 1-207.17(b) ("No law or regulation which is in force on January 2, 1975 shall be deemed amended or repealed by this act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this act").

[51] *Id.* 1-207.17(a).

[52] *See, e.g., Myerson v. United States*, 98 A.3d 192, 197 (D.C. 2014); *see also* Report of the Comm. on Consumer and Reg. Affairs on Bill 13-449, the "Title 25, D.C. Code Enactment and Related Amendments Act of 2000," Nov. 20, 2000, at 158 (noting the impact on existing law that the legislation "was based largely on provisions currently found in Title 25 of the D.C. Code"). D.C. Courts have been reluctant to find that a Council amendment—even one that substantially amended or replaced an existing title—acts of a full repeal of an earlier statute. *E.g.*, *Mazanderan v. D.C. Dep't of Pub. Works*, 94 A.3d 770, 775-81 (D.C. 2014) (holding that it must "account[] for the original plan of Congress" in a pre-Home Rule Act statute when Congress created a new enforcement scheme but did not "give any indication that, in amending that regulation, it intended to repeal" historic District rights and powers). *Mazanderan*'s reasoning also suggests that, although section 602(a)(3) of the Home Rule Act precludes the Council from directly regulating federal property, Title 25 might be construed merely as a continuation of alcohol regulatory jurisdiction already conferred by Congress.

[53] An act for the preservation of the public peace and the protection of property within the District of Columbia, § 15, approved July 29, 1892 (27 Stat. 322; D.C. Official Code § 5-133.05).

[54] *See* 40 U.S.C. § 8103(a).

[55] *See supra*, n.10.

order, and quiet."[56] Likewise, ABRA may fine a licensee, or suspend or revoke their license, if, among other things, the licensee "allows the licensed establishment to be used for any unlawful or disorderly purpose."[57] For example, in *Panutat v. ABC Board*, the D.C. Court of Appeals upheld the Board's denial of a licensing application because the Board had sufficient evidence to conclude that approval of the application would "aggravate existing noise conditions and have an adverse effect on peace, order, and quiet in the area." 75 A.3d 269, 276-277 (D.C. 2013) (cleaned up). Accordingly, we conclude that, in keeping with the Extension Act, anyone wishing to sell alcohol in Franklin Park must comply with the licensing requirement in Title 25 of the D.C. Official Code.

If you have any questions regarding this memorandum, please contact Joshua Turner, Assistant Attorney General, Legal Counsel Division, at (202) 442-9834, or me at (202) 724-5524.

MDB/jat

[56] D.C. Official Code § 25-313(b)(2); *see* 23 DCMR § 400.1(a); *Padou v. ABC Board*, 70 A.3d 208 (D.C. 2013).

[57] D.C. Official Code § 25-823(a)(2).