

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

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In the Matter of:	)	
	)	
Café Point Group, LLC	)	Case No.: 24-251-00256
t/a Moi Moi Restaurant	)	License No: ABCA-120466
	)	Order No: 2024-049
Summary Suspension	)	
	)	
at premises	)	
1627 K Street, N.W.	)	
Washington, D.C.20036	)	

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

**ALSO PRESENT:** Café Point Group, LLC, t/a Moi Moi Restaurant, Respondent  
  
Collin Cenci and Anthony P. Celso, Assistant Attorneys General  
Office of the Attorney General for the District of Columbia  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage and Cannabis Administration

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**ORDER SUMMARILY REVOKING LICENSE**

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**INTRODUCTION**

The Alcoholic Beverage and Cannabis Board (Board) finds that on January 9, 2024, two patrons attacked security, which led to a violent fight in front of the establishment and the discharge of a firearm. Based on an investigation, a number of serious and dangerous violations related to the incident were found, including (1) the failure of the establishment to comply with a Board Order prohibiting the possession and use of weapons by security; (2) the failure to comply with a Board Order to report violent incidents to the Metropolitan Police Department (MPD); and (3) the failure to comply with a Board Order related to the preservation of a crime scene when the owner intentionally cleaned up blood that the owner knew was connected to a crime of violence. In light of these violations, the ownership has demonstrated that it cannot be trusted to safely superintend a business and to appropriately respond to violent crime. As such, the imposition of a suspension or additional conditions on the license would be futile, which leaves revocation of the license as the sole appropriate remedy.

### ***Procedural Background***

This matter comes before the Board after the Metropolitan Police Department (MPD) Chief of Police Pamela A. Smith suspended the Respondent's Retailer's Class CT License under the authority granted by District of Columbia Official Code § 25-827. *Letter from Metropolitan Police Department, Chief of Police, Pamela A. Smith, 1 (Jan. 9, 2024).*

On January 12, 2024, the Board executed a notice issued by the Office of the Attorney General for the District of Columbia informing the establishment that the suspension would continue based on the continuing danger to the public. *Notice of Summary Suspension, 1 (Jan. 12, 2024) [Notice].*

Specifically, the notice contained several allegations related to the imminent danger posed by the establishment relating to an incident occurring at the establishment on Tuesday, January 9, 2024, which included:

- Allegation 1:**            **Allowing the establishment to be used for an unlawful and disorderly purpose in violation of D.C. Official Code § 25-823(a)(2).**
  
- Allegation 2:**            **Hiring or using unlawful and improperly licensed security guards, security officer, or special police officers in violation of 6-A DCMR § 1100, *et seq.*, 17 DCMR § 2100, *et seq.***
  
- Allegation 3:**            **Interfering with an ABCA and MPD investigation by concealing evidence.**
  
- Allegation 4:**            **Allowing or causing a firearm to be present in the establishment in violation of D.C. Official Code § 7-2509.07(a)(7).**
  
- Allegation 5:**            **Violating the establishment's security plan by failing to engage in conflict resolution or de-escalation before removing a patron.**
  
- Allegation 6:**            **Violating the establishment's security plan and Board Order No. 2022-308 by failing to screen patrons with physical searches and magnetometer wandings.**
  
- Allegation 7:**            **Violating Board Order No. 2022-308 by allowing an employee to bring a weapon into the establishment.**
  
- Allegation 8:**            **Violating the establishment's security plan and Board Order No. 2022-308 by failing to maintain an incident log.**

- Allegation 9:** Violating the establishment’s security plan and Board Order No. 2022-308 by failing to report a violent incident to MPD.
- Allegation 10:** Violating the establishment’s security plan and Board Order No. 2022-308 by failing to keep its security cameras in good working order.
- Allegation 11:** Violating the establishment’s security plan and Board Order No. 2022-308 by failing to preserve a crime scene.
- Allegation 12:** Failing to cooperate with an ABCA and MPD investigation of a violent incident and failing to allow MPD to enter and inspect the premises without delay.
- Allegation 13:** Failing to cooperate with an ABCA and MPD investigation of a violent incident by providing false and misleading statements with the intent of misleading, influencing, or obstructing an official investigation.
- Allegation 14:** Violating the establishment’s licensed hours in violation of D.C. Official Code § 25-762(a) and (b)(13).

The parties came before the Board for a summary suspension hearing on February 1, 2024. The question before the Board is whether “. . . the operations of a licensee present an imminent danger to the health and safety of the public,” and if so, “. . .the Board may summarily revoke, suspend, fine, or restrict, without a hearing, the license to sell alcoholic beverages in the District.” D.C. Code § 25-826(a). The Board notes that in this decision it is only addressing the matters relevant to the determination that the Respondent’s license merits revocation.

## 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.<sup>1</sup>

### I. Background

1. Café Point Group, LLC, t/a Moi Moi Restaurant, (Respondent) holds a Retailer’s Class CT License located at 1627 K Street, N.W., Washington, D.C. *ABRA License No. 120466*. The license permits operations from 8:00 a.m. to 6:00 a.m. and the sale, service, and consumption of

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<sup>1</sup> The full transcript in this matter was not available at the time this Order was written; however, the Board is sufficiently versed in the evidence and testimony after holding the summary revocation hearing to make the findings of fact and conclusions of law contained in this Order. This action was necessary on the part of the Board, because § 25-826(c) requires the Board to issue an Order within 3 business days of the hearing. D.C. Code § 25-826(c).

alcohol until 2:00 a.m. during the week. *Id.* The owner of the establishment is Howsoon Cham. The establishment is the subject of various Board Orders and a security plan.

## II. Violation History and Board Conditions

2. The records of the Alcoholic Beverage and Cannabis Administration show the following in the establishment's violation history:

3. Based on an incident occurring on May 24, 2022, the Respondent settled a primary tier violation of D.C. Official Code § 25-823(a)(1), allowing the establishment to be used for an unlawful or disorderly purpose, and was required to pay a fine of \$1,000; settled a primary tier violation of D.C. Official Code § 25-797, allowing a third party to provide security, and was required to pay a fine of \$1,000; and settled a primary tier violation of D.C. Official Code § 25-823(a)(5), interference with an investigation for making false statements, and was required to pay a fine of \$1,000. *In re Cafe Point Group, LLC, t/a Moi Moi Restaurant*, Case No. 22-251-00018, at 4-5 (D.C.A.B.C.B. Oct. 19, 2022); *Investigative History*, Moi Moi, ABRA License No. 120466 (last updated Jan. 24, 2024) (See #10).

4. The same incident also led to a summary suspension of the license in 2022, which resulted in an Order imposing conditions on the license. *In re Café Point Group, LLC, t/a Moi Moi Restaurant*, Case No. 22-251-00018, Board Order No. 2022-308, at 1 (D.C.A.B.C.B. Jun. 29, 2022). As part of the conditions, the Respondent was required to do the following relevant to the present proceedings:

(3) Weapons Abatement Screenings: *Respondent shall not allow patrons, employees, or anyone else to bring weapons into the establishment . . . .*

(5) Recording Incidents: . . . *Immediately after a violent event occurs the Respondent shall report the incident to MPD and preserve the crime scene or scene of a violent incident.* All Respondent staff will cooperate with MPD and ABRA. Members of the contracted security team will be instructed to remain after a crime or violent incident until they have been interviewed by MPD or ABRA.

(9) Preserving a Crime Scene: *In the event that a crime takes place within the establishment, personnel shall make best efforts to keep the crime scene clear of patrons and/or pedestrians until MPD arrives to cordon off the area.*

*Id.* (emphasis added).

## III. Security Plan

5. The establishment's security plan contains the following provisions:

(5) *In the event of a serious injury or incident of serious physical violence (e.g., a fistfight or other physical altercation beyond mere words and minor pushing and shoving) attempt*

to notify MPD for FEMS immediately. Notifying MPD/FEMS can be done by calling 911 and/or summoning an officer patrolling outside . . . .

*Security Plan*, at B(5).

#### **IV. Shooting Incident on January 9, 2024**

6. Evidence provided at the hearing shows that the Respondent's establishment was in operation on Tuesday, January 9, 2024, at around 2:30 a.m. *Camera 6*, 6:04:01. The Respondent's video footage shows that the establishment was not crowded with patrons at this time and most patrons were sitting at tables. *Id.*

7. The incident starts with one of the patrons engaging in a conversation or argument near the bar. *Camera 6*, 7:29:19. Security in a black hoodie with no uniform walks to the bar past patrons sitting at tables to intervene. *Camera 6*, 7:29:30. The security person begins to escort the patron out and walks him through the patron table area. *Camera 6*, 7:29:36. In the middle of the table area, the patron being escorted out turns back and the security person begins pushing the patron out of the establishment using physical force and knocking over a chair. *Camera 6*, 7:29:36 – 7:29:41. The footage shows a male patron in white run after the security person and the patron being pushed out, and then the owner follows. *Camera 6*, 7:29:41 – 7:29:41.

8. Video footage shows the establishment's door, which is bordered by windows covered with curtains. *Camera 1*, 7:28:55. The camera shows the security person pushing the patron out of the double doors onto the sidewalk. *Camera 1*, 7:29:42 – 7:29:48. After entering the sidewalk, the security person and the patron fall to the ground and a struggle ensues. *Camera 1*, 7:29:48 – 7:29:50. The security person is seen on top of the patron in front of the door, which is open. *Id.* The person in white runs up to the two others and begins kicking the security person, as the owner stands behind him. *Camera 1*, 7:29:50 – 7:29:54. The patron in white then goes on top of the two combatants and the fight begins to move away from the door. *Camera 1*, 7:29:54 – 7:30:01.

9. Video footage further shows the exterior area outside the establishment door. *Camera 2*, 7:28:02. As the ejection of the patron occurs, camera footage shows the security person and the patron who was ejected falling to the ground after exiting the premises, and their subsequent struggle near the door. *Camera 2*, 7:29:45 – 7:29:47. The open door blocks the view of their initial interaction with the patron in white. *Camera 2*, 7:29:49. As the door of the establishment swings open, a handgun is seen laying on the ground. *Camera 2*, 7:29:49 - 7:29:50. The video then shows the patron in white on top of the security person pushing him on the ground away from the door. *Camera 2*, 7:29:50 – 7:30:06. At this time, the ejected patron gets away from the security person, picks up the handgun, and then returns to the struggle between the security person and the patron in white. *Camera 2*, 7:30:06 – 7:30:10.

10. Video footage then shows the two patrons on top of the security person partly off screen, and then the two patrons suddenly break off. *Camera 2*, 7:30:10 – 7:30:22. The patron in white runs up the sidewalk while the other patron runs out of view and is later is seen on camera running up the street. *Camera 2*, 7:30:17 – 7:30:25. As the fight occurs, the owner watches

from the interior window only a few feet away from where the fight was occurring outside. *Camera 1*, 7:30:05 – 7:30:27. After the fight, the security person gets up and picks up a cell phone on the ground. *Id.* Blood spatter is then seen on the sidewalk near the phone. *Camera 2*, 7:30:25. The security person then reenters the establishment. *Camera 2*, 7:30:25-7:30:29. Upon entering, the owner heard the security person involved in the fight say that he shot someone.

11. The footage then shows that inside the premises, the security person involved in the fight comes back from the outside. *Camera 6*, 7:30:42. The owner follows the security person and turns on the lights by the bar. *Camera 6*, 7:30:47 – 7:30:49. After the lights come on, the owner runs back to the scene of the fight with a bucket and towel. *Camera 6*, 7:30:49 – 7:31:11.

12. Footage then shows the owner exit the establishment with a towel and begin to clean the area where the fight occurred and the area where the blood spatter was located. *Camera 1*, 7:31:10 -7:31:13. The owner also cleans the area outside the camera view. *Camera 2*, 7:31:13 – 7:31:26. The owner goes back to the door and then returns to the same area to clean again. *Camera 2*, 7:31:26 – 7:31:57. The owner then reenters the establishment. *Camera 2*, 7:31:57 – 7:32:00.

13. A few hours later, footage shows Metropolitan Police Department (MPD) officers arrive in the sidewalk area and begin searching the sidewalk and the street near the establishment with flashlights. *Camera 2*, 8:15:09.

14. MPD Detective Brendan Johnson responded to the crime scene at around 5:00 a.m. He indicated that MPD did not receive any response when they initially knocked at the establishment. MPD decided to breach the establishment’s door after blood was found outside because the blood could be indicative of injuries or another emergency inside.

15. Inside, they found various people inside. One person indicated that an instruction was given not to respond to the door. MPD interviewed the establishment’s head of security. After being initially evasive, the head of security admitted that he had a firearm concealed on his person. Video reviewed by MPD indicated that weapons checks at the establishment were inconsistent.

16. The owner admitted that he did not contact MPD after witnessing the fight. The owner said a patron called for emergency services; however, no record of the call was provided for the record. The Respondent also did not provide evidence that any employee contacted MPD related to the fight.

## CONCLUSIONS OF LAW

17. “If the Board determines, after investigation, that the operations of a licensee present an imminent danger to the health and safety of the public, the Board may summarily revoke, suspend, fine, or restrict, without a hearing, the license to sell alcoholic beverages in the District.” D.C. Code § 25-826(a); 23 DCMR § 1613.2 (West Supp. 2024).

**I. THE RESPONDENT IS UNFIT TO OPERATE AN ALCOHOL ESTABLISHMENT SAFELY BASED ON THE OWNERSHIP'S FAILURE TO COMPLY WITH MANDATORY WEAPONS REQUIREMENTS, POLICE NOTIFICATION REQUIREMENTS, AND THE OWNESHIP'S INTENTIONAL DESTRUCTION OF EVIDENCE.**

18. The Board revokes the license because the Respondent failed to properly and lawfully respond to a violent fight and shooting, thus endangering the public and jeopardizing patron safety. Specifically, the Government demonstrated that the ownership failed to comply with specific weapons requirements imposed by the Board; failed to notify police regarding the incident; and that the ownership intentionally destroyed evidence related to the crimes that occurred in and around the premises. The Board notes that each of these findings alone is sufficient to revoke the license.

19. Under D.C. Official Code § 25-823, the Board is authorized to revoke an alcohol license when “(1) The licensee violates any of the provisions of this title, the regulations promulgated under this title, or any other laws of the District, including the District's curfew law; (2) The licensee allows the licensed establishment to be used for any unlawful or disorderly purpose; . . . (5) The licensee interferes or fails to cooperate with an ABCA or Metropolitan Police Department investigation by: . . . (D) Destroying or concealing evidence; . . . (6) The licensee fails to follow its settlement agreement, security plan, or Board order; . . . [or] (8) The licensee fails to preserve a crime scene . . .” D.C. Code § 25-823(a)(1)-(2), (5)-(6), (8). It should be further noted in § 25-823(b) that “A single incident of assault . . . or violence shall be sufficient to prove a violation of subsection (a)(2); provided, that the licensee has engaged in a method of operation that is conducive to unlawful or disorderly conduct. D.C. Code § 25-823(b). Finally, in § 25-823(c), “A licensee shall . . . comply with the terms . . . of the licensee's . . . security plan, or order from the Board that is attached to the license during all times that it is in operation. A single violation of a . . . security plan, or order from the Board shall be sufficient to prove a violation . . . .” D.C. Code § 25-823(c).

**A. The Respondent failed to comply with a Board Order prohibiting the possession of weapons by employees.**

20. The incident on January 9, 2024, revealed that the establishment did not comply with the Board's specific order that no employee should “bring weapons into the establishment.” *Supra*, at § 4. Yet, Detective Johnson discovered that the Respondent's head of security was in possession of a firearm. *Supra*, at ¶ 15. Moreover, after the fight outside, security admitted to shooting one of the patrons. *Supra*, at ¶ 10. As a result, the Respondent operated in clear violation of a Board Order in violation of D.C. Official Code § 25-823(a)(6).

21. The Board notes that this violation alone merits revocation of the license and a finding of imminent danger. Specifically, the Respondent was not compliant with a Board condition related to the use and presence of weapons inside the premises. The mere presence of a gun endangers the safety of security, patrons, and bystanders. Moreover, the display of a firearm by a non-uniformed person could confuse bystanders and cause a panic if bystanders believe an active shooter, mass shooting incident, gun fight, or similar situation is occurring. Likewise,

participants in a verbal or physical dispute observing a firearm may believe that deadly violence is called for; especially, if the person wielding the weapon is not easily identifiable as security. As a result, the violation in this case put everyone in the establishment in immediate danger. In addition, the violation of an explicit Board Order related to such an important security consideration persuades the Board that the ownership cannot be trusted to safely superintend the establishment or to follow any current conditions or new conditions that could be imposed on the establishment, which renders revocation the sole appropriate remedy. *See e.g., Alrob Enterprises, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 337 A.2d 497, 498 (D.C. 1975) (showing that firearm-related violations may merit revocation).

**B. The Respondent failed to comply with the notification provisions required by the Board.**

22. The incident on January 9, 2024, further revealed that the establishment did not comply with a specific Board Order requiring that “*Immediately after a violent event occurs the Respondent shall report the incident to MPD . . .*” *Supra*, at ¶ 4. On January 9, 2024, at a minimum, the owner saw two patrons viciously attack one of his employees and was aware that the attack resulted in blood on the ground. *Supra*, at ¶¶ 7-12. The owner heard from the security person involved that that person shot another person. *Supra*, at ¶ 10. The owner stated that he did not call MPD because an unidentified patron called MPD. *Supra*, at ¶ 16. Even if a patron did call MPD, which is not confirmed in the record, such actions are insufficient where (1) the establishment would not be aware of what specifically is communicated to emergency services by a third part report; (2) the failure to call prevents MPD from providing instructions related to safety and crime scene preservation; and (3) by not calling, the Respondent has no ability to determine if and when the police will be responding. As a result, the Respondent operated in clear violation of a Board Order in violation of D.C. Official Code § 25-823(a)(6) because no one from the establishment contacted the police despite knowing that a violent incident occurred.

23. The Board notes that this violation alone merits revocation of the license and finding of imminent danger. Specifically, the Respondent was not compliant with a Board condition related to reporting crime in and around the establishment that had no exceptions for third parties contacting the police. In addition to the reasoning provided above, the Board further notes immediate reporting of violent incidents is an important security procedure because such actions may prevent persons involved from returning to the premises to engage in retaliation. Therefore, in light of the violation of an explicit Board Order related to such an important security consideration, the Board is persuaded that the ownership cannot be trusted to safely superintend the establishment, respond appropriately to violent crime, or to follow any current conditions or new conditions that could be imposed on the establishment, which renders revocation the sole appropriate remedy. *See e.g., Levelle, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 924 A.2d 1030, 1036 (D.C. 2007) (showing that the failure to contact police is a serious concern).

**C. The owner intentionally failed to comply with evidence preservation requirements.**

24. The incident on January 9, 2024, further revealed that the establishment did not comply with a specific Board Order to “*preserve the crime scene . . . of a violent incident.*” *Supra*, at ¶ 4. In particular, the video footage shows that the owner at a minimum knew a violent fight occurred



between his employee and two patrons and that the owner cleaned up blood generated by the fight with soap and water. *Supra*, at ¶¶ 7-12. As a result, the Respondent operated in clear violation of a Board Order in violation of D.C. Official Code § 25-823(a)(6) because the ownership intentionally cleaned up blood despite knowing its relation to a violent crime.

25. The Board notes that this violation alone merits revocation of the license and finding of imminent danger. It is important for licensees to prevent the spoilation of crime scenes because such a failure could lead to the spoilation of evidence and prevent the prosecution of violent criminals. Moreover, such an action on the part of the ownership demonstrates an intent to hide crime and impede law enforcement investigations. This conclusion is bolstered by the Respondent's violation history, which shows a prior violation for interfering with an investigation and demonstrates the likelihood that these types of violations will likely occur in the future if the Respondent is permitted to continue to operate. *Supra*, at ¶ 3. Therefore, in light of the violation of an explicit Board Order by the owner himself, the owner cannot be trusted to safely superintend the establishment, to respond appropriately to a violent crime, or to follow any current conditions or new conditions that could be imposed on the establishment, which renders revocation the sole appropriate remedy.

**D. A claim of self-defense does not excuse the failures in this case.**

26. On a final note, the Board considered whether any self-defense claim by the security person who was attacked in this case warranted any consideration of leniency. Nevertheless, even if the security persons action were justified in the name of self-defense, the use of force does not excuse or have any relation to the illegal presence of a firearm in violation of a Board Order, the failure to notify the police of the incident, and the ownership's illegal cleaning of the crime scene, which destroy any trust that the Board may have in the owner to respond appropriately to violent incidents in the future.

**ORDER**

Therefore, the Board, on this 6th day of February 2024, hereby **SUMMARILY REVOKES** the Retailer's Class CT License held by Café Point Group, LLC, t/a Moi Moi Restaurant.

The parties are **ADVISED** that all allegations, charges, and issues not addressed by the Board raised by the parties are deemed moot, redundant, not relevant, or more appropriate for a show cause hearing.

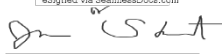
The Respondent is **ADVISED** that pursuant to D.C. Official Code § 25-821(c), that no license, whether at this location or another location, may be issued to the ownership for a period of five years from the date of this Order.

**IT IS FURTHER ORDERED** that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision. The omission of any testimony or evidence in the Board's Order indicates

that such testimony or evidence was contravened by the evidence or testimony credited by the Board, had no or minimal weight on the Board's findings and conclusions, was irrelevant, was not credible, was not truthful, was repetitious, was too speculative, or was otherwise inappropriate for consideration.

A copy of this Order shall be sent to the Respondent and the Government.

District of Columbia  
Alcoholic Beverage and Cannabis Board

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James Short, Member



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Silas Grant, Jr., Member

I dissent from the position taken by the majority of the Board. I would condition the restoration of the license on the establishment only operating as a restaurant, rescinding the entertainment endorsement, and requiring the Respondent's operations to end at midnight.

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Donovan Anderson, Chairperson

Pursuant to 23 DCMR § 1719.1, 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 and Cannabis Administration, Reeves Center, 2000 14th Street, N.W., 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, 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).

Finally, in the case of a summary suspension or revocation, “A person aggrieved by a final summary action may file an appeal in accordance with the procedures set forth in subchapter I of Chapter 5 of Title 2.” D.C. Code § 25-826(d).