

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

In the Matter of:)	
)	
Unlicensed Premises)	Case No.: N/A
)	License No.: N/A
Order to Cease and Desist)	Order No: 2019-033
)	
1853 7th Street, N.W.)	
Washington, D.C. 20001)	

TO: Debebe Addis or Addis Debebe
1853 7th Street, N.W.
Washington D.C., 20001

Stella R. Johnson
Property Owner
[REDACTED]

CEASE AND DESIST

INTRODUCTION

The Alcoholic Beverage Control Board has found compelling evidence that the former ownership of Mesobe Restaurant and Deli Market and the landlord engaged in or permitted the illegal service and consumption of alcohol at 1853 7th Street, N.W., on January 6, 2019, in violation of D.C. Official Code § 25-102. In addition, the Board has been presented with compelling evidence that this activity constitutes a nuisance under D.C. Official Code § 25-805. Therefore, under the authority granted by D.C. Official Code § 25-791, the Board orders the cessation of the sale, service, distribution, and consumption of alcohol at the premises. The Board further warns the landlord and all participants in the illegal sale, service, or consumption of alcohol at the premises that continued violations of the District’s alcohol laws may be deemed both a civil and criminal violation.

FINDINGS OF FACT

The Board bases its decision on the following factual findings:

1. Mesobe Restaurant and Deli Market (Mesobe) operates at 1853 7th Street, N.W. *Case Report*, at 1 (Jan. 6, 2019). Mesobe previously held a license authorizing it to sell and serve alcohol; however, this license was cancelled on April 4, 2018. *Id.* at 2. The Board takes notice that the tax records of the Office of Tax and Revenue indicate that the property is owned by Stella R. Johnson. *Real Property Tax Database*, 1853 7th Street NW (SSL: 04410067). The records of the Alcoholic Beverage Regulation Administration show that no active license was issued or in effect for Mesobe's premises on January 6, 2019.
2. On Sunday, January 6, 2019, around 4:00 a.m., the Alcoholic Beverage Regulation Administration (ABRA) received an anonymous complaint regarding a party at Mesobe. *Id.* at 1-2. The information was forwarded to the Metropolitan Police Department (MPD). *Id.* at 2. In response, ABRA investigators and police officers were dispatched to Mesobe. *Id.* at 2.
3. At around 4:20 a.m., ABRA Investigators Earl Jones, Kevin Puente and Supervisory Investigator Jason Peru met with MPD Officer Fred Fritts outside Mesobe. *Id.* Outside, Investigator Peru observed curtains moving inside Mesobe's building. *Id.* An anonymous complainant further advised over the phone that people were exiting Mesobe's roof and entering the neighboring building. *Id.*
4. The investigative team entered the neighboring building and passed patrons leaving the premises. *Id.* The investigative team eventually reached a locked door that opened as additional patrons exited. *Id.* After the team entered, they observed a dozen people and one person carrying disc jockey equipment. *Id.* Upon observing the team, the people immediately fled to the roof, returned back inside, and locked the door to Mesobe's building. *Id.*
5. Supervisory Investigator Peru heard individuals inside mention the front door. *Id.* In response, Officer Fritts radioed for assistance and ABRA Investigator Jones and ABRA Supervisory Investigator Peru headed to Mesobe's front door. *Id.*
6. Investigator Peru and Officer Fritts remained on the rooftop. *Id.* On the roof, the two observed alcohol containers and other trash. *Id.* The door soon opened and the two proceeded inside Mesobe's building. *Id.* Inside, the two observed approximately ten patrons. *Id.* The floor was wet and the premises smelled like hookah. *Id.*
7. Investigator Peru further observed that the wife of the owner of Mesobe was at the front door and initially refused to allow MPD and ABRA to enter. *Id.* Nevertheless, she apparently relented, and after ABRA and MPD entered on the first floor, the owner's wife locked herself in another room and refused to speak. *Id.*
8. On the second floor, Investigator Puente further observed a bar area. *Id.* On the bar, he observed a large amount of alcohol on the floor and on shelves. *Id.* In addition, a large freezer and cooler were filled with alcohol. *Id.* Later on the roof, Investigator Puente found a closet that contained a hookah that appeared to be recently used. *Id.* He also later observed a trash can

filled with a large amount of empty alcohol containers and empty bottles on the first floor. *Id.* at 2-3.

9. Outside the establishment an unidentified male came up to police and investigators conferring outside. *Id.* at 3. He cursed at them and claimed the event was a private party. *Id.* at 3.

CONCLUSIONS OF LAW

10. 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. Code § 25-829(a).

11. 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). Further, under § 25-102(d), “No person operating any premises where food, nonalcoholic beverages, or entertainment are sold or provided for compensation . . . who does not possess a license under this title shall permit the consumption of alcoholic beverages on the premises.” D.C. Code § 25-102(d). The Board notes that the bar on consumption does not depend on whether an event is private or open to the public. Furthermore, under § 25-805(a), “Any building, ground, or premises where an alcoholic beverage is manufactured, sold, kept for sale, or permitted to be consumed in violation of this title shall be a nuisance.” D.C. Code § 25-805(a).

12. On January 6, 2019, an unlicensed event was held at Mesobe. *Supra*, at ¶ 4. As a deli, Mesobe is a food establishment where food is sold. *Supra*, at ¶ 1. Under these circumstances, all consumption of alcohol at the premises is illegal and prohibited as a matter of law unless authorized by an alcohol license. § 25-102(d). Nevertheless, on January 6, 2019, a large amount of patrons, alcohol, and empty alcohol containers were found on the premises. *Supra*, at ¶ 8. Under these circumstances, it is reasonable to infer that consumption occurred on the premises in violation of § 25-102(d).

13. 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.

14. 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 16th day of January 2019 hereby orders the parties to cease distributing, purchasing, selling, serving, or otherwise permitting the consumption of alcoholic beverages and maintaining a public nuisance at 1853 7th 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.

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 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.

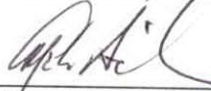
ABRA shall serve notice by certified mail or personal delivery on the parties.

District of Columbia
Alcoholic Beverage Control Board

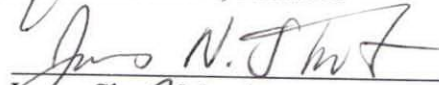
Donovan Anderson, Chairperson




Nick Alberti, Member



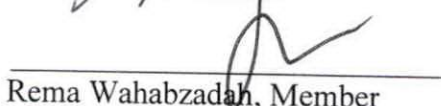
Mike Silverstein, Member



James Short, Member



Bobby Cato, Member



Rema Wahabzadah, 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).