

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

In the Matter of:)	
)	
Gabriel, Inc.)	Case No.: 22-CMP-00030
t/a Potomac Wines and Spirits)	License No.: 001926
)	Order No: 2022-227
Order to Cease and Desist)	
)	
3100 M Street, N.W.)	
Washington, DC 20007)	
)	

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

PARTIES: Gabriel, Inc., t/a Potomac Wines and Spirits, Respondent

CEASE AND DESIST ORDER

INTRODUCTION

On May 11, 2022, the Alcoholic Beverage Control Board reviewed compelling evidence that Gabriel, Inc., t/a Potomac Wines and Spirits (Respondent) illegally sold alcohol to retailers in violation of D.C. Code § 25-112. In light of this illegal activity, the Respondent is ordered to cease selling to retailers in violation of the law.

FINDINGS OF FACT

1. Alcoholic Beverage Regulation Administration (ABRA) Investigator Vanessa Pleitez went to the Respondent’s establishment on April 12, 2022, and off-site record storage location on April 15, 2022. *Case Report No. 22-CMP-00030*, at 1-2. The owner, Joshua Nguyen-Feldman admitted that his father, one of the other owners of the Respondent, owns a Maryland alcohol wholesaler. *Id.* at 2. He further admitted that he was selling alcohol to retailers in violation of the law. *Id.* A review of the establishment’s records further showed the sale of alcohol to

another D.C. retailer during the weekday. *Id.* at 1. The Respondent holds a Retailer’s Class A License at 3100 M Street, N.W., Washington, D.C. *Id.*

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).

I. The Respondent is Selling Alcohol to Retailers in Violation of D.C. Code § 25-112.

3. Under D.C. Official Code § 25-112,

(a) An off-premises retailer's license shall authorize the licensee to sell alcoholic beverages from the place described and to deliver the same in the barrel, keg, sealed bottle, or other closed container in which the same was received by the licensee

(c) *The license shall not authorize the licensee to sell to other licensees for resale; provided, that the licensee under an off-premises retailer's license, class A, may sell to:*

(2A) Licensees under a temporary license or an on-premises retailer's license, class C or D, if the alcoholic beverages were purchased by the off-premises retailer from a licensee under a wholesaler license or brought into the District under a validly issued import permit; provided, that the sales to an on-premises retailer's class C and D license, *may be made only on a Saturday, Sunday, or holiday during the hours when licensees under a wholesaler's license are closed;* provided further, that an on-premises retailer's licensee shall maintain on the licensed premises for 3 years either a receipt or invoice containing:

- (A) The date of the purchase;
- (B) The quantity and brand name of the alcoholic beverages purchased; and
- (C) The name of the on-premises licensee to which the sale was made;

D.C. Code § 25-112(a), (c), 2A)(A)-(C) (emphasis added). In this case, the investigator found that the Respondent had sold alcohol to a retailer during the week when the law does not permit such sales. As such, the Respondent is not in compliance with D.C. Code § 25-112 and the ownership’s statement supports the conclusion that the Respondent has violated the law on multiple occasions.

II. THE CONTINUED OPERATION OF THE PREMISES FOR UNLICENSED PARTIES CREATES IRREPERABLE HARM TO THE PUBLIC.

4. The Board finds that the continued illegal sale of alcohol to retailers in violation of § 25-112 constitutes an “immediate and irreparable harm to the public” by undermining the District’s

three-tier system and harms the economic position of other D.C. licensees acting in accordance with the terms of their license. D.C. Code § 25-829(a).

ORDER

Therefore, the Board on this 11th day of May 2022, hereby orders the Respondent to **CEASE AND DESIST** selling alcohol to retailers in violation of D.C. Code § 25-112.

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

eSigned via SeamlessDocs.com
James Short
Key: 54f7ae373f820de6ac8d1b332d42949ec

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d3fcaadfb6146d7f4b75bd7917d2bd

Bobby Cato, Member

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Rafi Aliya Crockett, Member
Key: b560e91845e1f9e4016155e5c12f81cc

Rafi Crockett, Member

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Jeni Hansen, Member
Key: 82172931f050447491b55f9c2a4189f

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f09f0040ec14adeb52541ce5

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).