

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

In the Matter of:)		
)		
)		
Shop Made in DC)	Case No.:	N/A
)	License No.:	N/A
)	Order No.:	2024-182
Cease and Desist)		
)		
at premises)		
10 District Square, S.W.)		
Washington, D.C. 20024)		

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

PARTIES: Stacy Price, Shop Made in DC

ORDER TO CEASE AND DESIST

INTRODUCTION

On April 24, 2024, the Alcoholic Beverage and Cannabis Board reviewed compelling evidence that the illegal sale, service, and consumption of alcohol occurred at various locations in the District. In light of this illegal activity, Stacy Price and Shop Made in DC (Respondents) are ordered to cease and desist the sale, service, and consumption of alcohol at the property, and any other location in the District until an appropriate license is obtained.

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.

1. On March 23, 2024, the Alcoholic Beverage and Cannabis Administration (ABCA) received a complaint regarding illegal alcohol sales at Shop Made in DC. *Case Report*, at 1 (Mar. 27, 2024 (Shop Made in DC)). ABCA’s records indicate that Shop Made in DC has not been issued an alcohol license, and that a prior attempt to obtain a license by Shop Made in DC was not completed due to missing documents. *Id.*

2. On Wednesday, March 27, 2024, ABCA Investigator LaKeta Coates and ABCA Supervisory Investigator Mark Brashears entered 10 District Square S.W., in an undercover capacity. *Id.* at 1. Inside, they were able to purchase a 12 ounce can of ale that was obtained from a refrigerator in the store. *Id.* at 2. The investigators did not observe any alcohol warning signs posted in the store. *Id.*

3. Shop Made in DC has the following locations:

Shop Made in DC - Georgetown
1304 Wisconsin Avenue, N.W.
Washington, DC 20007

Shop Made in DC - CANOPY
1600 Rhode Island, Avenue, N.W.
Washington, D.C. 20003

Shop Made in DC - Union Market
325 Morse Street, N.E., Retail #4
Washington, D.C. 20002

Shop Made in DC - Wharf
10 District Square, S.W.
Washington, DC 20024

Shop Made in DC - ROOST
1401 Pennsylvania Avenue, N.W.
Washington, D.C. 20003

Shop Made in DC - CONVENTION CENTER
801 L Street, N.W.
Washington, D.C. 20002

Shop Made in DC - Dupont Circle Colada Shop
1900 N Street, N.W.
Washington, D.C. 20036

Id. at 2.

4. Shop Made in DC indicated on its website that it sells tickets for a wine and watercolors event every Friday at its Georgetown and Union Market locations. *Id.* at 3. The event requires participants to pay a \$25.00 cover charge and provides two glasses of wine. *Id.* Shop Made in DC also hosts a happy hour every month at Union Market where “discount beers, wine and cocktails” may be purchased. *Id.* at 3.

5. ABCA Investigator Coates observed a refrigerator selling alcohol at Shop Made in DC’s Union Market location. *Id.* at 3.

6. A representative of Shop Made in DC, Stacy Price, admitted that the business was using the alcohol license held by Bluejacket and designated ABRA License No. 090281. *Id.* at 3-4. She further admitted that the business began using the license to sell alcohol during the pandemic, but she was now aware that those legal privileges had expired. *Id.*

7. Investigator Coates observed that Shop Made in DC had a website that offers alcohol for sale. *Id.* at 4.

CONCLUSIONS OF LAW

7. 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. SHOP MADE IN DC VIOLATED D.C. OFFICIAL CODE § 25-102.

8. The Board finds that Shop Made in, violated D.C. Official Code §§ 25-102(a). Under §§ 25-102(a) and (d), the sale of alcohol without a license is illegal and D.C. Code §§ 25-102(a), (d). Sale is defined in Title 25 as

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). In this case, investigators were able to purchase alcohol from the business at one of its locations, observed events where participants paid to participate in an event where alcohol was provided, and the business offered happy hours and website alcohol sales without a license. *Supra*, at ¶¶ 1-7. As a result, the Board finds that Shop Made in DC has operated in violation of § 25-102(a).

II. THE CONTINUATION OF UNLICENSED ALCOHOL SALES CREATES IRREPERABLE HARM TO THE PUBLIC.

9. The Board finds that the continued operation of unlicensed business causes irreparable harm to the public by allowing the facilitators to maintain a continuing nuisance that threatens the safety and welfare of the public.

10. The Board further notes that 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 proprietors to continue to illegally operate without approval would allow them to maintain and benefit from the operation of a continuing nuisance.

11. Finally, 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 event, such as criminals, individuals with a history of repeated violations of the District’s alcohol laws, and those without sufficient knowledge and training, from obtaining a license. Therefore, the sale or consumption of alcohol cannot be allowed to occur at this location until an appropriate alcohol license is obtained.

ORDER

Therefore, the Board, on this 24th day of April 2024, hereby orders Stacy Price and Shop Made in DC and its agents to cease distributing, purchasing, selling, serving, or otherwise permitting the consumption of alcoholic beverages, or otherwise allowing third parties to engage in such activities at 10 District Square S.W., and any other location in the District (see paragraph #3) until an appropriate license is obtained.

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 and Cannabis Board

esigned via SeamlessDocx.com
Donovan Anderson
Key: ac43cb9b69d5f69e4b739669d1dccc8

Donovan Anderson, Chairperson

esigned via SeamlessDocx.com
James Short
Key: 5476e379820d96ac9d1b3325d2948e

James Short, Member



Silas Grant, Jr., 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).

