

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

In the Matter of:)	
)	
The Gold Room Bar)	Case No.: N/A
Bar and Lounge, LLC, t/a)	License No.: 114757
The Gold Room Bar and Lounge)	Order No: 2019-658
)	
Applicant for a)	
Retailer's Class CT License)	
)	
1370 H Street, N.E.)	
Washington, D.C. 20002)	
)	

TO: Renee L. Goins
Owner

ORDER TO CEASE AND DESIST

On September 25, 2019, the Alcoholic Beverage Control Board reviewed a case report regarding The Gold Room Bar and Lounge, LLC, t/a The Gold Room Bar and Lounge, (Respondent) that provided compelling evidence that the Respondent illegally permitted the consumption of alcohol on the premises before the issuance of its license in violation of D.C. Official Code § 25-102. The Respondent is hereby ordered to cease permitting the sale, service, and consumption of alcoholic beverages on the premises.

FINDINGS OF FACT

The Board bases its decision on the following factual findings:

1. The Respondent has applied for, but not yet received, a Retailer's Class CT (Tavern) License. *ABRA Licensing File No. 114757*. The establishment will be located at 1370 H Street N.E. Washington, D.C. *Id.*
2. On September 5, 2019, Alcoholic Beverage Regulation Administration (ABRA) Supervisory Investigator (SI) Jason Peru was informed by the Metropolitan Police Department (MPD) that the owner had a familial relationship with a person with several felonies on their record. *Case Report*, at 1. In light of MPD's concern, ABRA began monitoring the establishment for compliance with the District's alcohol laws. *Id.* at 2.

3. On Friday, September 13, 2019, ABRA Investigator Kevin Puente discovered social media posts showing that the Respondent's establishment had a bar stocked with alcohol. *Id.* Videos displayed online showed persons partying at the establishment. *Exhibit 1* (Video). In particular, the videos showed persons engaged in a toast with shots, one person smoking (something), recognizable containers of brand name alcohol on the table, persons standing in a disc jockey booth, a bartender pouring alcohol into stacks of shot glasses, and a person operating the disc jockey booth. *Exhibits Nos. 1-3 (Videos)*. While the video does not show people drinking the open containers, it does show their arms moving as if to drink before the video clip ends. *Id.*

4. On September 18, 2019, MPD informed ABRA that the person with a felony, "Dnorris D. Goins," was observed at the Respondent's establishment on multiple occasions. *Id.* at 2.

CONCLUSIONS OF LAW

5. 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).

6. 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).

7. The videos produced by ABRA's investigation show illegal consumption on the premises. *Supra*, at ¶ 3. The Respondent has applied for a tavern license and intends to operate as a tavern. *Supra*, at ¶¶ 1, 3. 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). The videos show a number of patrons, alcohol bottles, and open containers on the premises. *Supra*, at ¶ 3. Moreover, the video shows people about to be in the act of consumption. *Id.* Under these circumstances, it is reasonable to infer that consumption occurred on the premises in violation of § 25-102(d).

8. 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, operate, and benefit from a public nuisance at the expense of the public.

9. 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 Respondent 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 25th day of September 2019, hereby orders the Respondent to cease distributing, purchasing, selling, serving, or otherwise permitting the consumption of alcoholic beverages at 1370 H Street, N.E., Washington, D.C.

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 you are continuing to sell, serve, or permit the consumption of alcoholic beverages without approval from the Board, you 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

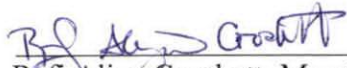


James Short, Member



Bobby Cato, Member

Rema Wahabzadah, Member



Rafi Aliya Crockett, 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).