

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

In the Matter of:)	Case No.:	N/A
)	License No.:	N/A
Unlicensed Establishment)	Order No:	2022-137
)		
Order to Cease and Desist)		
)		
1400 North Capitol Street, N.W.)		
Washington, DC 20002)		

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

PARTIES: Raj Dua. Sanjeev Preet, 1400 LLC

Philip M. Musoline, Counsel, on behalf of the Respondents
1615 L Street, N.W., Suite 440
Washington D.C., 20036

CEASE AND DESIST ORDER

INTRODUCTION

On March 30, 2022, the Alcoholic Beverage Control Board reviewed compelling evidence that Raj Dua, Snajeev Preet, and 1400 LLC (Respondents) permitted or allowed the illegal sale and consumption of alcohol on March 12, 2022, at 1400 North Capitol Street, N.W., Washington D.C. In light of this illegal activity, the parties are ordered to cease and desist the sale, service, and consumption of alcohol at 1400 North Capitol Street, N.W., and any other location that is not authorized by a valid alcohol license. The Board notes that this is the second cease and desist order it has issued for this address and demonstrates that a continuous and ongoing nuisance to the community is occurring.

FINDINGS OF FACT

1. On March 12, 2022, the Alcoholic Beverage Regulation Administration received notification from the Metropolitan Police Department (MPD) that police had observed an after-hours club in operation at 1400 N. Capitol Street, N.W., *Case Report*, 1400 LLC at 1-2 (Mar. 12, 2022). The referenced property is owned by Raj Dua, Snajeev Preet, and 1400 LLC. *Id.* at 1. ABRA's records indicate that the location has not been issued an alcohol license. *Id.*
2. Lead Investigator (LI) Earl Jones was assigned to investigate MPD's complaint on March 12, 2022. *Id.* at 2. Outside the premises, LI Jones saw 30 people in a line outside 1400 North Capitol Street, N.W. *Id.* He also observed security staff outside opening the door for customers. *Id.* LI Jones entered the premises after receiving a pat down and was directed to a female staff member checking identification who identified herself as the manager when asked but then denied it when LI Jones identified himself as ABRA investigator. *Id.* The female employee then blocked the investigator from entering with her leg. *Id.*
3. LI Jones exited the premises and then attempted to enter again after ABRA Supervisory Investigator Jason Peru and additional police officers arrived. *Id.* at 2. Nevertheless, security had locked the front door and refused entry for 20 minutes. *Id.* The staff eventually opened the door and patrons came out complaining about being locked inside and being told they could not leave. *Id.* The investigative team then entered the premises and observed used hookah pipes and various patrons consuming alcoholic beverages. *Id.* at 2-3.
4. Staff at the site refused to identify themselves. *Id.* at 3.
5. The Board previously issued a cease and desist order against the same parties for similar activity in Board Order No. 2022-088.

CONCLUSIONS OF LAW

6. 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 Event Violated D.C. Official Code §§ 25-102 and 25-1001.

7. The Board finds that the event held on January 14, 2022, violated D.C. Official Code §§ 25-102(a), 25-102(d) and 25-1001. Under § 25-102(d), “No person operating any premises . . . where facilities are especially provided and service is rendered for the consumption of alcoholic beverages 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). Furthermore, under § 25-1001(a)(4), it is illegal for a person to possess an open container of alcoholic beverages: . . . “Any place to which the public is invited and for which a license to sell alcoholic beverages has not been issued under this title.” D.C. Official Code § 25-1001(a)(4). In this case, the

investigative team witnessed various patrons consuming alcohol at the unlicensed premises. Consequently, there is sufficient evidence in the record to find that the event constituted a violation of D.C. Official Code §§ 25-102(d) and § 25-1001(a)(4).

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

8. The Board finds that the continued operation of the establishment by an unapproved operator 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. 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.

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 business cannot be permitted to continue operating and the landlord cannot allow or permit the nuisance to continue.

ORDER

Therefore, the Board on this 6th day of April 2022, hereby orders Raj Dua, Snajeev Preet, and 1400 LLC 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 1400 North Capitol Street, N.W., and any other location not authorized by a valid alcohol license.

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 Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43cb9eb9d5f09e4b730093d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 54f7ae373f820de6ac8d1b332d42949ec

James Short, Member

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Bobby Cato
Key: 256d3fcaadfb6146d7f4b75bd7917d2bd

Bobby Cato, Member

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Rafi Aliya Crockett, Member
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Rafi Crockett, Member

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Jeni Hansen, Member
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Jeni Hansen, Member

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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).