

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

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In the Matter of:	)	Case No.:	N/A
	)	License No.:	N/A
Unlicensed Establishment	)	Order No:	2022-667
	)		
Order to Cease and Desist	)		
	)		
5335 1st Place N.E.	)		
Washington, DC 20011	)		

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

**PARTIES:** Impact DMV Church  
5335 1st Place N.E.  
Washington, DC 20011

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**CEASE AND DESIST ORDER**

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**INTRODUCTION**

On September 14, 2022, the Alcoholic Beverage Control Board reviewed compelling evidence that the illegal sale, service, and consumption of alcohol occurred at the Impact DMV Church on September 2, 2022. In light of this illegal activity, the Impact DMV Church is ordered to cease and desist the sale, service, and consumption of alcohol at 5335 1st Place N.E., until an appropriate license is obtained.

**FINDINGS OF FACT**

1. On September 2, 2022, Alcoholic Beverage Regulation Administration (ABRA) Investigator Kevin Puente received a complaint regarding a large gathering of minors at 5335 1st Place N.E. *Case Report*, at 1. Upon arriving at the address at 11:20 p.m., the investigator observed minors getting out of ride share vehicles and consuming alcohol in red solo cups on the premises. *Id.* Police on the scene advised the investigator that a similar event occurred two

weeks prior and that a shooting had occurred at the prior event. *Id.* Additional police and District government agency personnel arrived on the scene. *Id.* at 2. Investigators further observed a crowd of approximately 100 people outside and armed security. *Id.* at 1.

2. The investigators and other officials entered the church and saw a large crowd that appeared to exceed the occupancy of the premises. *Id.* at 2. Investigator Puente further observed that many people in the crowd appeared to be under the legal drinking age. *Id.* Inside, Investigator Puente observed a cash box, and a bar with cans of margaritas and vodka. *Id.* A fire inspector on the scene noted numerous fire code violations, including blocked exits, no exit signs with lights, the presence of gasoline and helium, blocked fire control panels, inappropriate wiring, broken exit doorknobs, large pile of clutter, and one entrance and exit. *Id.* The fire inspector informed ABRA that approximately 17 fire code violations had been found. *Id.* at 3.

3. Investigator Puente spoke with Elder George Rollins on behalf of the church. *Id.* at 3. Elder Rollins indicated that the church did not approve the party and would not host a similar event again. *Id.*

## **CONCLUSIONS OF LAW**

4. 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.**

5. The Board finds that the event violated D.C. Official Code §§ 25-102(a), 25-102(d) and 25-1001. 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). 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: . . . “[at] [a]ny 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, Investigator Puente observed the operation of a cash bar, the presence of alcoholic beverages, and persons drinking alcohol at an unlicensed premises. Under these circumstances, there is sufficient evidence to find a violation of §§ 25-102 and 25-1001.

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

6. 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 that 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 and to continue to endanger the public.

7. 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, additional alcohol events cannot be allowed to occur at this premise until an appropriate alcohol license is obtained.

### **ORDER**

Therefore, the Board on this 14th day of September 2022, hereby orders the Impact DMV Church 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 5335 1st Place N.E.

**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

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Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 54f7ae373f820de6ac8d1b332d42949ec

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James Short, Member

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*Bobby Cato*  
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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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*Edward Grandis, Member*  
Key: 5027bda7f09f0040ec14adeb52541ce5

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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).