

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

In the Matter of:)	Case No.:	N/A
)	License No.:	N/A
3011 Georgia Avenue, N.W.)	Order No:	2022-954
)		
Order to Cease and Desist (Unlicensed Nightclub))		
)		
3011 Georgia Avenue, N.W.)		
Washington, DC 20001)		

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

PARTIES: 3011 Georgia Avenue, LLC
10909 Rosemont Drive
Rockville, MD 20852

CEASE AND DESIST ORDER

INTRODUCTION

On December 14, 2022, the Alcoholic Beverage Control Board reviewed compelling evidence that that the illegal sale, service, and consumption of alcohol at 3011 Georgia Avenue, N.W., occurred on or about December 3, 2022. In light of this illegal activity, 3011 Georgia Avenue, LLC, and their agents 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

1. On Saturday, December 2, 2022, Alcoholic Beverage Regulation Administration (ABRA) Investigator Kevin Puente observed social media posting advertising an unlicensed strip club at

3011 Georgia Avenue, N.W. *Case Report*, 1 (Dec. 3, 2022) (3011 Georgia Avenue LLC). ABRA advised the Metropolitan Police (MPD) of this potential activity in the neighborhood. *Id.*

2. At approximately 1:45 a.m., on December 3, 2022, ABRA Investigators Kevin Puente and Jeremy Zollarcoffer monitored 3011 Georgia Avenue, N.W. *Id.* There, they observed people entering the premises, girls with duffel bags, and a disc jockey bringing in equipment. *Id.*

3. Upon notifying MPD and other ABRA investigators, an investigative team approached the establishment at 3:15 a.m. *Id.* There, the team observed an admission line and a security guard. *Id.* Upon seeing the investigative team, the security guard immediately closed and locked the door. *Id.* The people inside the premises refused to respond to knocks and the team radioed for support from the D.C. Fire and Emergency Medical Services. *Id.* at 2.

4. A fire truck responded to the call, and a Fire Captain agreed that breaching the door was appropriate. *Id.* Upon approaching the door with breaching equipment, the previously observed security guard opened the door. *Id.* The investigative team then advised that it was entering the premises based on the building's Certificate of Occupancy. *Id.*

5. Inside, the investigative team smelled marijuana and hookah. *Id.* On the third floor, they observed patrons, girls in skimpy clothing, shot glasses, a disc jockey set up, and a bar. *Id.* The investigative team further observed an open bottle of Hennessy, champagne, Heineken beer, and Corona beer. *Id.* An ATM cash machine was observed inside the premises. *Id.* at Exhibit No. 14. In addition, numerous guest checks were found listing various items including water, soda, shots, beer, drinks, cocktails, bottles, and hookah offered for sale. *Id.* at Exhibit No. 18. The guest checks provided for a "18%" gratuity. *Id.* The checks also provided a line for the total amount owed. *Id.* The investigator found two checks, which noted that one bill was for \$25 and the other was for \$110. *Id.* One check noted that payment was made by cash through the "Cash App." *Id.* Another check noted that the guest paid \$50 in cash, and that the rest of the bill was paid through the "Cash app." *Id.* The same bill noted that the patron had bought four shots or four beers and one hookah. *Id.* The investigative team also found additional customer guest checks. *See also id.* at Exhibit Nos. 20-21.

6. A records search revealed that the property was owned by 3011 Georgia Avenue, LLC. *Id.* at 2.

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. The Event Violated D.C. Official Code § 25-102.

8. The Board finds that the event on December 3, 2022, violated D.C. Official Code §§ 25-102(a) and (d). 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). The Board further notes that under part (d) of the same statute, “No person operating any premises where food, nonalcoholic beverages, or entertainment are sold or provided for compensation or 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). In this case, the investigative team found receipts showing that the sale of alcohol had occurred, observed patrons on the premises, and open alcohol containers, which is sufficient evidence to demonstrate that the sale of alcohol without a license had occurred. Furthermore, guest checks show that alcohol service was being provided at the premises; therefore, the event required an alcohol license. Therefore, the event on December 3, 2022, violated both D.C. Official Code §§ 25-102(a) and (d).

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

9. The Board finds that the continued operation of alcohol events at an unlicensed location 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 and to continue to endanger the public.

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, additional alcohol events cannot be allowed to occur at this location until an appropriate alcohol license is obtained and the premises are deemed safe for large gatherings.

ORDER

Therefore, the Board, on this 14th day of December 2022, hereby orders 3011 Georgia Avenue, LLC, and their 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 3011 Georgia Avenue, N.W., and any other location in the District 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 Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43cb9eb9d5f09e4b730093d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 5476e3738b20de6ac8d1b332d2d249ec

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d36cadfb6146d7f0b75bd7917d2bd

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b560e91845e1f9e4016155e5c12f91cc

Rafi Crockett, Member

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Jeni Hansen, Member
Key: 82172991f0509447491b569c2a4189b

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f9f0d040ec14adb52541ce5

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).