

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

In the Matter of:)	Case No.: N/A
)	License No.: N/A
Unlicensed Premises)	Order No: 2021-156
)	
Order to Cease and Desist)	
)	
1207 Tuckerman Street, N.W.)	
Washington, D.C. 20011)	
)	

TO: Tekle Yeshaw
1207 Tuckerman Street, N.W.
Washington, D.C. 20011

Haw Ji Golden
Property Owner
2608 Urbana Drive
Silver Spring, MD 20906-5029

ORDER TO CEASE AND DESIST

INTRODUCTION

The Alcoholic Beverage Control Board has found compelling evidence that the illegal sale and consumption of alcohol was permitted at 1207 Tuckerman Street, N.W., on March 11, 2021, in violation of D.C. Official Code § 25-102. In addition, the Board has been presented with compelling evidence that this activity constitutes a nuisance under D.C. Official Code § 25-805. Therefore, under the authority granted by D.C. Official Code § 25-791, the Board orders the cessation of the sale, service, distribution, and consumption of alcohol at the premises. The Board further warns the landlord and all participants in the illegal sale, service, or consumption of alcohol at the premises that continued violations of the District's alcohol laws may be deemed both a civil and criminal violation.

FINDINGS OF FACT

The Board bases its decision on the following factual findings:

1. 1207 Tuckerman Street, N.W., is owned by Hwa Ji Golden.¹
2. In response to a complaint from the Department of Consumer and Regulatory Affairs, investigators with the Alcoholic Beverage Regulation Administration and police officers of the Metropolitan Police Department began investigating the complaint. *Case Report*, Investigator Mark Ruiz, 1 (Mar. 11, 2021).
3. On March 10, 2021, after 10:00 p.m., ABRA Investigator Mark Ruiz began monitoring 1207 Tuckerman Street, N.W. *Id.* While monitoring, he observed three people enter the building, and twelve people exit the building. *Id.*
4. On March 11, 2021, at around 9:30 p.m., Investigator Ruiz met with a team of officials from various government agencies. *Id.* at 2. Upon entering the building, the team observed between 15 to 20 patrons inside. *Id.* The team further observed that people were smoking hookah and drinking alcoholic beverages. *Id.* A female entered the premises and shouted, “the police are here, everyone needs to leave now.” *Id.*
5. The female was identified as Tekle Yeshaw. *Id.* She was observed serving two Stella Artois beers. *Id.* She identified herself as the owner of the establishment. *Id.* She admitted that she did not possess an alcohol license. *Id.*
6. While searching the premises, the team found a book detailing orders for hookah and beverages sold at the premises. *Id.* The book indicated that alcoholic beverage sales had occurred since September 2020. *Id.* Ms. Yeshaw further admitted that she indicated the sale of alcohol in her point of sale system by marking it as “Qategna Espial Tea” with a charge of \$4.00. *Id.*
7. ABRA’s records indicate that a liquor license application was filed for the address under the name “Qategna Inc., t/a Qategna Café.” *Id.* Nevertheless, the applicant never finished or completed the application process. *Id.* Therefore, a license was never issued for 1207 Tuckerman Street, N.W.

CONCLUSIONS OF LAW

8. 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).
9. 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). Furthermore, under § 25-805(a), “Any building, ground, or premises where an alcoholic

¹ D.C. Office of Zoning, Official Zoning Map, No. 2945 0851, <https://maps.dcoz.dc.gov/> (last visited March 29, 2021) (search 1207 Tuckerman Street, N.W., for record).

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).

10. On March 11, 2021, ABRA’s records show that no liquor license authorized the sale of alcohol at 1207 Tuckerman Street, N.W. *Supra*, at ¶ 7. Furthermore, the investigative team observed alcohol being served when they entered the premises, business records show that the sale of alcohol had been occurring at the premises for months, and the owner admitted to engaging in the illegal sale of alcohol. *Supra*, at ¶¶ 4-6. Therefore, the illegal sale of alcohol occurred in violation of § 25-102(a).

11. 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 a public nuisance and benefit from the operation of a continuing nuisance at the expense of the public.

12. 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 above-mentioned parties cannot be permitted to allow the sale, service, or consumption of alcohol on the premises to continue until a license is properly applied for, vetted, and approved by the Board.

ORDER

Therefore, the Board, on this 31st day of March 2021, hereby orders the parties to cease distributing, purchasing, selling, serving, or otherwise permitting the consumption of alcoholic beverages and maintaining a public nuisance at 1207 Tuckerman Street, N.W., or any other location in the District of Columbia.

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 the establishment is continuing to sell, serve, or permit the consumption of alcoholic beverages without approval from the Board, all of the persons engaging in such activity 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: ac432b9c5d95b64670b9031ecc71

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
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James Short, Member

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Bobby Cato, Member

Rema Wahabzadah, Member

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Jeni Hansen, Member

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Edward Grandis, Member
Key: 5027bda7f1f9f040ee144deb57541ce

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).