

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

In the Matter of:)	Case No.:	N/A
Unlicensed Premises)	License No.:	N/A
Order to Cease and Desist)	Order No:	2021-157
1918 9th Street N.W.)		
Washington, D.C. 20001)		

TO: Stotaw Wondimu
Nahom Records, Inc.
1918 9th Street, N.W.
Washington, D.C. 20001

Tefer A. Zewdie
Property Owner
1918 9th Street, N.W.
Washington, D.C. 20001

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 1918 9th 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. 1918 9th Street N.W., is owned by Tefer A. Zewdie.¹
2. On March 11, 2021, at around 11:52 p.m., ABRA Investigator Tavril Prout observed four people exit a licensed establishment and enter the basement of 1918 9th Street, N.W. *Case Report*, Investigator Tavril Prout, 2 (Mar. 11, 2021). A sign outside the basement identified the premises as “Nahom Records Inc.” *Id.*
3. A search of ABRA records identified no license attached to the location or the trade name listed on the sign. *Id.*
4. While monitoring the location, Investigator Prout observed two individuals knock on the door. *Id.* They were greeted by a person identified as a male security officer. *Id.* As the two entered, the investigator entered behind them. *Id.*
5. Inside, Investigator Prout observed a “makeshift bar area stocked with alcoholic beverages.” *Id.* He further observed between 15 to 20 patrons, music playing above a conversational level, and people dancing. *Id.* He further observed that patrons were being served shots priced at \$20.00 per shot. *Id.* He also saw a ledger indicating people’s tabs for alcoholic beverages inside the premises. *Id.* at 2-3. At the rear of the establishment, he further observed patrons engaging in gambling. *Id.* at 2. Investigator Prout then contacted his supervisor for support. *Id.*
6. Additional ABRA investigators and police officers arrived at the scene around 12:45 a.m. *Id.* The enforcement team attempted to enter but found that the door was locked. *Id.* Rezene Sium eventually opened the door after police officers announced themselves. *Id.* At this time, 15 to 20 people left the establishment. *Id.*
7. Rezene Sium and Meraf Tesgaye appeared to be employees of the establishment. *Id.* When asked if they were the owner, they identified Stotaw Wondimu as the owner. *Id.* at 3. Mr. Wondimu identified himself to Investigator Prout as being in charge. *Id.* He claimed that no alcohol was being sold but stopped answering questions when the investigator told him about his observations.

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. 0361 0104, <https://maps.dcoz.dc.gov/> (last visited March 29, 2021) (search 1918 9th 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 1918 9th Street N.W. *Supra*, at ¶ 3. Furthermore, on that same day, Investigator Prout observed the sale of shots at the premises, which was operating like a nightclub. *Supra*, at ¶¶ 4-5. 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 1918 9th 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 SeamlessDocu.com
Donovan Anderson
Key: a6432b06e7e9d580e4c79d993a1d2c28

Donovan Anderson, Chairperson

eSigned via SeamlessDocu.com
James Short
Key: 5478e97378229e6e8c41a332ed274677

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: 50271da7f7f9d040ee14adeb52541ce7

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).