

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

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In the Matter of: )  
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Tillman Group, LLC )  
t/a Vieux Carre/For Rent )  
 )  
Applicant for a )  
Retailer's Class CT License )  
 )  
1413 K Street, N.W. )  
Washington, D.C. 20005 )  
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License No: 102576  
Case No.: 18-CMP-00011  
Order No: 2018-079

**TO:** Shawnequ e Latimer  
Managing Member  
██████████  
██████████

James Tillman  
Managing Member  
1413 K Street, N.W.  
Washington, D.C. 20005

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**ORDER VACATING BOARD ORDER NO. 2017-602, CANCELLING LICENSE, AND  
DENYING APPLICATION**

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**INTRODUCTION**

The Alcoholic Beverage Control Board finds that its prior Order restoring the cancelled license held by Tillman Group, LLC, t/a Vieux Carre/For Rent (Applicant) for the failure to pay owed fees was improperly issued based on VC's later admission that it allowed a third part to pay the fees on its behalf in violation of D.C. Official Code § 25-501. Based on this determination, the Board vacates Board Order No. 2017-602, which results in the cancellation of ABRA License No. 102576. Due to this cancellation, the Board denies the pending transfer application. Finally, the Board also separately denies the transfer application on the merits, because the Applicant cannot satisfy the qualification requirement found at D.C. Official Code § 25-301(a)(5) to prove to the satisfaction of the Board that the named applicant is the true and actual owner and intends to carry on the business for herself. The Board further denies the Application because the Applicant permitted her agent to engage in the illegal sale of alcohol in

violation of D.C. Official Code § 25-102 on January 5, 2018. The Board's reasoning, conclusions of law, and Order are described below:

### FINDINGS OF FACT

The Board makes the following findings of fact:

1. Tillman Group, LLC, t/a Vieux Carre/For Rent, (VC) currently holds ABRA License No. 102576 at premises 1413 K Street, N.W., Washington, D.C. *ABRA Licensing File No. 102576*. James Tillman previously served as the principal officer of the LLC; however, an application was filed on December 5, 2017, to replace him with Shawnequee Latimer, who would be the sole owner of the license. *ABRA Application No. 17-TRN-00027* (Received Dec. 5, 2017); *Handwritten Letter from James Tillman to the Office of Tax and Revenue* (Received Nov. 15, 2017).
2. On January 5, 2018, ABRA Investigators Shawn Townsend, Kevin Puente, and Mark Brashears entered 1413 K Street, N.W., Washington, D.C., at approximately 11:10 p.m. after observing activity inside the premises. *Case Report No. 18-CMP-00011*, at 1 [CR]. There, Investigator Townsend observed two bartenders serving alcoholic beverages and saw several patrons consuming alcohol. *Id.*; *Exhibit Nos. 2-4*. The bar of the establishment also appeared to be stocked with alcoholic beverages, mixers, and other supplies related to the service of drinks. *Id.*
3. There was a Certificate of Occupancy, a Basic Business License, and a payment receipt issued by ABRA for paying the renewal fee posted on the wall. *CR*, at 1. No license issued by ABRA was posted. *Id.*
4. The ABC Manager on duty, Ajiboye Laosebikan, indicated that after paying the renewal fee for the license he believed he could operate while the transfer application was pending. *Id.* Investigator Townsend informed Mr. Laosebikan that this was incorrect and that the establishment's current operations violated the law. *Id.* at 2. Mr. Laosebikan indicated that he was in charge of the establishment and represented Ms. Latimer. *Transcript (Tr.)*, January 10, 2018 at 39-40. He also indicated that he was a former employee of Mr. Tillman; however, at a later hearing, Mr. Tillman denied this assertion, saying that Mr. Laosebikan was only a promoter, not an employee. *Id.* at 41, 45. Mr. Laosebikan did not provide any information about the source of the alcohol at the event. *Id.* at 41.
5. On January 9, 2018, Investigator Townsend contacted Ms. Latimer and informed her of the violation. *Id.* Ms. Latimer indicated that she had not been approved as the new owner and referred him to Mr. Tillman. *Id.* at 42. Investigator Townsend later contacted James Tillman, who told Investigator Townsend that he transferred the establishment to Ms. Latimer in November 2017. *CR*, at 3. He further indicated that he was no longer involved in the operation of the business, but had not provided the new owners with his license because he did not want them to operate under a license with his name on it. *Id.*

6. ABRA's records indicate that as of January 9, 2018, the transfer application has not yet been approved by the Board; therefore, Ms. Latimer and her agents are not authorized to sell or serve alcoholic beverages or operate the licensed establishment. *Id.* at 2. In addition, there is no record of Ms. Latimer being issued or approved for a Temporary Operating Retail Permit while the transfer application is pending review.

7. The Board also recalls Mr. Laosebikan's prior appearance in ABRA's records. First, during a show cause hearing involving a separate establishment, the Board found that

Mr. Laosebikan was required by law to carry an ABRA-issued identification on his person and immediately display it at the request of Investigator Townsend . . . . Instead of admitting that he was not a licensed manager (or saying nothing at all), Mr. Laosebikan lied about being a licensed manager and sent Investigator Townsend a picture of a doctored manager's license . . . . Under these circumstances, Mr. Laosebikan attempted to evade a potential violation by misrepresenting his status as a licensed manager and submitting a false identification to the investigator.

*In re Da Luft DC, Inc., t/a Da Luft Restaurant & Lounge*, Case No. 15-251-00078, Board Order No. 2014-470, at ¶ 17 (D.C.A.B.C.B. Oct. 21, 2015). Based on those facts, the Board found the licensee in violation of D.C. Official Code § 25-823(a)(5) for interfering with an investigation. *Id.* at ¶¶ 16-17. In another case, Mr. Laosebikan transferred his license to new owners and the new owners began illegally operating a licensed establishment at the premises before the transfer application was approved by the Board. *In re Boyermarketing, LLC, t/a Odessa*, Case No. 15-CMP-00761, Board Order No. 2015-538, ¶¶ 10, 18 (D.C.A.B.C.B. Nov. 18, 2015).

8. Based on these facts, on January 10, 2018, the Board found sufficient cause to order the Applicant to cease its illegal operations and surrender the license in violation of D.C. Official Code §§ 25-102 and 25-791(a). *In re Tillman Group, LLC, t/a Vieux Carre/For Rent*, Case No. 18-CMP-00011, Board Order No. 2018-008, 1 (D.C.A.B.C.B. Jan. 10, 2018).

9. On January 31, 2018, the Board held a hearing related to VC's Application. *Tr.*, 1/31/18 at 1. At the hearing, ABRA Investigator Shawn Townsend, Shawneque Latimer, Jermaine Jones, James Tillman, and Lisa Couser appeared. *Id.* at 6-7, 67.

10. During the proceedings, the Board learned that the transfer application will result in Mr. Tillman's license being transferred to Ms. Latimer. *Id.* at 8. The transfer application was filed on December 5, 2017, but as of the date of the hearing, the transfer application had not yet been completed. *Id.*

11. Mr. Tillman and his business manager, Mr. Jones, indicated that their last day operating the business was July 31, 2017. *Id.* at 10. Mr. Jones informed the Board that after July 31, 2017, they attempted to transfer the business. *Id.*

12. After July 2017, Mr. Tillman and Mr. Jones did not operate the business. *Id.* at 10-11. In fact, during this period, they held an auction where they sold the tavern's physical assets and

disposed of the alcohol inventory by giving it to their friends and family. *Id.* at 13-14, 53. They also did not possess the keys to the premises and were aware that the locks had been changed. *Id.* at 13. During this period, Mr. Tillman retained possession of the license issued by the Board. *Id.* at 15.

13. In November 2017, Mr. Tillman and Mr. Jones were contacted by Mr. Laosebikan. *Id.* at 15. Mr. Laosebikan wanted to take over the space and had already made an arrangement with VC's landlord. *Id.* Mr. Tillman and Mr. Jones indicated that they approved of Mr. Laosebikan and Ms. Latimer assuming the business. *Id.* at 15-16.

14. After receiving Mr. Laosebikan's offer, Mr. Tillman and Mr. Jones spoke with ABRA Licensing Specialist Nicole Cullings to obtain information on transferring the license. *Id.* at 16. On November 15, 2017, Mr. Tillman, Mr. Jones, and Ms. Latimer returned to ABRA to further discuss the transfer with Ms. Cullings. *Id.* at 16-17.

15. During the meeting, an ABRA official asked the group whether they wished to operate while the transfer application was pending review. *Id.* at 17. Mr. Tillman indicated that VC was not interested in operating while the transfer was pending. *Id.* at 17, 19. As part of the application process, Mr. Tillman transferred the control of the business to Ms. Latimer by amending various corporate documents in November 2017. *Id.* at 19, 58-59.

16. Mr. Tillman and Mr. Jones indicated that they still were legally renting VC's premises and on the lease after July 2017. *Id.* at 27. They have no knowledge regarding the operation of the business after they closed in July 2017. *Id.* at 21, 23. Nevertheless, Mr. Jones emphasized that he advised Ms. Latimer that she was not authorized to operate the business. *Id.* at 53, 55. ABRA's records show that the Applicant requested a temporary operating retail permit on November 30, 2017, by letter, but the permit was never issued. *Letter from Shawnquee Latimer* (Nov. 30, 2017).

17. Mr. Jones indicated that Mr. Laosebikan obtained access to the premises by paying VC's rental obligations on behalf of the business. *Id.* at 28. Mr. Jones indicated that VC did not authorize Mr. Laosebikan to take this action. *Id.* Mr. Jones believes that upon payment of the rent owed by VC, the landlord gave Mr. Laosebikan the keys to the premises. *Id.* at 29.

18. Ms. Latimer indicated that she probably would hire Mr. Laosebikan as the manager of the business sometime in the future. *Id.* at 63. Nevertheless, she indicated that she has no current relationship with Mr. Laosebikan. *Id.* at 64. She also claims that she had no knowledge that he was going to begin using the property in January 2018. *Id.*

19. In Board Order No. 2017-537, on October 25, 2017, the Board issued a cease and desist order against VC for failing to make its second year renewal payments in accordance with D.C. Official Code § 25-501(b). *In re Tillman Group, LLC, t/a Vieux Carre*, ABRA License No. 102576, Board Order No. 2017-537, 1 (D.C.A.B.C.B. Oct. 25, 2017). The Order further warned VC that failure to remit the payment could result in cancellation pursuant to D.C. Official Code § 25-501(c). *Id.* at 2. In accordance with this Order, the Board cancelled the license in Board Order No. 2017-574, after VC failed to make the payment in a timely manner. *In re Tillman*

*Group, LLC, t/a Vieux Carre*, ABRA License No. 102576, Board Order No. 2017-574, 1 (D.C.A.B.C.B. Nov. 15, 2017). In Board Order No. 2017-602, the Board vacated the order and reinstated VC's license after receiving the required payment. *In re Tillman Group, LLC, t/a Vieux Carre*, ABRA License No. 102576, Board Order No. 2017-602, 1 (D.C.A.B.C.B. Nov. 29, 2017). Nevertheless, during the hearing, Ms. Latimer denied that she paid the renewal fee for VC's license. *Id.* at 45. Mr. Laosebikan had the receipt for payment of the renewal fees in his possession, which leads the Board to conclude that he paid for the renewal, as suggested by Mr. Jones. *Id.* at 46. Indeed, Ms. Latimer indicated that the funds to pay for the renewal did not come from her account. *Id.* at 50. Ms. Latimer also indicated that Mr. Laosebikan is the current sole lessee for the premises. *Id.* at 59, 71. At the hearing, she further indicated that she did not authorize Mr. Laosebikan to pay the renewal fees for the Applicant. *Id.* at 50-51.

20. The check issued to ABRA to pay the renewal fee indicates that it comes from the Broward Group, located at 1505 22nd Street, N.W., Washington, D.C. 20037. *Broward Group Check*. The check further indicates in the memo section that it is related to "Liquor License Number – 102576 Tillman Group LLC." *Id.* During the hearing, Ms. Latimer indicated that she did not know who the Broward Group was, even though it shares an address with her current office. *Id.* at 74.

21. The financial affidavit filed with the transfer application indicates that Ms. Latimer claimed no expenses and no funds to finance the business. *Transfer Application, Financial Affidavit*, ABRA License No. 102576 (Nov. 30, 2017). As part of this calculation, Ms. Latimer reported no money to finance the business, no working capital, no inventory, and no sources of funds. *Id.*

22. ABRA's records further indicate that the Board previously challenged Mr. Laosebikan's fitness for licensure. *In re Boyermarketing, LLC, t/a Odessa*, Case No. 15-CMP-00761, Board Order 2015-592, ¶ 2 (D.C.A.B.C.B. Dec. 16, 2015). In a 2015 case, Mr. Laosebikan applied for a license at 1413 K Street, N.W., which is the same address applied for in this matter. *Id.* at ¶ 1. There, Mr. Laosebikan was charged with selling, serving, and permitting the consumption of alcohol without a license on September 21, 2015, in violation of 23 DCMR § 703.1; illegally purchasing spirits from a wholesaler in violation of D.C. Official Code § 25-111; interfering with an investigation in violation of D.C. Official Code § 25-823(a)(5) by presenting an ABRA investigator with a forged ABC Manager's License; and generally unfit for licensure under D.C. Official Code § 25-301(a)(1). *Id.* at ¶¶ 26, 28, 30-31. Instead of challenging the charges, Mr. Laosebikan, through his attorney, requested the withdrawal of the application, which was granted on February 12, 2016. *In re Boyermarketing, LLC, t/a Odessa*, ABRA License No. 100813, Board Order No. 2016-076 (D.C.A.B.C.B. Feb. 16, 2016).

## CONCLUSIONS OF LAW

23. The Board cancels the license and denies the Application for the following reasons:

- I. **The Payment of VC's Renewal Fees by a Third Party Violated D.C. Official Code § 25-501.**

24. Section 25-501(a) requires fees to be paid annually by the license holder or applicant. D.C. Official Code § 25-501(a), (b). The Board interprets Title 25 as prohibiting third parties from making the fee payment on behalf of the applicant or license holder based on the plain language of the law. D.C. Code § 25-501(b) (“The applicant shall pay . . . .”); 23 DCMR § 208.1 (West Supp. 2018) (“Applicants and licensees shall pay the annual fees . . . .”). The Board further interprets the law in this manner, because holding otherwise creates the risk that applicants and license holders will lack sufficient financial assets to operate the business and become subject to the unlawful domination and control of third parties in violation of D.C. Official Code § 25-301(a)(5). Based on the failure to make the appropriate annual payment, the Board is authorized to cancel the license, so long as the appropriate time period has elapsed and proper notice has been given under D.C. Official Code § 25-501(c).

25. In this case, the Board previously determined that VC failed to pay its annual fee and notified VC that sufficient time had elapsed to make it subject to cancellation in the future. *Supra*, at ¶ 19. In response, Mr. Laosebikan made the payment on behalf of VC and the Board restored the license from cancellation. *Supra*, at ¶ 19. Nevertheless, at the most recent hearing Ms. Latimer admitted that she did not authorize the payment and did not recognize the company paying the fee. *Supra*, at ¶¶ 19-20. In light of this admission, the payment was not made by the Applicant, as required by law, and the license should not have been reinstated. Consequently, the Board vacates Board Order No. 2017-602 and affirms the cancellation of the license based on the failure of the license holder and applicant to properly pay the annual fee owed to ABRA.

## **II. The Application Merits Denial Because the License no Longer Exists and the Applicant Cannot Satisfy D.C. Official Code § 25-301(a)(5).**

26. Based on the Board’s determination to cancel the license, the application to transfer the license filed by VC must be denied because the license no longer exists. Nevertheless, even if the license were restored, the Board would still deny the transfer under D.C. Official Code § 25-301(a)(5).

27. Section 25-301(a)(5) requires the Board to “determine” whether “the applicant is the true and actual owner of the establishment for which the license is sought, and [whether] he or she intends to carry on the business for himself or herself and not as the agent of any other individual [or entity] . . . not identified in the application.” D.C. Code § 25-301(a), (a)(5). In applying § 25-301(a)(5), the Board has stated that it will weigh

(1) The involvement or potential future involvement of a third party, unidentified in the application, in operating the applicant's business to the extent it may show domination or control of the business;

(2) the existence of a motive for the applicant or third party to hide the third party's involvement in the applicant's business and the applicant's relationship to the third party;

(3) the manner in which the applicant obtained the funding, property, or other resources necessary to operate the business; and

(4) the nature and timing of the application, as well as the location sought by the application.

*In re HRH Services, LLC, t/a The Alibi*, Case No. 15-PRO-00096, Board Order No. 2016-280, ¶ 98 (D.C.A.B.C.B. May 18, 2016). In applying this test, evidence that “an unsuitable third party holds a financial interest in the business or provides significant funding” may be grounds for denial. *Id.* at ¶ 108. The Board may infer “that an application is a subterfuge when the applicant employs or will employ a disqualified person, a person that withdrew an application, or a person that canceled a license . . . .” *Id.* The Board has also previously indicated that denial may be warranted when an applicant is “not financially independent, funded by a third party, or receives a significant amount of property, or other benefits, from [a] third party . . . .” *Id.* at ¶ 115. “Moreover, the Board may reasonably infer that an application is a subterfuge when there exists evidence of non-arm’s length transactions, sweetheart deals, or self-dealing that suggest a third party has influence over the applicant.” *Id.* Finally, the Board has also reasoned that “an application for the same premises, which comes soon after the . . . withdrawal of an application, may indicate an attempt on the part of an unidentified third party to control the license through the auspices of another.” *Id.* at ¶ 116.

28. In light of this precedent, the Board is not satisfied that Ms. Latimer satisfies § 25-301(a)(5) for several reasons. First, Mr. Laosebikan has been involved in a number of violations of the District’s alcohol laws and within the past two years withdrew an application for licensure at the same address as the present applicant when confronted with a challenge to his qualifications. *Supra*, at ¶¶ 7, 22. Second, Ms. Latimer’s claim that she had no relationship with Mr. Laosebikan is patently ludicrous. *Supra*, at ¶ 18. Mr. Laosebikan has taken an active role in arranging the transaction between the prior owners and Ms. Latimer and he claimed to represent the new owner. *Supra*, at ¶¶ 4, 13-14. Moreover, it is reasonable to presume Ms. Latimer has to have had some contact with Mr. Laosebikan in order to arrange the transfer of the lease from him to her, or else she never would have applied for the transfer in the first place. *Supra*, at ¶ 19. Second, Ms. Latimer cannot demonstrate that she intends to or is serious about operating the business when her financial affidavit indicates that she has no funds to capitalize the business and the business was completely stripped of property and inventory necessary to operate a tavern. *Supra*, at ¶¶ 12, 21. Third, it is very troubling that Mr. Laosebikan or a third party—supposedly without the Applicant’s knowledge—is paying the rent and the licensing fees for the premises. *Supra*, at ¶¶ 17, 19-20. Based on this evidence, it is not unreasonable for the Board to infer that Mr. Laosebikan or a third party has an expectation that he or she will control or share in the profits of the business once it begins operations. D.C. Code § 25-101(26) (defining “interest” as a share of the “operation, management or profits of a licensed establishment”). Thus, based on Mr. Laosebikan’s prior history, his the involvement in the current business, the Applicant’s lack of resources, and the presence of third parties covering the Applicant’s expenses, there is a high risk that Mr. Laosebikan or another will assert unlawful control or domination of the business, and that the present Applicant has no intent to carry on the business for herself.

### III. The Application Merits Denial Under 23 DCMR § 401.1.

29. Under 23 DCMR § 401.1, “The Board may deny a license to an applicant if evidence shows that the applicant has permitted at the establishment conduct which is in violation of this title. 23 DCMR § 401.1 (West Supp. 2018). In this case, ABRA investigators discovered that the Applicant was illegally operating and illegally selling, serving, and permitting the consumption of alcohol on the premises on January 5, 2018. *Supra*, at ¶¶ 4, 6. This action specifically violated D.C. Official Code § 25-102(a) and (d), which prohibits the sale and consumption of alcohol without a license at premises operating as a tavern. D.C. Code § 25-102(a), (d); *supra*, at ¶ 6. Furthermore, while Mr. Laosebikan was superintending the event without Ms. Latimer’s presence, the Board finds it reasonable to infer that the event occurred with her authorization based on Mr. Laosebikan’s likely payment of the renewal fees on her behalf and his claim that he represented her. *Supra*, at ¶ 4. Consequently, there is sufficient evidence in the record to merit denial of the Application under § 401.1.

### ORDER

Therefore, the Board, on this 28th day of February 2018, hereby **VACATES** Board Order No. 2017-602 and **CANCELS** ABRA License No. 102576 in accordance with D.C. Official Code § 25-501(c). The Board further **DENIES** the application to transfer the license to a new owner.


**IT IS FURTHER ORDERED** that if VC seeks reinstatement of the license, VC shall provide the Board with an explanation as to why VC had “good cause” for failing to make the payment in a timely manner in accordance with D.C. Official Code § 25-501(c).

**IT IS FURTHER ORDERED** that the Board’s findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

ABRA shall provide a copy to the Applicant or her representative.

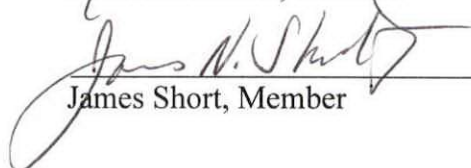


District of Columbia  
Alcoholic Beverage Control Board

  
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Under 23 DCMR § 1719.1, any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, under section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. 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 under 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) (2004).