

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

In the Matter of:)		
)		
AMR, LLC, t/a Stroga)	License Number:	N/A
)	Case Number:	N/A
Jemal's Adams Bell, LLC)	Order Number:	2014-477
)		
Suited Lifestyle, Inc.)		
)		
at premises)		
1808 Adams Mill Road, N.W.)		
Washington, D.C. 20009)		

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ALSO PRESENT: Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**ORDER TO CEASE AND DESIST AND SUMMARY SUSPENSION OF EVENT
SITE**

INTRODUCTION

On October 15, 2014, the Alcoholic Beverage Control Board (Board) reviewed a case report written by Alcoholic Beverage Regulation Administration (ABRA) Investigator Erin Mathieson indicating that the illegal sale of alcoholic beverages in violation of D.C. Official Code § 25-102 occurred on September 27, 2014, at 1808 Adams Mill Road, N.W.

According to the report, Stroga authorized a promoter to engage in the unlicensed sale of alcoholic beverages through the sale of tickets, which allowed patrons access to an open bar at the event. *Case Report, 1.* The Board is particularly concerned by this occurrence, because in 2011 the Board previously found that events at the premises were having a negative impact on the community, which required the imposition of limits on events at the site. Consequently, based on the facts before the Board, it appears that Stroga

is attempting to surreptitiously circumvent the 2011 Order issued by the Board. For this reason, the Board has voted to order Stroga, the building owner, Jemal's Adams Bell, LLC, and the promoter, Suited Lifestyle, Inc., to cease and desist all illegal activity and abide by the conditions outlined in this Order, which suspend all alcohol related activities at 1808 Adams Mill Road, N.W. pursuant to D.C. Official Code §§ 25-826, 25-829 and 23 DCMR § 2009. The basis of the Board's decision to issue a cease and desist and the conditions imposed by the Board are discussed further below.

FINDINGS OF FACT

The Board issues the following findings of fact:

1. On May 4, 2011, the Board resolved a catered event site protest filed against AMR, LLC, t/a Stroga through the issuance of a written order. *In re AMR, LLC, t/a Stroga*, Case Number 10-PRO-00184, Board Order No. 2011-190, 1 (D.C.A.B.C.B May 4, 2011). The Board found that the unfettered use of 1808 Adams Mill Road, N.W., as an event site was having a negative impact on the community. *Id.* at ¶ 8. Based on this finding, the Board ordered that the event site be limited to two events per month. *Id.* at 4. The Board further ordered that caterers using the event site cease operations at 11:00 p.m., Sunday through Thursday, and 12:00 a.m. on Friday and Saturday. *Id.*¹
2. On Friday, September 26, 2014, ABRA Investigator Erin Mathieson received a complaint regarding an event at 1808 Adams Mill Road, N.W. *Case Report*, 1. Upon receiving the complaint, Investigator Mathieson determined through internet research that Suited Lifestyle, Inc., was hosting a party at the event site. *Id.* The event was called the "3rd Annual HBCU Cabaret 2014." *Id.* The promoter's Eventbrite page indicated that the event was scheduled to start on Friday, September 26, 2014, and end on Saturday, September 27, 2014, at 2:00 a.m. *Id.* The event further indicated that "DJ Chubb E. Swagg" would be performing at the "Stroga Mansion (1808 Adams Mill Rd NW Washington DC 20009)." *Id.* at Exhibit 1.
3. The advertisement indicated that early bird tickets were available for \$20, while VIP Admission could be purchased for \$50. *Id.* at Exhibit 1. The ticket information section indicated that purchase included "Open Bar All Night." *Id.* Another portion of the advertisement indicated that patrons would have access to a "PREMIUM OPEN BAR." *Id.*
4. Investigator Mathieson visited the event site location on Saturday September 27, 2014, at 12:30 a.m. *Id.* at 2. She then conducted a walkthrough of the establishment. *Id.* On the second floor, she observed ". . . numerous bars set up with employees [that were] serving alcohol." *Id.* She also observed various patrons consuming alcohol during the event. *Id.*
5. Investigator Mathieson requested to speak to a licensed manager. *Id.* Benedict Urey, ABRA License Holder 096147, appeared but indicated that he was only serving as a

¹ The authority to regulate caterer event sites is derived from D.C. Official Code § 25-211(f).

security member. *Id.* Eventually, Investigator Mathieson was met by James Poindexter, an event planner. *Id.*

6. According to Mr. Poindexter, he believed Stroga was supposed to obtain the appropriate licenses for the event. *Id.* Mr. Poindexter showed Investigator Mathieson a copy of the rental agreement for the event. *Id.* The agreement indicated that Suited Lifestyle rented the premises for \$2500 and that all contractors must be approved by Stroga. *Id.* The agreement further prohibited the sale of alcohol during the event but required all ticket sales to occur before the event. *Id.*

7. Investigator Mathieson did not observe a licensed caterer at the event. *Id.* at 3. ABRA's records further indicate that no temporary or one-day substantial change license was issued for the event. *Id.* at 2.

8. After the event, Investigator Mathieson discussed the incident with Stroga general manager Jeffrey Melvin. *Id.* at 3. He indicated that Suited Life, Inc., was supposed to secure a liquor license for the event. *Id.*

9. Investigator Mathieson further determined that Stroga is operating on an expired business license and that the certificate of occupancy for the premises has expired. *Case Report*, Exhibit Nos. 9-10. The certificate of occupancy lists the property owner of 1808 Adams Mill Road, N.W., as Jemal's Adams Bell, LLC.

CONCLUSIONS OF LAW

10. The Board finds sufficient grounds for issuing a cease and desist order and initiating a summary suspension against Stroga, Suited Life, Inc., and Jemal's Adams Bell, LLC.

11. 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).

12. Under D.C. Official Code § 25-102(a), "[n]o person shall sell any alcoholic beverage in the District without having first obtained an appropriate license as required by this title." D.C. Official Code § 25-102(a). Furthermore, under § 25-102(d),

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. Official Code § 25-102(d).

13. Title 25 defines the term "sale" as

offering for sale, keeping for sale, . . . soliciting orders for sale, trafficking in, . . . bartering, delivering for value or in any way other than by purely gratuitously transferring. Every delivery of any alcoholic beverage made otherwise than purely gratuitously shall constitute a sale.

D.C. Official Code § 25-101(45).

14. The facts demonstrate that the event on September 27, 2014, violated both §§ 25-102(a) and 25-102(d). The Board addresses each element of § 25-102(a) and (d) below.

15. First, the premises qualify as an area where a liquor license must be obtained before the consumption of alcoholic beverages are permitted. Here, Suited Lifestyle, Inc., provided disc jockey entertainment in exchange for compensation by selling tickets for the event. *Supra*, at ¶¶ 2-3. In addition, as separate grounds, Stroga rented the facilities to Suited Lifestyle, Inc., for \$2500. *Supra*, at ¶ 6. Therefore, 1808 Adams Mill Road, N.W., qualifies as a premise “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 . . .” D.C. Official Code § 25-102(d).

16. Second, as witnessed by Investigator Mathieson, the consumption of alcoholic beverages occurred on the premises. *Supra*, at ¶ 4. Therefore, the “consumption of alcoholic beverages were permitted on the premises. § 25-102(d).

17. Third, no licensed caterer staffed the event and the Board did not issue any sort of license or permit authorizing the event. *Supra*, at ¶ 7. Therefore, the event was not covered by an appropriate license as required by §§ 25-102(a) and 25-102(d).

18. Fourth, Suited Lifestyle, Inc., and Stroga engaged in the sale of alcohol without a license in violation of § 25-102(a). The website indicates that Suited Lifestyle, Inc., with Stroga’s permission, sold tickets giving patrons access to an open bar. *Supra*, at ¶ 3. Therefore, Suited Lifestyle, Inc., with Stroga’s permission, engaged in the “sale” of alcohol in violation of § 25-102(a).

19. Consequently, under these facts, Suited Lifestyle, Inc., and Stroga violated § 25-102(d) on September 27, 2014, by (1) providing DJ entertainment and renting the facilities for \$2500; (2) permitting the consumption of alcoholic beverages on the premises; and (3) failing to seek authorization for the event by obtaining an appropriate liquor license. Suited Lifestyle, Inc., and Stroga also violated § 25-102(a) on September 27, 2014, by (1) selling tickets giving patrons access to an open bar and (2) failing to seek authorization for the event by obtaining an appropriate liquor license.

20. The Board further finds that the continuation of this illegal activity may inflict immediate and irreparable harm on the public. First, in 2011, the Board previously found that unfettered events at the site were causing a negative impact on the community. *Supra*,

at ¶ 1. The Board finds that continuation of unfettered events at 1808 Adams Mill Road, N.W., through unlicensed events will likely subject the community to the same negative impact that was identified in 2011. Second, the purpose of the licensure requirement is to ensure that events are properly supervised and conducted in accordance with the law; therefore, the evasion of the license requirement exposes patrons and the public to the dangers commonly associated with the uncontrolled consumption of alcoholic beverages (e.g., illegal sale to minors, public intoxication, fighting, etc.). Third, the licensure requirement provides notice to the Metropolitan Police Department (MPD) and ABRA that a large group of people may be engaging in the consumption of alcohol on the premises; therefore, the evasion of this requirement prevents the District from providing adequate police coverage and ensure appropriate city services are available, if needed. Therefore, the Board finds that the continuation of this illegal activity poses a serious and imminent danger to the health, safety, and welfare of the public.

20. The Board also issues this order against Jemal’s Adams Bell, LLC, because the Board has the authority to “. . . place restrictions upon the number, nature, or size of events permitted at a site” when it determines that “disruptive activity or unlawful conduct has occurred at [an] event site.” 23 DCMR § 2009.3 (West Supp. 2014). When confronted with a violation of Title 25 at an event site, the Board is authorized to issue a summary suspension order pursuant to D.C. Official Code § 25-826. 23 DCMR § 2009.1 (West Supp. 2014). As noted in Paragraph 19, the Board finds that this violation causes an immediate danger to the public. Therefore, for the foregoing reasons, the Board finds that the cessation of all alcohol-related activity at 1808 Adams Mill Road, N.W., is the most appropriate means of protecting the public.

ORDER

Therefore, the Board, on this 19th day of November 2014, hereby orders Stroga to **CEASE AND DESIST** violating D.C. Official Code §§ 25-102(a) and 25-102(d).

IT IS FURTHER ORDERED that the above grounds are sufficient cause to initiate a **SUMMARY SUSPENSION** action against Stroga, Suited Life, Inc., and Jemal’s Adams Bell, LLC, in accordance with § 25-826 and 23 DCMR §§ 2009.1 and 2009.3.

IT IS FURTHER ORDERED, based on the Board’s finding that the illegal sale and consumption of alcoholic beverages occurred on the premises, that this situation causes an imminent danger to the public. Therefore, the following conditions shall be imposed on Jemal’s Adams Bell, LLC, AMR, LLC, and Suited Lifestyle, Inc., in accordance with D.C. Official Code §§ 25-826, 25-829 and 23 DCMR § 2009.3:

1. The parties shall refrain from violating D.C. Official Code § 25-102.
2. The parties shall not allow, authorize, permit, or participate in the sale, service, or consumption of alcoholic beverages at premises 1808 Adams Mill Road, N.W.
3. The parties shall not allow, authorize, or permit licensed caterers to host events at

premises 1808 Adams Mill Road, N.W.

IT IS FURTHER ORDERED, pursuant to D.C. Official Code § 25-115(e) and 23 DCMR § 1003.1, that ABRA shall no longer issue temporary licenses and one-day substantial change licenses for 1808 Adams Mill Road, N.W.

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).²

IT IS FURTHER ORDERED that this matter be referred to the District of Columbia Department of Consumer and Regulatory Affairs based on the expired business license and certificate of occupancy discovered by ABRA's Enforcement Division.³

ABRA shall serve notice by certified mail or personal delivery on the following entities:

Jemal's Adams Bell, LLC
702 H Street, N.W., Suite 400
Washington, D.C. 20001

AMR, LLC⁴
1808 Adams Mill Road, N.W.
Washington, D.C. 20009

Suited Lifestyle, Inc.
P.O. Box 41230
Washington, D.C. 20018

² The nuisance provision states,

(a) Any building, ground, or premises where an alcoholic beverage is manufactured, sold, kept for sale, or permitted to be consumed in violation of this title shall be a nuisance.

(b) An action to enjoin any nuisance defined in subsection (a) of this section may be brought in the name of the District of Columbia by the Corporation Counsel in the Civil Branch of the Superior Court of the District of Columbia against any person conducting or maintaining such nuisance or knowingly permitting such nuisance to be conducted or maintained.

D.C. Official Code § 25-805.

³ The Board also notes that the certificate of occupancy describes the "Approved Use" of the property as a "Gymnasium." Consequently, the Board believes this also raises a question as to whether any type of nightclub-like event is authorized to occur on the premises under this certificate of occupancy.

⁴ DCRA's records indicate that AMR, LLC's entity status has been revoked and that the entity has no known business address. *District of Columbia Consumer and Regulatory Affairs, Initial File Number L47369*. Therefore, the Board intends that ABRA serve the entity at the last known address.

ABRA shall also provide notice of this Order to the Office of the Attorney General for the District of Columbia and District of Columbia Department of Consumer and Regulatory Affairs.

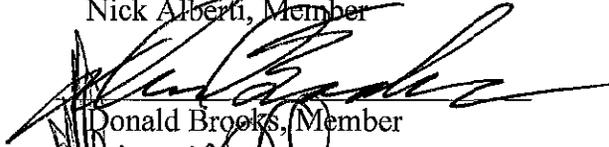
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



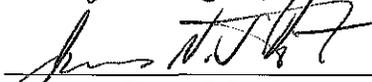
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

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 may submit 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.

In addition, in response to the summary suspension order imposed by the Board you may also request an emergency hearing within 72 hours after service of this notice in accordance with D.C. Official Code § 25-826(c). A written request for a hearing should be addressed to the Board and sent to the Alcoholic Beverage Regulation Administration, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

The request for a hearing should indicate whether the party seeks a hearing under § 25-829 or an emergency hearing under § 25-826(c). The Board reserves the right to consolidate these actions into a single hearing, if necessary.