

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

In the Matter of	)	
Taj Mahal Enterprises, Ltd.	)	License No: 000882
t/a The Manor;	)	Case No.: N/A
1327 Connecticut, LLC	)	Order No: 2015-309
at premises	)	
1327 Connecticut Avenue, N.W.	)	
Washington, D.C. 20036	)	

**TO:** Taj Mahal Enterprises, Ltd. t/a The Manor  
Geeta A. Mallick  
9400 Culver Blvd.  
Culver City, CA 90232

**TO:** Gray O’Neal and Sara Kalivas  
Managing Members  
1327 Connecticut, LLC  
1327 Connecticut Avenue, N.W.  
Washington, D.C. 20036

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**CEASE AND DESIST AND ORDER DENYING TRANSFER APPLICATION**

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**INTRODUCTION**

On June 17, 2015, the Alcoholic Beverage Control Board (Board) reviewed compelling evidence that Taj Mahal Enterprises, Ltd. t/a The Manor, (hereinafter “Respondent” or “Manor”) has illegally transferred its Retailer’s Class CR License to 1327 Connecticut, LLC, and failed to obtain a temporary operating retail permit to authorize the operation of the establishment by different owners while the transfer is pending. The operation of an establishment by unapproved owner represents an irreparable harm to the public, which merits the issuance of an order mandating the cessation of all alcohol-related activity at the establishment and the placement of the license in safekeeping. The Board’s reasoning and Order is provided below.

## FINDINGS OF FACT

The Board issues the following findings of fact:<sup>1</sup>

1. Taj Mahal Enterprises, Ltd. t/a The Manor, holds a Retailer's Class CR License at premises 1327 Connecticut Avenue, N.W., Washington, D.C. *See ABRA Licensing File No. 000882*. Gray O'Neal and Sara Kalivas are managing members of 1327 Connecticut Avenue, LLC. *See ABRA Licensing File No. 15-TRN-00011* (Accela Database) (last visited Jun. 17, 2015).
2. On May 6, 2015, the Board held a fact finding hearing attended by Ms. Kalivas on behalf of 1327 Connecticut Avenue, LLC, and Mr. Mallick on behalf of Manor. *Transcript (Tr.)* May 6, 2015 at 2. At the hearing, Ms. Kalivas admitted that the parties only changed the trade name and did not engage in a lawful transfer of the license before 1327 Connecticut Avenue, LLC, began operating the business. *Id.* at 7-8.
3. ABRA Investigator Mark Brashears commented during the hearing that the “. . . Licensing Director had informed [Mr. Mallick] previously that just allowing someone to use the license was inappropriate”; yet, the licensee ignored this warning. *Id.* at 13, 28. Furthermore, he commented that it was apparent that “. . . the last two owners of the establishment were . . . labor . . . but subleasing the license.” *Id.* at 13, 29-30.
4. ABRA's records indicate that the parties have filed a transfer application that is currently pending review. *See ABRA Licensing File No. 15-TRN-00011* (Accela Database) (last visited Jun. 17, 2015). The Board has not issued a temporary operating retail permit to 1327 Connecticut Avenue, LLC. A review of the transfer application indicates that 1327 Connecticut Avenue, LLC, still owes the Licensing Division a Purchase and Sales Agreement, Bill of Sale, and Settlement Statement.
5. Ms. Kalivas indicated that she would submit the required documents to complete the transfer within a week of May 6, 2015. *Tr.*, 5/6/15 at 45.

## CONCLUSIONS OF LAW

6. 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).

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<sup>1</sup> The Board incorporates Case Report No. 15-CMP-00023, authored by ABRA Investigator Zachary Vick, and all of the exhibits described in the report by reference.

**I. IN ACCORDANCE WITH § 25-791, THE LICENSEE MUST CEASE OPERATIONS BECAUSE THE AUTHORIZED OWNER OF THE ESTABLISHMENT HAS DISCONTINUED OPERATIONS.**

7. In this case, at a minimum, the actions of the Manor indicate that it has discontinued operations.

8. Pursuant to § 25-791, “[a] license which is discontinued for any reason shall be surrendered by the licensee to the Board for safekeeping. The Board shall hold the license until the licensee resumes business at the licensed establishment or the license is transferred to a new owner.” D.C. Official Code § 25-791. In order to qualify for licensure, the owner must be “. . . the true and actual owner of the establishment for which the license is sought, and he or she intends to carry on the business for himself or herself and not as the agent of any other . . . .” D.C. Official Code § 25-301(a)(5).

9. The record before the Board shows that Manor has not operated the business for itself for a long time. *Supra*, at ¶¶ 2-3. As a result, the Manor has discontinued operations and must return the license to the Board for safekeeping in accordance with § 25-791.

**II. THE TRANSFER APPLICATION MUST BE DENIED UNDER § 25-405.**

10. The Board also denies the transfer application, because the parties in this case consummated the transfer before it was approved by the Board. Under § 25-405(b), “[a]n application to transfer a license to a new owner shall be filed by the transferee and approved by the Board before the consummation of the transfer.” D.C. Official Code § 25-405(a). Further, § 25-405(e) states, “[i]f the Board finds that the licensee is in violation of this title or regulations promulgated under this title, the Board shall deny the application for transfer.” D.C. Official Code § 25-405(e); *see also* 23 DCMR § 401.1 (West Supp. 2015). As the facts demonstrate, the Manor gave the transferees the license and allowed them to operate the business before the agreement was approved by the Board. *Supra*, at ¶ 2. It should also be noted that the Board gave 1327 Connecticut Avenue, LLC, additional time to complete the transfer application; yet, the required documents were not submitted within the promised timeframe. *Supra*, at ¶ 5. Therefore, the Board is entitled to deny the transfer pursuant to § 25-405(e).

**III. THE PARTIES HAVE FAILED TO COMPLY WITH § 703 BY FAILING TO OBTAIN A TEMPORARY OPERATING PERMIT.**

11. The record further shows that the transferee in this case have not obtained a temporary operating permit, which would authorize them to operate the establishment while the transfer is pending. 23 DCMR § 703 *et. seq.* (West Supp. 2014); *supra*, at ¶ 4. This justifies this issuance of this cease and desist order, because illegally operating the business without approval constitutes an irreparable harm to the public.

**IV. THE LICENSE SHALL REMAIN IN SAFEKEEPING PENDING THE RESOLUTION OF A SHOW CAUSE ACTION.**

12. The facts in this case call into question basic facts about the ownership and control of the Manor. Under the law, it is the responsibility of all applicants for licensure to demonstrate to the satisfaction of the Board during renewal that

the applicant is the true and actual owner of the establishment for which the license is sought, and he or she intends to carry on the business for himself or herself and not as the agent of any other individual, partnership, association, limited liability company, or corporation not identified in the application.

D.C. Official Code § 25-301(a)(5). Based on this record, the Manor no longer satisfies this requirement. *Supra*, at ¶ 2. As a result, the Board will not release this license from safekeeping until all pending and future charges related to this incident are resolved.

**ORDER**

Therefore, the Board on this 17th day of July 2015, hereby orders Taj Mahal Enterprises, Ltd. t/a The Manor, 1327 Connecticut, LLC, Gray O’Neal, and Sara Kalivas to **CEASE AND DESIST** distributing, purchasing, selling, serving, or otherwise permitting the consumption of alcoholic beverages at 1327 Connecticut Avenue, N.W., Washington, D.C.

**IT IS FURTHER ORDERED** that the Respondents shall surrender the license to the Board for safekeeping pursuant to § 25-791. In the alternative, ABRA is simultaneously authorized to seize the license in order to place it in safekeeping.

**IT IS FURTHER ORDERED** that ABRA shall not release the license from safekeeping until the ownership issues identified in this Order are resolved by the issuance of a final Order in a show cause action. If no show cause action is filed by the Office of the Attorney General within ninety days from the date of this Order, the Manor may request a hearing before the Board to request removal of the license from safekeeping.

**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 1637 R Street, 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).<sup>2</sup>

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<sup>2</sup> The nuisance provision states,

**IT IS FURTHER ORDERED**, that the transfer application related to the Manor is **DENIED** pursuant to D.C. Official Code § 25-821.

**IT IS FURTHER ORDERED** that all future transfer applications filed for this license shall be **STAYED** pending the issuance of a final order in a show cause action.

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 may be subject to both civil and criminal penalties.

ABRA shall serve notice by certified mail or personal delivery on Taj Mahal Enterprises, Ltd. And 1327 Connecticut, LLC.

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(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.

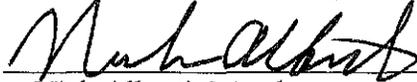
(b) An action to enjoin any nuisance defined in subsection (a) of this section may be brought in the name of the District of Columbia by the Corporation Counsel in the Civil Branch of the Superior Court of the District of Columbia against any person conducting or maintaining such nuisance or knowingly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

D.C. Official Code § 25-805.

District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



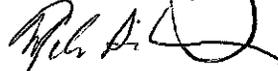
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

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).