

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

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| <u>In the Matter of:</u> |) | |
| |) | |
| Made to Measure Cocktails, LLC |) | Order No.: 2018-264 |
| |) | |
| <i>Advisory Opinion</i> |) | |
| |) | |

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Donald Isaac, Sr., Member
Bobby Cato, Member
Rema Wahabzadah, Member

ADVISORY OPINION ON THE PRODUCTION OF MIXED DRINKS AT OFF-SITE STORAGE FACILITIES

Cary M. Greene, the Co-Founder and Chief Executive Officer of Made Measure Cocktails, LLC, (M2M) has requested an advisory opinion on whether a business that has not been issued a license by the District of Columbia Alcoholic Beverage Control Board may operate a commissary kitchen where the firm would produce craft cocktails and mixed drinks from alcohol provided by a retail license holder at a location licensed as a storage facility. *Letter from Cary M. Greene on behalf of M2M*, 1-2 (Mar. 20, 2018). Mr. Greene indicates that M2M would not buy or sell alcoholic beverages itself, but only receive alcohol from the retailer and return mixed drink products to the retailer for resale on the retailer's premises. *Id.* at 2-3.

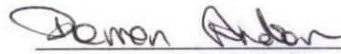
In reviewing the proposal, the Board is not persuaded that M2M's business plan is permitted under District law. Section 25-754(a) prohibits licensees from manufacturing, keeping for sale, or selling alcohol at a storage facility. D.C. Code § 25-754(a). The statute then states "that the Board may permit the storing of beverages" at off-site locations for only certain types of licenses. *Id.* The storage facility permit regulation authorizes the issuance of a storage facility permit to allow the holder "to establish a bonded warehouse in the District of Columbia for the storage of alcoholic beverages." 23 DCMR § 205.1 (West Supp. 2018). The regulation further expressly allows for the storage and transportation of alcohol at the designated warehouse, and expressly prohibits the sale, service, and consumption of alcoholic beverages. 23 DCMR §§ 205.3-205.3 (West Supp. 2018).

In light of this language, it is the view of the Board that the primary purpose of the off-site storage statute and permit are to permit the off-site storage of alcoholic beverages. Moreover, the Board interprets the “may permit” language of § 25-754 as an intent by the Council to limit licensees from conducting additional activities at the off-site location unless there is express language authorizing the additional activity. *See* D.C. Code § 25-118(f)-(g) (expressly authorizing tastings by wholesalers and private collectors at off-site storage locations). For these reasons, the Board does not approve of M2M’s proposed plan to manufacture craft cocktails for retail licensees at an off-site storage location.

ORDER

Accordingly, the Board, on this 2nd day of May 2018, hereby **ORDERS** that the above represents the **ADVISORY OPINION** of the Board pursuant to 23 DCMR § 1902.

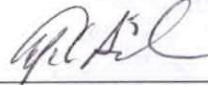
District of Columbia
Alcoholic Beverage Control Board



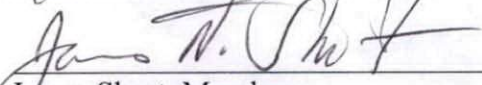
Donovan Anderson, Chairperson



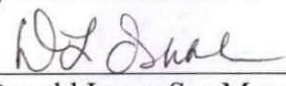
Nick Alberti, Member



Mike Silverstein, Member

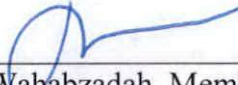


James Short, Member



Donald Isaac, Sr., Member

Bobby Cato, Member



Rema Wahabzadah, Member

Pursuant to 23 DCMR § 1902.6, if the requestor disagrees with the Board's advisory opinion in any respect, he or she may, within twenty (20) calendar days after issuance of the opinion file a petition with the Board in writing to reconsider its opinion, setting forth in detail the reasons and legal argument which support the requestor's points of disagreement, or may request the Board to issue a declaratory order, pursuant to § 1903. Advisory opinions of the Board may not form the basis of an appeal to any court in the District of Columbia.