

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

In the Matter of:)	
)	
Hospitality in Transit, LLC)	Case Nos.: 22-CMP-00044
t/a Metrobar)	22-CMP-00046
)	License No.: 117857
Order to Cease and Desist)	Order No: 2022-287
)	
640 Rhode Island Avenue, N.W.)	
Washington, DC 20002)	
)	

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

PARTIES: Hospitality in Transit, LLC, t/a Metrobar, Respondent

CEASE AND DESIST ORDER

INTRODUCTION

On June 15, 2022, the Alcoholic Beverage Control Board reviewed compelling evidence that Hospitality in Transit, LLC, t/a Metrobar (Respondent) has been illegally keeping alcohol for sale on the premises, hosting illegal catered events, and using an event site not covered by a certificate of occupancy. The Respondent is advised to cease all illegal activity, including illegally storing alcohol at the event site, allowing caterers to host illegal events at the event site, and otherwise using the premises for events where consumption of alcohol is taking place. The Board further warns the Respondent that its present application for licensure may be denied pursuant to 23 DCMR § 401.1 and failing to meet character and fitness standards for allowing and permitting violations of the District’s alcohol laws at its premises in accordance with D.C. Official Code § 25-301(a)(1). The Board further warns all District licensed caterers that hosting an event at the Respondent’s location is illegal under District law until a valid certificate of occupancy is obtained for the location.

FINDINGS OF FACT

1. Hospitality in Transit, LLC, t/a Metrobar (“Respondent” or “Metrobar”) filed an application for a new Retailer’s Class CT License at 640 Rhode Island Avenue, N.W., Washington, D.C. This license has not been issued because Metrobar has failed to file various documents with ABRA, including a certificate of occupancy.
2. On May 27, 2022, Alcoholic Beverage Regulation Administration (ABRA) Lead Investigator Felicia Dantzler went to the Respondent’s establishment and observed an event hosted by “Your District Space” Catering Company. The manager, Kareem Faison, indicated that the alcohol used at the event came from a different catering company. In addition, no food or licensed manager was observed on-site.
3. On June 3, 2022, ABRA Investigator Kevin Puente visited the Respondent’s premises and observed the same catering company hosting an event. At the time of the investigator’s visit, at 10:00 p.m., no food was visible at the event site. A manager for Metrobar, Richard Sterling, indicated that alcohol at the site was left by a prior caterer, and was being used by the current caterer. At the event site, Investigator Puente observed an open and operating bar with a full crowd consuming alcoholic beverages.

CONCLUSIONS OF LAW

4. 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).

I. THE RESPONDENT HAS PERMITTED VARIOUS VIOLATIONS OF THE DISTRICT’S ALCOHOL LAWS TO OCCUR.

5. The Respondent is ordered to cease hosting events where alcohol is consumed at 640 Rhode Island Avenue, N.W. Under § 302 of Title 11-A, “. . . no person shall use any land . . . for any purpose until a certificate of occupancy has been issued to that person stating that the use complies with the provisions of this title and the D.C. Construction Codes Supplement, Title 12 DCMR. 11-A DCMR § 302.1 (West Supp. 2022). As such, where the Respondent has not produced a certificate of occupancy for 640 Rhode Island Avenue, N.W., no events where alcohol is consumed should occur at this site until the Respondent is compliant with § 302.
6. The Board further notes that the Respondent is also engaged in the illegal sale of alcohol. Under D.C. Official Code § 25-102, “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). As defined in the title, the term sale includes “keeping for sale.” D.C. Code § 25-101(45). Therefore, the leftover alcohol being used by the caterer and stored at the Respondent’s premises constitutes an illegal sale of alcohol in violation of D.C. Code § 25-102(a).

7. Finally, the catered events being permitted by the Respondent are not being conducted in accordance with the terms of the catering license. Under the law, “a caterer's license . . . authorize[s] the licensee to sell, deliver and serve alcoholic beverages for consumption on the premises of a catered event *at which the licensee is also serving prepared food*. D.C. Code § 25-113(i)(2). This requirement is further expanded in the regulations, which state:

A Caterer's license, issued under D.C. Official Code § 25-113(i), shall authorize the licensee to sell, deliver, and serve alcoholic beverages for consumption on the premises of a catered event at which the licensee is also serving prepared food. A Caterer is a business entity engaged principally in the processing, preparation, and service of food products which it has prepared especially for the customer for an event, and the service of alcoholic beverages is incidental to the food preparation and service. A Caterer's license shall not be granted to or maintained by entities which only serve snack items. Snack items shall include, but not limited to, potato chips, popcorn, pretzels, nuts, cookies, and candy.

23 DCMR § 2000.1 (West Supp. 2022). Therefore, the failure to have food at the event site constitutes a clear violation of the catering license on multiple occasions.

8. Additionally, caterers also may not obtain alcohol from another caterer or non-licensee. Instead, caterers are required to obtain alcohol from a Wholesaler or Retailer's Class A or AI License holder. D.C. Code § 25-113(i)(5). Therefore, it is illegal for the caterers at the Respondent's location to use alcohol stored by the Respondent or leftover by another caterer. The Board further notes that catered events are required to have a licensed manager or owner present during in event, which was not the case on May 27, 2022. 23 DCMR § 2006.1.

9. Finally, based on the presence of the Respondent's employees, Metrobar is knowingly permitting or allowing the illegal catering activity to occur.

II. THE CONTINUED OPERATION OF THE PREMISES CREATES IRREPERABLE HARM TO THE PUBLIC.

10. The Board finds that the sale, service, and consumption of alcohol and a large gathering of people on a property without a certificate of occupancy potentially threatens the health, safety, and welfare of the public because the event site has not been approved for human occupation or use in accordance with various safety laws.

ORDER

Therefore, the Board on this 15th day of June 2022, hereby orders the Respondent to **CEASE AND DESIST** hosting catered events, permitting the sale or consumption of alcohol, or storing alcohol at 640 Rhode Island Avenue, N.W.

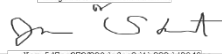
IT IS FURTHER ORDERED, pursuant to D.C. Official Code § 25-801(e), that ABRA refer this matter to the Office of the Attorney General for the District of Columbia (OAG) for prosecution. The Board further requests that OAG seek the enforcement of this Order in the Superior Court of the District of Columbia under D.C. Official Code §§ 25-829(f) (cease and

desist orders) and 25-805 (nuisance) should it be deemed necessary.

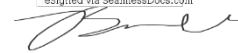
Please be **ADVISED** that a copy of this Order is being forwarded to the Metropolitan Police Department to ensure compliance. If it is found that you are continuing to sell, serve, or permit the consumption of alcoholic beverages without approval from the Board, you and all other persons involved may 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 SeamlessDocs.com

Key: 547ae373f820de6ac8d1b332d42949ec

James Short, Member

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Bobby Cato, Member

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Rafi Aliya Crockett, Member
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Rafi Crockett, Member

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Jeni Hansen, Member

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Edward Grandis, Member
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Edward S. Grandis, Member

I dissent from the position taken by the majority of the Board.

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43cb95b8d5f09e4b730093d1dccc8

Donovan Anderson, Chairperson

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).