

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 25.
ALCOHOLIC BEVERAGE REGULATION.

CHAPTER 8.
ENFORCEMENT, INFRACTIONS, AND PENALTIES.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 8. ENFORCEMENT, INFRACTIONS, AND
PENALTIES.

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CHAPTER 8. ENFORCEMENT, INFRACTIONS, AND PENALTIES.

SUBCHAPTER I. ENFORCEMENT.

§ 25-801. AUTHORITY OF THE BOARD TO ENFORCE THIS TITLE; ENFORCEMENT RESPONSIBILITIES OF ABRA INVESTIGATORS AND METROPOLITAN POLICE DEPARTMENT.

(a) The Board shall have the authority to enforce the provisions of this title with respect to licensees and with respect to any person not holding a license and selling alcohol in violation of the provisions of this title.

(b) Subject to subsection (c) of this section, ABRA investigators and the Metropolitan Police Department shall issue citations for civil violations of this title that are set forth in the schedule of civil penalties established under § 25-830.

(c) A citation for any violation for which the penalty includes the suspension of a license shall be issued under the direct authority of the Board as a result of an investigation carried out by ABRA investigators.

(d) Prosecutions for misdemeanors under this title shall be prosecuted and initiated by information filed in the Superior Court of the District of Columbia by the Corporation Counsel. Prosecutions for felonies under this title shall be prosecuted by the United States Attorney for the District of Columbia.

(e) Violations committed by an unlicensed person selling alcohol in violation of the provisions of this title shall be forwarded by the Board to the Corporation Counsel for prosecution.

(f) ABRA investigators may request and check the identification of a patron inside of or attempting to enter an establishment with an alcohol license. ABRA investigators may seize evidence that substantiates a violation under this title, which shall include seizing alcoholic beverages sold to minors and fake identification documents used by minors.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 101(dd), 51 DCR 6525.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Effect of Amendments

D.C. Law 15-187 added subsec. (f).

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 15-187, see notes following § 25-101.

§ 25-802. EXAMINATION OF PREMISES, BOOKS, AND RECORDS.

(a) An applicant for a license, and each licensee, shall allow any member of the Board, any ABRA investigator, or any member of the Metropolitan Police Department full opportunity to examine, at any time during business hours:

(1) The premises where an alcoholic beverage is manufactured, kept, sold, or consumed for which an application for a license has been made or for which a license has been issued; and

(2) The books and records of the business for which an application for a license has been made or for which a license has been issued.

(b) ABRA investigators shall examine the premises and books and records of each licensed establishment in the District at least once each year. The investigators shall make reasonable efforts to

ensure that the licensee will know in advance the date of the inspection.

(May 3, 2001, D.C. Law 13-298, § 101, 47 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

**§ 25-803. SEARCH WARRANTS FOR ILLEGAL ALCOHOLIC BEVERAGES;
DISPOSITION OF SEIZED BEVERAGES.**

If a search warrant is issued by any judge of the Superior Court of the District of Columbia or by a United States Magistrate for the District of Columbia for premises where any alcoholic beverages are manufactured for sale, kept for sale, sold, or consumed in violation of this title, the alcoholic beverages and any other property designed for use in connection with the unlawful manufacture for sale, keeping for sale, selling, or consumption may be seized and shall be subject to such disposition as the court may make thereof.

(Jan. 24, 1934, 48 Stat. 334, ch. 4, § 29; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; June 29, 1953, 67 Stat. 104, ch. 159, § 404(i); July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-129(a).

Prior Codifications

1981 Ed., § 25-803.

1973 Ed., § 25-129.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

**§ 25-804. NOTIFICATIONS FROM DCRA, FIRE DEPARTMENT, AND
METROPOLITAN POLICE DEPARTMENT.**

(a) In accordance with procedures that the Mayor shall establish, the Department of Consumer and Regulatory Affairs and the Fire Department shall promptly notify the Board if a licensed establishment is the subject of a citation or other enforcement action for a violation of laws or regulations enforced by these departments.

(b) If a licensed establishment is the subject of an incident report by the Metropolitan Police Department, the Metropolitan Police Department shall file a copy of the incident report with the Board. The Board shall make the report available for public inspection upon request.

(Jan. 24, 1934, 48 Stat. 330, ch. 4, § 17; Aug. 27, 1935, 49 Stat. 900, ch. 756, § 9; Aug. 25, 1937, 50 Stat. 803, ch. 766, § 3; Apr. 26, 1950, 64 Stat. 88, ch. 106; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 3(a); Sept. 29, 1982, D.C. Law 4-157, §§ 9, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(5), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 11; 34 DCR 907; Sept. 11, 1993, D.C. Law 10-12, § 2(b), 40 DCR 4020; May 24, 1994, D.C. Law 10-122, § 2(h), 41 DCR 1658; Apr. 30, 1998, D.C. Law 12-97, § 2, 45 DCR 1517; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-118(e), (f)(1). For notes from former § 25-118, see § 25-821.

Prior Codifications

1981 Ed., § 25-804.

1973 Ed., § 25-118.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-805. NUISANCE.

(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.

(Jan. 24, 1934, ch. 4, § 41; June 29, 1953, 67 Stat. 104, ch. 159, § 404(j); July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-139.

Prior Codifications

1981 Ed., § 25-805.

1973 Ed., § 25-139.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

SUBCHAPTER II. REVOCATION, SUSPENSION, AND CIVIL PENALTIES.

§ 25-821. REVOCATION OR SUSPENSION--GENERAL PROVISIONS.

(a) Except as provided in § 25-826, the Board shall not revoke or suspend a license until the licensee has been given an opportunity to be heard in his or her defense.

(b) If a license is revoked or suspended, no part of the license fee shall be returned.

(c) If the Board revokes a license, no license shall be issued to the same person or persons whose license is so revoked for any other location for 5 years following the revocation, except as provided below.

(d) If the Board revokes a manager's license, a manager's license shall not be issued to the same person for 2 years.

(e) Subsection (c) of this section shall not apply to licenses revoked by the Board for procedural reasons.

(f) The remaining alcoholic beverage stock of a licensee whose license has been revoked shall be disposed of only with the approval of the Board.

(Jan. 24, 1934, 48 Stat. 330, ch. 4, § 17; Aug. 27, 1935, 49 Stat. 900, ch. 756, § 9; Aug. 25, 1937, 50 Stat. 803, ch. 766, § 3; Apr. 26, 1950, 64 Stat. 88, ch. 106; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 3(a); Sept. 29, 1982, D.C. Law 4-157, §§ 9, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5- 51, § 2(b)(5), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 11; 34 DCR 907; Sept. 11, 1993, D.C. Law 10-12, § 2(b), 40 DCR 4020; May 24, 1994, D.C. Law 10-122, § 2(h), 41 DCR 1658; Apr. 30, 1998, D.C. Law 12-97, § 2, 45 DCR 1517; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-118(a).

Prior Codifications

1981 Ed., § 25-821.

1973 Ed., § 25-118.

Emergency Act Amendments

For temporary amendment of section, see § 2(b) of the Underage Drinking Emergency Amendment Act of 1994 (D.C. Act 10-236, April 28, 1994, 41 DCR 2601).

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For legislative history of D.C. Law 4-157, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 5-51, see Historical and Statutory Notes following § 25-206.

For legislative history of D.C. Law 6-217, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 10-12, see Historical and Statutory Notes following § 25-753.

For legislative history of D.C. Law 10-122, see Historical and Statutory Notes following § 25-785.

Law 12-97, the "Suspension of Liquor Licenses Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-83, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 4, 1997, and January 6, 1998, respectively. Signed by the Mayor on January 26, 1998, it was assigned Act No. 12-271 and transmitted to both Houses of Congress for its review. D.C. Law 12-97 became effective on April 30, 1998.

Delegation of Authority

Delegation of Authority--Office of the Secretary, see Mayor's Order 97-87, May 6, 1997 (44 DCR 2958).

§ 25-822. MANDATORY REVOCATION.

The Board shall revoke the license of a licensee as a result of any of the following events during the period for which the license was issued:

- (1) The licensee has been convicted of multiple violations of the terms of this title or the regulations issued under this title and the penalties set forth in Chapter 8 or established by the Board require revocation;
- (2) The licensee has knowingly permitted, in the licensed establishment (A) the illegal sale, or negotiations for sale, or the use, of any controlled substance identified in the CSA, or (B) the possession or sale, or negotiations for sale, of drug paraphernalia in violation of the CSA or Chapter 11 of Title 48. Successive sales, or negotiations for sale, over a continuous period of time shall be deemed evidence of knowing permission; or
- (3) The licensee has been convicted of a felony.

(Jan. 24, 1934, 48 Stat. 330, ch. 4, § 17; Aug. 27, 1935, 49 Stat. 900, ch. 756, § 9; Aug. 25, 1937, 50 Stat. 803, ch. 766, § 3; Apr. 26, 1950, 64 Stat. 88, ch. 106; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 3(a); Sept. 29, 1982, D.C. Law 4-157, §§ 9, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5- 51, § 2(b)(5), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 11; 34 DCR 907; Sept. 11, 1993, D.C. Law 10-12, § 2(b), 40 DCR 4020; May 24, 1994, D.C. Law 10-122, § 2(h), 41 DCR 1658; Apr. 30, 1998, D.C. Law 12-97, § 2, 45 DCR 1517; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-118(a), (c). For notes from former § 25- 118, see § 25-821.

Prior Codifications

1981 Ed., § 25-822.

1973 Ed., § 25-118.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-823. REVOCATION OR SUSPENSION FOR VIOLATIONS OF THIS TITLE OR MISUSE OF LICENSED PREMISES.

The Board may fine, as set forth in the schedule of civil penalties established under § 25-830, and suspend, or revoke the license of any licensee during the license period if:

- (1) The licensee violates any of the provisions of this title, the regulations promulgated under this title, or any other laws of the District, including the District's curfew law;
- (2) The licensee allows the licensed establishment to be used for any unlawful or disorderly purpose;
- (3) The licensee fails to superintend in person, or through a manager approved by the Board, the business for which the license was issued;
- (4) The licensee allows its employees or agents to engage in prostitution, as defined under § 22-2701.01(1), or engage in sexual acts or sexual contact, as defined under § 22-3001, at the licensed

establishment;

(5) The licensee fails or refuses to allow an ABRA investigator, a designated agent of ABRA, or a member of the Metropolitan Police Department to enter or inspect without delay the licensed premises or examine the books and records of the business, or otherwise interferes with an investigation; or

(6) The licensee fails to follow its voluntary agreement, security plan, or Board order.

(Jan. 24, 1934, 48 Stat. 330, ch. 4, § 17; Aug. 27, 1935, 49 Stat. 900, ch. 756, § 9; Aug. 25, 1937, 50 Stat. 803, ch. 766, § 3; Apr. 26, 1950, 64 Stat. 88, ch. 106; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 3(a); Sept. 29, 1982, D.C. Law 4-157, §§ 9, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(5), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 11; 34 DCR 907; Sept. 11, 1993, D.C. Law 10-12, § 2(b), 40 DCR 4020; May 24, 1994, D.C. Law 10-122, § 2(h), 41 DCR 1658; Apr. 30, 1998, D.C. Law 12-97, § 2, 45 DCR 1517; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Mar. 13, 2004, D.C. Law 15-105, § 4, 51 DCR 881; Sept. 30, 2004, D.C. Law 15-187, § 101(ee), 51 DCR 6525; July 18, 2008, D.C. Law 17-201, § 6(a), 55 DCR 6289; Mar. 25, 2009, D.C. Law 17-361, § 2(d)(2), 56 DCR 1204.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-118(a). For notes from former § 25-118, see § 25-821.

Prior Codifications

1981 Ed., § 25-823.

1973 Ed., § 25-118.

Effect of Amendments

D.C. Law 15-105, in par. (1), substituted "of the District" for "if the District".

D.C. Law 15-187, in pars. (2) and (3), made nonsubstantive changes; and added par. (4).

D.C. Law 17-201, in the lead-in text, substituted "may fine, as set forth in the schedule of civil penalties established under § 25-830, suspend," for "may suspend"; in par. (1), substituted "laws of the District, including the District's curfew law" for "laws of the District"; in par. (3), deleted "or" from the end; in par. (4), substituted a semicolon for a period at the end; and added pars. (5) and (6).

D.C. Law 17-361, in the lead-in language, substituted "and suspend" for "suspend".

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 15-105, see notes following § 25-210

For Law 15-187, see notes following § 25-101.

For Law 17-201, see notes following § 25-101.

For Law 17-361, see notes following § 25-113.

§ 25-824. REVOCATION WHEN WHOLESALE OR RETAIL LICENSEE IS SUBJECT TO UNDUE INFLUENCE BY MANUFACTURER.

(a) If a manufacturer of alcoholic beverages, whether licensed by this title or not, shall have such a substantial interest, whether direct or indirect, in the business of a wholesale or retail licensee or in the premises on which the licensee's business is conducted as, in the judgment of the Board, may tend to influence the licensee to purchase alcoholic beverages from the manufacturer, the Board may revoke the license of the licensee.

(b) This section shall not apply to the wholesale license held by a person not licensed as a manufacturer in the District owning an establishment for the manufacture of alcoholic beverages outside of the District.

(Jan. 24, 1934, 48 Stat. 330, ch. 4, § 18; Aug. 27, 1935, 49 Stat. 902, ch. 756, § 15; Sept. 29, 1982, D.C. Law 4-157, §§ 10, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(6), 30 DCR 5927; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-119. For notes from former § 25-119, see § 25-735.

Prior Codifications

1981 Ed., § 25-824.

1973 Ed., § 25-119.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-825. REVOCATION WHEN RETAIL LICENSEE IS SUBJECT TO UNDUE INTEREST BY WHOLESALER.

If a wholesaler of alcoholic beverages, whether licensed under this title or not, shall have such a substantial interest, whether direct or indirect, in the business of any retail licensee or in the premises on which the licensee's business is conducted as may tend to influence the licensee to purchase beverages from the wholesaler, the Board may revoke the license of the licensee.

(Jan. 24, 1934, 48 Stat. 331, ch. 4, § 19; Aug. 27, 1935, 49 Stat. 903, ch. 756, § 16; Sept. 29, 1982, D.C. Law 4-157, §§ 11, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(7), 30 DCR 5927; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-120.

Prior Codifications

1981 Ed., § 25-825.

1973 Ed., § 25-120.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For legislative history of D.C. Law 4-157, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 5-51, see Historical and Statutory Notes following § 25-206.

§ 25-826. SUMMARY REVOCATION OR SUSPENSION.

(a) If the Board determines, after investigation, that the operations of a licensee present an imminent danger to the health and safety of the public, the Board may summarily revoke, suspend, fine, or restrict, without a hearing, the license to sell alcoholic beverages in the District.

(b) The Board may summarily revoke, suspend, fine, or restrict the license of a licensee whose establishment has been the scene of an assault on a police officer, government inspector or investigator, or other governmental official, who was acting in his or her official capacity, when such assault occurred by patrons who were within 1,000 feet of the establishment.

(c) A licensee may request a hearing within 72 hours after service of notice of the summary revocation, suspension, fine, or restriction of a license. The Board shall hold a hearing within 48 hours of receipt of a timely request and shall issue a decision within 72 hours after the hearing.

(d) A person aggrieved by a final summary action may file an appeal in accordance with the procedures set forth in subchapter I of Chapter 5 of Title 2.

(Jan. 24, 1934, 48 Stat. 330, ch. 4, § 17; Aug. 27, 1935, 49 Stat. 900, ch. 756, § 9; Aug. 25, 1937, 50 Stat. 803, ch. 766, § 3; Apr. 26, 1950, 64 Stat. 88, ch. 106; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 3(a); Sept. 29, 1982, D.C. Law 4-157, §§ 9, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(5), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 11; 34 DCR 907; Sept. 11, 1993, D.C. Law 10-12, § 2(b), 40 DCR 4020; May 24, 1994, D.C. Law 10-122, § 2(h), 41 DCR 1658; Apr. 30, 1998, D.C. Law 12-97, § 2, 45 DCR 1517; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; July 18, 2008, D.C. Law 17-201, § 6(b), 55 DCR 6289.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-118(g). For notes from former § 25-118, see § 25-821.

Prior Codifications

1981 Ed., § 25-826.

1973 Ed., § 25-118.

Effect of Amendments

D.C. Law 17-201, in subsec. (a), substituted "suspend, fine," for "suspend,".

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 17-201, see notes following § 25-101.

§ 25-827. REQUEST FOR SUSPENSION OR REVOCATION OF LICENSE BY CHIEF OF POLICE.

(a) The Chief of Police may request the suspension or revocation of a license if the Chief of Police determines that there is a correlation between increased incidents of crime within 1,000 feet of the establishment and the operation of the establishment. The determination shall be based on objective criteria, including incident reports, arrests, and reported crime, occurring within the preceding 18 months and within 1,000 feet of the establishment.

(b) The Chief of Police may close an establishment for up to 96 hours, subject to a hearing and disposition by the Board under § 25-826 if he or she finds that:

(1) There is an additional imminent danger to the health and welfare of the public by not doing so; and

(2) There is no immediately available measure to ameliorate the finding in paragraph (1) of this subsection.

(c) The order of the Chief of Police to close an establishment under subsection (b) of this section shall terminate upon the disposition by the Board of the matter under § 25-826.

(d) The Chief of Police may, without a hearing, summarily revoke, suspend, or restrict a licensee's privilege to extended hours of operation under subsection § 25-723(c), (d), and (e) if the licensee's operation presents a demonstrated danger to the health, safety, or welfare of the public. A licensee may seek review of the summary revocation, suspension, or restriction pursuant to § 25-826(c) and (d).

(Jan. 24, 1934, 48 Stat. 330, ch. 4, § 17; Aug. 27, 1935, 49 Stat. 900, ch. 756, § 9; Aug. 25, 1937, 50 Stat. 803, ch. 766, § 3; Apr. 26, 1950, 64 Stat. 88, ch. 106; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 3(a); Sept. 29, 1982, D.C. Law 4-157, §§ 9, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5- 51, § 2(b)(5), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 11; 34 DCR 907; Sept. 11, 1993, D.C. Law 10-12, § 2(b), 40 DCR 4020; May 24, 1994, D.C. Law 10-122, § 2(h), 41 DCR 1658; Apr. 30, 1998, D.C. Law 12-97, § 2, 45 DCR 1517; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 23, 2005, D.C. Law 16-20, § 2(b), 52 DCR 6575; Sept. 20, 2012, D.C. Law 19-168, § 2042(b), 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-118(f)(2), (3). For notes from former § 25-118, see § 25-821.

Prior Codifications

1981 Ed., § 25-827.

1973 Ed., § 25-118.

Effect of Amendments

D.C. Law 16-20, rewrote subsec. (b) and added subsec. (c). Prior to amendment, subsec. (b) read as follows:

"(b) The Chief of Police may close an establishment for the remainder of the business day if he or she believes that continued operation presents an imminent danger to the health, safety, or welfare of the public."

D.C. Law 19-168 added subsec. (d).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2(c) of Inaugural Celebration Extension of Hours Public Safety Emergency Act of 2008 (D.C. Act 17-616, December 19, 2008, 56 DCR 44).

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 16-20, see notes following § 25-798.

For history of Law 19-168, see notes under § 25-110.

§ 25-828. NOTICE OF SUSPENSION OR REVOCATION.

- (a) If the Board orders the suspension or revocation of a license, the Board shall post a notice in a conspicuous place at or near the main street entrance of the outside of the establishment.
- (b) The posted notice shall state that the license has been suspended, the period of the suspension, and that the suspension is ordered because of a violation of this title or of the regulations promulgated under this title.
- (c) Any person willfully removing, obliterating, or defacing the notice shall be guilty of a violation of this chapter.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 101(ff), 51 DCR 6525.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Effect of Amendments

D.C. Law 15-187 added subsec. (c).

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 15-187, see notes following § 25-101.

§ 25-829. CEASE AND DESIST ORDERS.

- (a) If the Board or the Mayor, after investigation but before a hearing, has cause to believe that a person is violating any provision of this title and the violation has caused, or may cause, immediate and irreparable harm to the public, the Board or the Mayor may issue an order requiring the alleged violator to cease and desist immediately from the violation. The order shall be served by certified mail or delivery in person.
- (b)(1) The alleged violator may, within 15 days after the service of the order, submit a written request to the Board to hold a hearing on the alleged violation.
 - (2) Upon receipt of a timely request, the Board shall conduct a hearing in accordance with the procedures set forth in subchapter I of Chapter 5 of Title 2 and issue a decision within 90 days after the hearing.
- (c)(1) The alleged violator may, within 10 days after the service of an order, submit a written request to the Board for an expedited hearing on the alleged violation.
 - (2) Upon receipt of a timely request for an expedited hearing, the Board shall conduct a hearing within 10 days after the date of receiving the request and shall deliver to the alleged violator at his or her last known address a written notice of the hearing by any means guaranteed to be received at least 5 days before the hearing date.
 - (3) The Board shall issue a decision within 30 days after an expedited hearing.
- (d) If a request for a hearing is not made under subsections (b) and (c) of this section, the order of the Board or the Mayor shall be final.
- (e) If, after a hearing, the Board determines that the alleged violator is not in violation of this title, the Board shall revoke the order.
- (f) If a person fails to comply with a lawful order of the Board or the Mayor under this section, the Board may petition the Superior Court of the District of Columbia for an order compelling compliance or take any other action authorized by this subchapter.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-830. CIVIL PENALTIES.

- (a) Within 90 days after May 3, 2001, the Board shall submit proposed regulations setting forth a schedule of civil penalties ("schedule") for violations of this title to the Council for a 60-day period of review, including Saturdays, Sundays, holidays, and periods of Council recess. If the Council does not approve, in whole or in part, the proposed regulations by resolution with the 60-day review period, the regulations shall

be deemed disapproved. The schedule shall replace all civil penalties, except as expressly provided in this title.

(b) The schedule shall be prepared in accordance with the following provisions:

(1) The schedule shall contain 2 tiers that reflect the severity of the violation for which the penalty is imposed:

(A) The primary tier shall apply to more severe violations, including service to minors or violation of hours of sale or service of alcoholic beverages.

(B) The secondary tier shall apply to less severe violations, including the failure to post required signs.

(2) A subsequent violation in the same tier, whether a violation of the same provision or different one, shall be treated as a repeat violation for the purposes of imposing an increased penalty; provided, that all secondary tier infractions cited by ABRA investigators or Metropolitan Police Department Officers, during a single investigation or inspection on a single day, shall be deemed to be one secondary tier violation for the purposes of determining repeat violations under this section.

(c)(1) For primary tier violations, the penalties shall be no less than the following:

(A) For the first violation, no less than \$1,000;

(B) For the second violation within 2 years, no less than \$2,000; and

(C) For the third violation within 3 years, no less than \$4,000;

(2) A licensee who has been found in violation of no more than 3 secondary tier violations and who is subsequently found in violation of a primary tier violation shall be penalized according to a first primary tier violation.

(3) A licensee found in violation of a primary tier offense for the fourth time within 4 years shall have the license revoked.

(d)(1) For secondary tier violations, the penalties shall be no less than the following:

(A) For the first violation, no less than \$250.

(B) For the second violation within 2 years, no less than \$500.

(C) For the third violation within 3 years, no less than \$750.

(2) A licensee found in violation of a secondary tier violation for the fourth time within 4 years shall be penalized according to a first primary tier violation. Every subsequent secondary tier offense within 5 years of the first violation shall be fined according to the schedule for primary tier violations.

(e)(1) Except for an egregious violation as may be later defined by ABC rulemaking, no licensee shall be found to be in violation of a first-time violation of § 25-781 (sales to minors), unless the licensee has been given a written warning, or received a citation, for the violation, or had an enforcement proceeding before the Board, during the 4 years preceding the violation.

(2) A warning for a first-time violation of § 25-781 shall include a description of the violation. The Alcoholic Beverage Regulation Administration shall make available a schedule of fines that could be imposed upon subsequent violation. Within one year of [March 25, 2009], the Board shall submit a report on the status of the warning requirement for § 25-781 violations, including a statement on repeat offenders and subsequent fines or sanctions imposed. The provisions of paragraph (1) of this subsection, and the provisions of § 25-781(f) shall expire one year from [March 25, 2009], unless the Board finds each of the following:

(A) That the warning requirement was effective in correcting behavior that was the subject of the warning for those licensees; and

(B) That the warning requirement contributed to the overall prevention of sales to minors in the District of Columbia.

(3)(A) Within 60 days of [March 25, 2009], the Board shall issue proposed regulations for a comprehensive warning and violation structure, which shall include recommendations on which violations of the act or regulations shall require a warning for a first-time violation prior to penalty.

(B) Proposed rules under this subsection shall be submitted to the Council for a 30-day period of review. The Council may approve these proposed regulations, in whole or in part, by resolution. If the Council has not approved the regulations upon expiration of the 30-day review period, the regulations shall be deemed disapproved.

(f) The Board or the Council may amend the schedule. An amendment by the Board shall be submitted to the Council for its approval in accordance with subsection (a) of this section. The Board may fine for a violation not listed on the schedule consistent with the primary tier violation penalties set forth in subsection (c)(1) of this section.

(g) The schedule and any amendments to the schedule shall be published in the District of Columbia

Register and promulgated by the procedure adopted under § 25-211(e).

(h) Penalties or fines assessed under this chapter shall be credited to the General Fund of the District of Columbia.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Mar. 25, 2009, D.C. Law 17-361, § 2(d)(3), 56 DCR 1204.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Effect of Amendments

D.C. Law 17-361 rewrote subsec. (e) and added the second sentence to subsec. (f). Prior to amendment, subsec. (e) read as follows:

"(e) The Board may specify violations for which a licensee may be given a warning before the issuance of a citation for a first violation."

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 17-361, see notes following § 25-113.

References in Text

The reference in subsection (e)(3)(A) to "the act" is a reference to the Alcoholic Beverage Enforcement Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-361; 56 DCR 1204).

Resolutions

Resolution 15-340, the "Alcoholic Beverage Regulation Civil Penalty Schedule Regulations Approval Resolution of 2003", was approved effective December 2, 2003.

Resolution 18-488, the "Egregious First Time Sale to Minor Violation Clarification Regulations Approval Resolution of 2010", was approved effective June 1, 2010.

Resolution 18-522, the "East Dupont Circle Moratorium Zone Regulations Approval Resolution of 2010", was approved effective June 29, 2010.

Resolution 18-540, the "Drinking and Driving Warning Sign Regulation Approval Resolution of 2010", was approved effective July 13, 2010.

Resolution 18-701, the "Georgetown Moratorium Zone Revised Approval Resolution of 2010", was approved effective December 21, 2010.

§ 25-831. PENALTY FOR VIOLATION WHERE NO SPECIFIC PENALTY PROVIDED; ADDITIONAL PENALTY FOR FAILURE TO PERFORM CERTAIN REQUIRED ACTS.

(a) A person who violates any of the provisions of this title, or regulations under this title, for which no specific penalty is provided shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$1,000, or imprisoned for not more than one year, or both.

(b) Any person required to file a return or report or perform any act under the provisions of this title who wilfully fails or refuses to file the return or report or perform the act within the time required shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$5,000, or imprisoned for not more than 3 years, or both. The penalty provided herein shall be in addition to other penalties provided by this title.

(c) Violations of this section which are misdemeanors shall be prosecuted on information filed in the Superior Court of the District of Columbia by the Corporation Counsel. Violations of this subsection which are felonies shall be prosecuted by the United States Attorney for the District of Columbia.

(d) A civil fine may be imposed as an alternative sanction for any violation of this title for which no specific penalty is provided, or any rules or regulations issued under the authority of this title, under Chapter 18 of Title 2. Adjudication of an infraction of this chapter shall be under Chapter 18 of Title 2.

(Jan. 24, 1934, 48 Stat. 336, ch. 4, § 33; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); July 24, 1982, D.C. Law 4-131, § 301, 29 DCR 2418; Sept. 26, 1984, D.C. Law 5-106, § 3, 31 DCR 3381; Oct. 5, 1985, D.C. Law 6-42, § 455(b), 32 DCR 4450; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-132.

Prior Codifications

1981 Ed., § 25-831.

1973 Ed., § 25-132.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 25-907.

For legislative history of D.C. Law 5-106, see Historical and Statutory Notes following § 25-781.

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 25-1009.

§ 25-832. PROMPT NOTICE OF INVESTIGATIVE REPORTS.

(a) ABRA shall provide a licensee with either an investigative report or a public police incident report that may result in a show cause hearing as set forth in § 25-447 within 90 days of the date upon which the incident occurred.

(b) The requirement in subsection (a) of this section shall not apply where:

(1) Criminal action is being considered against the licensee or its employees; or

(2) Enforcement action is requested by the Chief of Police under § 25-827.

(Mar. 25, 2009, D.C. Law 17-361, § 2(d)(4), 56 DCR 1204; Sept. 26, 2012, D.C. Law 19-171, § 81(c), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171, in subsec. (b), inserted a colon following "where".

Legislative History of Laws

For Law 17-361, see notes following § 25-113.

For history of Law 19-171, see notes under § 25-340.