Quick Guide for Class C Nightclubs (CN)

As a nightclub you must operate on a regular schedule, serve alcoholic beverages, can provide music and dancing, and may serve food. The licensee under a license Class CN or DN, may have entertainment, dancing, or charge a cover without an Entertainment Endorsement. You may not provide entertainment by nude performers unless you received Board approval prior to December 15, 1993. You must provide a security plan to the ABC Board at both the time of your initial application and at renewal. *You may only hold an on-premises Retailer's License, Class C or D, or a Caterer's License.*

Hours

A Retailer's Class C Nightclub License may sell or serve beer, wine, and spirits on premises any day or time except between the following hours (unless a Board order or a voluntary agreement states otherwise):

- **2:00 a.m. and 8:00 a.m.,** Monday through Friday
- **3:00 a.m. and 8:00 a.m.,** Saturday
- **3:00 a.m. and 8:00 a.m.,** Sunday

For District and federal holidays and various holiday weekends, the licensee may register with ABRA to sell or serve alcoholic beverages until 4:00 a.m. and operate 24 hours a day.

ABC Manager or Owner

An owner or ABC manager *must* be on the premises at all times when alcoholic beverages are being sold, served, or consumed. The manager *must* carry their manager's license upon his or her person and must exhibit the license, upon request, to any member of the Board, an ABRA Investigator, or member of the Metropolitan Police Department.

Conspicuous Postings

ABC Licenses must be framed under glass. Please note that your license is renewable every three (3) years beginning September 30, 2013. Payment can be made in full or in yearly increments.

If a **settlement agreement (SA)** is a part of the license, the licensee must have a copy of the settlement agreement accessible to any member of the public, an ABRA Investigator, or officer of the Metropolitan Police Department upon request. You must follow the conditions of your SA, security plan and Board Order. Please note that if there is a provision in your Board approved settlement agreement that details specific food requirements, you are subject to audits. These audits will be conducted by auditors to ensure that you meet the terms of your settlement agreement.

The licensee *must* post on the front window or front door of the licensee's premises, the **correct name** or names of the licensee or licensees and the **class** and **number** of the license in plain and legible lettering not less than one inch nor more than 1.25 inches in height.

The licensee *must* conspicuously post the **two signs** which ABRA provides:

These signs must not be covered or obscured.

Signs

You may not have exterior signs advertising alcoholic beverages, which signs have a total cumulative area in the aggregate in excess of 10 square feet.

You may have illuminated signs advertising alcoholic beverages during your approved hours of sales. However, these signs cannot contain intermittent flashes of light.

Endorsement Requirements

ABC Board approval is necessary for the following:

- Sidewalk café
- Summer garden
- Brew Pub or Wine Pub

Please note that you are not permitted to transfer responsibility for security to a third party or promoter. This would constitute a primary tier violation under D.C. Official Code § 25-830(c)(1).

Invoices

Invoices must be kept and maintained on the premises for a period of three (3) years to include adequate books and records showing all sales, purchase invoices, delivery slips which adequately and fully reflect all purchases, sales, and deliveries of all alcoholic beverages, except beer, made to it, and dispositions, date and quantity of purchase, name, address, and phone number of the wholesaler and or vendor with the original invoice; All invoices and delivery slips and all importation permits after cancellation, must be systematically filed and maintained for a period of three (3) years from date of delivery and must show a true, accurate and complete statement of terms and conditions on which each purchase was made. You may request permission from the ABC Board to maintain your original invoices outside of the District of Columbia upon a determination by the Board that good cause exists. However, duplicate invoices must be maintained in the District of Columbia at either the licensed premises or a location approved by the Board. Books and records may be stored electronically as long as the records are made immediately available at the request of ABRA staff.

Purchase of Alcohol

You are required to purchase all alcoholic beverages from a DC wholesaler. There is an exception which allows you to purchase alcohol from someone other than a DC wholesaler if you certify that the product is not available or if a DC wholesaler cannot provide the quantity that you are requesting and you obtain an Importation Permit.

Importation Permit

You must apply for an Importation Permit if you determine that a DC wholesaler cannot provide you with the alcohol product that you wish to purchase. You must certify this request in writing. The permit must, immediately upon receipt of the alcoholic beverages by your establishment, be marked “canceled” by you.

Off-Premises Storage

You may apply for an off-premises storage permit to store alcoholic beverages at another facility other than your establishment.

Corking Fee

A licensed nightclub may permit a patron to bring to and consume an alcoholic beverage at its establishment provided that the alcoholic beverage is opened by an employee of the establishment. Once opened, the alcoholic beverage is not permitted to be removed from the licensed premises. You are permitted to charge a corking fee not to exceed twenty five dollars ($25).

One-day Substantial Change

You must file a one-day substantial change application requesting the ABC Board to grant you permission to extend your operating, service or entertainment hours, or to extend your service area for a specific event. The Board will only grant six (6) substantial changes in a calendar year. All substantial changes must be filed at least seven (7) days prior to the specific event and these requests are subject to Fact Finding hearings before the ABC Board.

Sale to Minors

ABRA is conducting compliance checks using minors to enter your establishment and attempt to purchase alcoholic beverages. The minors will be using their real ID that designates the minor is under the age of 21.

ABRA also conducts Fake ID Checks to determine if minors are entering licensed establishments using fake identifications to obtain alcoholic beverages. ABRA Investigators generally conduct Fake ID checks with the owner or licensed ABC Manager.

Bartenders and Servers

Bartenders must be 21 years old. Servers must be 18 years old.

Back-Up Drinks

You may not sell a “back-up drink", meaning if a customer has a partially consumed beverage in front of them, you should not serve them another alcoholic beverage. The prohibition against back-up drinks does not prevent the service of wine with a meal when a patron has not finished a previously served cocktail.

ABC Board Approval

ABC Board approval is needed for:

- Transfer of licenses
- Change of corporate officers
- Change of corporate structure
- Trade name
- Hours of operation or service for premises, sidewalk cafes, summer gardens, or entertainment
- Sidewalk café or summer garden
- Increase use of space
- Storage facility

Regulatory Inspections

Regulatory Inspections are generally conducted a minimum of three times per year at each licensed establishment to ensure that licensees are in compliance with the ABC laws and regulations. Regulatory Inspections may be conducted at any time during an establishment's hours of operation. If your establishment is open, ABRA Investigators should be allowed entry and be provided with all the necessary information to complete the Regulatory Inspection.

Common Violations

- Sale to Minors
- Not posting warning and current legal drinking age signs
- No ABC Manager on duty
- Posting and carrying of licenses on premises
- Restriction of hours of operation (operating after Board-approved hours)
- Transfer of ownership without Board approval
- Substantial changes without Board approval (sidewalk café/summer garden, expanding the licensed premises, and offering entertainment without an endorsement, etc.)
- Failure to maintain or keep records or invoices on the licensed premises
- Violation of your settlement agreement (formerly voluntary agreement)
- Violation of security plan or Board order
- Trade name change without Board approval

You must allow ABRA investigators or MPD officers to enter your establishment without delay. Failure to comply may result in a revocation or suspension of your ABC license.

Suspensions

Note that if you are serving a suspension, all alcoholic beverages must be secured. Removal of suspension placards or selling alcoholic beverages during a suspension period may result in a more severe penalty.

Contact Us

Please visit ABRA's website at **www.abra.dc.gov** or contact ABRA for more specific details regarding information contained in this brochure at (202) 442-4423.