

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :
 :
 Afro Group, LLC, :
 t/a Déjà vu Lounge/The :
 District Sports Bar :
 900 Florida Ave NW : Summary Suspension
 License #110186 : Hearing (Status)
 Retailer CR - ANC 2B :
 Case # 21-CMP-00001 :
 :
 (The Alcoholic Beverage :
 Control Board Closure - :
 January 12, 2021) :

Wednesday
 February 3, 2021

The Alcoholic Beverage Control Board
 met via WebEx videoconference, Chairperson
 Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
 BOBBY CATO, JR., Member
 RAFI ALIYA CROCKETT, Member
 EDWARD S. GRANDIS, Member
 JENI HANSEN, Member
 JAMES SHORT, JR., Member
 REMA WAHABZADAH, Member

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
 JOHN LUI, DC OAG
 EYOB TESFAZGHI, Licensee

1 P-R-O-C-E-E-D-I-N-G-S

2 2:01 p.m.

3 CHAIRPERSON ANDERSON: All right, the
4 next case in our calendar is Case Number 21-CMP-
5 00001 District Sports Bar, license number 110186.

6 Ms. Andrews, could you please elevate
7 the rights of the Government and also the
8 licensee for this matter?

9 MS. ANDREWS: Sure, standby. Mr. Lui,
10 your rights have been elevated. Mr. Eyob, your
11 rights have been elevated.

12 CHAIRPERSON ANDERSON: Mr. Tesfazghi,
13 I'm hoping that I pronounce your name -- help me
14 with the pronunciation.

15 You can open your microphone, sir, and
16 if you have a camera you can turn your camera on,
17 please.

18 MS. ANDREWS: That's all, Mr. Chair.

19 CHAIRPERSON ANDERSON: Hold on one
20 minute. All right, I'll have the parties
21 introduce themselves for the record.

22 We'll start with the Government.
23 Please spell and state your name for the record,
24 please?

25 MR. LUI: Good morning, Mr.

1 Chairperson and Board Members, my name is John
2 Lui on behalf of the District of Columbia.
3 That's J-O-H-N, L-U-I.

4 CHAIRPERSON ANDERSON: Can you spell
5 and pronounce your name for the record and go
6 slowly so I can learn how to pronounce your name,
7 sir.

8 MR. TESFAZGHI: Eyob Tesfazghi, E-Y-O-
9 B, T-E-S-F-A-Z-G-H-I.

10 CHAIRPERSON ANDERSON: Pronounce that
11 one more time for me, please.

12 MR. TESFAZGHI: My last name
13 Tesfazghi.

14 CHAIRPERSON ANDERSON: Tesfazghi?

15 MR. TESFAZGHI: Yes.

16 CHAIRPERSON ANDERSON: Good afternoon.
17 This is a summary suspension hearing. Are there
18 any preliminary matters in this case?

19 MR. LUI: Yes, there is Mr.
20 Chairperson.

21 CHAIRPERSON ANDERSON: And what are
22 they, sir?

23 MR. LUI: There is an offer in
24 compromise to present to the Board.

25 CHAIRPERSON ANDERSON: Yes, please?

1 MR. LUI: There are ten terms. Number
2 1, suspension. Respondent shall serve a 22-day
3 suspension of its ABC license.

4 The date of the 22-day suspension to
5 be served shall be Wednesday January 13, 2021
6 through Wednesday, February 3, 2021, which
7 includes time served during the summer suspension
8 period.

9 The ABC license suspension shall be
10 lifted at 8:00 a.m. on Thursday, February 4, 2021
11 provided all other applicable requirements in
12 this OIC have been satisfied by the Respondent.

13 Number 2, mask. Except when eating or
14 drinking while seated, during the public health
15 emergency the Respondent shall require that all
16 owners and employees of the establishment wear a
17 mask or face covering while present at the
18 licensed premise regardless of whether they were
19 on duty.

20 The Respondent shall also require
21 patrons during the public health emergency to
22 wear a mask or face coverings prior to entering
23 or while waiting in line outside of the licensed
24 premises while traveling to use the restroom or
25 until they are seated and eating or drinking.

1 Number 3, music and entertainment,
2 Respondents shall not offer live music or
3 entertainment, including disc jockeys, while the
4 District of Columbia remains subject to Mayor's
5 order 2020-067, Mayor's order 2020-075, Mayor's
6 order 2020-080, Mayor's order 2020-119 and in
7 accordance with this Board's notice of the ninth
8 emergency rulemaking.

9 The Respondent shall only offer
10 recorded or background music that is played at a
11 conversational level that is not heard in the
12 homes of District residents.

13 Number 4, operating hours.

14 Respondents shall not sell, serve, or
15 permit the consumption of alcoholic beverages
16 past 10:00 a.m. but may operate for patrons until
17 midnight during any day of the week while the
18 District of Columbia remains subject to Mayor's
19 order 2020-067, Mayor's order 2020-075, Mayor's
20 order 2020-080, Mayor's order 2020-119 and in
21 accordance with the Board's rulemaking.

22 CHAIRPERSON ANDERSON: Mr. Lui, sorry
23 to interrupt you, can you repeat the operating
24 hours again?

25 I think there might be an error.

1 MR. LUI: Number 4, operating hours,
2 Respondent shall not sell, serve, or permit the
3 consumption of alcoholic beverages past 10:00
4 p.m. but may operate for patrons until midnight
5 during any day of the week while the District of
6 Columbia remains subject to Mayor's order 2020-
7 067, Mayor's order 2020-075, Mayor's order 2020-
8 080, Mayor's order 2020-119, and in accordance
9 with the Board's rulemaking.

10 May I continue?

11 CHAIRPERSON ANDERSON: Sure, go ahead,
12 please.

13 MR. LUI: Number 5, dining activities.
14 Respondent shall only serve food and alcoholic
15 beverages to patrons seated at tables while the
16 District of Columbia remains subject to the
17 Mayor's orders and in accordance with the Board's
18 rulemaking.

19 Tables shall be placed so that patrons
20 in different parties are placed at least six feet
21 apart from one another with no more than six
22 patrons per table.

23 Respondents should have a menu in use
24 containing a minimum of three prepared food items
25 available for purchase, and shall require patrons

1 to purchase one or more prepared food items per
2 table.

3 Patrons shall not be permitted to walk
4 around the establishment with food and/or
5 alcoholic beverages.

6 Number 6, bar activities, Respondent
7 shall not seek patrons at indoor or outdoor bars,
8 that are being staffed or utilized by a
9 bartender.

10 Patrons shall not be permitted to stand at
11 an indoor or outdoor bar to order food or
12 alcoholic beverages.

13 Number 7, contact tracing system.
14 Respondent shall implement a reservation system
15 by phone, online, or on site and keep customer
16 logs to facilitate contact tracing by D.C.
17 Health.

18 Number 8, capacity. Respondents shall
19 limit its indoor capacity to no more than 25
20 percent of the lowest indoor occupancy load or
21 seating capacity on a certificate of occupancy
22 excluding employees and outdoor seating while the
23 District of Columbia remains subject to the
24 Mayor's orders, whichever applies, and in
25 accordance with the Board's rulemaking.

1 Number 9, social distancing
2 walkthrough. Prior to lifting the suspension of
3 the establishment of the alcoholic beverage
4 license, an ABRA investigator shall conduct a
5 walkthrough with the licensed establishment with
6 Respondent to evaluate the establishment's
7 compliance with the District's social distancing
8 requirements.

9 This evaluation shall include an
10 assessment of the Respondent's compliance with
11 the Mayor's order 2020-075, Mayor's order 2020-
12 080, and 23 DCMR Section 810.

13 And Number 10, show cause. This
14 matter will be referred to the Office of the
15 Attorney General for possible show-cause
16 proceeding. Those are the terms.

17 CHAIRPERSON ANDERSON: And so Mr. Lui,
18 is it your position, is it the Government's
19 position, that if the Board was to favorably
20 consider this offer in compromise that it would
21 address the issue that brought us here today?

22 MR. LUI: Yes, Mr. Chairperson.

23 CHAIRPERSON ANDERSON: Thank you. Mr.
24 Tefazghi, sorry if I did not -- Mr. Lui just
25 stated the terms of the offer in compromise.

1 Are those the terms that you agreed
2 to, sir?

3 MR. TESFAZGHI: Yes, I accept it.

4 CHAIRPERSON ANDERSON: Are you aware
5 that by accepting an offer in compromise that you
6 are giving up your right to a hearing?

7 MR. TESFAZGHI: Yes.

8 CHAIRPERSON ANDERSON: Are you also
9 aware that by accepting an offer in compromise
10 that you give up your right to an appeal in this
11 matter?

12 MR. TESFAZGHI: Yes.

13 CHAIRPERSON ANDERSON: There is no
14 need for me to repeat the terms of the offer in
15 compromise since they were placed on the record
16 by the Government.

17 Are there any questions by the Board
18 Members regarding the terms of the offer in
19 compromise?

20 MR. TESFAZGHI: No.

21 CHAIRPERSON ANDERSON: Well, I'm
22 asking my Board Members, sir, if they have any
23 questions. I did ask you before and you said
24 that you're fine so now I'm asking the other
25 members of they have any questions.

1 So, hearing none, I then make a motion
2 that the offer in compromise be accepted. Is
3 there a second?

4 MEMBER CROCKETT: Ms. Crockett
5 seconds.

6 CHAIRPERSON ANDERSON: Ms. Crockett
7 and I believe Ms. Wahabzadah has seconded the
8 motion. We'll now have a roll call vote on the
9 motion that has been properly seconded.

10 Mr. Short?

11 MEMBER SHORT: I agree.

12 CHAIRPERSON ANDERSON: Mr. Cato?

13 MEMBER CATO: I agree.

14 CHAIRPERSON ANDERSON: Ms. Wahabzadah?

15 MEMBER WAHABZADAH: I agree.

16 CHAIRPERSON ANDERSON: Ms. Crockett?

17 MEMBER CROCKETT: I agree.

18 CHAIRPERSON ANDERSON: Ms. Hansen?

19 MEMBER HANSEN: I agree.

20 CHAIRPERSON ANDERSON: Mr. Grandis?

21 MEMBER GRANDIS: I agree.

22 CHAIRPERSON ANDERSON: Mr. Anderson,
23 I agree, the matter therefore passes 7-0-0. I
24 would like to thank the parties for having an
25 offer in compromise for the Board's acceptance

1 and consideration.

2 The Board accepted and approved the
3 offer in compromise.

4 Good luck in your business, sir, thank
5 you, Mr. Lui, have a great day.

6 MR. LUI: Thank you, take care,
7 everyone.

8 CHAIRPERSON ANDERSON: Thank you.

9 (Whereupon, the above-entitled matter
10 went off the record at 2:12 p.m.)
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22
23
24
25

A	business 11:4	E	indoor 7:7,11,19,20
a.m 4:10 5:16	C	E-Y-O- 3:8	inferred 8:14
ABC 4:3,9	calendar 2:4	eating 4:13,25	interrupt 5:23
above-entitled 11:9	call 10:8	EDWARD 1:19	introduce 2:21
ABRA 1:23 8:4	camera 2:16,16	elevate 2:6	investigator 8:4
accept 9:3	capacity 7:18,19,21	elevated 2:10,11	issue 8:21
acceptance 10:25	care 11:6	emergency 4:15,21 5:8	items 6:24 7:1
accepted 10:2 11:2	case 1:9 2:4,4 3:18	employees 4:16 7:22	J
accepting 9:5,9	Cato 1:18 10:12,13	entering 4:22	J-O-H-N 3:3
activities 6:13 7:6	cause 8:13	entertainment 5:1,3	JAMES 1:20
address 8:21	certificate 7:21	error 5:25	January 1:11 4:5
Afro 1:6	Chair 2:18	establishment 4:16 7:4	JENI 1:20
afternoon 3:16	Chairperson 1:15,18	8:3,5	johnkeys 5:3
agree 10:11,13,15,17	2:3,12,19 3:1,4,10,14	establishment's 8:6	John 1:24 3:1
10:19,21,23	3:16,20,21,25 5:22	evaluate 8:6	JR 1:18,20
agreed 9:1	6:11 8:17,22,23 9:4,8	evaluation 8:9	K
ahead 6:11	9:13,21 10:6,12,14,16	excluding 7:22	keep 7:15
alcoholic 1:2,10,14	10:18,20,22 11:8	Eyob 1:25 2:10 3:8	L
5:15 6:3,14 7:5,12 8:3	Closure 1:10	F	L-U-I 3:3
ALIYA 1:19	Columbia 1:1 3:2 5:4	face 4:17,22	learn 3:6
ANC 1:8	5:18 6:6,16 7:23	facilitate 7:16	level 5:11
and/or 7:4	compliance 8:7,10	favorably 8:19	license 1:8 2:5 4:3,9 8:4
Anderson 1:15,18 2:3	compromise 3:24 8:20	February 1:13 4:6,10	licensed 4:18,23 8:5
2:12,19 3:4,10,14,16	8:25 9:5,9,15,19 10:2	feet 6:20	licensee 1:25 2:8
3:21,25 5:22 6:11	10:25 11:3	fine 9:24	lifted 4:10
8:17,23 9:4,8,13,21	conduct 8:4	Florida 1:7	lifting 8:2
10:6,12,14,16,18,20	consider 8:20	food 6:14,24 7:1,4,11	limit 7:19
10:22,22 11:8	consideration 11:1	G	line 4:23
Andrews 1:23 2:6,9,18	consumption 5:15 6:3	General 8:15	live 5:2
apart 6:21	contact 7:13,16	give 9:10	LLC 1:6
appeal 9:10	containing 6:24	giving 9:6	load 7:20
applicable 4:11	continue 6:10	Government 2:7,22	logs 7:16
applies 7:24	Control 1:2,10,14	9:16	Lounge/The 1:6
approved 11:2	conversational 5:11	Government's 8:18	lowest 7:20
asking 9:22,24	covering 4:17	Grandis 1:19 10:20,21	luck 11:4
assessment 8:10	coverings 4:22	Group 1:6	Lui 1:24 2:9,25 3:2,19
Attorney 8:15	CR 1:8	H	3:23 4:1 5:22 6:1,13
available 6:25	Crockett 1:19 10:4,4,6	Hansen 1:20 10:18,19	8:17,22,24 11:5,6
Ave 1:7	10:16,17	health 4:14,21 7:17	M
aware 9:4,9	customer 7:15	heard 5:11	mask 4:13,17,22
B	D	hearing 1:8 3:17 9:6	matter 1:5 2:8 8:14 9:11
B 3:9	D.C 7:16	10:1	10:23 11:9
background 5:10	date 4:4	help 2:13	matters 3:18
bar 1:7 2:5 7:6,11	day 5:17 6:5 11:5	Hold 2:19	Mayor's 5:4,5,5,6,18,19
bars 7:7	DC 1:23,24	homes 5:12	5:19,20 6:6,7,7,8,17
bartender 7:9	DCMR 8:12	hoping 2:13	7:24 8:11,11
behalf 3:2	Déjà 1:6	hours 5:13,24 6:1	MEETING 1:3
believe 10:7	different 6:20	I	Member 1:18,19,19,20
beverage 1:2,10,14 8:3	dining 6:13	implement 7:14	1:20,21 10:4,11,13,15
beverages 5:15 6:3,15	disc 5:3	include 8:9	10:17,19,21
7:5,12	distancing 8:1,7	includes 4:7	members 3:1 9:18,22
Board 1:2,10,14 3:1,24	District 1:1,7 2:5 3:2	including 5:3	9:25
8:19 9:17,22 11:2	5:4,12,18 6:5,16 7:23		menu 6:23
Board's 5:7,21 6:9,17	District's 8:7		met 1:15
7:25 10:25	Donovan 1:15,18		
BOBBY 1:18	drinking 4:14,25		
brought 8:21			

microphone 2:15
 midnight 5:17 6:4
 minimum 6:24
 minute 2:20
 morning 2:25
 motion 10:1,8,9
 music 5:1,2,10

N

name 2:13,23 3:1,5,6
 3:12
 need 9:14
 ninth 5:7
 notice 5:7
 number 2:4,5 4:1,13 5:1
 5:13 6:1,13 7:6,13,18
 8:1,13
 NW 1:7

O

OAG 1:24
 occupancy 7:20,21
 offer 3:23 5:2,9 8:20,25
 9:5,9,14,18 10:2,25
 11:3
 Office 8:14
 OIC 4:12
 online 7:15
 open 2:15
 operate 5:16 6:4
 operating 5:13,23 6:1
 order 5:5,5,6,6,19,19,20
 5:20 6:6,7,7,8 7:11
 8:11,11
 orders 6:17 7:24
 outdoor 7:7,11,22
 outside 4:23
 owners 4:16

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
 p.m 2:2 6:4 11:10
 parties 2:20 6:20 10:24
 passes 10:23
 patrons 4:21 5:16 6:4
 6:15,19,22,25 7:3,7
 7:10
 percent 7:20
 period 4:8
 permit 5:15 6:2
 permitted 7:3,10
 phone 7:15
 placed 6:19,20 9:15
 played 5:10
 please 2:6,17,23,24
 3:11,25 6:12
 position 8:18,19

possible 8:15
 preliminary 3:18
 premise 4:18
 premises 4:24
 prepared 6:24 7:1
 present 1:17,22 3:24
 4:17
 presiding 1:15
 prior 4:22 8:2
 proceeding 8:16
 pronounce 2:13 3:5,6
 3:10
 pronunciation 2:14
 properly 10:9
 provided 4:11
 public 4:14,21
 purchase 6:25 7:1

Q

questions 9:17,23,25

R

RAFI 1:19
 record 2:21,23 3:5 9:15
 11:10
 recorded 5:10
 regarding 9:18
 regardless 4:18
 REMA 1:21
 remains 5:4,18 6:6,16
 7:23
 repeat 5:23 9:14
 require 4:15,20 6:25
 requirements 4:11 8:8
 reservation 7:14
 residents 5:12
 Respondent 4:2,12,15
 4:20 5:9 6:2,14 7:6,14
 8:6

Respondent's 8:10
 Respondents 5:2,14
 6:23 7:18
 restroom 4:24
 Retailer 1:8
 rights 2:7,10,11
 roll 10:8
 rulemaking 5:8,21 6:9
 6:18 7:25

S

S 1:19
 satisfied 4:12
 seated 4:14,25 6:15
 seating 7:21,22
 second 10:3
 seconded 10:7,9
 seconds 10:5
 Section 8:12

seek 7:7
 sell 5:14 6:2
 serve 4:2 5:14 6:2,14
 served 4:5,7
 Short 1:20 10:10,11
 show 8:13
 show-cause 8:15
 SIMONE 1:23
 sir 2:15 3:7,22 9:2,22
 11:4
 site 7:15
 six 6:20,21
 slowly 3:6
 social 8:1,7
 sorry 5:22 8:24
 spell 2:23 3:4
 Sports 1:7 2:5
 Staff 1:23
 staffed 7:8
 stand 7:10
 standby 2:9
 start 2:22
 state 2:23
 stated 8:25
 Status 1:8
 subject 5:4,18 6:6,16
 7:23
 summary 1:7 3:17
 summer 4:7
 suspension 1:7 3:17
 4:2,3,4,7,9 8:2
 system 7:13,14

T

T-E-S-F-A-Z-G-H-I 3:9
 t/a 1:6
 table 6:22 7:2
 tables 6:15,19
 ten 4:1
 terms 4:1 8:16,25 9:1
 9:14,18
 Tesfazghi 1:25 2:12 3:8
 3:8,12,13,14,15 8:24
 9:3,7,12,20
 thank 8:23 10:24 11:4,6
 11:8
 three 6:24
 Thursday 4:10
 today 8:21
 tracing 7:13,16
 traveling 4:24
 turn 2:16

U

use 4:24 6:23
 utilized 7:8

V

videoconference 1:15
 vote 10:8
 vu 1:6

W

W 1:15,18
 Wahabzadah 1:21 10:7
 10:14,15
 waiting 4:23
 walk 7:3
 walkthrough 8:2,5
 wear 4:16,22
 WebEx 1:15
 Wednesday 1:12 4:5,6
 week 5:17 6:5
 went 11:10
 whichever 7:24

X

Y

Z

0

00001 2:5
 067 6:7
 080 6:8 8:12

1

10 8:13
 10:00 5:16 6:3
 110186 1:8 2:5
 12 1:11
 13 4:5

2

2 4:13
 2:01 2:2
 2:12 11:10
 2020- 6:6,7 8:11
 2020-067 5:5,19
 2020-075 5:5,19 6:7
 8:11
 2020-080 5:6,20
 2020-119 5:6,20 6:8
 2021 1:11,13 4:5,6,10
 21-CMP- 2:4
 21-CMP-00001 1:9
 22-day 4:2,4
 23 8:12
 25 7:19
 2B 1:8

3

3 1:13 4:6 5:1

4

4 4:10 5:13 6:1

5

5 6:13

6

6 7:6

7

7 7:13
7-0-0 10:23

8

8 7:18
8:00 4:10
810 8:12

9

9 8:1
900 1:7

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Deja Vu Lounge

Before: DCABRA

Date: 02-03-21

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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