

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

2 1:33 p.m.

3 CHAIRPERSON ANDERSON: Good afternoon,
4 everyone, we're back on the record. Welcome to
5 the afternoon session of the ABC Board, my name
6 is Donovan Anderson, I'm Chairman of the Board
7 today.

8 All seven members are here in
9 attendance. The members are participating today
10 online are Mr. Short, Mr. Bobby Cato, Ms.
11 Wahabzadah, Ms. Rafi Crockett, Ms. Jeni Hansen,
12 and Mr. Edward Grandis.

13 The Board has seven members in
14 attendance for the conduct of business and that
15 constitutes a quorum.

16 This afternoon there are seven cases
17 that are on our calendar for the afternoon. Once
18 your case is called I will take a moment for the
19 IT specialist to elevate the rights for each
20 party to enable their camera and microphone.

21 Then and only then will you have the
22 ability to enable your equipment. If your case
23 has not been heard, you will remain mute and your
24 camera will be disabled.

25 At the conclusion of each case, the

1 parties will have the option to leave. If the
2 party chooses to stay, all cameras and
3 microphones for the concluded case will be
4 disabled.

5 Should you have any questions or
6 require technical assistance during the hearing,
7 please submit them using the question-and-answer
8 feature or email Simone at
9 simone.andrews2@dc.gov.

10 Our first order of business for this
11 afternoon, it's our Case Number 21-CMP-00003 for
12 Swahili Village The Consulate, license number
13 114799.

14 Ms. Andrews, could you please elevate
15 the rights of the Government and the licensee in
16 this case, please.

17 MS. ANDREWS: Standby. Mr. Adams,
18 your rights have been elevated.

19 MR. ADAMS: Thank you.

20 MS. ANDREWS: Mr. Chair, I do not
21 believe the licensee is online but if there's a
22 representative, please acknowledge yourself in
23 the chat.

24 CHAIRPERSON ANDERSON: Who is the
25 licensee, Mr. Adams?

1 MR. ADAMS: The licensee is...I'm
2 trying to look it up. He has a representative
3 and the representative's name is Sean...He just
4 sent me an email.

5 Sean Morris, this is Counsel. And
6 I'll pull up the notice to see who...

7 CHAIRPERSON ANDERSON: Sean T. Morris.
8 Mr. Morris, if you're on the line could you
9 please -- if you have some difficulties, can you
10 please identify yourself in the chat?

11 MR. ADAMS: I don't know if any link
12 was given to him or anything like that but let me
13 just see here.

14 MS. ANDREWS: Mr. Chair, we have Mr.
15 Kevin Onyona as the representative and they are
16 not online.

17 CHAIRPERSON ANDERSON: He's the
18 managing member but the attorney, Sean Morris?
19 So, Mr. Morris is also the attorney representing
20 Mr. Onyona.

21 MS. ANDREWS: And the attorney is not
22 online.

23 CHAIRPERSON ANDERSON: Mr. Adams, do
24 you have an email address for the attorney to
25 send him a quick email, please?

1 MR. ADAMS: Actually, I'm on the line
2 with Counsel right now on the phone. I was just
3 going to speak with Counsel about the hearing and
4 how to get on.

5 CHAIRPERSON ANDERSON: Thank you.

6 MR. ADAMS: Hi, Mr. Chairman, this is
7 Walter Adams. I'm actually on the phone now with
8 Counsel for Swahili Village, Mr. Sean Morris.

9 I'm not sure if there's a call-in
10 number so he can call in directly but I do have
11 him on my speakerphone right now.

12 MR. MORRIS: Hi, Mr. Chairman, this is
13 Sean Morris on behalf of Swahili Village. Thank
14 you.

15 CHAIRPERSON ANDERSON: Ms. Andrews,
16 can we provide Mr. Morris with call-in
17 information?

18 MS. ANDREWS: No problem. The call-in
19 number, I can email Mr. Adams if I had his email
20 address?

21 MR. ADAMS: They said they can email
22 it to you. Did you hear that?

23 CHAIRPERSON ANDERSON: No, she can
24 email it to him. What's his email address?

25 (Simultaneous Speaking.)

1 MS. ANDREWS: I don't want to put his
2 email address in the public record. He can just
3 enter it in the chat.

4 MR. ADAMS: I'll put your email
5 address in the chat. Give me one second. So,
6 what's your email address, Sean?

7 MS. ANDREWS: I've received the email
8 address. I just sent him the link, the call-in
9 number, the hearing password and the access code.
10 Mr. Adams, you're still on mute, just to let you
11 know.

12 MR. ADAMS: I apologize, I did not
13 realize I was on mute. So, Mr. Morris is going
14 to call in at this point so I'll disconnect him
15 from my phone.

16 So, we're just waiting for Mr. Morris
17 to call in.

18 MS. ANDREWS: Okay, Mr. Chair, I see
19 that he has called in, I'm going to go ahead and
20 unmute his line.

21 CHAIRPERSON ANDERSON: Thank you.

22 MS. ANDREWS: Your line has been
23 unmuted, sir.

24 CHAIRPERSON ANDERSON: This is the
25 Chairman and again, this is Case Number 21-CMP-

1 0003 Swahili Village The Consulate, license
2 number 114799.

3 Can we have the parties introduce
4 themselves for the record starting with the
5 Government?

6 MR. ADAMS: Walter Adams representing
7 the District of Columbia.

8 CHAIRPERSON ANDERSON: Mr. Morris?

9 MR. MORRIS: And good afternoon, Mr.
10 Chairman, Sean Morris on behalf of the licensee
11 and thank you for your courtesy and I apologize
12 for the confusion.

13 I really appreciate your
14 accommodations this afternoon.

15 CHAIRPERSON ANDERSON: You're welcome.
16 Is the licensee joining us this afternoon?

17 MR. MORRIS: The licensee himself will
18 not be joining. I'll be here on his behalf.

19 CHAIRPERSON ANDERSON: That's fine.
20 Mr. Adams, this is a summary suspension hearing
21 this afternoon. Are there any preliminary
22 matters in this case?

23 MR. ADAMS: There is a preliminary
24 matter, Mr. Chairman. The parties have discussed
25 the summary suspension, have tried to make

1 efforts to settle the case, and are able to
2 provide the Board with an offer of compromise.

3 And I'm able to let you know the terms
4 of what the offer of compromise is.

5 CHAIRPERSON ANDERSON: What are those,
6 please?

7 MR. ADAMS: Chairman, for this summary
8 suspension case the parties made the following
9 offer and compromised the terms as follows.

10 Number 1, that there would be a
11 suspension and the Respondents will pay or serve
12 a 13-day suspension of its ABC license.

13 The day of the 13-day suspension to be
14 served shall be Thursday, January 21, 2021
15 through Wednesday, February 3, today, 2021, which
16 includes time served doing the summary suspension
17 period. The ABC license suspension
18 shall be lifted at 8:00 a.m. on Thursday,
19 February 4th, providing all their applicable
20 requirements in this OIC have been satisfied by
21 the Respondent.

22 Number 2, masks, as such when eating or
23 drinking while seated during the public health
24 emergency, the Respondents shall require that all
25 owners and employees of the establishment wear a

1 mask or face covering while present on the
2 license's premises regardless of whether they are
3 on duty.

4 Respondents shall also require patrons
5 during the public health emergency to wear a mask
6 or face coverings prior to entering or waiting in
7 line outside the license premises while traveling
8 to use the restroom or until they are seated or
9 eating or drinking.

10 Number 3, music and entertainment.

11 Respondent will not offer live music
12 or entertainment, including disc jockeys, while
13 the District of Columbia remains subject to the
14 nearest order 2020-067, nearest order 2020-075,
15 nearest order 2020-080, nearest order 2020-119 in
16 accordance with the Board's notice of the
17 emergency ruling.

18 The Respondent shall only offer
19 recorded background music that is played at a
20 conversational level that is not heard in the
21 homes of District residents.

22 Number 4, Respondent shall not sell,
23 serve, or permit the consumption of alcoholic
24 beverages past 10:00 p.m. but may operate for
25 patrons until midnight during any day of the week

1 while the District of Columbia remains subject to
2 the nearest order 2020-067, nearest order 2020-
3 075, nearest order 2020-080, nearest order 2020-
4 119, in accordance with the Board's rulemaking.

5 Number 5 is dining activities.

6 Respondent shall only serve food and alcoholic
7 beverages to patrons seated at tables while the
8 District of Columbia remains subject to the
9 nearest order 2020-067, nearest order 2020-075,
10 nearest order 2020-119.

11 In accordance with the Board's
12 rulemaking, tables should be placed so that
13 patron in different parties are placed at least
14 six feet apart from one another, no more than six
15 patrons per table.

16 Respondents will have a minimum use
17 continuing a minimum prepared food items
18 available to purchase and require patrons to
19 purchase one or more prepared food items per
20 table.

21 Patrons shall not be permitted to walk
22 around the establishment with food and/or
23 alcoholic beverages.

24 Number 6, bar activities. Respondent
25 shall not seek patrons at indoor or outdoor bars

1 that are being staffed or utilized by a
2 bartender. Patrons will now be permitted to stand
3 at an indoor or outdoor bar to order food or
4 alcoholic beverages.

5 Number 7, contact tracing system,
6 Respondent shall implement a contact tracing
7 system by phone, online, or on site and keep
8 customer logs to facilitate contact tracing by
9 D.C. Health.

10 Number 8, capacity. Respondent shall
11 limit its indoor capacity to no more than 25
12 percent of the lowest indoor occupancy load
13 overseeing capacity on its certificate of
14 occupancy excluding employees and outdoor
15 seating. While the District of
16 Columbia remains subject to nearest order 2020-
17 119, nearest order 2020-075, whichever applies in
18 accordance with the Board's rulemaking.

19 Number 9, social distancing walk-
20 through. Prior to lifting this restriction of
21 the establishment's alcoholic beverage license,
22 an ABRA investigator shall conduct a walk-through
23 of the licensed establishment with Respondent to
24 evaluate the establishment's compliance with
25 District's social distancing requirements.

1 This evaluation shall include
2 assessment of the response to the District's
3 nearest order 2020-075, nearest order 2020-080,
4 and 23 DCMR Section 810.2.

5 Lastly, hearing to show cause, this
6 matter will be referred to the Office of Attorney
7 General for a possible show-cause proceeding.
8 And this offer in compromise was signed by both
9 Counsel and the licensee on January 26, 2020, Mr.
10 Chairman.

11 CHAIRPERSON ANDERSON: Mr. Adams,
12 you're presenting this offer in compromise for
13 the Board's consideration.

14 So, it's your view that if the Board
15 was to consider this offer in compromise and the
16 issues it addresses, it would address the issue
17 why the summary suspension was -- why there was a
18 summary suspension closer off to some than this
19 establishment?

20 MR. ADAMS: Absolutely, Mr. Chairman,
21 it does.

22 CHAIRPERSON ANDERSON: Mr. Morris, Mr.
23 Adams went through the listing of the terms of
24 the OIC regarding summary suspension.

25 Did Mr. Adams correctly recite the

1 terms that you and your client agreed to, sir?

2 MR. MORRIS: Yes, he did, Mr.

3 Chairman. All was accurate in all respects.

4 CHAIRPERSON ANDERSON: Is your client
5 aware that by accepting an offer of compromise
6 he's giving up his right to a hearing?

7 MR. MORRIS: Yes, he does.

8 CHAIRPERSON ANDERSON: And is your
9 client also aware that by accepting an offer in
10 compromise, they're giving up their right to
11 appeal this matter?

12 MR. MORRIS: Yes, he is aware of that.

13 CHAIRPERSON ANDERSON: I believe that
14 there is someone else for this case who wants to
15 be elevated, I was told.

16 So, I'm not sure, is this Mr. Shoeb?
17 Are you here for the Swahili case?

18 MR. SHOEB: Yes, sir, I am.

19 CHAIRPERSON ANDERSON: Mr. Morris, are
20 you familiar with this person?

21 MR. MORRIS: I'm sorry, I'm not. I
22 don't know who this might be.

23 MR. SHOEB: Sean, this is Emad Shoeb.

24 MR. MORRIS: Okay.

25 CHAIRPERSON ANDERSON: Can you spell

1 and state your name for the record, sir, please?

2 MR. SHOEB: E-M-A-D, S-H-O-E-B.

3 CHAIRPERSON ANDERSON: Thank you. Are
4 there any questions by any Board Members
5 regarding the terms of the offer in compromise?

6 Hearing none, I then make a motion
7 that the Board accepts the offer in compromise.
8 The terms were just placed in the record by the
9 Government so there's really no need for me to
10 repeat them.

11 So, is there a second?

12 MEMBER SHORT: Mr. Short, I second.

13 CHAIRPERSON ANDERSON: Mr. Short has
14 seconded the motion. We'll now have a roll call
15 vote on the motion that has been properly
16 seconded by Mr. Short.

17 Mr. Short?

18 MEMBER SHORT: I agree.

19 CHAIRPERSON ANDERSON: Mr. Cato?

20 MEMBER CATO: I agree.

21 CHAIRPERSON ANDERSON: Ms. Wahabzadah?

22 MEMBER WAHABZADAH: I agree.

23 CHAIRPERSON ANDERSON: Ms. Crockett?

24 MEMBER CROCKETT: I agree.

25 CHAIRPERSON ANDERSON: Ms. Hansen?

1 MEMBER HANSEN: I agree.

2 CHAIRPERSON ANDERSON: Mr. Grandis?

3 MEMBER GRANDIS: I agree.

4 CHAIRPERSON ANDERSON: Mr. Anderson,
5 I agree, the matter therefore passes 7-0-0. I
6 would like to thank the parties for agreeing to
7 an offer in compromise in this matter, as stated
8 by the Government.

9 He believes that it effectively
10 addresses the emergency, why this matter was --
11 why we are here today. So, I want to thank the
12 parties for their participation and have a great
13 day.

14 Thank you very much.

15 MR. ADAMS: Thank you very much, Mr.
16 Chairman.

17 MR. MORRIS: Thank you, Mr. Chairman.

18 CHAIRPERSON ANDERSON: You're welcome.

19 (Whereupon, the above-entitled matter
20 went off the record at 2:01 p.m.)
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22
23
24
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Swahili Village

Before: DCABRA

Date: 02-03-21

Place: teleconference

was duly recorded and accurately transcribed under
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Court Reporter

NEAL R. GROSS

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