

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

2 4:10 p.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is a summary suspension
5 hearing, Case Number 22-251-00007, Cloud
6 Restaurant and Lounge Sports Bar, License Number
7 93572. Would the -- Ms. Fashbaugh, can you
8 please elevate the rights of the parties in this
9 case, please?

10 MS. FISHBAUGH: Please stand by.
11 Antoine Williams, your rights have been elevated.
12 Richard Bianco's rights are already elevated or
13 they were.

14 CHAIRPERSON ANDERSON: I think Mr.
15 Bianco --

16 MS. FISHBAUGH: He --

17 CHAIRPERSON ANDERSON: -- that's the
18 way I see.

19 MS. FISHBAUGH: He might have left.
20 And I don't see the investigator either.

21 CHAIRPERSON ANDERSON: All right. I
22 don't know what happened to Mr. Bianco. He just
23 did our case so I'm not quite sure why he would
24 have stepped away. Mr. Williams?

25 MR. WILLIAMS: (No response.)

1 CHAIRPERSON ANDERSON: Mr. Williams?

2 MS. FISHBAUGH: Ms. Fishbaugh, I see
3 that -- have Mr. Williams rights been elevated,
4 has his line been unmuted, because he's not
5 responding. Mr. -- all right, here's Mr. Celso.

6 MR. WILLIAMS: Yes. Sorry, Mr.
7 Chairperson. I'm having an issue with my camera
8 here it appears.

9 CHAIRPERSON ANDERSON: All right. It
10 appears that -- did either of the attorneys have
11 a number for Mr. Bianco? Mr. Bianco was just on
12 the line in another hearing and --

13 MR. CELO: I can reach out to Mr.
14 Bianco, Mr. Chairman.

15 CHAIRPERSON ANDERSON: All right.
16 Thank you.

17 MR. CELO: And I will be lead counsel
18 for the Cloud Lounge matter.

19 (Pause.)

20 MR. CELO: I just texted him. I'll
21 send an email as well.

22 CHAIRPERSON ANDERSON: Okay. Thanks.

23 (Pause.)

24 CHAIRPERSON ANDERSON: He was just on
25 line in another case so I'm not sure why he

1 logged off.

2 MS. FISHBAUGH: Richard Bianco is back
3 on.

4 CHAIRPERSON ANDERSON: Thank you. Mr.
5 Bianco, this is the summary suspension hearing
6 for Case Number 22-251-00007, Cloud Restaurant
7 and Lounge Sports Bar. Let's have the parties
8 introduce themselves for the record starting with
9 the Government, please.

10 MR. CELO: Assistant Attorney General
11 Anthony Celo for the Government, A-N-T-H-O-N-Y,
12 C-E-L-O.

13 CHAIRPERSON ANDERSON: Good afternoon,
14 Mr. Celo.

15 MR. CELO: Good afternoon.

16 CHAIRPERSON ANDERSON: Mr. Bianco.

17 MR. BIANCO: Good afternoon again, Mr.
18 Anderson. Richard Bianco for the respondent.
19 Last name spelled B-I-A-N-C-O.

20 CHAIRPERSON ANDERSON: Good afternoon,
21 sir. All right. This is a summary suspension
22 hearing. We had a hearing scheduled for last
23 week. The parties told us that they were working
24 on some type of offer in compromise, so we have
25 the hearing today. So where are we this

1 afternoon, Mr. Celo?

2 MR. CELO: We have reached an offer in
3 compromise that has been agreed upon by the
4 parties.

5 CHAIRPERSON ANDERSON: And what are
6 the terms of the offer in compromise, please?

7 MR. CELO: The offer in compromise is
8 about five pages. I can read it into the record
9 if you like, Mr. Chairman.

10 CHAIRPERSON ANDERSON: Yes. You have
11 to read it in the record and then I have to read
12 it into the record also so yes, please read the
13 offer in compromise in the record.

14 MR. CELO: Very well. In the matter
15 of Kat, LLC, t/a Cloud Restaurant & Lounge Sports
16 Bar, the District of Columbia, jointly with the
17 licensee respondent, submits this offer in
18 compromise, "OIC," to the Alcoholic Beverage
19 Control Board, "the Board," as authorized by 23
20 DCRM 1604.5 for approval by the Board. The
21 parties understand that if the Board approves the
22 OIC, this case will conclude. Respondent will be
23 obligated to abide by the terms of the OIC shown
24 below. If the Board does not approve the OIC,
25 litigation of the summary suspension will

1 continue. By accepting this OIC, respondent does
2 not admit to liability.

3 Respondent has been advised that there
4 is no obligation to accept an OIC. Respondent
5 has been advised to service on the notice of
6 summary suspension that any summary suspension
7 hearing or other proceedings, respondent may be
8 represented by legal counsel, have subpoenas
9 issued to require the production of witnesses and
10 evidence, produce witnesses and evidence, cross-
11 examine witnesses, and apply to the Board for a
12 qualified interpreter.

13 The OIC terms are as follows. One,
14 revise security plan. Respondent shall submit an
15 updated security plan to ABRA and the Office of
16 Attorney General, "OAG," by 5:00 p.m. on April 4,
17 2022. The security plan shall comply with all
18 applicable requirements under DC Code Title 25
19 and corresponding regulations including 25 DCRM
20 402. The revised security plan shall be reviewed
21 and accepted by the Board prior to lifting the
22 suspension of the establishment's ABC license.
23 The revised security plan shall include the
24 following terms. A, the minimal requirements
25 outlined under the existing security plan shall

1 remain in effect unless otherwise outlined below.

2 B, requirements that all patrons shall
3 be subject to search by metal detecting wands and
4 physical examination of any bags or purses
5 brought into the establishment with subsequent
6 pat down searches being supplemental as
7 necessary.

8 C, requirements for preserving a crime
9 scene or scene of a violent incident, including
10 that the licensee shall cooperate with any
11 investigations conducted by MPD or ABRA and that
12 their employees shall stay and be interviewed by
13 MPD. In the event that a crime has occurred, the
14 licensee agrees to submit a list of all security
15 personnel employed by the establishment which
16 will be kept on premises with the job title or
17 role of each employee listed, and their contact
18 information such which shall be updated upon the
19 hiring or termination of each security employee
20 and shall be available at the establishment upon
21 request by MPD or ABRA.

22 D, requirements that all security
23 cameras are maintained in working order at all
24 times, and where the respondent knows or should
25 know that the cameras are inoperable, respondent

1 will follow the procedures set forth in DC Code
2 25-402, 403(e)(3)(g).

3 E, requirements that training on how
4 to identify and handle intoxicated patrons, de-
5 escalation of threats and violence and on
6 reporting incidents of violence and injury to the
7 manager, security supervisor, or other
8 appropriate authority shall be conducted
9 biannually for all staff and security personnel
10 and new staff and security personnel shall be
11 trained on the security plan within 30 days of
12 hire.

13 F, all staff and security officers
14 shall be trained on the revised security plan
15 prior to the Board's reinstatement of
16 respondent's ABC license.

17 Two, security cameras. Prior to the
18 Board lifting the suspension of the ABC license,
19 respondent shall ensure that all 16 cameras
20 currently in place are in full working order and
21 that footage from all cameras is capable of being
22 saved and maintained for at least 30 days.

23 Three, fine. Prior to the Board
24 lifting the summary suspension of the ABC
25 license, the respondent shall pay a fine in the

1 amount of \$2,000.00 for violations of their
2 security plan provided, however, by entering into
3 this offer in compromise, respondent does not
4 admit liability for the violations. In no event
5 shall the fine be paid later than 30 days from
6 the Board's acceptance of this OIC.

7 Four, compliance walkthrough. Prior
8 to the Board's lifting the suspension of the
9 establishment's ABC license an ABRA investigator
10 shall conduct a walkthrough of the licensed
11 establishment with respondent to evaluate the
12 establishment's compliance with the requirements
13 outlined above.

14 Five, suspension. The summary ABC
15 license suspension shall be lifted upon
16 satisfaction of these conditions, specifically,
17 1), the repair of any inoperable cameras; 2),
18 revision of the security plan; 3), training of
19 all staff and security officers on the revised
20 security plan; 4) successful walkthrough by ABRA;
21 and 5) payment of the fine. And from there, it's
22 signature lines.

23 CHAIRPERSON ANDERSON: Mr. Bianco,
24 it's my understanding there's an offer in
25 compromise, and the offer in compromise was just

1 stated on the record by Mr. Celo. Is this your
2 understanding, your client's understanding of the
3 offer in compromise, sir?

4 MR. BIANCO: Yes, sir, it is.

5 CHAIRPERSON ANDERSON: And is your
6 client aware of the fact that in an offer in
7 compromise, that they give up their right to a
8 hearing?

9 MR. BIANCO: Yes, sir.

10 CHAIRPERSON ANDERSON: And is your
11 client also aware the fact in an offer in
12 compromise, that they give up their right to
13 appeal this matter?

14 MR. BIANCO: Yes.

15 CHAIRPERSON ANDERSON: Mr. Celo, I
16 have a couple of questions I want to ask you.
17 This was a summary suspension hearing, and there
18 is this offer in compromise. Is it your view
19 that if the Board moves to accept this offer in
20 compromise, that the emergency situation, that
21 while we're here today, would be addressed by the
22 terms of this offer in compromise?

23 MR. CELO: Yes, Mr. Chair. By the
24 terms of the offer in compromise, once all the
25 steps have been accomplished, we believe that the

1 emergency situation will have been resolved

2 CHAIRPERSON ANDERSON: All right.

3 Thank you. And you also believe that this -- if
4 the Board moves to accept the offer in
5 compromise, that this is in the best interest of
6 the residents of the District of Columbia?

7 MR. CELO: Yes. The Government does
8 believe that.

9 CHAIRPERSON ANDERSON: Any questions
10 by any Board members regarding the terms of the
11 offer in compromise.

12 (No response.)

13 CHAIRPERSON ANDERSON: All right.
14 Hearing none, I'm going to make a motion that the
15 Board accepts the offer in compromise. And I
16 know that Mr. Celo placed the terms of the offer
17 in compromise in the record earlier. The offer
18 in compromise consists of five terms. Number 1,
19 I'll just summary that they are to revise their
20 security plan and provide that to the agency by
21 5:00 p.m. on April 4th, and number 2 is that
22 there is a provision regarding security cameras,
23 that all 16 security cameras have to be in
24 operation and that they're capable of maintaining
25 a recording for 30 days; number 3, there's a five

1 of \$2,000.00 and that should be paid before they
2 will be open to reopen, and I know the fine has
3 to be paid no later than 30 days but -- and
4 number 4, that the agency will do a walkthrough
5 prior to lifting the suspension; and number 5, the
6 conditions are that repair any inoperable
7 cameras, provision of a security plan, train up
8 all staff and security officers in the revised
9 security plan, assist with the walkthrough by
10 ABRA and payment of the fine. I know that I
11 summarized it but Mr. Celo did a great job of
12 putting the terms of the offer in compromise in
13 the record. So with that, I make a motion that
14 Board accept the offer in compromise. Is there a
15 second?

16 MEMBER SHORT: Mr. Short, I second.

17 CHAIRPERSON ANDERSON: Ms. Crockett
18 has seconded the motion. We'll now have a roll
19 call vote on the motion. Mr. Short?

20 MEMBER SHORT: Mr. Short. I agree.

21 CHAIRPERSON ANDERSON: Mr. Cato?

22 MEMBER CATO: Bobby Cato. I agree.

23 CHAIRPERSON ANDERSON: Ms. Crockett?

24 MEMBER CROCKETT: Rafi Crockett. I
25 agree.

1 CHAIRPERSON ANDERSON: Ms. Hansen?

2 MEMBER HANSEN: Jeni Hansen. I agree.

3 CHAIRPERSON ANDERSON: And Mr.

4 Anderson. I agree. The matter passes 5-0-0.

5 I want to thank the parties for
6 working this matter out, and I trust that the
7 representation by the Government that this is in
8 the best interest of the residents of the -- the
9 citizens, the residents of the District of
10 Columbia. Thank you very much for this and have
11 a great day.

12 MR. CELO: Thank you, Mr. Chair.

13 (Whereupon, at 4:25 p.m., the above-
14 entitled matter was concluded.)

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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: Cloud Restaurant

Before: DC ABRA

Date: 03-30-22

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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