

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

2 3:45 p.m.

3 CHAIRPERSON ANDERSON: So let's now do
4 our legal agenda. And our legal agenda for June
5 16, it's the review of an offer and compromise
6 in lieu of the hearing dated June 16, 2022, for
7 Case Number 22-251-00017 Empire Lounge, License
8 Number 110702. And the offer in compromise is as
9 follows.

10 All right. The District of Columbia
11 jointly with the licensee responded -- submits
12 this offer in compromise to the Alcoholic
13 Beverage Control Board as authorized by 23 DCMR
14 Section 1611.5 for approval by the Board.

15 The parties understand that if the
16 Board approves the offer in compromise, appeal
17 and judicial review are waived under 23 DCMR
18 Section 1611.6, and the case will conclude. If
19 the board does not approve the OIC, the matter
20 shall proceed to a show cause hearing.

21 The above captioned matter involves
22 the summer suspension of the respondent's liquor
23 license based on an investigation that an
24 imminent danger to the health and safety of the
25 public exists. Therefore this OIC will not be

1 classified as a primary tier or secondary
2 violation. The respondent has been advised that
3 there is no obligation to accept the OIC.

4 Respondent has been advised for notice
5 of the service of -- the notice of status hearing
6 and show cause hearing. The show cause hearing
7 respondent may be represented by legal counsel,
8 have subpoenas issued to require the production
9 of witnesses and evidence, produce witnesses and
10 evidence, cross-examine witnesses and apply to
11 the court for a qualified interpreter.

12 The OIC terms are as follows. Number
13 one, security plan. Prior to the Board lifting
14 the suspension, the respondent shall submit a
15 security plan to ABRA. The security plan shall
16 be reviewed and accepted by the Board operate the
17 security plan should be reviewed and accepted by
18 the board prior to the lifting the suspension of
19 the applicant's -- of the establishment's
20 alcoholic beverage license.

21 The security plan shall comply with
22 all applicable laws and regulations, Title 25 of
23 D.C. Code, including D.C. Code Section 2511325-
24 402 and 25-43, and incorporate the matter set
25 forth below.

1 Number two, security personnel. On
2 any night that the establishment is open,
3 respondent shall maintain at a minimum two on-
4 duty security personnel from 10:00 p.m. until
5 closing.

6 The security plan shall detail the
7 minimum number of security personnel that will be
8 on duty each day and their specific duty hours.
9 The security plan should detail the placement of
10 security personnel within the establishment and
11 shall include an explanation of the rationale
12 regarding that placement.

13 Number three, weapons abatement
14 screenings. Respondent must not allow patrons to
15 bring weapons into the establishment at any time.
16 Security personnel will screen patrons through
17 the use of physical searches, also known as pat
18 downs, and a magnetometer, one, or a similar
19 device designed to detect weapons.

20 All security personnel must be trained
21 and be able to perform these weapons abatement
22 screenings when respondent is required to leave
23 security personnel on-site as outlined in
24 paragraph 2. They must check all patrons who
25 enter the establishment and must not allow any

1 patron to reenter the establishment without
2 conducting additional weapons screenings.

3 Number four, confiscation of weapons.
4 Respondent shall document in the incident log the
5 type and number of weapons and the date on which
6 any weapons are recovered from patrons.
7 Respondent shall surrender confiscated weapons to
8 the Metropolitan Police department, MPD.

9 Respondent shall document the date
10 and time of the consultation with MPD and shall
11 include the officer's name and badge number.

12 Number five, recording incidents.
13 Respondent shall maintain a log to record
14 incidents of violence or injury at the
15 establishment. The log shall include, where
16 possible, the names and contact information of
17 victims, witnesses, and assailants involved.

18 The incident log shall be maintained
19 on a standard form, include names of staff
20 involved, and signed by the establishment
21 supervising authority.

22 Incidents shall be recorded, where
23 possible, within 24 hours. The incident log
24 shall not be discarded for at least five years
25 from the date of the occurrence, and shall be

1 made available to MPD or ABRA investigators upon
2 request.

3 Number 6, security plan training. All
4 security personnel shall be trained on the terms
5 of the security plan to include weapons
6 abatement, screening of patrons, and the use of
7 the magnetometer, one. That is a term of the
8 offer in compromise. I therefore make a motion
9 that ABC Board accepts this offer in compromise.
10 Is there a second?

11 MEMBER SHORT: Mr. Short, I second.

12 CHAIRPERSON ANDERSON: Mr. Short has
13 seconded the motion. I'll now have a roll call
14 vote on the motion. Mr. Short?

15 MEMBER SHORT: Mr. Short, I agree.

16 CHAIRPERSON ANDERSON: Ms. Hansen?

17 MEMBER HANSEN: Jeni Hansen, I agree.

18 CHAIRPERSON ANDERSON: Mr. Grandis?

19 MEMBER GRANDIS: Edward Grandis, I
20 agree.

21 CHAIRPERSON ANDERSON: Mr. Anderson,
22 I agree. The matter passes for 0, 0. Just
23 wanted to let the public know for this matter,
24 the establishment remains closed however the
25 provisions of the OIC has to be complied with

1 prior to the board lifting its order to close the
2 facility.

3 All right, we now move to our
4 licensing agenda. The first matter on our
5 licensing agenda is a review documentation
6 required for issuance of licenses. This is for
7 Metro Bar, license number 117857. I make a
8 motion that refers this motion back to licensing.
9 Is there a second?

10 MEMBER HANSEN: Jeni Hansen, I second.

11 CHAIRPERSON ANDERSON: Ms. Hansen
12 seconds the motion. We'll now have a roll call
13 vote on the motion. Mr. Short?

14 MR. SHORT: Mr. Short, I agree.

15 CHAIRPERSON ANDERSON: Cato -- I'm
16 sorry, Ms. Hansen?

17 MEMBER HANSEN: Jeni Hansen, I agree.

18 CHAIRPERSON ANDERSON: Mr. Grandis?

19 MEMBER GRANDIS: Edward Grandis, I
20 agree.

21 CHAIRPERSON ANDERSON: Mr. Anderson,
22 I agree. The matter passes 4, 0, 0. We're now
23 at the end of our calendar, at the end of our
24 legal agenda, and we're not at the end of our
25 licensing agenda, and we are now adjourned for

1 the day. Thank you very much, have a great day.
2 Thank you. Oh, I ask all board members to return
3 to executive session for further action. Thank
4 you very much, have a great day.

5 (Whereupon, the above-entitled matter
6 went off the record at 3:52 p.m.)
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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: Agenda

Before: DC ABRA

Date: 06-16-22

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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