

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

2 (12:34 p.m.)

3 CHAIRPERSON ANDERSON: Let's call the
4 last case on our calendar for the day, which is a
5 Summary Suspension, Hearing Case No. 23-CC-00009,
6 Cru Lounge, License No. 122943.

7 Mr. Orellana, can you please elevate
8 the rights of the licensee and the government in
9 this case, please?

10 MR. ORELLANA: Sure. Sean Morris,
11 your access has been elevated. Anthony Celso,
12 your access has been elevated. And that appears
13 to be all, Chairman.

14 CHAIRPERSON ANDERSON: Thank you.

15 MR. CELO: Mr. Chair, I do believe
16 that co-counsel also needs to have its rights
17 elevated.

18 CHAIRPERSON ANDERSON: And who is
19 that, sir? Is the person waiting? Mr. -- okay.
20 Mr. Brown, okay.

21 MR. CELO: He will be taking lead
22 today.

23 CHAIRPERSON ANDERSON: Thank you.

24 Good afternoon, everyone. All right,
25 let me have the parties identify themselves

1 starting with the government. And so, let's have
2 Mr. -- hold on one minute, please. Hold on.

3 We need that all three Board members
4 are here. As you know, three Board members is a
5 quorum, so I have to make sure that there are
6 always three Board members visible.

7 All right. Let's have the parties
8 introduce themselves for the record starting with
9 you, Mr. Brown.

10 MR. BROWN: Yes. Good afternoon.
11 Assistant Attorney General Matthew Brown
12 representing the District.

13 CHAIRPERSON ANDERSON: Spell your name
14 for the record, sir, please.

15 MR. BROWN: Matthew Brown, M-A-T-T-H-
16 E-W, B-R-O-W-N.

17 CHAIRPERSON ANDERSON: Thank you.

18 Mr. Celo, can you identify yourself
19 for the record, please?

20 MR. CELO: Assistant Attorney General
21 Anthony Celo, A-N-T-H-O-N-Y, C-E-L-O, on behalf
22 of the District. Good afternoon, Mr. Chair.

23 CHAIRPERSON ANDERSON: Good afternoon.

24 And, Mr. Morris, please identify
25 yourself for the record.

1 MR. MORRIS: Good afternoon, Mr.
2 Chair. This is Sean Morris, spelled S-E-A-N,
3 last name Morris, M-O-R-R-I-S, here on behalf of
4 the licensee.

5 CHAIRPERSON ANDERSON: Good afternoon,
6 sir.

7 All right. This is a summary
8 suspension hearing, and so are there any
9 preliminary matters before we start, Mr. Brown?

10 MR. BROWN: No, I do not believe so,
11 Mr. Chairman.

12 CHAIRPERSON ANDERSON: All right.
13 Meaning that I see no witnesses here, so
14 therefore, there has to be a preliminary matter
15 because I see no witnesses here, so we're having
16 a formal hearing.

17 MR. BROWN: Oh, yes.

18 CHAIRPERSON ANDERSON: And as you know
19 - all right. So, when I ask, are there any
20 preliminary matters, then the government needs to
21 tell me the status of the case, sir.

22 MR. BROWN: Right. Apologies. I
23 thought we were talking about something prior to
24 that.

25 CHAIRPERSON ANDERSON: No, no, no.

1 MR. BROWN: The government has
2 submitted an OIC for the Board's approval.

3 CHAIRPERSON ANDERSON: And I'm not
4 trying to call you out, Mr. Brown, because you
5 have not appeared before me before, so when I say
6 that, are there any preliminary matters, if there
7 is a preliminary matter, then you can say to me
8 that there is an Offer in Compromise that you
9 would like to share with the Board, sir, also.

10 MR. BROWN: Okay.

11 CHAIRPERSON ANDERSON: I'm not trying
12 to call you out, but - so that's - and so, when
13 I ask the question and I don't see any witnesses,
14 then that tells me there's something that I'm not
15 aware of.

16 All right. So, you stated that there
17 is a preliminary matter because there's an Offer
18 in Compromise, and so if there is an Offer in
19 Compromise, sir, I need you to place the Offer in
20 Compromise in the record, and so once you place
21 the Offer in Compromise in the record, and,
22 unfortunately, to place it on the record, you
23 have to read the Offer in Compromise in the
24 record so the court reporter will have it, will
25 capture that.

1 And, I will ask Mr. Morris if this is
2 his understanding of the Offer in Compromise. If
3 the Board members have questions, they can ask
4 about the Offer in Compromise, and then the Board
5 will either vote here on the record or the Board
6 will take a break and come back and give your
7 decision, so you have to place the Offer in
8 Compromise in the record by reading through all
9 the terms, so just give us an overview of why
10 we're here today, and then as you stated, there's
11 an Offer in Compromise, and you state what the
12 Offer in Compromise is.

13 MR. BROWN: Okay. Yes. So, as the
14 Board knows, on the night of September 23, 2023,
15 four people were shot inside the establishment -
16 I'm sorry, Respondent's establishment, and one
17 individual, unfortunately, passed away.

18 In light of the summary suspension
19 issued by the Board, there was the charges of
20 establishment use for an unlawful purpose. The
21 Respondent also relied on a company not licensed
22 in D.C., and relied on a security company not
23 licensed in D.C. and violated a settlement
24 agreement in having an ABCA manager on duty. And
25 the last charge was failing to cooperate with

1 authorities during the investigation.

2 So, based on those charges, the
3 counsel firm responded came forward to the
4 District, we were able to walk through some
5 settlement negotiations and end up with this
6 agreement between the parties. I'm happy to
7 start reading that if the Board is ready.

8 CHAIRPERSON ANDERSON: Sure, you can
9 do that. And at the same time, if you have it,
10 you could also share your screen with us so we
11 can follow along if you want to do that.

12 MR. BROWN: Yes. Let me -

13 CHAIRPERSON ANDERSON: So, if you want
14 to do that, then I can have our IT specialist
15 give you the ability to share your screen.

16 MR. BROWN: Okay.

17 CHAIRPERSON ANDERSON: Thank you, sir.
18 So, if you're -- when you're ready, you can share
19 your screen by sharing the report.

20 MR. BROWN: Thank you.

21 CHAIRPERSON ANDERSON: All right, sir.
22 You can - you're sharing your screen, so what is
23 the Offer in Compromise?

24 MR. BROWN: Okay. Offer in Compromise
25 for Board approval, the District of Columbia

1 jointly with the licensee/respondent, submits an
2 Offer in Compromise, OIC, to the Alcoholic
3 Beverage and Cannabis Board, as authorized by 23
4 DCMR, Section 1610 for approval by the Board.

5 The parties understand that if the
6 Board approves the OIC, the case will conclude.
7 Respondent will be obligated to abide by the
8 terms of the OIC shown below. If the Board does
9 not approve of the OIC, litigation of the summary
10 suspension will continue.

11 Respondent has been advised that there
12 is no obligation to accept the OIC. Respondent
13 has been advised, through service of Notice of
14 Summary Suspension that any summary suspension
15 hearing or other proceeding, Respondent may be
16 represented by legal counsel, have subpoenas
17 issued to require production of witnesses and
18 evidence, produce witnesses and evidence, cross-
19 examine witnesses, and apply it to the Board for
20 a qualified interpreter.

21 The OIC terms are as follows.

22 Revised security plan. Respondent
23 shall submit an updated security plan to ABCA and
24 the Office of the Attorney General by five p.m.
25 on November 10, 2023.

1 Obviously, this date has passed and
2 only Respondent is prejudice by this, so whenever
3 they're able to get the security plan, and they
4 will be up for ABCA's approval, at that point, we
5 can move forward, but I just wanted to make that
6 note.

7 The Board shall review and deem
8 acceptable the revised security plan before
9 lifting the summary suspension of Respondent's
10 ABCA license. If the Board does not consider the
11 revised security plan acceptable, the suspension
12 shall not be lifted and the security clearance
13 shall comply with all applicable requirements
14 under D.C. Code Title 25 and corresponding
15 regulations, including DCMR Chapter 23.

16 The revised security plan shall
17 include, A, Respondent shall utilize the District
18 of Columbia license security company to provide
19 security personnel for crowd control, conflict
20 resolution, and emergency response services.

21 All patrons shall be subject to the
22 security measures of Section 1B upon each entry
23 regardless of whether the patron was previously
24 checked by security.

25 Respondent shall hire distance

1 security as needed to wand and search female
2 patrons. Established procedures for handling
3 violent incidents, emergencies, contacting the
4 Metropolitan Police Department, crowd control,
5 overcrowding prevention, security personnel
6 location, number of security cameras, preventing
7 intoxication, and preventing entry and service to
8 underage patrons.

9 All employees must pass a criminal
10 background check before starting employment.
11 Respondent shall utilize, one, at least three
12 security personnel from five p.m. to five a.m. on
13 Monday through Thursday, at least three security
14 personnel five p.m. to ten p.m. on Friday through
15 Sunday, and at least five security personnel from
16 ten p.m. to five a.m. on Friday through Sunday
17 when the establishment is operating.

18 All security personnel shall be
19 equipped with portable two-way communication
20 systems and flash lights to maintain constant
21 awareness of incidents.

22 Security personnel shall check photo
23 identification with digital scanners for all
24 patrons at the door from five p.m. to five a.m.
25 when the establishment is operating and shall not

1 permit entry to anyone presenting counterfeit
2 identification or failing to present
3 identification.

4 Staff shall not serve alcoholic
5 beverages to any patron who is or appears to be
6 intoxicated.

7 Respondent shall preserve all crime
8 scenes and scenes of any violent incidents, and
9 all staff and security must remain on the scene
10 after a crime or violent incident until
11 interviewed by MPD or ABCA and excused.

12 All staff must provide accurate
13 information during investigations to MPD and ABCA
14 and personnel who knowingly obstruct an official
15 investigation shall be immediately terminated.

16 Respondent shall utilize the
17 Reimbursable Detail Officer Program at least on
18 weekends and holidays from 11:30 p.m. to 5:00
19 a.m. when the establishment is operating.

20 Respondent shall submit to ABCA before
21 reopening a diagram showing the location of all
22 security cameras for the establishment.

23 Respondent shall install additional
24 high-definition CCTV cameras covering all crucial
25 areas inside and outside the establishment which

1 the staff shall regularly monitor, including at
2 least one camera viewing the front entrance of
3 the establishment that is never obstructed by
4 tint, other structures, or otherwise when the
5 establishment is operating.

6 All security cameras shall be kept in
7 working order when the establishment is
8 operating. Respondent shall maintain all
9 security footage for at least 30 days.

10 Respondent must maintain on the
11 licensed premises a written incident log
12 detailing all crimes and other violent incidents
13 that occur at the establishment. The licensee
14 shall make the incident log available to ABCA
15 investigators and MPD immediately upon request.

16 Respondent shall implement training
17 and certification of how to identify and handle
18 intoxicated patrons, de-escalation of threats and
19 violence, conflict resolutions, maintaining
20 order, emergency protocols, first-aid/CPR, and on
21 reporting incidents of violence or injury to the
22 ABCA Board-approved management, security
23 supervisor, and other appropriate authority.

24 Re-training on each of those issues
25 shall be conducted quarterly for all staff and

1 security personnel and new staff and security
2 personnel shall be trained on the security plan
3 in each of those issues within 14 days of hire.

4 Security personnel shall properly
5 separate and remove patrons who initiate or
6 participate in a violent altercation. If more
7 than one patron is involved, adverse patron shall
8 be separated and care shall be taken so the
9 parties are not expelled at the same time,
10 through the same exits, or any other manner not
11 designed to minimize further confrontation.

12 All staff and security shall be
13 trained on the revised security plan before the
14 Board's reinstates of Respondent ABC license.
15 Each member of the staff and security team shall
16 certify by signature that they have completed the
17 revised security plan training.

18 Signed certification shall be
19 maintained by Respondent and shall be provided to
20 the ABCA within 24 hours of record request.

21 Security personnel shall wear a
22 uniform with the words staff or security for ease
23 of identification.

24 Security personnel shall maintain
25 order throughout the establishment, including the

1 outside entrance stairwell at first- and second-
2 floor interior.

3 Respondent shall actively communicate
4 with the local community neighborhood
5 organization, MPD, and ABCA to share information
6 about potential safety issues.

7 Security cameras. Before the Board
8 lifts the suspension of Respondent's ABC license,
9 Respondent shall ensure that all security cameras
10 are in working order and the footage for all the
11 cameras can be saved and maintained for at least
12 30 days.

13 Fine. Before the Board lifts the
14 suspension of the ABC license, Respondent shall
15 pay fines of \$4,700, including \$2,000 for fines
16 for using the establishment for an unlawful or
17 disorderly purpose under D.C. Code Section 25-
18 823(a)(2), a \$350 fine for failure to have an ABC
19 management on duty under D.C. Code Section 25-
20 823(a)(3), a \$2,000 fine for interfering with an
21 ongoing investigation under D.C. Code Section 25-
22 823(a)(5)(c), and a \$350 fine for violation of
23 settlement agreement under D.C. Code Section 25-
24 823(a)(6).

25 Compliance Walkthrough. Before the

1 Board lifts the suspension of Respondent's ABC's
2 license, an ABCA investigator shall conduct a
3 walkthrough of the licensed establishment with
4 Respondent to ensure the compliance with the OIC
5 requirements.

6 The ABC license suspension shall be
7 lifted as soon as all applicable OIC requirements
8 are satisfied.

9 CHAIRPERSON ANDERSON: Mr. Brown, I
10 believe that you missed B of the OIC.

11 MR. MORRIS: B. Oh, yes. Upon entry,
12 all patrons of all genders shall be subject to
13 search by metal detecting wands, physical
14 examination of all bags and purses, and pat down
15 searches based on wand results.

16 CHAIRPERSON ANDERSON: All right.
17 Thank you. All right. Thank you. You can close
18 your screen, sir.

19 Mr. Morris, it's my understanding that
20 there's an Offer in Compromise, and Mr. Brown
21 placed the Offer in Compromise on the record. Is
22 this your understanding of the Offer in
23 Compromise, sir?

24 MR. MORRIS: Yes, it is, Mr. Chair,
25 with the only exception being the non-substantive

1 issue of when the revised security plan should be
2 submitted. When the Offer in Compromise was
3 presented, the suggested date was November 10th.

4 Obviously, that hadn't gone to the
5 Board for approval by November 10th, so I believe
6 Assistant Attorney General Brown mentioned that
7 that date could be extended provided that the
8 summary suspension remain in place until any
9 security plan is submitted.

10 I don't know if the Board, I'll leave
11 this to the Board's prerogative whether you would
12 like to amend that date for the record or you're
13 satisfied that provided the summary suspension
14 remain in place until this plan is submitted and
15 approved by the Board if that's sufficient.

16 CHAIRPERSON ANDERSON: I think the
17 summary suspension remain in place until all the
18 terms as - I forget what provision of the OIC
19 states that the suspension will not be lifted
20 until all the terms are complied with, so it's
21 incumbent upon your client to provide the
22 security plan to us as soon as possible if they
23 wish to be reopened. Okay, so I'm fine with
24 that.

25 Sir, is your client aware that by

1 accepting an Offer in Compromise that they're
2 giving up their right to a hearing?

3 MR. MORRIS: Yes, they are.

4 CHAIRPERSON ANDERSON: Is your client
5 also aware that by accepting an Offer in
6 Compromise they're giving up their right to
7 appeal this matter?

8 MR. MORRIS: Yes, they are.

9 CHAIRPERSON ANDERSON: All right,
10 fine.

11 Mr. Brown, why should - is this
12 within the best interest of the residents of the
13 District of Columbia that the Board should look
14 at this Offer in Compromise positively, sir?

15 MR. BROWN: Yes. I believe the Offer
16 in Compromise is comprehensive. When we reviewed
17 the incident that occurred on September 23rd and
18 some of the security and safety concerns, I
19 believe the Offer in Compromise addresses those
20 issues and would yield a safer environment for
21 the citizens of the District.

22 CHAIRPERSON ANDERSON: All right.
23 Thank you.

24 All right. Any questions by any Board
25 members of any provision? Any questions on any

1 provisions of the Offer in Compromise? As I've
2 stated before - well, as I've stated, the Board
3 cannot change the Offer in Compromise, we cannot
4 negotiate with the parties.

5 It's an up or down vote for the Board,
6 so if you have any questions, you can, whatever
7 questions you have of the government or the
8 Applicant. Go ahead, Mr. Short.

9 MEMBER SHORT: Thank you very much,
10 Mr. Chairman. I would like to say to Assistant
11 Attorney Brown and Celo, Mr. Celo, this Offer in
12 Compromise, it's very -- the word we used
13 earlier, it's quite appropriate in light of what
14 happened inside of this establishment, four
15 people being shot.

16 And I think it should be a model that
17 we use for coming Offer in Compromise, and we --
18 as a Board member, I hope I'm speaking for most
19 of the Board here, that we appreciate the
20 attention that was given, attention to detail
21 that was given in this Offer in Compromise.

22 Thank you, Mr. Chair. And thank you
23 to the Assistant Attorney General's Office.
24 Thank you.

25 CHAIRPERSON ANDERSON: Thank you, Mr.

1 Short.

2 Any other questions by any of the
3 Board members?

4 (No response.)

5 CHAIRPERSON ANDERSON: All right. I
6 don't have any questions. Prior to bringing this
7 matter to a vote, any final comments by either
8 the government or the Applicant, the licensee?

9 MR. MORRIS: No. Thank you, Mr.
10 Chair. We are grateful for the courtesy and
11 cooperation of the Office of the Attorney General
12 and Mr. Brown and Mr. Celo in resolving this
13 matter. And I know the Applicants and licensees
14 are looking forward to putting this matter behind
15 them and implementing the items in the Offer in
16 Compromise to create a safer environment for
17 their patrons and their community.

18 CHAIRPERSON ANDERSON: All right.
19 Thank you.

20 Normally, this - yes, Mr. Brown?

21 MEMBER GRANT: I do have a question to
22 Mr. Brown or Mr. Celo.

23 With respect to the amount for the
24 fine, the financial punitive damage that they
25 incur with this particular case, is there - do

1 you believe that this is a fine that is
2 relatively stiff in comparison to what we've seen
3 in other scenarios that are similar to this one?

4 MR. BROWN: It appears that based on
5 history, this fine is on the upper end of
6 violations and what the Board has given in the
7 past. I think that this fine in addition to the
8 business also being closed for quite some time at
9 this point has created a compound, I guess,
10 punishment as well for what happened, so we
11 believe that this is sufficient.

12 MEMBER GRANT: Okay.

13 CHAIRPERSON ANDERSON: All right. Any
14 other questions?

15 (No response.)

16 CHAIRPERSON ANDERSON: All right. I
17 make a motion that the Offer in Compromise should
18 be accepted. Mr. Brown had listed the terms of
19 the Offer in Compromise. Normally, I myself
20 would read the Offer in Compromise, the terms in
21 the record, but the record will reflect based on
22 a reading of the transcript what the specific
23 terms of the Offer in Compromise is.

24 And that's per the Offer in
25 Compromise, the Board would not list - if the

1 Board accepts this Offer in Compromise, the
2 suspension will remain in place until the terms
3 of the OIC have been complied with, so therefore,
4 with that said, I make a motion that the Offer in
5 Compromise be accepted.

6 Is there a second?

7 MEMBER SHORT: Mr. Short. I second.

8 CHAIRPERSON ANDERSON: Mr. Short has
9 seconded the motion. I will now take a roll call
10 vote. Mr. Short?

11 MEMBER SHORT: Mr. Short, I agree.

12 CHAIRPERSON ANDERSON: Mr. Grant?

13 MEMBER GRANT: Mr. Grant, I agree.

14 CHAIRPERSON ANDERSON: And Mr.
15 Anderson, I agree. The matter pass 3-0.

16 I would like to thank the parties for
17 coming to an agreement that as represented by the
18 government is in the best interest of the
19 residents of the District of Columbia. Thank you
20 very much. And have a great day. Bye-bye.

21 (Whereupon, the above-entitled matter
22 went off the record at 12:59 p.m.)
23
24
25

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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: Cru Lounge

Before: DC ABCA

Date: 11-15-23

Place: videoconference

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

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