

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

2 10:07 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. I'd like to welcome you to an
5 emergency meeting that was scheduled by the
6 District of Columbia Alcoholic Beverage Control
7 Board. Today is March 4, 2020. I would like to
8 introduce members of the Board with us today. To
9 my far right is Ms. Jeni Hansen, and to her left
10 is Ms. Rafi Crockett. To my immediate right is
11 Mr. Bobby Cato and to my far left is Ms. Rema
12 Wahabzadah.

13 My name is Donovan Anderson. I'm
14 Chairman of the Board. We have five members in
15 attendance today, and we do have a quorum. I
16 would like to mention three things before we get
17 started. First if you have any electronic
18 devices, pagers, cell phones or such, please make
19 certain that they're turned off to avoid any
20 interruption of the proceeding.

21 Secondly, there's a piece of paper on
22 each table. When you come forward as your case
23 is called, please take a seat at the table and
24 please sign in. This is to ensure the correct
25 spelling of your name for the record. Lastly,

1 please note that today's meeting of the Alcoholic
2 Beverage Control Board is governed by the Open
3 Meetings Act. Please address any questions or
4 complaints to the Office of Open Government at
5 opengovoffice@dc.gov.

6 I would note that the approximate time
7 is 10:08 a.m., and the first order of business is
8 there is a Summary Suspension Hearing, Case No.
9 20-251-00016, Aqua Restaurant, License No. 60477.
10 Would the parties please identify themselves for
11 the record? We'll start with City Government.

12 MR. ADAMS: Good morning, Mr. Chairman,
13 members of the Board. I'm Walter Adams and I
14 represent the District of Columbia.

15 CHAIRPERSON ANDERSON: Good morning,
16 Mr. Adams.

17 MR. ORTIZ: Stephen Ortiz on behalf of
18 the District of Columbia.

19 CHAIRPERSON ANDERSON: Good morning,
20 Mr. Ortiz.

21 MR. MPRAS: Good morning, Mr. Chairman.
22 My name is Emanuel Mpras, representing the
23 licensee.

24 CHAIRPERSON ANDERSON: Good morning,
25 Mr. Mpras.

1 MR. ZHOU: Good morning, Mr. Chairman
2 and members of the Board. My name is Wei W-E-I,
3 last name Zhou Z-H-O-U. I'm one of the owners of
4 Aqua.

5 CHAIRPERSON ANDERSON: Good morning,
6 Mr. Zhou. Mr. Adams, what's going on?

7 MR. ADAMS: Mr. Chairman, the
8 Government would like to move forward a
9 preliminary matter, which is an offer in
10 compromise to resolve the summary suspension. As
11 the Board understands, on February 27th it issued
12 a notice of summary suspension for the
13 establishment for a determined time that the
14 operations of the license presented imminent
15 danger to the health and welfare of the public

16 The parties since that point have been
17 able to discuss concerns and talk and discuss
18 improvements. As a result, I'd like to present
19 to you an offer in compromise. We have done it
20 in writing and at this point present that in
21 writing to the Board and can discuss it further.

22 CHAIRPERSON ANDERSON: Okay.

23 MR. ADAMS: We have a signed copy, and
24 I believe the Board may have a --

25 CHAIRPERSON ANDERSON: There's a copy.

1 There is a copy on the desk.

2 MR. ADAMS: Mr. Chairman, would you
3 want the offer in compromise to be read into the
4 record?

5 CHAIRPERSON ANDERSON: Yes, please.

6 MR. ADAMS: All right, thank you. All
7 right, Mr. Chairman, this offer in compromise is
8 to be presented to the Board as an agreement
9 between the Office of the Attorney General for
10 the District and the establishment Aqua NYA, LLC.
11 As part of the proposed compromise, there are
12 several conditions that are being presented. The
13 first one, and it is our understanding that the
14 establishment has accepted each of those
15 conditions.

16 The first part of it is a revised
17 security plan. The Respondent shall submit an
18 updated security plan to ABRA and OAG by 5:00
19 p.m. on March 11, 2020. The security plan shall
20 comply with all applicable requirements under
21 D.C. Code Title 25 and corresponding regulations.
22 The revised security plan shall address the
23 security staff uniforms, agent screenings,
24 reporting incidents, maintenance of an incident
25 log, the location and coverage of cameras,

1 together with a diagram showing the same, the
2 length of recording of cameras, submission of
3 camera video to law enforcement, handling
4 intoxicated patrons and employee training as
5 described in the offer in compromise.

6 Secondly, number two, security
7 personnel uniforms. All security personnel shall
8 wear uniforms with the lettering designating
9 staff or security. The lettering shall be clear
10 and visible from a distance. Number three,
11 screening of patrons. Security staff will screen
12 patrons through the use of physical searches or
13 pat-downs and magnetometer wand or similar device
14 designed to detect weapons.

15 All weapons confiscated will be
16 submitted to the Metropolitan Police Department.
17 Respondent will maintain a log of confiscated
18 items that reports the type and number of items
19 confiscated and the date of confiscation and
20 submitted to MPD. Number four, reporting
21 instance. Respondents shall contact 911 or the
22 reimbursable detailed MPD officers assigned to
23 the establishment to report incidents of violence
24 that result in injuries. Number five, recording
25 incidents. Respondents will maintain a log to

1 record incidents of violence or injury at the
2 establishment. The log shall include, where
3 possible, the names and contact information of
4 victims, witnesses and assailants involved.

5 This log shall be maintained on a
6 standard form and include names of staff involved
7 and be signed by establishment supervising
8 authority. Instance shall be recorded where
9 possible within 24 hours. Incident log shall not
10 be discarded for at least five years from the
11 date of the occurrence and shall be made
12 available to Metropolitan Police Department or
13 ABRA investigators upon request.

14 Number six, upgrade security cameras.
15 Respondent will upgrade the security cameras to
16 eliminate blind spots and to improve the quality
17 of the recorded images. Cameras shall record and
18 video shall be preserved for a minimum of 30
19 days. An ABRA investigator shall assess the
20 upgrades to ensure an adequate number of cameras,
21 that blind spots have been covered, and that
22 image quality has been improved prior to lifting
23 of the license suspension.

24 Number seven, handling intoxicated
25 patrons. Respondent shall have procedures in

1 place for identifying and handling intoxicated
2 patrons. Specifically, security plan shall
3 address the security personnel's responsibility
4 in identifying and handling intoxicated patrons.
5 Number eight, employee training. All employees
6 shall be trained by April 3, 2020 on how to
7 identify and handle intoxicated patrons and on
8 reporting incidents of violence or injury to the
9 manager, security supervisor or other appropriate
10 authorities.

11 Number nine, security plan and
12 training. Prior to lifting the license
13 suspension, all security personnel shall be
14 trained on the terms of the security plan, to
15 include physical searches of patrons, use of
16 magnetometer wands, handling violent incidents,
17 and when to report incidents to law enforcement.
18 All security personnel shall be trained in
19 security procedures within 30 days of hire. On
20 an annual basis, all security personnel will
21 receive refresher training on the security plan.

22 Those are the terms, Mr. Chairman. As
23 an addition to the terms of the offer in
24 compromise, it is my understanding, I believe,
25 and counsel for the establishment can address it

1 in more detail. There are two standards that had
2 to be complied with before establishment had the
3 suspension lifted. Number six, which is for the
4 upgraded security cameras. It is our
5 understanding that the establishment has upgraded
6 their security cameras and Investigator Jones
7 actually went to the establishment on Sunday and
8 was able to certify that there are no blind spots
9 within the establishment in terms of security
10 camera monitoring, and also that the image
11 quality has been improved.

12 Like I said, Mr. Mpras can speak to
13 that in more detail. In terms of condition No.
14 9, that as of yesterday the establishment has
15 completed training for security personnel for the
16 matters that I've mentioned. With that being
17 stated, Mr. Chairman, that is the full offer in
18 compromise at this time.

19 CHAIRPERSON ANDERSON: All right. Mr.
20 Mpras, it is my understanding there is an offer
21 in compromise. Is there anything that you want
22 to add?

23 MR. MPRAS: Yes, Mr. Chairman. I would
24 just concur with Government counsel that the
25 camera system has been upgraded. It is now 15

1 cameras, new technology, very clear. A camera
2 diagram layout is being submitted with the new
3 security plan, which we have a copy for ABRA
4 today and we have provided one to the Government
5 today, as well. The security training was
6 completed yesterday evening. All security
7 personnel were present, and a certificate of
8 completion was issued to the establishment.

9 CHAIRPERSON ANDERSON: And I'm sorry,
10 go ahead.

11 MR. MPRAS: No, sir. As far as the
12 offer in compromise, at this time, with the
13 exception of Number 8, all items have been
14 completed. Number 8 is being scheduled to be
15 completed as soon as possible through Tips
16 Training.

17 CHAIRPERSON ANDERSON: For No. 9, who
18 did the training?

19 MR. MPRAS: One of the instructors is
20 present from yesterday, but the training was done
21 by Prestige Event Management, LLC, and it was
22 confirmed by Investigator Jones.

23 CHAIRPERSON ANDERSON: Just an FYI, who
24 is Prestige. Just give me some information about
25 it just as an FYI.

1 MR. MPRAS: My understanding, it's a
2 company that provides training for club and event
3 security, private security. Give me one second.

4 CHAIRPERSON ANDERSON: It's just an
5 FYI. That's enough information.

6 MR. MPRAS: I'm sorry, it's --

7 CHAIRPERSON ANDERSON: I said it's just
8 an FYI.

9 MR. MPRAS: It's a licensed private
10 security company that provides the club and event
11 security.

12 CHAIRPERSON ANDERSON: Any other
13 representation you want to make regarding the
14 offer in compromise?

15 MR. MPRAS: The only other part, we'd
16 like to state that the venue, in working with the
17 Government, does take this occurrence very
18 seriously and has made what we believe are, you
19 know, necessary changes in order to prevent it
20 from reoccurring as far as that's possible. We
21 have copies of the certificate of completion for
22 the Board, if we may approach and pass those up.

23 CHAIRPERSON ANDERSON: That's it?

24 MR. MPRAS: Yes, sir, unless the Board
25 has any questions for us.

1 CHAIRPERSON ANDERSON: Okay. Mr. Adams
2 and/or Mr. Mpras, so I know that as part of the
3 OIC that it said prior to lifting the suspension
4 they had to do the training and the training
5 occurred yesterday. So what's the expectation
6 and sense of when the license will be provided
7 back to the licensee?

8 MR. ADAMS: We leave it to the Board's
9 discretion in terms of when the Board shall
10 determine when to lift the suspension. As far as
11 the District is concerned, we believe that the
12 establishment has satisfied the terms necessary
13 that would be a prerequisite for the lifting of
14 the suspension. So if the Board feels that it's
15 appropriate to lift the suspension today or in
16 the immediate future, the District would not
17 oppose that.

18 CHAIRPERSON ANDERSON: And what is your
19 expectation, Mr. Mpras?

20 MR. MPRAS: Mr. Chairman, the
21 establishment has done everything in its power to
22 ready themselves and meet the terms of the OIC.
23 They feel that they are ready, with your
24 blessing, to resume operations and will continue
25 to, of course, work with ABRA and its

1 investigators in the betterment of its
2 performance.

3 CHAIRPERSON ANDERSON: Any questions by
4 any board members?

5 MR. MPRAS: Mr. Chairman, there's one
6 more, if I may proffer and if the Board were to
7 review the investigative history of the
8 establishment, you would find that it's been in
9 operation an extremely long time and it has been
10 a responsible operation.

11 CHAIRPERSON ANDERSON: That you for
12 that representation. As Chairperson of the
13 Alcoholic Beverage Control Board for the District
14 of Columbia, in accordance with D.C. Official
15 Code Section 2574(b) of the Open Meetings Act, I
16 move that the ABC Board hold a closed meeting for
17 the purpose of seeking legal advice from our
18 counsel is Case No. 20-251-00016, Aqua Lounge,
19 pursuant to D.C. Official Code Section 2574(b) of
20 the Open Meetings Act and deliberating upon Case
21 No. 20-251-00016, Aqua Restaurant for the reasons
22 cited in D.C. Official Code 2574(b)(13) of the
23 Open Meetings Act. Is there a second?

24 MEMBER CROCKETT: Second.

25 CHAIRPERSON ANDERSON: Ms. Crockett has

1 seconded the motion. I will now take a roll call
2 vote on the motion now that it has been seconded.
3 Ms. Wahabzadah?

4 MEMBER WAHABZADAH: I agree.

5 CHAIRPERSON ANDERSON: Mr. Cato?

6 MEMBER CATO: I agree.

7 CHAIRPERSON ANDERSON: Ms. Crockett?

8 MEMBER CROCKETT: I agree.

9 CHAIRPERSON ANDERSON: Ms. Hansen?

10 MEMBER HANSEN: I agree.

11 CHAIRPERSON ANDERSON: Mr. Anderson?

12 I agree. As it appears that the motion has
13 passed, I hereby give notice the ABC Board will
14 recess this proceeding to hold a closed meeting
15 in the ABC Board conference room pursuant to
16 Section 2574(b) of the Open Meetings Act. Thank
17 you.

18 MR. ADAMS: Mr. Chairman?

19 CHAIRPERSON ANDERSON: Yes, Mr. Adams?

20 MR. ADAMS: One small detail. We have
21 an actual signed copy of the offer in compromise
22 and we will submit that for the record, so since
23 it's been signed now.

24 CHAIRPERSON ANDERSON: And the Board
25 will let you know whether or not we agree with or

1 we're going to accept it. All right, thank you.

2 (Whereupon, the above-entitled matter
3 went off the record at 10:23 a.m. and resumed at
4 10:31 a.m.)

5 CHAIRPERSON ANDERSON: We're back on
6 the record regarding Aqua Restaurant. I make a
7 motion to accept the offer in compromise. Is
8 there a second?

9 MEMBER CROCKETT: Second.

10 CHAIRPERSON ANDERSON: Ms. Crockett has
11 seconded the motion. All those in favor say aye.
12 Oh, I guess before we're taking a vote, Mr.
13 Mpras, as you are aware, there is an offer in
14 compromise. The offer in compromise was read in
15 the record. Is your client aware that by
16 accepting an offer in compromise that your client
17 is giving up his right to a hearing?

18 MR. MPRAS: Yes, sir.

19 CHAIRPERSON ANDERSON: And is your
20 client also aware that by accepting an offer in
21 compromise that he's giving up his right to
22 appeal this matter?

23 MR. MPRAS: Yes, sir.

24 CHAIRPERSON ANDERSON: With that said,
25 Mr. Adams had read the offer in compromise in the

1 record earlier, so I'm not going to repeat it.
2 However, the offer in compromise that was
3 provided has nine provisions, and No. 9
4 provision, as stated, prior to lifting of the
5 suspension, all security personnel shall be
6 trained on the security plan.

7 It's my understanding that that
8 training had occurred. So I would recommend that
9 the suspension be lifted immediately. Is there a
10 second? Let me start over again. Is there a
11 second in accepting the offer in compromise?

12 MEMBER CROCKETT: Yes, second.

13 CHAIRPERSON ANDERSON: Ms. Crockett has
14 seconded the motion. All those in favor say aye.

15 (Chorus of aye.)

16 CHAIRPERSON ANDERSON: Those opposed?
17 The matter passes 5-0-0. Thank you very much,
18 and thank the Government and the parties for
19 working this matter out. The Board sees no
20 reason why as soon as practical that the
21 suspension be lifted and the license be returned.
22 Thank you very much.

23 MR. ADAMS: Thank you, Mr. Chairman.

24 MR. MPRAS: Thank you, Mr. Chairman.

25 CHAIRPERSON ANDERSON: All right, we're

1 in recess.

2 (Whereupon, the above-entitled matter
3 went off the record at 10:33 a.m.)
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