

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

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In the Matter of:	)		
	)		
Voyager 888, LLC	)	Case No.:	20-CMP-00116
t/a Assets	)	License No:	ABRA-113585
	)	Order No:	2021-027
Holder of a	)		
Retailer's Class CN License	)		
	)		
at premises	)		
1805 Connecticut Avenue, N.W.	)		
Washington, D.C. 20009	)		

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**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Rema Wahabzadah, Member  
Rafi Aliya Crockett, Member  
Jeni Hansen, Member  
Edward S. Grandis, Member

**ALSO PRESENT:** Voyager 888, LLC, t/a Assets, Respondent

Richard Bianco, Counsel, on behalf of the Respondent

Stephen A. Ortiz, Assistant Attorney General  
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER APPROVING OIC**

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The above-mentioned parties appeared before the Alcoholic Beverage Control Board on January 13, 2021. At the hearing, the parties proposed an offer-in-compromise (OIC) to resolve the summary suspension described in Case No. 20-CMP-00116. The Board approved the OIC at the hearing.

## **ORDER**

Therefore, on this 13th day of January 2021, the Board **APPROVES** the OIC presented by the parties. The terms of the OIC are as follows:

1. The Respondent shall follow the terms and conditions of the attached OIC as a condition of reopening.
2. The Respondent shall serve a 40-day suspension, which shall include the suspension of the license served prior to the issuance of this Order. The license shall remain suspended from December 4, 2020, until January 14, 2021 at 8:00 a.m. The indefinite suspension previously imposed by the Board shall not expire until all terms and conditions of the OIC have been fulfilled to the satisfaction of the Board.
3. This matter is referred to the Office of the Attorney General for further review as to whether additional enforcement actions are warranted.

The ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: a42038d366a378e4b73009b11e008

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 347e977820d6fa811030d42948e

James Short, Member

eSigned via SeamlessDocs.com  
*Bobby Cato*  
Key: 256d33ca28e14d37f4b75bd1917620d

Bobby Cato, Member

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com  
*Rafi Aliya Crockett, Member*  
Key: b550e91845e1594401d155e5c128f1cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com  
*Jeni Hansen, Member*  
Key: 62172801f509447431b5d9c2a418f8

Jeni Hansen, Member

I dissent from the majority vote of the Board.

eSigned via SeamlessDocs.com  
*Edward Grandis, Member*  
Key: 5027bda7f990049ec14adeb52b41ce5

Edward S. Grandis, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section II of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879- 1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD



IN THE MATTER OF:  VOYAGER 888, LLC t/a ASSETS,  Respondent.	Case No. 20-CMP-000116 License No. 113585 Retailer Class CN
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OFFER IN COMPROMISE FOR BOARD APPROVAL

The District of Columbia, jointly with the licensee (respondent) submits this Offer in Compromise (OIC) to the Alcoholic Beverage Control Board (Board), as authorized by 23 DCMR § 1604.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, this case will conclude. Respondent will be obligated to abide by the terms of the OIC shown below. If the Board does not approve the OIC, the matter will be continued to the Summary Suspension Hearing, currently not scheduled.

The respondent has been advised that there is no obligation to accept an OIC. Respondent has been advised, through service of the Notice of Summary Suspension that at a Summary Suspension Hearing, respondent may: be represented by legal counsel, have subpoenas issued to require the production of witnesses and evidence, produce witnesses and evidence, cross-examine witnesses, and apply to the Board for a qualified interpreter.

The OIC terms are as follows.

- (1) Suspension: Respondent shall serve a 40-day suspension of its ABC license. The dates of the 40-day suspension to be served shall be Friday, December 4, 2020 through Wednesday, January 13, 2021, which includes time served during the summary suspension period. The ABC license suspension shall be lifted at 8:00 a.m. on Thursday, January 14, 2021, provided all other applicable requirements in this OIC have been satisfied by the respondent.
- (2) Masks: Except when eating or drinking while seated, during the public health emergency, the respondent shall require that all owners and employees of the establishment wear a mask or face covering while present on the licensed premises regardless of whether they are on-duty. The respondent shall also require patrons during the public health emergency to wear masks or face coverings prior to entering or while waiting in line outside of the licensed premises, while traveling to use the restroom, or until they are seated and eating or drinking.
- (3) Music and Entertainment: Respondent shall not offer live music or entertainment (including disc jockeys) while the District of Columbia remains subject to Mayor's Order 2020-067 (May 27, 2020), Mayor's Order 2020-075 (June 19, 2020), Mayor's Order 2020-080 (July 22, 2020), Mayor's Order 2020-119 (November 23, 2020) and in accordance with the Board's Notice of Eighth Emergency Rulemaking (November 24, 2020) (Board's Rulemaking). The

Respondent shall only offer recorded or background music that is played at a conversational level that is not heard in the homes of District residents.

- (4) Operating Hours: Respondent shall not sell, serve or permit the consumption of alcoholic beverages past 10:00 p.m., but may operate for patrons until midnight during any day of the week while the District of Columbia remains subject to Mayor's Order 2020-067, Mayor's Order 2020-075, Mayor's Order 2020-080, and Mayor's Order 2020-119 in accordance with the Board's Rulemaking.
- (5) Dining Activities: Respondent shall only serve food and alcoholic beverages to patrons seated at tables while the District of Columbia remains subject to Mayor's Order 2020-067, Mayor's Order 2020-075, and Mayor's Order 2020-119 in accordance with the Board's Rulemaking. Tables shall be placed so that patrons in different parties are placed at least six feet apart from one another, with no more than six patrons per table. Respondent shall have a menu in use containing a minimum of three (3) prepared food items available for purchase and shall require patrons to purchase one or more prepared food items per table. Patrons shall not be permitted to walk around the establishment with food and/or alcoholic beverages.
- (6) Bar Activities: Respondent shall not seat patrons at indoor or outdoor bars that are being staffed or utilized by a bartender. Patrons shall not be permitted to stand at an indoor or outdoor bar to order food or alcoholic beverages.

- (7) Contact Tracing System: Respondent shall implement a reservation system by phone, on-line, or on-site and keep customer logs to facilitate contact tracing by DC Health.
- (8) Capacity: Respondent shall limit its indoor capacity to no more than twenty-five percent (25%) of the lowest indoor occupancy load or seating capacity on its certificate of occupancy, excluding employees and outdoor seating, while the District of Columbia remains subject to Mayor's Order 2020-119 or Mayor's Order 2020-075, whichever applies, in accordance with the Board's Rulemaking.
- (9) Social Distancing Walk-through: Prior to lifting the suspension of the establishment's alcoholic beverage license, an ABRA investigator shall conduct a walk-through of the licensed establishment with respondent to evaluate the establishment's compliance with the District's social distancing requirements. This evaluation shall include an assessment of the respondent's compliance with Mayor's Order 2020-075, Mayor's Order 2020-080, and 23 DCMR § 810.2.
- (10) Show Cause: This matter will be referred to the Office of the Attorney General for possible Show Cause proceeding.
- (11) Temporary Dining Restriction: Respondent shall comply with Mayor's Order 2020-127 (Dec. 18, 2020), which prohibits indoor dining from 10:00 p.m. on December 23, 2020 to 5:00 a.m. on January 15, 2021.

Dated: January 11, 2021.

Respectfully submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

TONI MICHELLE JACKSON  
Deputy Attorney General  
Public Interest Division


/s/ Fernando Rivero  
FERNANDO RIVERO [478765]  
Assistant Chief, Civil Enforcement Section

/s/ Stephen A. Ortiz  
STEPHEN A. ORTIZ [1721407]  
Assistant Attorney General  
Suite 10100  
400 Sixth Street, N.W.  
Washington, D.C. 20001  
(202) 442-9867  
(202) 741-0574 (fax)  
Stephen.Ortiz@dc.gov

ATTORNEYS FOR THE DISTRICT OF COLUMBIA

CONSENT OF RESPONDENT

By this Offer in Compromise, I agree to accept and perform its terms. I acknowledge the validity of the OIC and waive a hearing to which I would have a right under D.C. Code § 25-826. I also recognize that I am waiving any right to appeal an adverse ruling of the Board that might have followed any such hearing. By this settlement, I waive all such rights. I sign this OIC without reservation, and I fully understand its meaning and my rights.

  
/s/ Jeff Schaeffer [Jan 11, 2021 11:39 EST]  
Respondent

January 11, 2021  
DATE

/s/ Richard J. Quanco  
Attorney for Respondent

January 11, 2021  
DATE



CERTIFICATE OF SERVICE

I certify that on January 11, 2021, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

Richard Bianco, Esq.  
1402 Meridian Place, N.W.  
Washington, D.C. 20001  
Rich@lawrjb.com

Martha Jenkins  
General Counsel, ABRA  
2000 14th Street, N.W., Suite 400 South  
Washington, D.C. 20009  
Martha.Jenkins@dc.gov

/s/ Stephen A. Ortiz  
Stephen A. Ortiz  
Assistant Attorney General