

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

In the Matter of:)		
)		
DMT Group, LLC)	Case Nos.:	20-CMP-00117
t/a Barcode)		20-CMP-00118
)	License No:	ABRA-115593
Holder of a)	Order No:	2021-019
Retailer's Class CT License)		
)		
at premises)		
1101 17 th Street, N.W.)		
Washington, D.C. 20036)		

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: Meskerem Abebe, LLC, t/a Right Spot, Respondent

Shahzeb Asim, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING OIC

The above-mentioned parties appeared before the Alcoholic Beverage Control Board on January 6, 2021. At the hearing, the parties proposed an offer-in-compromise (OIC) to resolve the summary suspension described in Case No. 20-CMP-00117 and 20-CMP-00118. The Board approved the OIC at the hearing.

ORDER

Therefore, on this 23rd day of December 2020, 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 30-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 11, 2020, until January 10, 2021. The license is eligible to be returned on January 21, 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. The Respondent admits to the violation set forth in 20-CIT-00445 and shall pay a \$1,000 fine for the offense. All payments shall be paid within 90 days from the date of this Order.
4. 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.

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



<p>IN THE MATTER OF:</p> <p>DMT GROUP, LLC t/a BARCODE,</p> <p style="text-align:right">Respondent.</p>	<p>Case Nos. 20-CMP-000117 20-CMP-00118 License No. 115593 Retailer Class CT</p>
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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 30-day suspension of its ABC license.
The date of 30-day suspension shall be Friday, December 11, 2020 through Sunday, January 10, 2021, which includes time served during the summary suspension period. The ABC license suspension shall be lifted at 8:00 a.m. on Monday, January 11, 2021 provided all other applicable requirements in this OIC have been satisfied by the respondent.
- (2) Fine: Respondent shall pay a \$1,000.00 fine for the citation previously issued in Case Number 20-CIT-00445 within ninety (90) days.
- (3) 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.
- (4) Music and Entertainment: The Respondent shall only offer recorded or background music that is played at a conversational level 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).

- (5) 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 2020-119 or respondent shall not sell, serve, or permit the consumption of alcoholic beverages past 12:00 a.m. while the District of Columbia remains subject to Mayor's Order 2020-067, Mayor's Order 2020-075, and Mayor's Order 2020-079, whichever applies, in accordance with the Board's Rulemaking.
- (6) 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. Patrons shall not be permitted to walk around the establishment with food and/or alcoholic beverages.
- (7) Patrons Exiting with Alcoholic Beverages: Respondent shall not permit patrons to exit the establishment with alcoholic beverages, except when such beverages are in closed containers and are accompanied by prepared food.

- (8) 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.
- (9) Smoking: Respondent shall not permit hookah smoking or any other form of smoking at the establishment 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.
- (10) Capacity: Respondent shall limit its indoor capacity to no more than twenty-five percent (25%) of the indoor occupancy load on its certificate of occupancy, excluding employees and outdoor seating, while the District of Columbia remains subject to Mayor's Order 2020-119 or fifty percent (50%) of the indoor occupancy load on its certificate of occupancy, excluding employees and outdoor seating, while the District of Columbia remains subject to Mayor's Order 2020-075, whichever applies, in accordance with the Board's Rulemaking.
- (11) 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.

(12) Show Cause: This Offer in Compromise, upon acceptance by the Board, constitutes resolution of the matters encompassed by the above-referenced Case Numbers.

(13) 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 5, 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/ Shahzeb Asim
SHAHZEB ASIM [1721965]
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Shahzeb.Asim@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/ *Mustafa H. Nabe*
Respondent

January 5, 2021
DATE

/s/ *[Signature]*
Attorney for Respondent

January 5, 2021
DATE

CERTIFICATE OF SERVICE

I certify that on January 5, 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:

Stephen O'Brien
Mallios & O'Brien PLLC
2600 Virginia Avenue, N.W.
Suite 406
Washington, D.C. 20037

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

/s/ *Shahzeb Asim*
Shahzeb Asim
Assistant Attorney General