

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

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<b>In the Matter of:</b>	)		
	)		
Brothers Burger Bar, LLC	)	Case No.:	20-CMP-00106
t/a Felicity Lounge	)	License No.:	ABRA-112502
	)	Order No.:	2020-323
Holder of a	)		
Retailer's Class CR License	)		
	)		
at premises	)		
707 H Street, NE	)		
Washington, D.C. 20002	)		

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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:** Brothers Burger Bar, LLC, t/a Felicity Lounge, Respondent

Jessica Krupke, 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 OFFER IN COMPROMISE**

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The above mentioned parties have petitioned the Alcoholic Beverage Control Board (Board) to approve an offer-in-compromise (OIC) to settle one or more violations of Title 25 of the D.C. Official Code (Title 25) and Title 23 of the D.C. Municipal Regulations (Title 23) in accordance with D.C. Official Code § 2-509(a).

## ORDER

Therefore, on this 7th day of October 2020, the Board **APPROVES** the OIC appended to this Order. The terms of the OIC are as follows:

1. The Respondent admits to a violation of the statutes or regulations listed in the OIC attached to this Order.
2. The Respondent shall follow and abide by the terms and conditions of the attached OIC in accordance with D.C. Official Code §§ 2-509(a), 25-447(f), and 25-823(a)(6).
3. The Respondent waives all rights to notice or appearance before the Board.
4. The Respondent waives the right to a hearing, call witnesses, present evidence, and otherwise contest the charges as provided in Title 25 and Title 23.
5. The Respondent waives the right to judicial review or appeal of this Order. The Respondent further agrees not to collaterally attack the disposition imposed by this Order.
6. The parties agree that the attached OIC constitutes the entire agreement of the parties.

The Show Cause hearing in this matter is cancelled. ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamllessDocs.com  
*Donovan Anderson*  
Key: ac43090b66d5f0e4b732009d1dced8

Donovan Anderson, Chairperson

eSigned via SeamllessDocs.com  
*James Short*  
Key: 547ae778020d6d4e811b023432949e

James Short, Member

eSigned via SeamllessDocs.com  
*Bobby Cato*  
Key: 258d3fca0d0146d76b75b7917d20d

Bobby Cato, Member

eSigned via SeamllessDocs.com  
*Rema Wahabzadah, Member*  
Key: bf2ca40b560b74009d1Pb35b738d16cf

Rema Wahabzadah, Member

eSigned via SeamllessDocs.com  
*Rafi Atiya Crockett, Member*  
Key: b550a91845e170e4016155a5c12281cc

Rafi Crockett, Member

eSigned via SeamllessDocs.com  
*Jeni Hansen, Member*  
Key: 62172931f5034474b1650c3a4180f

Jeni Hansen, Member

eSigned via SeamllessDocs.com  
*Edward Grandis, Member*  
Key: 5027bd3a709f0040ec14a4eb52541ce5

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 11 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 St NW, 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**



<p><b>IN THE MATTER OF:</b></p> <p><b>BROTHER BURGER BAR, LLC t/a FELICITY LOUNGE,</b></p> <p style="text-align:center"><i>Respondent.</i></p>	<p>Case No. 20-CMP-00106 License No. 112502 Retailer Class CR</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 scheduled for October 7, 2020.

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 agrees to a 25-day suspension of its ABC license, with 15 days served and 10 days stayed. The 15-day served suspension shall commence on Friday, October 2, 2020 through Saturday, October 17, 2020, which includes time served during the summary suspension period. The ABC license suspension shall be lifted at 8:00 a.m. on Sunday, October 18, 2020, provided respondent satisfies all other applicable requirements in this OIC. The additional 10 suspension days shall be stayed for a period of one year, beginning on the day of the Board's acceptance of this OIC. If respondent complies with the terms of this OIC and does not have any additional violations in the year following the Board's acceptance of this OIC, per the requirements of 23 DCMR § 808.16, respondent shall not serve the 10 stayed days.
- (2) 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 and Mayor's Order 2020-075 and in accordance with 23 DCMR §§ 810.2 (b), (d) and (l). 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 or alcoholic beverages. Respondent shall require the purchase of one or more prepared food items per table.
- (3) 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 as required by 23 DCMR § 810.2(q).

- (4) Capacity: Respondent shall limit its indoor capacity to no more than fifty percent (50%) 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 2020-067 and Mayor's Order 2020-075 and in accordance with 23 DCMR § 810.2(a).
- (5) Social Distancing Walkthrough: 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 respondent's compliance with Mayor's Order 2020-075, Mayor's Order 2020-080 and in accordance with 23 DCMR § 810.2.
- (6) Egress: The respondent shall not prevent egress from the establishment; respondent shall not lock doors during business hours or when patrons are inside of the establishment.
- (7) Masks: Except when eating or drinking while seated, during the public health emergency, 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. 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 and while traveling to use the restroom or until they are seated and eating or drinking.

- (8) Fine: Respondent shall pay fines in the amount of \$2,000.00 within 90 days, which includes a \$1,000.00 fine for the citation issued in Case Number 20-CIT-00434 and a \$1,000.00 fine for the citation issues in Case Number 20-CIT-00226.
- (9) Music: While the District of Columbia remains subject to Mayor's Order 2020-067 (May 27, 2020) and Mayor's Order 2020-075 (June 19, 2020), and in accordance with and 23 DCMR § 810.2(n), 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.

Dated: October 6, 2020.

Respectfully submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

TONI MICHELLE JACKSON  
Deputy Attorney General  
Public Interest Division

/s/ Kimberly M. Johnson  
KIMBERLY M. JOHNSON [435613]  
Chief, Civil Enforcement Section

/s/ Jessica Krupke  
JESSICA KRUPKE [1019967]  
SHAHZEB ASIM\*  
Assistant Attorneys General  
400 Sixth Street, N.W., Suite 10100  
Washington, D.C. 20001  
(202) 727-2125  
(202) 370-7628 (fax)  
Jessica.Krupke@dc.gov

ATTORNEYS FOR THE DISTRICT OF COLUMBIA

\* Practicing in the District of Columbia under the direct supervision of Kimberly Johnson, a member of the D.C. Bar under D.C. Court of Appeals Rule 49 (c)(4).

**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/ Darryl Jones  
Respondent

October 6, 2020  
DATE

**CERTIFICATE OF SERVICE**

I certify that on October 6, 2020, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

Darryl Jones, Managing Member  
Brother Burger Bar t/a Felicity Lounge  
707 H Street, N.E.  
Washington, D.C. 20002  
Felicityloungedc@gmail.com

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

/s/ Jessica Krupke  
Jessica Krupke  
Assistant Attorney General