

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

**In the Matter of:**

JJ Restaurant, Inc.  
t/a JJ Restaurant

Holder of a  
Retailer's Class CR License

3931 Fourteenth Street, N.W.  
Washington, D.C. 20011

Case Nos.: 18-CMP-00065  
18-251-00147  
License No.: 107397  
Order No: 2018-557

**BEFORE:** Donovan Anderson, Chairperson  
Nick Alberti, Member  
Mike Silverstein, Member  
James Short, Member  
Donald Isaac, Sr., Member  
Bobby Cato, Member  
Rema Wahabzadah, Member

**ALSO PRESENT:** JJ Restaurant, Inc., t/a JJ Restaurant, Respondent

Walter Adams, II, and Christine Gephardt, Assistant Attorney Generals  
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER APPROVING THE OFFER-IN-COMPROMISE**

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This matter arises from the allegations and charges filed by the Office of the Attorney General for the District of Columbia contained in the Summary Suspension Notice for Case Numbers 18-251-00147 and the Show Cause Notice for Case No. 18-CMP-00065. The Government and the Respondent appeared before the Alcoholic Beverage Control Board on September 26, 2018, and requested the approval of an offer-in-compromise (OIC), which the Board approved.

## **ORDER**

Therefore, on this 26th day of September 2018, the Board hereby **APPROVES** the OIC. Per the OIC, the Respondent agrees and is subject to the terms and conditions attached to this Order.

**IT IS FURTHER ORDERED** that the Respondent shall be deemed to have committed one primary tier violation based on the violation contained in Case No. 18-CMP-00065.

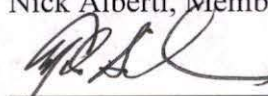
**IT IS FURTHER ORDERED** that the Respondent must pay all fines imposed by the Board, totaling \$1,250, within 45 days from the date of this Order, or its license shall be immediately suspended until all amounts owed are paid.

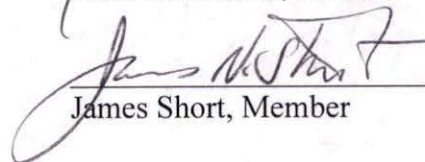
The ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia  
Alcoholic Beverage Control Board

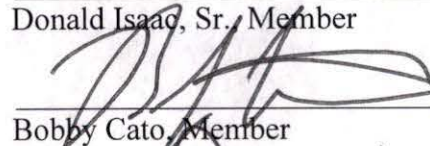
  
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Donovan Anderson, Chairperson

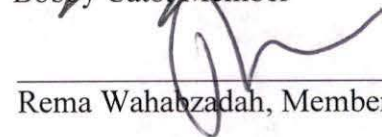
  
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Nick Alberti, Member

  
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Mike Silverstein, Member

  
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James Short, Member

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Donald Isaac, Sr., Member

  
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Bobby Cato, Member

  
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Rema Wahabzadah, 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, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 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 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 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**  
**Office of the Attorney General**



**ATTORNEY GENERAL**  
**KARL A. RACINE**

**Public Interest Division**

**OFFER IN COMPROMISE<sup>1</sup>**

In the Matter of: JJ Restaurant, Inc. t/a JJ Restaurant

Case number: 18-251-00147    Hearing Date: September 26, 2018

Incidents occurring on: September 16, 2018

For the Charge of:        Summary Suspension proceeding.

Statutory Authority:    D.C. Official Code §25-826(a) (2012 Repl.).

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This offer in compromise (OIC) will be presented to the Alcoholic Beverage Control Board (Board) by the Assistant Attorney General (OAG) at the Summary Suspension hearing in the matter of JJ Restaurant, Inc. t/a JJ Restaurant (Respondent). Please be advised that this is a proposed compromise. Accordingly, it is the discretion of the Board to accept or reject this offer.

The Respondent acknowledges that individual terms of this OIC was verbally translated into the Spanish language to the Respondent's owner, Carmen Martinez, by a Spanish-speaking employee of ABRA. The ABRA employee fully explained the terms of this OIC to the owner. The owner placed her initials after each provision to indicate that the provision was fully discussed and understood.

The offer in compromise consists of the following terms:

- (1) Security Plan – The Respondent shall submit a security plan to ABRA and OAG by no later than 5:00 p.m. on Tuesday, October 2, 2018. The security plan shall be reviewed and accepted by the Board prior to lifting the suspension of the establishment's alcoholic beverage license. The security plan shall be in full compliance with all applicable laws and regulations including all requirements for a security plan under Title 25 of the D.C. Official Code, and which incorporates all of the matters set forth below. The security plan will also address additional conditions not required in Title 25 but which are also described below.

Initials: C-111

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<sup>1</sup> Authorized under 23 DCMR 1604.5 (2012 Repl.).

Initials:

C.M.

- (12) Rendering Aid - The security plan shall state the procedure in which all employees will ensure that all patrons receive appropriate medical care. This includes, but is not limited to, administering first aid and calling an ambulance.

Initials:

C.M.

- (13) Employee Discipline - The security plan shall set forth what disciplinary actions will apply for any security personnel or other employee who does not comply with the security plan.

Initials:

C.M.

- (14) Security Plan Training - All personnel shall be trained on the terms of the security plan prior to lifting the suspension of the establishment's alcoholic beverage license. The security plan shall provide that all security personnel be trained in proper security procedures within thirty (30) days of hire. All security personnel will receive refresher training on an annual basis following the initial training at their date of hire.

Initials:

C.M.

- (15) Security Camera System Operators - Prior to lifting the suspension of the establishment's alcoholic beverage license, the Respondent shall provide the Board in writing with the name(s) of the individuals that are able to operate and retrieve footage from the Respondent's security cameras. The Respondent shall notify the Board within ten (10) calendar days of any change in the name(s) of the individuals that are able to operate and retrieve security camera footage.

Initials:

C.M.

- (16) Operational Security Camera System - The Respondent's security camera system must be operational and actively recording at all times. If at any time, a camera or other part of the system is inoperable or is taken off-line for purposes of upgrading, the Respondent shall notify the Board in writing within ten (10) calendar days of learning that one or more of the Respondent's security cameras is not operational. As part of its written notification to the Board, the Respondent shall notify the Board of the steps taken to fix the non-working camera(s) and include the date by which the cameras will be fixed.

Initials:

C.M.

- (2) Security Personnel - The Respondent shall maintain, at a minimum, one security person who will be on duty on Friday and Saturday nights between 10:00 p.m. and 1:00 a.m. and on Sunday night between 8:00 and 11:00 p.m. The Respondent shall document and submit to the Board the name and employment status of all security personnel by no later than 5:00 p.m. on October 2, 2018. The security plan shall detail the minimum number of security personnel that will be on-duty each day and their specific duty hours. The security plan shall detail the placement of security personnel within the establishment and shall include an explanation of the rationale regarding that placement.

Initials: C.M.

- (3) Handling Violent Altercations - The security plan shall contain detailed procedures on how the Respondent's security personnel are to handle violent altercations in the establishment, including appropriate methods for separating and handling victims and aggressors, detaining and controlling aggressive patrons, and handing victims and aggressive patrons over to MPD. The security plan should also contain detailed procedures on how to fully cooperate with ABRA and MPD when a violent incident occurs inside the establishment. Upon request, the Respondent immediately shall provide accurate information to MPD and ABRA investigators, including information regarding the involved parties.

Initials: C.M.

- (4) Crime Scene - The Respondent shall not clean up a crime scene under any circumstances, nor authorize anyone to clean up the crime scene, without the prior consent of MPD. The security plan shall address the establishment's procedure for preserving a crime scene.

Initials: C.M.

- (5) Lights and Music - The Respondent shall turn on its lights and turn off any recorded music within one minute of a violent incident occurring. The security plan shall detail the establishment's procedures for ensuring that lights are turned on and recorded music is turned off within the one-minute requirement.

Initials:

C.M.

- (6) Reporting Incidents - The Respondent shall call 911 to report incidents of violence. The Respondent's security plan shall document the means and method for calling 911. The security plan shall set forth the Respondent's plan to maintain an incident log and prepare an incident report within 24 hours of occurrence recording all violent incidents that occur inside of, in front of, and in the rear of the establishment. The security plan shall address the proper protocol for drafting and maintaining incident log entries, to include the names and contact information of any victims and witnesses to an incident. The Respondent shall make the incident log available to MPD, ABRA investigators and other interested parties upon request. In cases of crimes of violence, incident logs must be signed by an ABC Manager or owner. The incident log shall not be destroyed.

Initials:

C.M.



(17) Hours of Operation - The Respondent shall not operate past 11:00 p.m. on Sunday through Thursday or past 1:00 a.m. on Friday and Saturday. The Respondent shall not sell, serve, or permit the consumption of alcohol past 10 p.m. on Sunday through Thursday or past 1 a.m. on Friday and Saturday. Sunday through Thursday and 12:00 midnight on Friday and Saturday nights. No patron shall be present in the establishment after the hours of operation have ended.

Initials: C.M.

(18) Entertainment - The Respondent shall not be permitted to have a disc jockey or any other form of entertainment. The Respondent shall not be permitted to have a designated dance floor, create a dance floor for dancing, or permit patrons to dance.

Initials: C.M.

(19) Settlement Agreement- By no later than October 2, 2018, the licensee will review the existing December 2017 Settlement Agreement with an employee of ABRA who can translate into Spanish and the licensee will indicate, by her initials, that she understands each provision of the Settlement Agreement.

Initials: C.M.

(20) Penalty – Prior to lifting the suspension of the establishment’s alcoholic beverage license, but in no case later than 45 days following the issuance of the Order Approving the OIC, the Respondent agrees to pay a \$1,250 fine for the after-hours violation alleged in Case No. 18-CMP-00065, currently scheduled for a Show Cause Status Hearing before the ABC Board on September 26, 2018.

Initials: C.M.

(21) Case No. 18-251-00147 shall be referred to the OAG for a show cause review.

Initials: C.M.

**CONSENT**

By this settlement agreement I agree to accept and perform its terms. I acknowledge the validity of the settlement and waive a hearing to which I would have a right under D.C. Official Code § 25-826 (2012 Repl.). 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 settlement agreement without reservation, and I fully understand its meaning and my rights.

  
Respondent

  
Witness for the Government (OAG)

9/26/18