

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

In the Matter of:

Afro Group, LLC
t/a Lucy Bar and Restaurant/
Déjà vu Lounge

Case No.: 19-251-00031
19-251-00031(a)
License No.: 110186
Order No.: 2019-097

Holder of a
Retailer's Class CR License

900 Florida Avenue, N.W.
Washington, D.C. 20001

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member

ALSO PRESENT: Afro Group, LLC, t/a Lucy Bar and Restaurant/ Déjà vu Lounge,
Respondent

Amy Schmidt, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

On February 12, 2019, the Metropolitan Police Department (MPD) closed Afro Group, LLC, t/a Lucy Bar and Restaurant/ Déjà vu Lounge (Respondent) under the authority granted by D.C. Official Code § 25-827 related to a stabbing and fighting that allegedly occurred at the establishment. After an investigation, on February 14, 2019, the Alcoholic Beverage Control Board voted to extend the suspension under the authority granted by D.C. Official Code § 25-826.

After the Board received a request for a hearing, the parties appeared before the Board on February 27, 2019. At the hearing, the parties proposed an offer-in-compromise, which was accepted by the Board.

ORDER

Therefore, on this 27th day of February 2019, the Board **APPROVES** the offer-in-compromise submitted by the parties subject to the following:

1. the Respondent shall follow all terms and conditions attached to this Order, which are binding and must be followed by the license holder as a condition of licensure.
2. the Respondent shall have its license returned and have the suspension lifted once the Board is satisfied that the Respondent has complied with the OIC's terms.

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

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson

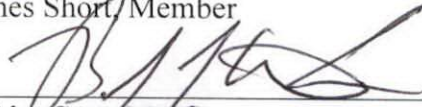


Nick Alberti, Member



Mike Silverstein, Member

James Short, Member



Bobby Cato, Member

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).

In the Matter of: Afro Group, LLC, t/a Lucy Bar and Restaurant/Déjà vu Lounge

License Number: ABRA-110186

Officer/Owner: Mr. Mikias Fekeke

Case Number: 19-251-00031 Hearing Date: February 27, 2019

Incident occurring on: February 12, 2019

For the Charge: Summary Suspension

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

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 proceeding to be held February 27, 2019. Please be advised that this is a proposed OIC. Accordingly, it is the discretion of the Board to accept or reject this offer.

The OIC consists of the Respondent agreeing to and complying with all the following terms:

- (1) Management and Control of the Establishment – Respondent shall not rent out the establishment to outside promoters. In compliance with D.C. Code §25-797, the Respondent shall not rent out or host events at the establishment to any third party without maintaining ownership and control of the establishment for the duration of the event. For the duration of any event, Respondent must control and manage all bar and security staff and the modes of ingress and egress. Respondent shall not allow a third party to check the identifications of patrons or determine the age of patrons entering the establishment.
- (2) Security Plan – The Respondent shall submit a Security Plan to ABRA and OAG no later than 10 a.m. on Friday, March 1, 2019. 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 comply 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 the following as well as all specifications listed in the OIC:
 - a. De-escalation of violent incidents.
 - b. Compliance with the requirement to use "wands" at the entrance to the establishment for the purpose of detecting metal objects, including weapons, carried by patrons. The wands will be used in conjunction with physical "pat down" searches as specified in the Respondent's Security Plan.
 - c. Proper "pat down" procedures.
 - d. Procedure for preserving a crime scene.
 - e. Procedure to call MPD or for medical assistance (Call 911).

f. Installation and use of operable security cameras (See #10 below)

- (3) Security Personnel – The Respondent shall maintain, at a minimum, one security person, who will be on duty whenever the establishment offers entertainment. The Respondent shall document and submit no later than 5:00 p.m. on Friday, March 1, 2019 a list of all security personnel employed by the establishment which shall be kept on the licensed premises. The list shall contain the job title or role of each security person listed, and it shall be updated upon the hiring or termination of each security person. The list shall be kept at the establishment and shall be made available to MPD or ABRA upon their request. The establishment's Security Plan shall detail the placement of security personnel within the establishment and shall include an explanation of the rationale regarding that placement.
- (4) 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 shall also contain detailed procedures on how employees are to fully cooperate with ABRA and MPD when a violent incident occurs inside the establishment. Upon request, the Respondent shall immediately provide accurate and complete information to MPD and ABRA investigators, including information regarding the involved parties.
- (5) 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.
- (6) Lights and Music – The Respondent shall turn on its lights and turn off or stop any recorded or live music or entertainment 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 music or entertainment is turned-off or stopped within the one-minute requirement.
- (7) Reporting Incidents – The Respondent shall call 911 to report all incidents of violence. The Respondent's Security Plan shall document the means and method for calling 911.
- (8) Incident Log – The Respondent shall maintain an incident log to record all incidents (verbal and physical). The Security Plan shall detail the maintenance of the incident log and the preparation of an incident report within 24 hours of 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 and ABRA investigators upon request. In cases of crime or violence, incident logs must be signed by an ABC Manager or owner. The incident log shall not be destroyed and must be maintained on the premises or electronically for two years.
- (9) Confiscation of Weapons – The Respondent shall confiscate all weapons brought onto the premises or utilized on the premises by staff and patrons. The Respondent shall document in the incident log, the type and number of weapons, and the date on which any weapons are

recovered from patrons. The Respondent shall contact MPD in order for MPD to properly dispose of the confiscated weapons to include weapons utilized on the Respondent's property. The Respondent shall document the date and time the weapons are surrendered to MPD and the documentation will include the officer's name and badge number.

(10) Security Camera System –

- A. The Respondent will have a Camera Security System in place whose cameras will be operational and actively recording at all times. The Security Plan shall detail the number of cameras utilized by the establishment, the location of the cameras, and the method of mounting the cameras in order to eliminate all blind spots and obstructions of patrons while they are in the establishment. The Security Plan shall contain a diagram of all of the cameras inside and outside of the establishment. No camera view shall be blocked by a curtain, door, pillar or other barrier.
- B. In the event the Respondent's security camera system is not operational or properly recording at any time, a camera or other part of the system is inoperable or taken off-line for purposes of up-grading, 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. Once notified, an ABRA investigator will inspect the repaired camera system to ensure compliance with the requirements of the Security Plan.
- C. The Respondent shall ensure that either the owner or the ABC Manager or another employee has knowledge of the camera operating system and is capable of downloading or retrieving video requested by MPD or ABRA. 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 video 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.

(11) Maintenance of Security Camera Video – The Respondent must maintain video footage for at least thirty (30) days. The Respondent shall make video recordings for incidents available to ABRA or MPD within forty-eight (48) hours of their request.

(12) Assessment of Security Camera System – Prior to lifting the suspension of the establishment's alcoholic beverage license, an ABRA investigator shall conduct a walk-through of the licensed premises with the Respondent to evaluate the location and number of security cameras. This assessment will also include the identification of any blind spots to ensure that they are adequately covered by the camera system.

(13) Training – All employees will be trained no later than March 27, 2019 in how to preserve a crime scene as well as the general procedure for preserving a crime scene. The Respondent's Security Plan will detail this 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. Proof of the training as well as written information regarding who conducted the training shall also be submitted to ABRA by no later than March 27, 2019. The Security Plan shall provide that all security personnel will be trained in proper security procedures within thirty (30) days of hire. All security personnel shall receive refresher training on an annual basis following the initial training at hire.

- (14) 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 (911).
- (15) 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 or applicable District Laws and Regulations referring to the operation of an ABC licensed establishments.
- (16) This matter shall be referred to the OAG for a Show Cause review.

The Respondent hereby agrees to the foregoing conditions in resolution of the summary suspension in this matter.