

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

In the Matter of:

Estrada Ramos, Inc.
t/a Luna Restaurant

Holder of a
Retailer's Class CR License

at premises
5217 Georgia Avenue, NW
Washington, D.C. 20011

Case No.: 20-251-00033
License No.: ABRA-112282
Order No.: 2020-295

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: Estrada Ramos, Inc., t/a Luna Restaurant, Respondent

Walter Adams II, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING OFFER IN COMPROMISE

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 30th day of September 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 SeamlessDocs.com
Donovan Anderson
Key: ac430c9b9b9a3f6e4e7500a3af1cc008

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ea373f020c6e4c8d1b373d82946ec

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 25d93fadbe145d74b75ed7917d20a

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rema Wahabzadah, Member
Key: b22ca48b599b74099b19b35b738f18cf

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com
Rafi Alciya Crockett, Member
Key: b560a91845a1f0e4016155a5c12ff1cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172931e5094474910560ca2a1e09

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda708f0040ecl4ad9b52541ce5

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 14th 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 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**



<p>IN THE MATTER OF:</p> <p>ESTRADA RAMOS, INC. t/a LUNA RESTAURANT,</p> <p style="text-align:center">Respondent.</p>	<p>Case No. 20-251-00033 License No. 112282 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 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 the thirty 30-day suspension shall be Friday, September 11, 2020 through Sunday, October 11, 2020, which includes time served during the summary suspension period. The ABC license suspension shall be lifted at 8:00 a.m. on Monday, October 12, 2020, provided all other applicable requirements in this OIC have been satisfied by the Respondent.
- (2) 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 previously issued in Case Number 20-251-00031 and a \$1,000.000 fine for the citation previously issued in Case Number 20-CIT-00208.
- (3) Locked Doors: Respondent shall not lock its front door or main entrance to the premises while patrons are present inside the establishment.
- (4) Security Plan: Respondent shall submit a security plan to ABRA and OAG by no later than 5:00 p.m. on Monday, October 5, 2020. 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 shall also address additional conditions not required in Title 25 but which are also described below.

- (5) Security Personnel: On Friday, Saturday, and Sunday nights, respondent shall maintain, at a minimum, two security persons who will be on duty from at least 10:00 p.m. until closing. The security plan shall detail the minimum number of security personnel that will be on-duty each day and their specific duty hours.
- (6) Screening of Patrons: Security staff will screen all patrons using physical searches, or “pat downs,” and a magnetometer wand or similar device designed to detect weapons. The security staff will confiscate all weapons, illegal drugs, or other contraband identified during a screening search. All weapons confiscated will be submitted to the Metropolitan Police Department (MPD). Respondent will maintain a log of confiscated items that records the type and number of items confiscated, and the date of confiscation and surrender to MPD.
- (7) Handling Violent Altercations: The security plan shall contain detailed procedures on how 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, handling patrons possessing dangerous weapons, 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, respondent shall immediately provide accurate information

to MPD and ABRA investigators, including information regarding the involved parties.

- (8) Crime Scene: Respondent shall not clean up a crime scene under any circumstances or 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.
- (9) Lights and Music: 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.
- (10) Reporting Incidents: Respondent shall call 911 to report incidents of violence. The respondent's security plan shall document the means and method for calling 911.
- (11) Recording Incidents: The security plan shall set forth 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. 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.

- (12) Security Camera System Operators: Prior to lifting the suspension of the establishment's alcoholic beverage license, the respondent shall demonstrate to ABRA that it is able to immediately retrieve footage from the establishment's security cameras.
- (13) Security Camera System: The security plan shall state that cameras will be operational and actively recording at the establishment at all times and cover existing blind spots. The security plan shall detail the number of cameras to be operational, the location of the cameras, and how the cameras are to be mounted to best observe patrons while they are in the establishment. The security plan shall contain a diagram of the location of all of the cameras inside and outside of the establishment. No camera shall be blocked by a curtain, door, pillar or other barrier.
- (14) Maintenance of Security Camera Video Footage: Respondent must maintain video footage for a minimum of 30 days and shall make the video available within 24 hours of a request from ABRA or MPD. Respondent shall include this requirement in its security plan.
- (15) 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 respondent to evaluate the location and number of security cameras. This assessment will

also include an identification of all blind spots to ensure that they are adequately covered by the camera system.

- (16) Training: All employees shall be trained by Monday, November 23, 2020, on the terms of the security plan. The security plan shall require that a copy of the plan be provided to and reviewed with any outside security company hired by the establishment prior to the security company starting work at the establishment. On an annual basis, all personnel employed by the establishment will receive refresher training on the security plan.
- (17) Rendering Aid: The security plan shall state the procedure all employees must follow to ensure that all patrons receive appropriate medical care. This includes, but is not limited to, administering first aid and calling an ambulance.
- (18) Employee Discipline: The security plan shall set forth what disciplinary actions will apply to any security personnel or other employee who does not comply with the security plan.
- (19) 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.

- (20) 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) and Mayor's Order 2020-075 (June 19, 2020) in accordance with the Board's Notice of Fifth Emergency Rulemaking (June 22, 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.
- (21) Operating Hours: Respondent shall not operate either inside or outside or sell, serve or permit the consumption of alcoholic beverages past midnight during any day of the week while the District of Columbia remains subject to Mayor's Order 2020-067 and Mayor's Order 2020-075 in accordance with the Board's Rulemaking.
- (22) 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 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. 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 or alcoholic beverages.

(23) Bar Activities: Respondent shall not seat patrons at indoor or outdoor bars that are being staffed or utilized by a bartender while the District of Columbia remains subject to Mayor's Order 2020-067 and Mayor's Order 2020-075 in accordance with the Board's Rulemaking. Patrons shall not be permitted to stand at an indoor or outdoor bar to order food or alcoholic beverages.

(24) 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 the District of Columbia Department of Health.

(25) 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.

(26) Show Cause: This matter will be referred to the Office of the Attorney General for a possible Show Cause proceeding.

Dated: September 24, 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 [435163]
Chief, Civil Enforcement Section

/s/ Walter Adams II
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ATTORNEYS FOR THE DISTRICT OF COLUMBIA

*Admitted to practice only in Maryland. Practicing in the District of Columbia under the direct supervision of Kimberly M. 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 settlement 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 settlement agreement without reservation, and I fully understand its meaning and my rights.

/s/ Tomas Estrada
Respondent

September 24, 2020
DATE

CERTIFICATE OF SERVICE

I certify that on September 24, 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:

Tomas Estrada
Estrada Ramos, Inc., t/a Luna Restaurant
5217 Georgia Avenue, N.W.
Washington, D.C. 20011
info@ctbuildingservicesllc.com

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

/s/ Walter Adams II

Walter Adams II
Assistant Attorney General