

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

In the Matter of:

9th Street Lounge, LLC
t/a Mirror Lounge

Holder of a
Retailer's Class CT License

at premises
1920 9th Street, NW
Washington, D.C. 20001

Case No.: 22-251-00012
License No.: ABRA-111950
Order No.: 2022-262

BEFORE:

Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ALSO PRESENT: 9th Street Lounge, LLC, t/a Mirror Lounge, Respondent

Antoine M. Williams, 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

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 8th day of June 2022, 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: 4c472b991c99d1d094b733093d1d0c88

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ae373820a66c941b032d2d40ec

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 250d33cadf6e146d7f6b79b7917d20d

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b550e91845e10e401d155e5c1281cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 821729310006447491b505c2a4180f

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f9f0040ec14adeb52541ce5

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 II 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**



IN THE MATTER OF: 9TH STREET LOUNGE, LLC t/a MIRROR LOUNGE Respondent.	Case No. 22-251-00012 License No. 111950 Retailer Class: CT
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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 § 1613.1, for approval by the Board.

The Parties understand that if the Board approves the OIC, appeal and judicial review are waived under 23 DCMR § 1611.6 and the case will conclude. If the Board does not approve the OIC, the matter will proceed to a Show Cause Hearing.

This OIC follows the Summary Suspension of Mirror Lounge by Board Order No. 2022-228. 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 any proceeding before the Board, 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) Fine: Prior to the Board lifting the suspension of the ABC license, respondent shall pay a fine of \$2,000 for violating D.C. Code § 25-823(a)(2) by allowing the establishment to be used for an unlawful purpose.

(2) Security Cameras: Prior to the Board lifting the suspension of the ABC license, respondent shall ensure all installed cameras are operational and that the footage from all individual cameras are immediately viewable upon request of the Metropolitan Police Department (MPD) or ABRA. ABRA shall inspect the camera system and provide written report on their status.

(3) Updated Security Plan: Prior to the Board lifting the suspension, the establishment shall revise its Security Plan under section "Procedure for Handling Violent Incidents:" by adding the following: "If MPD officers arrive at the establishment in response to reported acts of violence, disorderly or other unlawful conduct occurring in the establishment, the ABC Manager, owner and all employees on site will immediately assist the MPD officers as requested and notify ABRA of the incident."

(4) Board's 2022-228 Order: Prior to the lifting of the suspension, respondent must also comply with the following requirements of the Board's Order 2022-228 issued May 17, 2022:

(a) Barring Action: Respondent shall execute and maintain a barring notice against James Burwell as ordered by the Board. The establishment shall provide a copy of the executed barring notice to the Board and enforce the barring notice whenever Mr. Burwell presents himself to the establishment. The establishment may apply to the Board to have this provision lifted upon a showing that Mr. Burwell does not pose a threat to the security of the establishment.

(b) Criminal Background Checks: No employee or person providing security services shall be permitted to work at the establishment until he or she has undergone a criminal background check whether conducted by the establishment or a third party. Prior to the Board lifting the suspension of the ABC license, the establishment shall conduct at least one criminal background check of all current employees if it has not done so already. The establishment shall provide an affidavit listing all employees and affirm that a criminal background check has been conducted. In addition, the establishment shall provide adequate proof that it paid for and used a criminal background check service (e.g., proof of payment or contract). No submission of the results of background checks to the Board is required.

(c) Reopening Training: The establishment shall provide security training to all current personnel and security staff to include the establishment's Security Plan and procedures for reporting incidents of violence or injury to the ABC manager, security supervisor or other appropriate authority. All security personnel shall be trained in security procedures prior to commencing work. On an annual basis all security personnel shall receive refresher training on the Security Plan. The establishment shall provide an affidavit stating that all security received training and the date and time such training occurred.

Dated: May 31, 2022.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

CHAD COPELAND
Deputy Attorney General
Civil Litigation Division

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

/s/ Charles J. Coughlin
CHARLES J. COUGHLIN [1016993]
Assistant Chief, Civil Enforcement Section

/s/ Anthony P. Celso
ANTHONY P. CELO
Assistant Attorney General*
400 Sixth Street, N.W., Suite 10100
Washington, D.C. 20001
(202) 735-7559
(202) 741-8936 (fax)
Anthony.Celso@dc.gov

/s/ Antoine M. Williams
ANTOINE M. WILLIAMS [1632919]
Assistant Attorney General
400 Sixth Street, N.W., Suite 10100
Washington, D.C. 20001
(202) 256-2810
Antoine.Williams1@dc.gov

ATTORNEYS FOR THE DISTRICT OF COLUMBIA

* Admitted to practice only in Pennsylvania and Ohio. 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 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.


Bruno Casu (May 31, 2022 13:21 EDT)

Respondent

May 31, 2022

DATE

CERTIFICATE OF SERVICE

I certify that on May 31, 2022, the foregoing Offer in Compromise for Board Approval was served by electronic mail to:

Bruno Casu, Managing Member
9th Street Lounge, LLC t/a Mirror Lounge
1920 9th Street, N.W.
Washington, D.C 20001

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

/s/ Antoine M. Williams _____
Antoine M. Williams
Assistant Attorney General