

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:

The McKenzie Group, LLC
t/a Ocean Lounge

Holder of a
Retailer’s Class CT License

at premises
1220 H Street, NE
Washington, D.C. 20002

Case No.: 23-251-00024
License No.: ABRA-114106
Order No.: 2024-634

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Silas Grant, Jr., Member

ALSO PRESENT: The McKenzie Group, LLC, t/a Ocean Lounge, Respondent

Shani C. Brown, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage and Cannabis Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

The above-mentioned parties have petitioned the Alcoholic Beverage and Cannabis 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 11th day of September 2024, 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. The Alcoholic Beverage and Cannabis Administration (ABCA) shall deliver copies of this Order to the Government and the Respondent.

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43cb9b59d5f0e4b730003d1ccc88

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ae373f820de6ac8d1b332d2049ec

James Short, Member



Silas Grant, Jr., Member

Pursuant to D.C. Official Code § 25-433(d)(1) (applicable to alcohol matters) or 22-C DCMR § 9720 (applicable to medical cannabis matters), 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 and Cannabis 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 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 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 CANNABIS BOARD**



IN THE MATTER OF: THE MCKENZIE GROUP, LLC t/a OCEAN LOUNGE, Respondent.	Case No. 23-251-00024 License No. 114106 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 and Cannabis Board (Board), as authorized by 23 DCMR § 1611.5, 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, scheduled hearings will be vacated, and the case will conclude. Respondent will be obligated to abide by the fine, suspension, or other OIC terms shown below. If the Board does not approve the OIC, the matter will be continued to the scheduled Show Cause Hearing set for July 31, 2024.

Respondent has been advised that there is no obligation to accept an OIC. Respondent has been advised, through service of the Notice of Status Hearing and Show Cause Hearing, that at a Show Cause 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:

Charge I: Failure to Provide Video Footage Within 48 Hours upon Request.

Statutory Authority: D.C. Code § 25–836(g)(3).

Warning.

Charge II: Failure to Follow Settlement Agreement.

Statutory Authority: D.C. Code § 25-823(a)(6).

Warning.

Charge III: Failure to Ensure Cameras were Operational and Maintain Video Footage for 30 Days.

Statutory Authority: D.C. Code § 25-836(g)(1) and (2).

Fine: \$1,000 within thirty (30) days or its license shall be suspended indefinitely until this fine is paid.

Other Terms: Enforcement to conduct a walkthrough to ensure cameras are operational.

Dated: 09/11/24.

Respectfully submitted,

BRIAN L. SCHWALB
Attorney General for the District of Columbia

STEPHANIE E. LITOS
Deputy Attorney General
Civil Litigation Division

/s/ Kimberly M. Johnson
KIMBERLY M. JOHNSON [435163]
Chief, Civil Enforcement Section

/s/ Kerslyn D. Featherstone
KERSLYN D. FEATHERSTONE [478758]
Assistant Chief, Civil Enforcement Section

/s/ Shani C. Brown
SHANI C. BROWN [1617726]
Assistant Attorney General
400 Sixth Street, NW
Washington, DC 20001
(202) 724-6606
(202) 741-0554 (fax)
Email: Shani.Brown1@dc.gov

ATTORNEYS FOR THE DISTRICT OF COLUMBIA

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/ Pamela R. McKenzie
RESPONDENT

09/11/24
DATE

CERTIFICATE OF SERVICE

On 09/11/24, the foregoing Offer in Compromise for Board Approval was served

by electronic mail or by U.S. mail, first class postage pre-paid, to:

Pamela McKenzie, Managing Member
The McKenzie Group, LLC t/a Ocean Lounge
1220 H Street, NE
Washington, DC 20002
prmnow1@aol.com
Respondent

Martha Jenkins
General Counsel, ABCA
2000 14th Street, NW, Suite 400 South
Washington, DC 20009
Martha.Jenkins@dc.gov

/s/ Shani Brown

Shani C. Brown
Assistant Attorney General