

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

---

In the Matter of:	)	
	)	
	)	Case No.: 23-251-00017
Play DC Restaurant & Lounge LLC	)	License No: ABRA-112274
t/a Play DC Restaurant & Lounge	)	Order No: 2023-437
	)	
Holder of a	)	
Retailer’s Class CT License	)	
	)	
at premises	)	
1541 7th Street, N.W.	)	
Washington, D.C. 20001	)	

---

**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Jeni Hansen, Member  
Edward S. Grandis, Member

**ALSO PRESENT:** Daniel Tesfaye, Managing Member, Respondent

Andrew Kline, Counsel, on behalf of the Respondent

Anthony Celso, Assistant Attorney General  
Office of the Attorney General for the District of Columbia

Bisola Oni, 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  
ON THE SUSPENSION OF THE RESPONDENT’S LICENSE**

---

**INTRODUCTION**

On July 26, 2023, upon review of Case Report No. 23-251-00017, the Alcoholic Beverage and Cannabis Board (Board) suspended the Retailer Class CT (Tavern) license held by Play DC Restaurant and Lounge, LLC t/a Play DC Restaurant and Lounge (Respondent). Case

Report No. 23-251-00017 resulted from an investigation conducted by Alcoholic Beverage and Cannabis Administration (ABCA) Investigator George Garcia on July 23, 2023. The investigation was also based upon MPD PD-251 incident report, Central Complaint Number 23-119164, received from the Third District of the Metropolitan Police Department (MPD), pursuant to D.C. Official Code § 25-804(b) (2001).

The indefinite suspension of the Respondent's license was based upon the Board's determination that Play DC Restaurant and Lounge's method of operations and lack of adequate security procedures presented an imminent danger to the health and safety of the public, mandating summary suspension.

### ***Procedural Background***

On July 23, 2023, in accordance with D.C. Official Code § 25-827, MPD's Acting Chief of Police ordered the summary suspension of Play DC Restaurant and Lounge based on a physical altercation that resulted in the shooting of one patron by another. The victim sustained a gunshot wound and the offense was classified as Assault with a Dangerous Weapon - Gun. *Letter from Acting Chief of Police, Pamela A. Smith, Metropolitan Police Department, to Director Moosally, 1-2 (July 23, 2023).*

The Board reviewed the closure issued by the Chief of Police and voted to maintain the suspension on July 26, 2023, in accordance with D.C. Official Code § 25-826. *Notice of Summary Suspension, 1-3 (July 27, 2023) (Play DC Restaurant and Lounge).*

The Notice of the suspension indicates that it is based on an incident that occurred at the establishment on July 23, 2023. *Id.* at 2. Specifically, the Notice alleges that the Respondent allowed the licensed establishment to be used for unlawful or disorderly purposes and failed to cooperate with an ABCA or Metropolitan Police Department (MPD) investigation by providing false or misleading statements for which the Board could take action against the license under D.C. Code §§ 25-823(a)(2) and (5)(C), respectively. *Id.* at 2.

On August 16, 2023, the Government and the Respondent presented an offer-in-compromise (OIC) to the Board to resolve the enforcement action described in the case identified above.

## **ORDER**

Therefore, on this 16th day of August 2023, the Board **APPROVES** the OIC appended to this Order.

It is **FURTHER ORDERED** that:

1. 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).
2. The Respondent waives the right to an evidentiary hearing, call witnesses, present exhibits, and otherwise contest the charges as provided in Title 25 and Title 23.
3. 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.
5. The Parties agree that the attached OIC constitutes the entire agreement of the parties.

The ABCA 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: ac43cb9b69d5f0e4b730003d1d2c0c8

---

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 5479d373f20d6d6e8d1b332d62040e7

---

James Short, Member

---

Bobby Cato, Member

eSigned via SeamlessDocs.com  
*Jeni Hansen, Member*  
Key: 82172091f5509447401b506bc2a4189f

---

Jeni Hansen, Member

I dissent from the position taken by the majority of the Board.

eSigned via SeamlessDocs.com  
*Edward Grandis, Member*  
Key: 5027bda7ff0f0040ec14adeb525410e5

---

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 14<sup>th</sup> 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 AND CANNABIS ADMINISTRATION  
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**



<p>IN THE MATTER OF:</p>  <p>PLAY DC RESTAURANT &amp; LOUNGE, LLC, t/a PLAY DC RESTAURANT &amp; LOUNGE,</p> <p style="text-align: center;">Respondent.</p>	<p>Case No. 23-251-00017 License No. 112274 Retailer Class CT</p>
---	---

**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 § 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, litigation of this Summary Suspension will continue.

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 Summary Suspension Hearing or other proceedings, Respondent may be represented by legal counsel, have subpoenas issued to require 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) Revised Security Plan: Respondent shall submit an updated Security Plan to ABCA and the Office of the Attorney General (OAG) by 5:00 p.m. on August 30, 2023. The Board

shall review and deem acceptable the revised Security Plan before lifting the suspension of Respondent's ABC license. If the Board does not consider the revised Security Plan acceptable, the suspension shall not be lifted. And the Security Plan shall comply with all applicable requirements under D.C. Code Title 25 and corresponding regulations, including DCMR chapter 23. The revised Security Plan shall include:

- a. The existing Security Plan requirements unless otherwise outlined below.
- b. All patrons of all genders shall be subject to search by walk-through metal detector or, if a walk-through metal detector is temporarily unavailable, by metal detecting wands. And all patrons of all genders shall also be subject to physical examination of all bags and purses brought into the establishment. Finally, "pat down" searches shall be supplementally conducted when necessary.
- c. Respondent shall hire security personnel for crowd control, conflict resolution, and emergency response services. All security personnel must pass a criminal background check before starting employment.
- d. All security personnel shall be equipped with portable two-way communication systems to maintain constant awareness of incidents throughout the establishment.
- e. Security personnel shall check photo identification of all patrons at the door using digital scanners and shall not permit entry to anyone presenting counterfeit identification.
- f. Staff shall not serve alcoholic beverages to any patron who is or appears to be intoxicated and shall not serve more than one drink at a time to any individual customer.

- g. Respondent shall preserve all crime scenes and scenes of any violent incident, and all staff and security must remain on scene after a crime or violent incident until interviewed by the Metropolitan Police Department (MPD) or ABCA and excused.
- h. All staff must provide accurate information during investigations to MPD and ABCA. Personnel who knowingly obstruct an official investigation shall be immediately terminated.
- i. Respondent shall utilize the Reimbursable Detail Officer (RDO) program by making timely requests for payment at least on Weekends and Holidays from 11:30 p.m. to 5:00 a.m. when the establishment is operating. Respondent shall not be in violation if MPD has insufficient officers or the RDO is otherwise unavailable.
- j. Respondent shall submit to ABCA, before reopening, a diagram showing the location of all security cameras in the establishment.
- k. Respondent shall install additional high-definition CCTV cameras covering all crucial areas inside and outside the establishment, which staff shall regularly monitor.
- l. All security cameras shall be maintained in working order at all times.
- m. Respondent shall maintain all security footage for at least 30 days.
- n. Respondent must maintain an incident log detailing all violent incidents to be submitted to ABCA weekly by Wednesday of the week for the period ending the previous Sunday.
- o. Respondent shall implement training and certification on how to identify and handle intoxicated patrons, de-escalation of threats and violence, maintaining order, emergency protocols, first aid/CPR, and on reporting incidents of violence or injury

to the manager, security supervisor, or other appropriate authority. Retraining on each of those issues shall be conducted quarterly for all staff and security personnel, and new staff and security personnel shall be trained on the Security Plan and each of those issues within 14 days of hire.

- p. Security personnel shall properly separate and remove patrons who initiate or participate in a violent altercation. If more than one patron is involved, adverse patrons shall be separated, and care shall be taken so the parties are not expelled at the same time, through the same exits, or in any other manner not designed to minimize further confrontation.
- q. Respondent must hire additional security as needed to wand and search female patrons or train current personnel to properly wand female patrons and search or pat down female patrons when appropriate.
- r. All staff and security shall be trained on the revised Security Plan before the Board's reinstatement of Respondent's ABC license.
- s. Additional security shall be on staff for special events with increased crowd size expected.
- t. Security personnel shall wear uniforms with the words "Staff" or "Security" for easy identification.
- u. Security personnel shall maintain order throughout the establishment, including the outside entrance, the inside entrance, the hallway connecting the outside and inside entrances, and the interior.



- v. Respondent shall actively communicate with the local community, neighborhood organizations, MPD, and ABCA to share information about potential public safety issues.
- (2) Security Cameras: Before the Board lifts the suspension of Respondent's ABC license, Respondent shall ensure that all security cameras are in full working order and that footage from all cameras can be saved and maintained for at least 30 days.
- (3) Fine: Respondent shall pay fines of \$4,000.00, including a \$2,000.00 fine for using the establishment for an unlawful or disorderly purpose under D.C. Code § 25-823(a)(2), and a \$2,000.00 fine for interfering with an ongoing investigation under D.C. Code § 25-823(a)(5)(C). All fines shall be paid within 30 days of the acceptance of this OIC.
- (4) Compliance Walkthrough: Before the Board lifts the suspension of Respondent's ABC license, an ABCA investigator shall conduct a walkthrough of the licensed establishment with Respondent to ensure compliance with the requirements of this OIC.
- (5) Suspension: The ABC license suspension shall be lifted at 8:00 a.m. on Friday, August 18, 2023, provided all other applicable requirements in this OIC are satisfied, or if not satisfied by that date, as soon as the applicable OIC requirements are satisfied.

Dated: August 15, 2023.

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 /cjc/  
KIMBERLY M. JOHNSON [435163]  
Chief, Civil Enforcement Section

/s/ Charles J. Coughlin

CHARLES J. COUGHLIN [1016993]  
Assistant Chief, Civil Enforcement Section

/s/ Anthony P. Celo

ANTHONY P. CELO [90000653]  
Assistant Attorney General  
Civil Enforcement Section  
Civil Litigation Division  
Suite 10100  
400 Sixth Street, N.W.  
Washington, D.C. 20001  
(202) 735-7559  
(202) 741-8936 (fax)  
Anthony.Celo@dc.gov

/s/ Bisola Oni

BISOLA ONI [90006216]  
Assistant Attorney General  
Civil Enforcement Section  
Civil Litigation Division  
Suite 10100  
400 Sixth Street, N.W.  
Washington, D.C. 20001  
(202) 805-7517  
Bisola.Oni@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 further litigation including the motion of reconsideration to which I would have a right under 23 DCMR § 1719.1. 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/ Daniel Tesfaye  
Daniel Tesfaye, Managing Member  
Respondent

8-16-23  
DATE

/s/ Andrew Kline  
Andrew ~~Kline~~, Esq.  
Attorney for Respondent  
Kline

8/16/23  
DATE

**CERTIFICATE OF SERVICE**

On August 15, 2023, the foregoing Offer in Compromise for Board Approval was served

by electronic mail to:

Andrew J. Klien, Esq.  
1225 19th St., N.W. Suite 320  
Washington, D.C., 20036  
akline@theveritaslawfirm.com  
Counsel for Respondent

*/s/ Anthony P. Celso* \_\_\_\_\_  
Anthony P. Celso  
Assistant Attorney General