

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

In the Matter of:

Quara Ethiopian Fusion Restaurant
LLC, t/a Quara Ethiopian Fusion
Restaurant

Case No.: 19-251-00014
License No.: 105042
Order No: 2019-072

Holder of a
Retailer's Class CR License

818 H Street, N.E.
Washington, D.C. 20002

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

ALSO PRESENT: Quara Ethiopian Fusion Restaurant, LLC, t/a Quara Ethiopian Fusion,
Respondent

Walter Adams, 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 January 27, 2019, the Metropolitan Police Department closed Quara Ethiopian Fusion Restaurant, LLC, t/a Quara Ethiopian Fusion Restaurant (Respondent), under the authority granted by D.C. Official Code § 25-827 related to a shooting that allegedly occurred at the establishment. After an investigation, 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 6, 2019. At the hearing, the parties proposed an offer-in-compromise, which was accepted by the Board.

ORDER

Therefore, on this 6th 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.

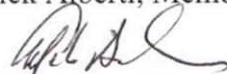
District of Columbia
Alcoholic Beverage Control Board



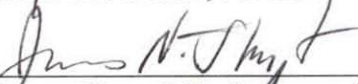
Donovan Anderson, Chairperson




Nick Alberti, Member



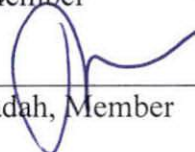
Mike Silverstein, Member



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).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE



Public Interest Division
Civil Enforcement Section

OFFER IN COMPROMISE¹

In the Matter of: Quara Ethiopian Fusion Restaurant, LLC t/a Quara Ethiopian Fusion Restaurant

Case number: 19-251-00014 Hearing Date: February 6, 2019

Incidents occurring on: January 27, 2019

For the Charge of: Summary Suspension proceeding.

Statutory Authority: D.C. 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 hearing in the matter of Quara Ethiopian Fusion Restaurant, LLC t/a Quara Ethiopian Fusion Restaurant (Respondent). Please be advised that this is a proposed compromise. Accordingly, it is the discretion of the Board to accept or reject this offer.

The OIC consists of Respondent agreeing to and complying with 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

¹ Authorized under 23 DCMR § 1604.5 (2016).

check the identifications of patrons or determine the age of patrons entering the establishment.

- (2) Security Plan – Respondent shall submit a security plan to ABRA and OAG by no later than 5:00 p.m. on Tuesday, February 12, 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 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.
- (3) Security Personnel – On Friday and Saturday nights, and on any night the Respondent has entertainment as defined in paragraph (19), Respondent shall maintain, at a minimum, two security persons who will be on duty between 10:00 p.m. and 3:00 a.m. As an exception to the security personnel requirement, Respondent is not required to maintain security persons on any Friday or Saturday night on which Respondent closes before 1:00 a.m. The security plan shall detail the minimum number of security personnel that will be on-duty each day and their specific duty hours. The security plan shall detail the placement of security personnel within the establishment and shall include an explanation of the rationale regarding that placement.
- (4) Weapons Abatement Screenings – Respondent must not allow patrons to bring weapons into the establishment at any time. All security staff must be trained and be able to perform weapons abatement screenings, also known as “pat downs”, to check for the presence of dangerous weapons. When Respondent is required to have security persons on-site, as outlined in paragraph (3), they must check all patrons who enter the establishment ^{and} must not allow any patron to reenter the establishment without conducting additional weapons screenings.
- (5) 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 immediately shall provide accurate information to MPD and ABRA investigators, including information regarding the involved parties.

- (6) 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.
- (7) 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.
- (8) 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. 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.
- (9) Confiscation of Weapons - Respondent shall document in the incident log, the type and number of weapons, and the date on which any weapons are recovered from patrons. Respondent shall surrender confiscated weapons to MPD for disposition of the weapons. Respondent shall document the date and time of the consultation with MPD and shall include the officer's name and badge number.
- (10) 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 and provide the Board in writing with the name(s) of the individuals that are able to operate and retrieve footage from those cameras. Respondent shall notify the Board within ten calendar days of any change in the name(s) of the individuals that are able to operate and retrieve security camera footage.
- (11) 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.

- (12) 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.
- (13) 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.
- (14) Training - All employees shall be trained by April 6, 2019 on how to manage safety and security issues within the establishment and to preserve a crime scene as well as the general procedure for preserving a crime scene. The Respondent's security plan shall detail this training.
- (15) 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.
- (16) 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.
- (17) Security Plan Training - Prior to lifting the suspension of the establishment's alcoholic beverage license, all personnel shall be trained on the terms of the security plan. The security plan shall provide that all security personnel be trained in proper security procedures within 30 days of hire. On an annual basis, all security personnel will receive refresher training on the security plan following the initial training at their date of hire.
- (18) Hours of Operation - The Respondent shall not operate past 2 a.m. on Sunday through Thursday and 3 a.m. on Friday and Saturday. No patrons shall be present in the establishment after 2 a.m. on Sunday through Thursday and 3 a.m. on Friday and Saturday. After August 6, 2019, the

Respondent may petition the Board to request that its closing time of 3 a.m. on Sunday through Thursday be reinstated.

(19) Entertainment – The Respondent shall not be permitted to have a disc jockey, live bands, or any other form of entertainment. After May 6, 2019, the Respondent may petition the Board to request that its entertainment privileges be reinstated. In the event that the establishment's entertainment privileges are reinstated by the Board, Respondent shall know and maintain a written log containing the identity of any persons who performed or are scheduled to perform at the establishment.

(20) Events – For all private events, Respondent shall enter into a written contract identifying the person(s) renting the establishment that includes the persons contact information (address and telephone number(s)). Respondent shall not enter into an agreement with any outside promoters or host any events to be advertised or promoted by an outside promoter.

(21) Case No. 19-251-00014 shall be referred to the OAG for a show cause review.

CONSENT

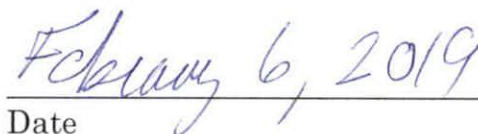
By this settlement agreement I agree to accept and perform its terms. I acknowledge the validity of the settlement and waive a hearing to which I would have a right under D.C. Code § 25-826. I also recognize that I am waiving any right to appeal an adverse ruling of the Board that might have followed 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.



Respondent



Witness for the Government (OAG)



Date