

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

In the Matter of:)	
)	
Meskerem Abebe, LLC)	Case No.: 20-CMP-00119
t/a Right Spot)	License No: ABRA-100631
)	Order No: 2020-1043
Holder of a)	
Retailer's Class CR License)	
)	
at premises)	
1917 9th Street, N.W.)	
Washington, D.C. 20001)	

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: Meskerem Abebe, LLC, t/a Right Spot, 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 OIC

The above-mentioned parties appeared before the Alcoholic Beverage Control Board on December 23, 2020. At the hearing, the parties proposed an offer-in-compromise (OIC) to resolve the summary suspension described in Case No. 20-CMP-00119. The Board approved the OIC at the hearing.

ORDER

Therefore, on this 23rd day of December 2020, the Board **APPROVES** the OIC presented by the parties. The terms of the OIC are as follows:

1. The Respondent shall follow the terms and conditions of the attached OIC as a condition of reopening.
2. The Respondent shall serve a 30-day suspension, which shall include the suspension of the license served prior to the issuance of this Order. Fifteen days of the suspension shall be served, while the other 15 days shall be stayed for one year on the condition that the Respondent commit no additional violations of the law. The license shall remain suspended from December 17, 2020, until January 2, 2021 at 8:00 a.m. The indefinite suspension previously imposed by the Board shall not expire until all terms and conditions of the OIC have been fulfilled to the satisfaction of the Board.
3. The Respondent admits to the violation set forth in Case No. 20-CMP-00119 and shall pay a \$1,000 fine for the offense described in 20-CIT-00574, and a \$1,000 fine for the offense described by 20-CIT-00316. All payments shall be paid within 90 days from the date of this Order.
4. This matter is referred to the Office of the Attorney General for further review as to whether additional enforcement actions are warranted.

The ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamllessDocu.com
Donovan Anderson
Key: 6c4086628813704e2a73083112c088

Donovan Anderson, Chairperson

eSigned via SeamllessDocu.com
Bobby Cato
Key: 256828e6d7b6148c774d79b479179261

Bobby Cato, Member

Rema Wahabzadah, Member

eSigned via SeamllessDocu.com
Rafi Aliga Crockett, Member
Key: 25504e91835e1f9e4016135e5e12801e2

Rafi Crockett, Member

eSigned via SeamllessDocu.com
Jeni Hansen, Member
Key: 8117562f5604674811345c214116f8

Jeni Hansen, Member

eSigned via SeamllessDocu.com
Edward Grandis, Member
Key: 5027bda7f0f49440ec14adeb52541e65

Edward S. Grandis, Member

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

eSigned via SeamllessDocu.com
James Short
Key: 34f1a0708295e6e8916823b42988ac

James Short, 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**



<p>IN THE MATTER OF:</p> <p>MESKEREM ABEBE, LLC t/a RIGHT SPOT,</p> <p style="text-align: center;">Respondent.</p>	<p>Case No. 20-CMP-00119 License No. 100631 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 with 15 days served and 15 days stayed for one year. The date of the 15-day suspension to be served shall be Thursday, December 17, 2020 through Friday, January 1, 2021, which includes time served during the summary suspension period. The ABC license suspension shall be lifted at 8:00 a.m. on Saturday, January 2, 2021, provided all other applicable requirements in this OIC have been satisfied by the respondent.
- (2) Fine: Respondent shall pay a \$1,000 fine for a citation issued in Case Number 20-CIT-00574 and a \$1,000 fine for a citation issued in Case Number 20-CIT-00316 and within ninety (90) days.
- (3) 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.
- (4) 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), Mayor's Order 2020-075

(June 19, 2020), Mayor's Order 2020-080 (July 22, 2020), Mayor's Order 2020-119 (November 23, 2020) and in accordance with the Board's Notice of Eighth Emergency Rulemaking (November 24, 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.

(5) Operating Hours: Respondent shall not sell, serve or permit the consumption of alcoholic beverages past 10:00 p.m., but may operate for patrons until midnight during any day of the week while the District of Columbia remains subject to Mayor's Order 2020-067, Mayor's Order 2020-075, Mayor's Order 2020-080, Mayor's Order 2020-119 and in accordance with the Board's Rulemaking.

(6) 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, Mayor's Order 2020-075, Mayor's Order 2020-119 and 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, with no more than six patrons per table. 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 and/or alcoholic beverages.

- (7) Bar Activities: Respondent shall not seat patrons at indoor or outdoor bars that are being staffed or utilized by a bartender. Patrons shall not be permitted to stand at an indoor or outdoor bar to order food or alcoholic beverages.
- (8) 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 DC Health.
- (9) Capacity: Respondent shall limit its indoor capacity to no more than twenty-five percent (25%) of the lowest indoor occupancy load or seating capacity on its certificate of occupancy, excluding employees and outdoor seating, while the District of Columbia remains subject to Mayor's Order 2020-119 or Mayor's Order 2020-075, whichever applies, in accordance with the Board's Rulemaking.
- (10) 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.
- (11) Show Cause: This matter will be referred to the Office of the Attorney General for possible Show Cause proceeding.

(12) Temporary Dining Restriction: Respondent shall comply with Mayor's Order 2020-127 (Dec. 18, 2020), which prohibits indoor dining from 10:00 p.m. on December 23, 2020 to 5:00 a.m. on January 15, 2021.

Dated: December 21, 2020.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

TONI MICHELLE JACKSON
Deputy Attorney General
Public Interest Division

/s/ Fernando Rivero
FERNANDO RIVERO [478765]
Assistant Chief, Civil Enforcement Section

/s/ Walter Adams II
WALTER ADAMS II [459131]
Assistant Attorney General
441 Fourth Street, N.W., Suite 630-S
Washington, D.C. 20001
(202) 727-6262
(202) 730-1498 (fax)
Email: Walter.Adams@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/Thomas M. Abebe
Respondent

December 21, 2020
DATE

CERTIFICATE OF SERVICE

I certify that on December 21, 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:

Meskerem Abebe, Owner
Meskerem Abebe, LLC t/a Right Spot
1917 9th Street, N.W.
Washington, D.C. 20001
Thomas.umd@gmail.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