

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

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In the Matter of:	)	
	)	
Noah Naol DC, LLC	)	Case No.: 24-251-00003
t/a Sound Bar	)	License No.: ABRA-122864
	)	Order No.: 2024-035
Holder of a	)	
Retailer's Class CR License	)	
	)	
at premises	)	
1909 9th Street, N.W.	)	
Washington, D.C. 20011	)	

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

**ALSO PRESENT:** Noah Naol DC, LLC, t/a Empire Lounge/Soundbar, Respondent  
  
Richard Bianco, Counsel, on behalf of the Respondent  
  
Anthony P. Celo, Assistant Attorney General  
Office of the Attorney General for the District of Columbia  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER APPROVING OFFER IN COMPROMISE**

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The above-mentioned parties appeared before the Alcoholic Beverage Control Board on January 24, 2024. At the hearing, the parties proposed an offer-in-compromise (OIC) to resolve the violations described in Case No. 24-251-00003. The Board approved the OIC at the hearing.

**ORDER**

Therefore, on this 24th day of January 2024, the Board **APPROVES** the OIC presented by the parties. The terms of the OIC are as follows:

1. The Respondent voluntarily waives the right to present evidence, have a hearing, judicial review, or appeal of this matter;
2. The Respondent shall comply with the terms and conditions contained in the OIC;
3. The Respondent's investigative history shall reflect that the licensee committed two primary tier violations for violating D.C. Official Code § 25-823(a)(5)(C) and 25-823(a)(5)(D), (a)(10)(A), which may result in graduated fines and penalties being assessed if future violations are found; and
4. All fines shall be paid within 30 days, or the license shall be immediately suspended until all fines are paid.

A copy of this Order shall be provided to the parties.

District of Columbia  
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac43cb0856d5f0e4b730063d1dccc8

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Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 547ac373820a6a68d1b332a42a48ec

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James Short, Member



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Silas Grant, Jr., 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  
ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION  
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**



IN THE MATTER OF:  NOAH NAOL, LLC, t/a SOUND BAR,  Respondent.	Case No. 24-251-00003 License No. 122864 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 § 1610, for approval by the Board. The scope of this OIC covers the Summary Suspension as well as any violations which have been or could have been alleged on the incident in question in ABCA Case No. 24-251-00003.

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) Security Plan: Respondent shall submit a Security Plan to ABCA and the Office of the Attorney General (OAG). The Board shall review and deem acceptable the Security Plan before lifting the suspension of Respondent's ABC license. If the Board does not consider the 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 Security Plan shall include:

- a. Respondent shall utilize a District of Columbia licensed security agency to provide unarmed security personnel for crowd control, conflict resolution, and emergency response services.
- b. After 9PM, upon entry or re-entry, all patrons regardless of gender shall be subject to search by metal detecting wands, physical examination of all bags and purses, and "pat down" searches based on wand results. Respondent shall hire additional security as needed to wand and search female patrons.
- c. Respondent shall not permit any employees, patrons, or other persons to bring firearms, knives, or other dangerous weapons, as that term is defined in DC Code §22-4514 into the Establishment. .
- d. Established procedures for handling violent incidents, emergencies, contacting the Metropolitan Police Department (MPD), crowd control, overcrowding prevention, security personnel locations, numbers of security cameras, preventing intoxication, and preventing entry of and service to underaged patrons.
- e. All employees must undergo a criminal background check before starting employment.

- f. Respondent shall utilize at least two security personnel per operational floor from 10:00 p.m. to 3:00 a.m. when the establishment is operating.
- g. All security personnel shall be equipped with portable two-way communication systems and flashlights to maintain constant awareness of incidents.
- h. Security personnel shall check photo identification with digital scanners for all patrons at the door from 9:00 p.m. to 3:00 a.m. when the establishment is operating and shall not permit entry to anyone presenting counterfeit identification or failing to present identification.
- i. Staff shall not serve alcoholic beverages to any patron who is or appears to be intoxicated.
- j. Respondent shall preserve all crime scenes and scenes of any violent incident, and all staff and security personnel must remain on scene after a crime or violent incident until interviewed by MPD or ABCA and excused.
- k. All staff must provide accurate information during investigations to MPD and ABCA. Upon a finding by the Board or stipulation by the Respondent that the licensee knowingly obstructed an official investigation, the employee who committed the obstructing act shall be immediately terminated.
- l. Respondent shall utilize the Reimbursable Detail Officer (RDO) program at least on weekends and holidays from 10:00 p.m. to 3:00 a.m. when the establishment is operating. To comply with this provision the Respondent may participate in the RDO contract established in conjunction with Shaw Main Streets for service to the establishments on the 1900 block of 9<sup>th</sup> Street, NW or

any similar arrangement which may be available in the future.

- m. Respondent shall submit to ABCA, before reopening, a diagram showing the location of all security cameras for the establishment, which shall meet the technical requirements adopted by the Board in accordance with D.C. Code §25-836(g)(4) as “such as resolution, frame per record, storage, retention, and image quality standards.” Staff shall regularly monitor the security cameras. At least one camera shall be positioned to have an unobstructed view of the front entrance of the establishment at all times that the establishment is open.
- n. All security cameras shall be kept in good working order when the establishment is operating pursuant to the terms of D.C. Code §25-836.
- o. Respondent shall maintain all security footage for at least 30 days.
- p. Respondent shall ensure that at all times when the establishment is operating, at least one person on the premises is able to immediately access and provide security footage to MPD and ABCA.
- q. Respondent must maintain on the licensed premises a written incident log detailing all crimes and other incidents of physical violence that occur at the establishment and identifying with specificity (including with serial numbers if applicable) any confiscated or recovered weapons from patrons. The log shall be updated within 48 hours of an incident or weapon confiscation. Respondent shall surrender confiscated weapons to MPD within 24 hours. Respondent shall make the incident log available to ABCA Investigators and MPD within 48 hours of request.
- r. Respondent shall implement training and certification on how to identify and

handle intoxicated patrons, de-escalation of threats and violence, conflict resolution, maintaining order, emergency protocols, first aid/CPR, and on reporting incidents of violence or injury to the ABC board-approved manager, and any other appropriate authority, and preserving the scene of a crime, security supervisor. 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. Training on the Security Plan for all staff shall be a pre-condition for reopening.

- s. Security personnel shall properly separate and remove patrons who initiate or participate in a violent altercation as soon as possible under the circumstances, provided that doing so can be accomplished safely. 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.
- t. All staff and security shall be trained on the Security Plan before the Board's reinstatement of Respondent's ABC license. Each member of the staff and security team shall certify by signature that they have completed the revised Security Plan training. Signed certifications shall be maintained by Respondent and shall be provided to ABCA within 24 hours of a records request.
- u. Security personnel shall wear uniforms with the words "Staff" or "Security," or such other similar word or phrase.
- v. Security personnel shall maintain order throughout the establishment, including



the outside entrance, stairwell, and first and second floor interior.

w. Respondent shall actively communicate with the MPD, and ABCA to share information about potential 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 working order and that footage from all cameras can be saved and maintained for at least 30 days.
- (3) Fine: Within 30 days of the Board's order approving this OIC, Respondent shall pay fines of \$4,000.00, including a \$2,000.00 fine for interfering with an ongoing investigation by providing false or misleading statements with the intention of influencing, impeding, or obstructing the investigation under D.C. Code § 25-823(a)(5)(C) and a \$2,000.00 fine for interfering with an ongoing investigation by tampering with evidence under D.C. Code § 25-823(a)(5)(D), (a)(10)(A). A failure to pay the fines within 30 days will result in the immediate and indefinite suspension of Respondent's license until the fines are paid in full.
- (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 OIC requirements, including that the security cameras are operational as required herein.
- (5) Suspension: The ABC license suspension shall be lifted as soon as all applicable OIC requirements are satisfied.

Dated: January 24, 2024.

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

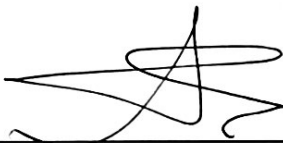
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ATTORNEYS FOR THE DISTRICT OF COLUMBIA

**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.



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Marki Woldemariam, Sole Owner  
Respondent

01/24/24  
DATE

**CERTIFICATE OF SERVICE**

On January 23, 2024, the foregoing was served by email to:

Richard Bianco, Esq.  
525 2nd St., N.E., First Floor  
Washington, D.C. 20002  
rich@lawrjb.com  
Counsel for Respondent

/s/ Anthony P. Celo  
Anthony P. Celo  
Assistant Attorney General