

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

In the Matter of:)		
)		
Swahili Village M Street, LLC)	Case No.:	21-CMP-00003
t/a Swahili Village The Consulate)	License No:	ABRA-114799
)	Order No:	2021-060
Holder of a)		
Retailer's Class CR License)		
)		
at premises)		
1990 M Street, N.W.)		
Washington, D.C. 20036)		

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: Swahili Village M Street, LLC, t/a Swahili Village The Consulate,
Respondent

Sean T. Morris, Counsel, on behalf of the Respondent

Walter Adams II, 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 February 3, 2021. At the hearing, the parties proposed an offer-in-compromise (OIC) to resolve the summary suspension described in Case No. 21-CMP-00003. The Board approved the OIC at the hearing.

ORDER

Therefore, on this 3rd day of February 2021, 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 13-day suspension, which shall include the suspension of the license served prior to the issuance of this Order. The license shall remain suspended from January 21, 2021, until February 4, 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. 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 SeamlessDocs.com
Donovan Anderson
Key: 62430626965556740750033810008

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ea3179191021a1816792b19180e

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256437eadb51454716b95a07617d30a

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rema Wahabzadah, Member
Key: b72c140b309b789279619b3396726f16c1

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b520491e45a1f944916185a5e12f81cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172931f1059447011566c2a11879

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward S. Grandis, Member
Key: 50272ea71f1f0c40ec14a2eb32541ce5

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 14th 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 St. 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>SWAHILI VILLAGE M STREET, LLC t/a SWAHILI VILLAGE THE CONSULATE,</p> <p>Respondent.</p>	<p>Case No. 21-CMP-00003 License No. 114799 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 13-day suspension of its ABC license.

The date of the 13-day suspension to be served shall be Thursday, January 21, 2021 through Wednesday, February 3, 2021, which includes time served during the summary suspension period. The ABC license suspension shall be lifted at 8:00 a.m. on Thursday, February 4, 2021, provided all other applicable requirements in this OIC have been satisfied by the respondent.

- (2) 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.

- (3) 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 Ninth Emergency Rulemaking (December 23, 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.

- (4) 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.
- (5) 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 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.
- (6) 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.

- (7) 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.
- (8) 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.
- (9) 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.
- (10) Show Cause: This matter will be referred to the Office of the Attorney General for possible Show Cause proceeding.

Dated: January 26, 2021.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

TONI MICHELLE JACKSON
Deputy Attorney General
Public Interest Division

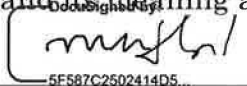
/s/ Fernando Rivero
FERNANDO RIVERO [478765]
Assistant Chief, Civil Enforcement Section

/s/ Walter Adams II
WALTER ADAMS II [459131]
Assistant Attorney General
400 Sixth Street, N.W., Suite 10100
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/ 
5F587C2502414D5...
Respondent

January 26, 2021
DATE

/s/ 
9F65548261744FE...
Attorney for Respondent

January 26, 2021
DATE

CERTIFICATE OF SERVICE

I certify that on January 26, 2021, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

Kevin Onyona, Managing Member
Swahili Village M Street, LLC t/a Swahili Village The Consulate
1990 M Street, N.W.
Washington, D.C. 20035
Konyona@gmail.com
Respondent

Sean T. Morris
The Morris Law Firm LLC
9210 Corporate Boulevard, Suite 230
Rockville, Maryland 20850
stm@morrisesq.com
Counsel for Respondent

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