DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
Estrada Ramos, LLC, :
t/a Luna Restaurant :
5217 Georgia Avenue, NW : Summary Suspension
Retailer CR - ANC 4D : Hearing
License No. 112282 :
Case #20-251-00033 :

(ABC Board Closure - :
September 11, 2020) :

Wednesday
September 30, 2020

The Alcoholic Beverage Control Board
met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:
DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member
REMA WAHABZADAH, Member

ALSO PRESENT:

WALTER ADAMS, DC OAG
SHAHZEB ASIM, DC OAG
TOMAS ESTRADA, Licensee
CHAIRPERSON ANDERSON:  All right.  The next case on our agenda, it's a case, it's case number 2025100033, Luna Restaurant, license number 112282.  Ms. Andrews, could you please allow the, elevate the government and the licensee in this matter, please?

MS. ANDREWS:  Sure.  Stand by.  Mr. Walter Adams, your rights have been elevated.

Mr. Asim, your rights have been elevated.

MR. ADAMS:  Thank you.

MS. ANDREWS:  Mr. Estrada, your rights have been elevated.  That's all, Mr. Chair.

CHAIRPERSON ANDERSON:  All right.  Thank you.  I have not, right.  Okay.  Thanks.  All right.  This is case, like I said before, this is Luna Restaurant.

Could the parties please identify themselves for the record?  They -- I need you to state what your name is, your party affiliation, and also spell your name for the record, and we'll start with the government.

MR. ADAMS:  Thank you, Mr. Chairman and Members of the Board.  My name is Walter

CHAIRPERSON ANDERSON: And with you, who is the, who is co-counsel, Mr. Adams? Could they identify themselves for the record if they are on?

MR. ASIM: Good morning, Members of the Board. My name is Shahzeb Asim. I represent the District of Columbia, and my name is spelled S-H-A-H-Z-E-B, last name, Asim, A-S-I-M.

CHAIRPERSON ANDERSON: All right. Good morning, Mr. Asim. And could we have the licensee introduce himself for the record, with also the spelling of your name, please?

Mr. Estrada, can you please identify yourself for the record, with the, with, and also spell your name, please?


CHAIRPERSON ANDERSON: Thank you. And what is your role, sir? Can you, and can you identify, are you the owner of the establishment, sir?
MR. ESTRADA: Yes, I am.

CHAIRPERSON ANDERSON: All right.

Thank you. All right. Mr. Adams, this is a summary suspension hearing, and is there -- are there any preliminary matters in this case?

MR. ADAMS: Actually, Your Honor, I'm going to have, or Mr. Chairman, I'm going to have Mr. Asim address it. I believe there is a preliminary matter, and Mr. Asim, if you'll be able to --

CHAIRPERSON ANDERSON: Mr. Asim is -- I wasn't aware also, it's my understanding that this is a summary suspension hearing, and are there any preliminary matters, sir?

MR. ASIM: Yes, Mr. Chairman. On September 9, 2020, the Board voted to summarily suspend Luna Restaurant's license after an assault took place on September 7th, and in light of the establishment's several violations of Mayor's orders, and the establishment, the establishment was served with a summary suspension on September 11, 2020, and since then, parties have come together to discuss a potential settlement to the issue, and the parties have com-- have reached an offer in compromise that we
would like to present to the Board today.

CHAIRPERSON ANDERSON: So can you tell us, what is the offer of, offer in compromise, please?

MR. ASIM: The OIC terms are as follows. Number 1, suspension. Respondent shall serve a 30-day suspension of its ABC license. It, of the 30-day suspension shall be Friday, September 11, 2020 through Sunday, October 11, 2020, which includes time served during the summary suspension period.

The ABC license suspension shall be lifted at 8 a.m. on Monday, October 12, 2020, provided all other applicable requirements in this OIC have been satisfied by the respondent.

Number 2, fines. Respondent shall pay fines in the amount of $2,000 within 90 days, which includes a $1,000 fine for the citation previously issued in case number 20-251-00031, and $1,000 fine for the citation previously issued in case number 20-CIT-00208.

Number 3, locked doors. Respondent shall not lock its front door or main entrance to the premises while patrons are present inside the establishment.
Number 4, security plan. Respondent shall submit a security plan to ABRA and OIG by no later than 5 p.m. on Monday, October 5, 2020. The security plan shall be reviewed and accepted by the Board prior to lifting the summary suspension, oh, 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.

Number 5, security personnel. On Friday, on Friday, Saturday, and Sunday nights, respondent shall maintain, at a minimum, two security persons who will be on duty from at least 10 p.m. until closing.

The security plan shall detail the minimum number of security personnel that will be on duty each day, and their specific duty hours.
Number 6, screening of patrons.

Security staff will screen all patrons using physical searches or pat-downs, and a magnetometer wand or similar device designed to detect weapons.

The security staff will confiscate all weapons, illegal drugs, or other contraband identified during a screening search. All weapons confiscated will be submitted to the Metropolitan Police Department, and it will maintain a log of confiscated items that record, records the type and number of items confiscated, and the date of confiscation and surrender to MPD.

Number 7, handling violent altercations. The security plan shall contain detailed procedures on how respondent's security personnel are to handle violate 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 handling 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 shall
immediately provide accurate information to MPD
and ABRA investigators, including information
regarding the involved parties.

Number 8, crime scene. Respondent
shall not clean up a crime scene under any
circumstances, or authorize anyone to clean up
the crime scene without prior consent from MPD.
The security plan shall address the
establishment's procedure for preserving a crime
scene.

Number 9, lights and music.
Respondents 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.

Number 10, 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.

Number 11, recording incidents. 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 incidents to include the names and contact information of any victims and witnesses to an incident.

Respondents shall make the incident log available to MPD, ABRA investigators, and other interested parties upon request. In case of crimes of violence, incident logs must be signed by an ABC manager or owner. The incident log shall not be destroyed.

Number 12, security camera operator. 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.
Number 13, security camera system.

Security plan shall state that cameras will be operational and actively recording at the establishment at all times, covering 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.

Number 14, maintenance of security camera video footage. Respondents, respondent must maintain video footage for a minimum of 30 days, shall make the video available within 24 hours of a request from ABRA or MPD. Respondent shall include the requirement in its security plan.

Number 5, assessment of security camera system. Prior to lifting the suspension of the establishment's alcoholic beverage
license, an ABRA investigator shall conduct a
walkthrough of the licensed premises with
respondent to evaluate the location and number of
security cameras.

The assessment will also include an
identification of all blind spots to ensure that
they are adequately covered by the camera system.

Number 16, training. All employees
shall be trained by Monday, November 23, 2020 on
the terms of the security plan.

The security plan shall require that
a copy of the plan be provided to and reviewed
with any outside security company hired by the
establishment prior to the security company
starting work at the establishment.

On an annual basis, all personnel
employed by the establishment will receive
refresher training on the security plan.

Number 17, rendering aide. The
security plan shall state the procedure all
employees must follow to ensure that all patrons
receive appropriate medical care. This includes,
but is not limited to, administering first aide,
and calling an ambulance.

Number 18, 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.

Number 19, 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 a 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 or, and eating or drinking.

Number 20, 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 and Mayor's Order 2020-075, in accordance with the Board's notice, in accordance with the Board's notice of fifth emergency rule making.
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.

Number 21, operating hours. Respondent shall not operate either inside or outside, or sell, serve, or permit the consumption of alcohol, alcoholic beverages past midnight during any day of the week while the District of Columbia remains subject to Mayor's Order 2020-067 or Mayor's Order 2020-75 in accordance with the Board's rule making.

Number 22, dining activities. Respondents 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 and Mayor's Order 2020-075 in accordance with the Board's rule making.

Tables shall put -- shall be placed so that patrons in different parties are placed at least six feet apart from one another. Respondent shall, 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
item per table. Patrons shall not be permitted to walk around the establishment with food or alcoholic beverages.

Number 23, bar activities. Respondent shall not seat patrons at indoor or outdoor bars that are being staffed or utilized by a bartender while the District of Columbia remains subject to Mayor's Order 2020-067 and Mayor's Order 2020-075, in accordance with the Board's rule making. Patrons shall not be permitted to stand at an indoor or outdoor bar to order food or alcoholic beverages.

Number 24, contact tracing. Respondent shall implement a reservation system by phone, online, or onsite, and keep customer logs to facilitate contact tracing by the District of Columbia Department of Health.

Number 25, social distancing walkthrough. Prior to lifting the suspension of the establishment's alcoholic beverage license, an ABRA investigator shall conduct a walkthrough of the licensed establishment with respondent to evaluate the establishment's compliance with District's social distancing requirements.

Evaluations shall include an
assessment of the respondent's compliance with
Mayor's Order 2020-075, Mayor's Order 2020-080,
and 23 DCMR 8, Section 810.2.

Number 26, show cause. This matter
will be referred to the Office of Attorney
General for a possible show cause proceeding.

And Mr. Chairman, that concludes the
terms of the offer in compromise. I'm happy to
take any questions, if the Board has any.

CHAIRPERSON ANDERSON: So Mr. Asim, so
the recommendation that the Board should accept
this OIC because you believe that if this OIC is
accepted it would issue the emergency suspension
that was, that was placed on the establishment?

MR. ASIM: We believe this would
resolve some of the issues regarding the safety,
which was the cause of the summary suspension.
Since there were two main issues in the summary
suspension, one being a violent altercation that
took place that poses a threat to public safety,
and COVID restrictions, violations of Mayor's
orders dealing with COVID restrictions, we
believe these terms are appropriate for resolving
these issues.

For example, the requirement that
security guards be present from 10 p.m. to 12, until closing, could potentially prevent any further, any future assaults, since in the current case, one of the security guards had left prior to closing.

And having proper procedures and training for staff in handling violent altercations, in rendering aide, will also be beneficial in ensuring that this, that there's a safe environment at this establishment.

Another issue that came up in this case was that a patron was able to bring in a box cutter into the establishment, and because of that, we have provisions that deal with having a magnetometer, and conducting pat-downs to help prevent any further weapons from being snuck in.

And furthermore, they have to be confiscated and submit to MPD as well. And we also believe this, the terms resolve some of the issues regarding the Mayor's orders violations, because it requires that patrons and staff wear masks when not eating or drinking.

They're required that tables have to be a certain, have to be more than, at least six feet apart. It requires that staff, it requires
that the establishment does not serve food or alcoholic beverages to any patrons who are not seated, and prevents patrons from being at a staff bar.

Furthermore, another issue was that this, that this altercation took place after hours, after 12 a.m., when Mayor's orders require that all establishments be shut.

So having that requirement of shutting when dictated by the Mayor's orders during the public emergency can prevent any further altercations of this sort.

And having a provision that requires an ABRA investigator to conduct a social distancing walkthrough, we believe, is beneficial to ensure that the establishment is, in fact, in compliance with the Mayor's orders, and is, and is in compliance with these COVID restrictions.

Lastly, the summary suspension period is for 30 days, as opposed to 15 days, because the establishment has been found in violation of the, has been, one of the issues was the public safety, and another of the issues, another issue was the violation of the COVID restrictions.

So we believe this also gives the
establishment enough time to address, implement, and offer for review a security plan, and it offers enough time for staff to be trained in the security plans, and this gives enough time for an ABRA investigator to conduct social distancing walkthrough to ensure that the establishment is in compliance with Mayor's orders.

CHAIRPERSON ANDERSON: Thank you for that explanation, Mr. Asim. Mr. Estrada, it's my understanding that there's an offer in compromise, and it was, the offer in compromise was laid out by the government. Is this the offer in compromise that you accept, sir?

MR. ESTRADA: Yes.

CHAIRPERSON ANDERSON: Are you aware that by accepting an offer in compromise that you're giving up your right to have a hearing on this matter, sir?

MR. ESTRADA: Yes.

CHAIRPERSON ANDERSON: Are you also aware that by accepting an offer in compromise that you're giving up your right to appeal this matter, sir?

MR. ESTRADA: Yes.

CHAIRPERSON ANDERSON: Does any Board
Members have any specific questions to either the
government or the licensee regarding the terms of
the OIC?

All right. What the Board is going to
do, both Mr. Asim and Mr. Estrada, the Board is
going to go into executive session to discuss the
terms of the OIC. We will probably be gone for
about 10 minutes.

You both can stay online for, until
the Board comes back from executive session to
make a determination whether or not we're going
to accept the OIC.

Is that, is it clear to you the
process that the Board will be following? Is
that correct? Is, both parties are aware of the
process the Board will follow?

MR. ESTRADA: Yes.

CHAIRPERSON ANDERSON: All right.

Okay. As Chairperson of the Alcoholic Beverage
Control Board for the District of Columbia, in
accordance with D.C. Official Code Section 2-574B
of the Open Meetings Act, I move that ABC Board
hold a closed meeting for the purpose of seeking
legal advice from our counsel on case number 20-
251-00033, Luna Restaurant, pursuant to D.C.
1 Official Code Section 2-574B4 of the Open
2 Meetings Act, and deliberate upon case number 20-
3 251-00033, Luna Restaurant, for the reasons cited
4 in D.C. Official Code Section 2-574B13 of the
5 Open Meetings Act. Is there a second?
6 MEMBER CROCKETT: Ms. Crockett
7 seconds.
8 CHAIRPERSON ANDERSON: Ms. Crockett
9 has seconded the motion. We will now have a roll
10 call vote in the motion that has been properly
11 seconded by Ms. Crockett. Mr. Short?
12 MEMBER SHORT: Mr. Short. I agree.
13 CHAIRPERSON ANDERSON: Mr. Cato?
14 MEMBER CATO: Bobby Cato. I agree.
15 CHAIRPERSON ANDERSON: Ms. Wahabzadah?
16 MEMBER WAHABZADAH: Rema Wahabzadah, I agree.
17 CHAIRPERSON ANDERSON: Ms. Crockett?
18 MEMBER CROCKETT: Rafi Crockett. I agree.
19 CHAIRPERSON ANDERSON: Ms. Hansen?
20 MEMBER HANSEN: Jeni Hansen. I agree.
21 CHAIRPERSON ANDERSON: Mr. Grandis?
22 MEMBER GRANDIS: Ed Grandis. I agree.
23 CHAIRPERSON ANDERSON: And Mr.
Anderson? I agree. The Board votes 7-0-0. As it appears that the motion has passed, I hereby give notice that the ABC Board will recess these proceedings to hold a closed meeting in the ABC Board conference room pursuant to Section 2-574B of the Open Meetings Act.

So the Board will go into executive session. You can remain on the line and we will be back. Give us about 10 minutes, we should be back. Thank you. All right, then.

(Whereupon, the above-entitled matter went off the record at 11:47 a.m. and resumed at 11:56 a.m.)

CHAIRPERSON ANDERSON: All right. We're back on the record. There, on this, we're back on the record for the Luna Restaurant, license number 20-251-00033. There is an OIC, and my, the recommendation to the Board is that we accept the OIC. Is there a second? Is there a second?

MEMBER CROCKETT: Ms. Crockett.

MEMBER WAHABZADAH: Rema Wahabzadah --

CHAIRPERSON ANDERSON: Ms. Wahabzadah and Ms. Crockett have seconded the motion. And I, unfortunately, I have to read the OIC that we
will be voting on.

So the terms of the OIC, the first term is that there will be a suspension. The first term is that respondent shall serve a 30-day suspension of its ABC license.

Can everyone please put their microphone on mute, please? Yes. The date of the, the date of the 30-day suspension shall be Friday, September 11, 2020 through Sunday, September the 11th, 2020, which includes time served during the summary suspension period.

The ABC license suspension shall be lifted at 8 a.m. on Monday, October 12, 2020, provided all other applicable requirements in this OIC has been satisfied by the respondent.

Number 2, there is a fine. Respondent shall pay fines in the amount of $2,000 within 90 days, which includes a $1,000 fine for the citation previously issued in case number 20-251-00031, and a $1,000 fine for the citation previously issued in case number 20-CIT-00208.

Number 3, locked doors. Respondent shall not lock its front door or main entrance to the premises while patrons are present inside the establishment.
Number 4, security plan. Respondent shall submit a security plan to ABRA and OIG by no later than 5 p.m. on Monday, October 5, 2020. 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 elements set forth below.

The security plan shall also address additional conditions not required in Title 25, but which are also listed below.

Number 5, security personnel. On Friday, Saturday, and Sunday nights, respondent shall maintain, at a minimum, two security persons who will be on duty from at least 10 p.m. until closing.

The security plan shall detail the minimum number of security personnel that will be on duty each day, and their specific hours.

Number 6, screening of patrons. Security staff will screen all patrons using
physical searches or pat-downs, and a
magnetometer, a magnetometer wand or similar
device designed to detect weapons.

The security staff will confiscate all
weapons, illegal drugs, or other contraband
identified during a security screening search.
All weapons confiscated will be submitted to the
Metropolitan Police Department.

Respondent will maintain a log of
confiscated items that record, records the type
and number of items confiscated, and the date of
confiscation and surrender to MPD.

Handling, number 7, handling violent
altercations. The security plan shall contain
detailed procedures on how respondent's security
personnel are to handle violate altercations in
the establishment, including appropriate methods
for separation 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 shall immediately provide accurate information to MPD and ABRA investigators, including information regarding the involved patrons.

Number 8, 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 from MPD. The security plan shall address the establishment's procedure for preserving a crime scene.

Number 9, lights and music. Respondents 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.

Number 10, 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.

Number 11, recording incidents. 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.

Respondents shall make the incident log available to MPD, ABRA investigators, and any other interested parties upon request. In case of crimes of violence, incident logs must be signed by an ABC manager or owner. The incident log shall not be destroyed.

Number 12, security camera operation, system operations. 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.

Number 13, 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.

Number 14, maintenance of security camera video footage. Respondent must maintain video footage for a minimum of 30 days, shall make the video available within 24 hours of a request from ABRA or MPD. Respondent shall include this requirement in its security plan.

Number 15, assessment of security camera system. Prior to lifting the suspension of the establishment's alcoholic beverage license, an ABRA investigator shall conduct a walkthrough 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.

Number 16, training. All employees shall be trained by Monday, November 23, 2020 on the basis of the security plan. The security plan shall require that a copy of the plan be provided to and reviewed with other out, any outside security company hired by the establishment prior to the security company starting work at the establishment.

On an annual basis, all personnel employed by the establishment will receive refresher training on the security plan.

Number 17, rendering aide. The security plan shall state the procedures for all employees must follow to ensure that all patrons receive appropriate medical care. This includes, but is not limited to, administering first aide, and calling an ambulance.

Number 18, 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.

Number 19, 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 a 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 the bathroom, to the
restroom, or until they are seated or, and eating
or drinking.

Number 20, 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 and Mayor's Order 2020-075, in
accordance with the Board's notice of fifth
emergency rule making.

The respondent shall only offer
recorded or background music that is placed at,
played at a conventional, conversational level, that is not heard on the homes of District residents.

Number 21, operating hours.
Respondent shall not operate either inside or outside, or serve, or sell, serve, or permit the consumption of alcoholic beverages past midnight during any day of the week while the District of Columbia remains subject to Mayor's Order 2020-067 or Mayor's Order 2020--075 in accordance with the Board's rule making.

Number 22, dining activities.
Respondents 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 and Mayor's Order 2020-075 in accordance with the Board's rule making.

Tables shall be placed on the, on, so that patrons in different parties are placed at least six feet apart from one another.
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 or alcoholic beverages.

Number 23, bar activities. Respondent shall not seat patrons at indoor or outdoor bars that are being staffed or utilized by a bartender while the District of Columbia remains subject to Mayor's Order 2020-067 and Mayor's Order 2020-075, in accordance with the Board's rule making.

Patrons shall not be permitted to stand at an indoor or outdoor bar to order food or alcoholic beverages.

Number 24, contact tracing system. Respondent shall implement a reservation system by phone, online, or onsite, and keep consumer logs, customer logs to facilitate contact tracing by the District of Columbia Department of Health.

Number 25, social distancing walkthrough. Prior to lifting the suspension of the establishment's alcoholic beverage license, an ABRA investigator shall conduct a walkthrough 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 8, Section 810.2.

And number 26, show cause. This matter will be referred to the Office of Attorney General for a possible show cause proceeding.

That is the term of the OIC. The Board, I made a motion that the Board accept the OIC. Mr. Short has properly seconded. I'm sorry, Ms. Crockett and Ms. Wahabzadah, am I correct at, properly accepted the terms of the OIC. So we'll have a roll call vote on both on the terms of the OIC. Mr. Short?

MEMBER SHORT: Mr. Short. I agree.

CHAIRPERSON ANDERSON: Mr. Cato?

MEMBER CATO: Bobby Cato. I agree.

CHAIRPERSON ANDERSON: Ms. Wahabzadah?

MEMBER WAHABZADAH: Rema Wahabzadah. I agree.

CHAIRPERSON ANDERSON: Ms. Crockett?

MEMBER CROCKETT: Rafi Crockett. I agree.

CHAIRPERSON ANDERSON: Ms. Hansen?

MEMBER HANSEN: Jeni Hansen. I agree.

CHAIRPERSON ANDERSON: Mr. Grandis?

MEMBER GRANDIS: Ed Grandis. I agree.
CHAIRPERSON ANDERSON: And Mr. Anderson? I agree. The matter, the Board has accepted the OIC and the terms of 7-0-0. I would like to thank the parties for working to come to terms of an agreement that the government believes is in, is in the interest of the residents of the District of Columbia, and if the licensee complies with the, with the terms of the OIC, then the suspension will be lifted.

Again, thank you very much for your participation today, and this matter is concluded. Thank you for participating. All right, then.

MR. ESTRADA: Thank you very much.

CHAIRPERSON ANDERSON: All right.

MR. ADAMS: Thank you.

CHAIRPERSON ANDERSON: All right. All right. All right.

(Whereupon, the above-entitled matter went off the record at 12:12 p.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Luna Restaurant

Before: DCABRA

Date: 09-30-20

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]
Court Reporter