



1 P-R-O-C-E-E-D-I-N-G-S

2 10:54 a.m.

3 CHAIRPERSON ANDERSON: All right. So our  
4 next case, it's a summary suspension hearing, and it's  
5 case number 20-CMP-00099, MK Lounge & Restaurant,  
6 license number 88787.

7 And Ms. Andrews, can you please elevate  
8 both the government and the licensee in this case,  
9 please?

10 MS. ANDREWS: Sure. Stand by.

11 CHAIRPERSON ANDERSON: Thank you.

12 MS. ANDREWS: Mr. Bianco, your rights have  
13 been elevated. Mr. Zewdie, your rights have been  
14 elevated. Ms. Johnson, your rights have been  
15 elevated. And Ms. Jessica, your rights have been  
16 elevated.

17 CHAIRPERSON ANDERSON: Mr. Bianco, is  
18 your, who is, who is your client, sir?

19 MR. BIANCO: My client is the respondent  
20 in this case, and the respondent is represented by the  
21 owner, Derege Zewdie.

22 CHAIRPERSON ANDERSON: All right. I  
23 can't, I need him to, I see that he's on, but I'm not,  
24 does he have the capability of having camera, or with,  
25 and he's on mute, so what's going on with your client,

1 sir?

2 MR. BIANCO: I couldn't say, Your Honor,  
3 but I am --

4 CHAIRPERSON ANDERSON: Okay. Okay.

5 MR. BIANCO: -- in communication with him  
6 --

7 CHAIRPERSON ANDERSON: I now see --

8 MR. BIANCO: -- via text message.

9 CHAIRPERSON ANDERSON: I now see --

10 MR. BIANCO: Okay.

11 CHAIRPERSON ANDERSON: I now see your  
12 client. Okay. I just want to make sure, and I just,  
13 for the record, all right. All right.

14 So could the parties please identify  
15 themselves for the record? And we'll start with the  
16 government.

17 MS. KRUPKE: Good morning. Jessica Krupke  
18 on behalf of the District of Columbia.

19 CHAIRPERSON ANDERSON: Good morning, Ms.  
20 Krupke. All right. Are you, is there, is there  
21 anyone else, as far as the government, representing  
22 one with you, or you're the only person doing this  
23 case?

24 MS. KRUPKE: I am the attorney  
25 representing for the government today. My supervisor,

1 Kim Johnson is also on the call.

2 CHAIRPERSON ANDERSON: Okay. Thank you.

3 MS. JOHNSON: Good morning. I am just  
4 observing for this morning.

5 CHAIRPERSON ANDERSON: All right. Thank  
6 you, Ms. Johnson. All right. Mr. Bianco, can you  
7 introduce yourself for the record, please?

8 MR. BIANCO: Absolutely. Good morning,  
9 Mr. Chair, Members of the Board. My name is Richard  
10 Bianco. I represent the respondent in this matter.  
11 Also present in the meeting, on behalf of the  
12 respondent, is Derege Zewdie, the owner.

13 CHAIRPERSON ANDERSON: Oh, by the -- hold  
14 on Mr. Bianco. Could you please also spell your name  
15 for the record, please?

16 MR. BIANCO: Absolutely. My name is  
17 Richard Bianco. Last name is spelled B-I-A-N-C-O.

18 CHAIRPERSON ANDERSON: Hold on. Before I,  
19 before I have you introduce your client, Ms. Krupke,  
20 can you also spell your name for the record, please?

21 MS. KRUPKE: Sure. It's Jessica, J-E-S-S-  
22 I-C-A. My last name is Krupke, K-R-U-P-K-E.

23 CHAIRPERSON ANDERSON: Okay. Thank you.  
24 Mr. Zewdie, can you identify yourself for the record,  
25 and also spell your name for the record, please?

1 MR. ZEWDIE: Yes. My name is Derege  
2 Zewdie. First name is D-E-R-E-G-E, last name is Z-E-  
3 W-D-I-E. I'm the owner of MK Lounge, D.C.

4 CHAIRPERSON ANDERSON: Okay. Thank you  
5 very much. And Ms. Krupke, are there, this is a  
6 summary suspension hearing. Are there any preliminary  
7 matters?

8 Ms. Krupke, we cannot hear, we, you need  
9 to turn your microphone on.

10 MS. KRUPKE: Sorry. Good morning. Yes.  
11 The parties have agreed to an offer in compromise, and  
12 so we have executed an agreement that has 10 different  
13 terms to it regarding this particular summary  
14 suspension.

15 CHAIRPERSON ANDERSON: So I would like you  
16 to go through the terms off the OIC, please.

17 MS. KRUPKE: Sure. So term 1 is the  
18 suspension. Respondent agrees to a 25-day suspension  
19 of its ABC license, with 15 days served, and 10 days  
20 stayed.

21 The 15 days served suspension shall  
22 commence on Friday, September 18, 2020 through  
23 Saturday, October 3, 2020, which includes time served  
24 during the summary suspension period.

25 The ABC license suspension shall be lifted

1 at 8 a.m. on Sunday, October 4, 2020, provided  
2 respondent satisfies all other applicable requirements  
3 in his OIC.

4 The additional 10 suspension days shall be  
5 stayed for a period of one year, beginning on the day  
6 of the Board's acceptance of this OIC. If respondent  
7 complies with the terms of this OIC, and does not have  
8 any additional violations in the year following the  
9 Board's acceptance of this OIC, further requirements  
10 of 23 DCMR Section 808.16, respondent shall not serve  
11 the 10 stayed days. And that's term 1.

12 Term 2 of this agreement is operating  
13 hours. Respondent shall not operate either inside or  
14 outside, or sell, serve, or permit the consumption of  
15 alcoholic beverages between midnight at 8:00 a.m.  
16 during any day of the week while the District of  
17 Columbia remains subject to Mayor's Order 2020-067,  
18 and Mayor's Order 2020-075, and in accordance with 23  
19 DCMR Section 810.2(k).

20 Term 3 is dining activities. Respondent  
21 shall only serve food and alcoholic beverages to  
22 patrons seated at tables while the District of  
23 Columbia remains subject to Mayor's Order 2020-067 and  
24 Mayor's Order 2020-075, and in accordance with 23 DCMR  
25 Sections 810.2(b), (d), and (l).

1           Tables shall be placed so that patrons in  
2 different parties are faced at least six feet apart  
3 from one another with no more than six patrons per  
4 table.

5           Patrons shall not be permitted to walk  
6 around the establishment with food and/or alcoholic  
7 beverages. Respondent shall require the purchase of  
8 one or more prepared food items per table.

9           Term 4 is bar activities. Respondent  
10 shall not seat patrons at indoor or outdoor bars that  
11 are being staffed or utilized by a bartender.

12           Patrons shall not be permitted to stand at  
13 an indoor or outdoor bar to order food or alcoholic  
14 beverages, as required by 23 DCMR Section 810.2(q).

15           Term 5 is capacity. Respondent shall  
16 limit its indoor capacity to no more than 50 percent  
17 of the lowest indoor occupancy load, or seating  
18 capacity, on its certificate of occupancy, excluding  
19 employees and outdoor seating while the District of  
20 Columbia remains subject to Mayor's Order 2020-067 and  
21 Mayor's Order 2020-075, and in accordance with 23 DCMR  
22 810.2(a).

23           Term 6 is the social distancing  
24 walkthrough. Prior to lifting the suspension of the  
25 establishment's alcoholic beverage license, an ABRA

1 investigator shall conduct a walkthrough of the  
2 licensed establish with respondent to evaluate the  
3 establishment's compliance with the District's social  
4 distancing requirements.

5 This evaluation shall include an  
6 assessment of respondent's compliance with Mayor's  
7 Order 2020-075, Mayor's Order 2020-80, and in  
8 accordance with 23 DCMR Section 810.2.

9 Term 7 is egress. The respondent shall  
10 not prevent egress on the establishment. Respondent  
11 shall not lock doors during business hours or when  
12 patrons are inside of the establishment.

13 Term 8 is masks. Except when eating or  
14 drinking while seated, during the public health  
15 emergency, respondent shall require that all owners  
16 and employees of the establishment wear a mask or face  
17 covering while present on the licensed premises,  
18 regardless of whether they are on duty.

19 Respondent shall also require patrons,  
20 during the public health emergency, to wear masks or  
21 face coverings prior to entering, or while waiting in  
22 line outside of the licensed premises, and while  
23 traveling to use the restroom, or until they are  
24 seated and eating or drinking.

25 Term 9 is fine. Respondent shall pay the

1 \$1,000 fine for the citation issued in case number 20-  
2 CIT-00239 within 90 days.

3 And the final term is term 10, music.  
4 While the District of Columbia remains subject to  
5 Mayor's Order 2020-067 and Mayor's Order 2020-075, and  
6 in accordance with 23 DCMR Section 810.2(n),  
7 respondent shall offer, shall only offer recorded or  
8 background music that is played at a conversational  
9 level that is not heard in the homes of District  
10 residents.

11 CHAIRPERSON ANDERSON: All right. So this  
12 is the term of the OIC, and you're, you believe that  
13 if the Board was to accept this OIC, it would address  
14 the emergency, or the summary suspension, the issue  
15 why the Board has suspended the license of the  
16 licensee?

17 MS. KRUPKE: Yes. I think that the  
18 specific terms that will most ensure compliance with  
19 the Mayor's orders and the law, as it has been amended  
20 by the emergency rule making, really are the terms  
21 related to the time in which the establishment may be  
22 operating, and that they are not permitted to operate  
23 after midnight.

24 That was a key part of the violation, that  
25 the establishment was open after midnight. And the

1 second part would be the suspension days.

2 Respondent's agreeing to 15 days served  
3 now, but there are the additional 10 days that, if  
4 respondent does have an additional violation, that  
5 those days would then be served.

6 And so that does serve as a strong  
7 incentive for this establishment to comply both with  
8 this order, and with the ABRA regulations, generally.

9 CHAIRPERSON ANDERSON: All right. Thank  
10 you, Ms. Krupke. Mr. Bianco, it's my understanding  
11 that there's an offer in compromise. And so, and Ms.  
12 Krupke had reviewed the terms of the offer in  
13 compromise.

14 So is this the terms of the offer in  
15 compromise that both you and your client accepted?

16 MR. BIANCO: Yes, Mr. Anderson, that's  
17 correct.

18 CHAIRPERSON ANDERSON: And is your client  
19 aware that by accepting an offer in compromise that  
20 he's giving up his right to a hearing?

21 MR. BIANCO: Yes, sir, he is.

22 CHAIRPERSON ANDERSON: And is your client  
23 also aware that by accepting an offer in compromise  
24 that he's giving up his right to appeal this matter?

25 MR. BIANCO: Yes.

1                   CHAIRPERSON ANDERSON: All right. All  
2 right. Are there any questions by any Board Members  
3 regarding, for either the government or the licensee  
4 regarding the terms of the offer in compromise?

5                   All right. What the Board, what the Board  
6 will do, Ms. Krupke and Mr. Bianco, we're, we will go  
7 into executive session to discuss the terms of the  
8 OIC, and we will come back on the, we'll come back on  
9 the record to let you know what our decision is then.

10                  So we should be, I would say give us about  
11 5 to 10 minutes. You can stay on the line while we go  
12 in executive session. Both, all parties can stay on  
13 the line while we, while we go into executive session.  
14 Is that understood?

15                  MS. KRUPKE: Yes.

16                  CHAIRPERSON ANDERSON: All right. So as  
17 Chairperson of the Alcoholic Beverage Control Board  
18 for the District of Columbia, in accordance with D.C.  
19 Official Code Section 2-574B.

20                  I move that ABC Board hold a closed  
21 meeting for the purpose of seeking legal advice from  
22 our counsel on case number 20-CMP-00099, MK Lounge &  
23 Restaurant, pursuant to D.C. Official Code Section 2-  
24 574B4 of the Open Meetings Act, and deliberating upon  
25 case number 20-CMP-00099, MK Lounge & Restaurant for

1 the reasons cited in D.C. Official Code Section 2-  
2 574B13 of the Open Meetings Act. Is there a second?

3 MEMBER SHORT: Mr. Short. I second.

4 CHAIRPERSON ANDERSON: Mr. Short has  
5 seconded the motion. We will now have a roll call  
6 vote, and the motion that has been properly seconded  
7 by Mr. Short. Mr. Short?

8 MEMBER SHORT: Mr. Short. I agree.

9 CHAIRPERSON ANDERSON: Mr. Cato?  
10 Mr. Cato? I'll come back to Mr. Cato. Ms.  
11 Wahabzadah?

12 MEMBER WAHABZADAH: Rema Wahabzadah. I  
13 agree.

14 CHAIRPERSON ANDERSON: Ms. Crockett?

15 MEMBER CROCKETT: Rafi Crockett. I agree.

16 CHAIRPERSON ANDERSON: Ms. Hansen?

17 MEMBER HANSEN: Jeni Hansen. I agree.

18 CHAIRPERSON ANDERSON: Mr. Grandis?

19 MEMBER GRANDIS: Ed Grandis. I agree.

20 CHAIRPERSON ANDERSON: Mr. Anderson? I  
21 agree. Mr. Cato --

22 MEMBER CATO: Bobby Cato. I agree.

23 CHAIRPERSON ANDERSON: Mr. Cato, you  
24 agree?

25 MEMBER CATO: Yes, sir.

1                   CHAIRPERSON ANDERSON: All right. Mr.  
2 Cato agrees. As it appears -- as it appears that the  
3 motion has passed, I do hereby give notice that the  
4 ABC Board will recess these proceedings to hold a  
5 closed meeting in the ABC Board conference room,  
6 pursuant to Section 2-574B of the Open Meetings Act.

7                   So as I stated, we're going into executive  
8 session, so parties can remain on the line until we  
9 come back. All right. Thank you. So we'll be back  
10 shortly. Thank you.

11                   (Whereupon, the above-entitled matter went  
12 off the record at 11:08 a.m. and resumed at 11:16  
13 a.m.)

14                   CHAIRPERSON ANDERSON: Okay. We're back  
15 on the record. It's my understanding that there is an  
16 offer in compromise, and I make a motion that the  
17 Board accept the offer and, the offer in compromise.  
18 Is there a second?

19                   MEMBER SHORT: Mr. Short. I second.

20                   CHAIRPERSON ANDERSON: Mr. Short has  
21 seconded the motion, and so what I'm going to do,  
22 again, let me, I'm going to read, again, the offer in  
23 compromise that the Board will vote to accept. And  
24 this is the, this is the MK Lounge & Restaurant case  
25 number 20-CMP-00099. The first term of the OIC is

1 there a suspension.

2 There is a, the respondent agrees to a 25-  
3 day suspension of his ABC license, with 15 days to be  
4 served, and 10 days stayed.

5 The 15-day suspension shall commence on  
6 Friday, September 18, 2020 through Saturday, October  
7 3, 2020, which includes time served during the summary  
8 suspension period.

9 The ABC license will be lifted at 8 a.m.  
10 on Sunday, October 4, 2020, provided respondent  
11 satisfied all of the applicable regulations,  
12 requirements in this OIC.

13 The additional 10-day suspension, the  
14 additional 10 suspension days shall be stayed for a  
15 period of one year, beginning on the day of the  
16 Board's acceptance of this OIC.

17 If respondent complies with the terms of  
18 this OIC, and does not have any additional violations  
19 in the year following the Board's acceptance of this  
20 OIC, per the requirements of 23 DCMR Section 808.16,  
21 respondent shall not serve the 10-day stay.

22 Number 2, operating hours. Respondent  
23 shall not operate either inside or outside, or sell,  
24 serve, or permit the consumption of alcoholic  
25 beverages between midnight and 8 a.m. during any day

1 of the week while the District of Columbia remains  
2 subject to Mayor's Order 2020-067 and Mayor's Order  
3 2020-075, and in accordance with 23 DCMR Section  
4 810.2(k).

5 Number 3, dining activities. Respondent  
6 shall only serve food and alcoholic beverages to  
7 patrons and, seated at tables while the District of  
8 Columbia remains subject to the Mayor's Order 2020-067  
9 and Mayor's Order 2020-075, in accordance with 23 DCMR  
10 Section 810.2(b), and (d), and (l).

11 Tables shall be placed so that patrons in  
12 different parties are placed at least six feet apart  
13 from one another with no more than six patrons per  
14 table.

15 Respondents shall not be permitted to walk  
16 around the establishment with food and/or alcoholic  
17 beverages. Respondent shall require, shall require  
18 the purchase of one or more prepared food items per  
19 table.

20 Number 3, 4 is bar activities. Respondent  
21 shall not seat patrons at indoor or outdoor bars that  
22 are being staffed or utilized by a bartender.

23 Patrons shall not be permitted to stand at  
24 an indoor or outdoor bar to order food or alcoholic  
25 beverages, as required by 23 DCMR Section 810.2(q).

1           Number 5 is capacity. Respondent shall  
2 limit its indoor capacity to no more than 50 percent  
3 of the lowest indoor occupancy load, or seating  
4 capacity, on its certificate of occupancy, excluding  
5 employees and outdoor seating while the District of  
6 Columbia remains subject to Mayor's Order 2020-067 and  
7 Mayor's Order 2020-075, and in accordance with 23 DCMR  
8 810.2(a).

9           Number 6, social distancing walkthrough.  
10 Prior to lifting the suspension of the establishment's  
11 alcoholic beverage license, an ABRA investigator shall  
12 conduct a walkthrough of the licensed establish with  
13 respondent to evaluate the establishment's compliance  
14 with the District's social distancing requirements.

15           This evaluation shall include an  
16 assessment of respondent's compliance with Mayor's  
17 Order 2020-075, Mayor's Order 2020-080, and in  
18 accordance with 23 DCMR Section 810.2.

19           Number 7, egress. The respondent shall  
20 not prevent egress from the establishment. Respondent  
21 shall not lock doors during business hours or when  
22 patrons are inside of the establishment.

23           Number 8, masks. Except when eating or  
24 drinking while seated, during the public health  
25 emergency, respondent shall require that all owners

1 and employees of the establishment wear a mask or face  
2 covering while present on the licensed premises,  
3 regardless of whether they are on duty.

4 Respondent shall also require patrons,  
5 during the public health emergency, to wear masks or  
6 face coverings prior to entering, or while waiting in  
7 line outside of the licensed premises, and while  
8 traveling to use the restroom, or until they are  
9 seated, or, and eating or drinking.

10 Number 9. Respondent shall pay the \$1,000  
11 fine for the citation issued in case number 20-CIT-  
12 00239 within 90 days.

13 Number 10, music. While the District of  
14 Columbia remains subject to Mayor's Order 2020-067 and  
15 Mayor's Order 2020-075, and in accordance with 23 DCMR  
16 Section 810.2(n), respondent shall only offer, shall  
17 only offer recorded or background music that is played  
18 at a conversational level that is not heard in the  
19 homes of the District residents.

20 That is the term of the OIC that has been  
21 seconded by Mr. Short. We will now have a roll call  
22 vote on the OIC that has been properly seconded by Mr.  
23 Short. Mr. Short, are you in favor of the OIC, sir?

24 MEMBER SHORT: Mr. Short. I agree.

25 CHAIRPERSON ANDERSON: Mr. Cato?

1 MEMBER CATO: Bobby Cato. I agree.

2 CHAIRPERSON ANDERSON: Ms. Wahabzadah?

3 MEMBER WAHABZADAH: Rema Wahabzadah. I  
4 agree.

5 CHAIRPERSON ANDERSON: Ms. Crockett?

6 MEMBER CROCKETT: Rafi Crockett. I agree.

7 CHAIRPERSON ANDERSON: Ms. Hansen?

8 MEMBER HANSEN: Jeni Hansen. I agree.

9 CHAIRPERSON ANDERSON: Mr. Grandis?

10 MEMBER GRANDIS: Ed Grandis. I agree.

11 CHAIRPERSON ANDERSON: And Mr. Anderson?

12 I agree. The Board then accepts the terms of the OIC  
13 on a vote of 7-0-0. I would like to thank both  
14 parties for working on this OIC to do what the  
15 government and the licensee agree is in the best  
16 interest of the residents of the District of Columbia,  
17 in order to list this suspension.

18 And I want to thank you for your  
19 participation today. Thank you very much, and this  
20 matter is concluded. So therefore, the parties, they  
21 can leave the public sessions. Thank you very much.

22 MS. KRUPKE: Thank you.

23 CHAIRPERSON ANDERSON: All right.

24 (Whereupon, the above-entitled matter went  
25 off the record at 11:23 a.m.)

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