

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

2 10:37 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia, in accordance with DC Official Code
7 Section 25764 of the Open Meetings Act, I am
8 welcoming you to our regularly scheduled
9 meeting of the Alcoholic Beverage Control
10 Board.

11 Today is Wednesday, October 28,
12 2020. And the time is 10:38 a.m. This meeting
13 is being conducted pursuant to guidance made
14 available by the District of Columbia's Office
15 of Open Government regarding electronic
16 meetings held by the public or given a public
17 health emergency.

18 Pursuant to this guidance, notice of
19 today's meeting was provided 48 hours in
20 advance of the meeting on ABRA's website and on
21 the district's Central Meeting Calendar.

22 The notice included the time, date,
23 agenda, and call-in or login information for
24 public participation. This electronic meeting
25 is being hosted by a WebEx account provided by

1 the District of Columbia government. Please
2 address any questions or complaints to the OOG
3 at opengoveoffice@dc.gov.

4 My name is Donovan Anderson and I'm
5 Chairman of the Board. I would like to
6 introduce the other members of the ABC Board
7 who are also participating electronically
8 pursuant to Mayor's Order 2020-054.

9 Please respond when I announce your
10 name. Mr. James Short.

11 MEMBER SHORT: Mr. James Short.

12 CHAIRPERSON ANDERSON: Mr. Bobby
13 Cato.

14 MEMBER CATO: Bobby Cato, present.

15 CHAIRPERSON ANDERSON: Ms. Rema
16 Wahabsadah.

17 MEMBER WAHABZADAH: Rema Wahabsadah
18 present.

19 CHAIRPERSON ANDERSON: Ms. Rafi
20 Crockett.

21 MEMBER CROCKETT: Rafi Crockett,
22 present.

23 CHAIRPERSON ANDERSON: And Ms. Jeni
24 Hansen.

25 MEMBER HANSEN: Jeni Hansen present.

1 CHAIRPERSON ANDERSON: The board has
2 six members
3 in attendance for the conduct of
4 business today, and that constitutes a quorum.
5 Before we get underway with today's hearing
6 calendar, I need to make a few instructions
7 very clear so that the conduct of these
8 hearings is understood by everyone.

9 There are actually two cases
10 scheduled for today. Once your case is called,
11 I will take a moment for our IT specialist to
12 elevate the rights for each party to enable
13 their camera and microphone.

14 Then and only then will you have the
15 ability to enable your equipment. If your case
16 is not being heard, you will remain mute and
17 your camera will be disabled.

18 At the conclusion of each case, the
19 parties will have the option to leave. If the
20 party chooses to stay, all the cameras and
21 microphones for this concluded case will be
22 disabled.

23 Should you have any questions or
24 require technical assistance during the
25 hearing, please submit them using the question
and answer feature or send an email to

1 simone.andrews2@dc.gov.

2 Our first order of business today,
3 it is a summary suspension hearing, Case Number
4 20CMP00094, 20CMP00108, and 20CMP00109,
5 District Soul Food Restaurant and Lounge.

6 I will now take a moment for our IT
7 specialist to elevate the rights for each party
8 of this case to enable their camera and
9 microphone. And Ms. Andrews, can you elevate
10 their rights, please?

11 MS. ANDREWS: Sure, stand by. Ms.
12 Krupke, your rights has been elevated. Mr.
13 Rountree, your rights have been elevated.
14 That's all, Mr. Chair.

15 CHAIRPERSON ANDERSON: All right.
16 Thank you very much. And can I have -- can the
17 parties activate their cameras, please? Good
18 morning. Could I have the parties introduce
19 themselves, starting with the Government?

20 MS. KRUPKE: Good morning,
21 Jessica Krupke.

22 CHAIRPERSON ANDERSON: Ms. Krupke,
23 can you spell your name for the record, please?

24 MS. KRUPKE: Sure, it's J-E-S-S-I-C-
25 A, K-R-U-P-K-E.

1 CHAIRPERSON ANDERSON: Okay, can I
2 ask that everyone mute their microphones,
3 please. Only for people who are speaking
4 should you unmute your microphone. All right,
5 go ahead, Mr. Rountree.

6 MR. ROUNTREE: Yes, sir. Good
7 morning. My name is David Rountree, D-A-V-I-D,
8 R-O-U-N-T-R-E-E.

9 CHAIRPERSON ANDERSON: Thank you,
10 Mr. Rountree. And what's your affiliation with
11 this case, please?

12 MR. ROUNTREE: I couldn't hear you.
13 Say that again.

14 CHAIRPERSON ANDERSON: What's your
15 affiliation with the case? Are you the
16 licensee?

17 MR. ROUNTREE: Yes, sir.

18 CHAIRPERSON ANDERSON: I just wanted
19 for you to identify yourself that way. I
20 believe Ms. Krupke (audio interference). There
21 is an issue with your computer I believe. Mr.
22 Rountree, mute your microphone, please.

23 I'm not sure. It's either Mr.
24 Rountree or Ms. Krupke. There's an issue with
25 -- there's some feedback on your -- on your

1 microphone.

2 Anyway, all right. So this is, as
3 stated before, is a summary suspension hearing.
4 And are the parties -- I just want to find out
5 from the parties, are there any preliminary
6 matters in this case?

7 MS. KRUPKE: There are. The parties
8 have agreed to a revised Offer in Compromise
9 that I could present to your Board.

10 CHAIRPERSON ANDERSON: Yes, then,
11 what is that revised and Offer in Compromise,
12 please?

13 MS. KRUPKE: All right, so I'm happy
14 to read the full terms of the Offer in
15 Compromise, but at the outset I just want to
16 say that the parties have revised the terms as
17 had been discussed in the last meeting.

18 And so, the terms are the same for
19 all of the -- all of the terms except for Term
20 1 in the Offer in Compromise that we presented
21 last week for the Board's approval.

22 And so the parties have agreed to a
23 suspension of 60 days or the ABC license with
24 30 days served and 30 days stayed.

25 And so I'm happy to read the full

1 terms of the offer, but I just wanted to say
2 that at the outset.

3 And so the full terms of the Offer
4 in Compromise are as follows: Term 1,
5 Suspension. Responded agrees to a 60-day
6 suspension of the ABC License with 30 days
7 served and 30 days stayed.

8 The 30 days served suspension shall
9 commence on Friday, October 9, 2020, through
10 Sunday, November 8, 2020, which includes time
11 served during the summary suspension period.
12 The ABC License shall be lifted -- I'm sorry,
13 the ABC License suspension shall be lifted at
14 8:00 a.m. on Monday, November 9, 2020, provided
15 responded satisfies all other applicable
16 requirement in this OIC.

17 The additional 30 suspension days
18 shall be stayed for a period of one year
19 beginning on the day of the Board's acceptance
20 of this OIC. If the Respondent complies with
21 the terms of this OIC and does not have any
22 additional violations in the year following the
23 Board's acceptance of this OIC, further
24 requirements of 23 DCMR Section 808.16,
25 Respondent shall not serve the 30 stayed days.

1 Term 2 is Dining Activities.
2 Respondent shall only serve food and alcoholic
3 beverages to patrons seated at tables while the
4 District of Columbia remains subject to Mayor's
5 Order 2020-067, May 27, 2020, and Mayor's Order
6 2020-075, June 19, 2020, and in accordance with
7 23 DCMR Section 810.2, Subsections B, D, and L.

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

12 Patrons shall not be permitted to
13 walk around the establishment with food or
14 alcoholic beverages. Respondent shall require
15 the purchase of one or more prepared food items
16 per table.

17 Section 3 is Bar Activities. While
18 the District of Columbia remains subject
19 Mayor's Order 2020-067, May 27, 2020, and
20 Mayor's Order 2020-075, June 19, 2020,
21 Respondent shall not seat patrons at indoor or
22 outdoor bars that are being staffed or utilized
23 by a bartender.

24 Patrons shall not be permitted to
25 stand at an indoor or outdoor bar to order food

1 or alcoholic beverages, as required by 23 DCMR
2 Section 810.2 Q.

3 Item 4 is the Social Distancing
4 Walkthrough. Prior to lifting the suspension
5 of the establishment's Alcoholic Beverage
6 License, an ABRA investigator shall conduct a
7 walkthrough of the licensed establishment with
8 Respondent to evaluate the establishment's
9 requirements with the District's social
10 distancing requirements.

11 This evaluation shall include an
12 assessment of Respondent's compliance with
13 Mayor's Order 2020-075, May 27, 2020, and
14 Mayor's Order 2020-080, June 19, 2020, and in
15 accordance with 23 DCMR Section 810.2.

16 Item 5 is Queues. While the
17 District of Columbia remains subject to Mayor's
18 Order 2020-067, May 27, 2020, and Mayor's Order
19 2020-075, June 19, 2020, and in accordance with
20 23 DCMR Section 810.2 M, Respondent shall
21 require patrons to wait outside at least six
22 feet apart until they are ready to be seated.
23 Queuing indoors shall not be permitted.

24 Section 6 is Egress. Respondent
25 shall not prevent egress from the

1 establishment. Respondent shall not lock doors
2 during business hours or while patrons are
3 inside of the establishment.

4 Section 7 is Masks. While the
5 District of Columbia remains subject to Mayor's
6 Order 2020-080, July 22, 2020, and in
7 accordance with 23 DCMR 810.2 S and T, except
8 when eating or drinking while seated during a
9 public health emergency, Respondent shall
10 require that all owners and employees of the
11 establishment wear a mask or face covering
12 while present on the licensed premises
13 regardless of whether they are on duty.

14 Respondent shall also require
15 patrons during a public health emergency to
16 wear masks or face coverings prior to entering
17 or while waiting in line outside of the
18 licensed premise and while traveling to use the
19 restroom or until they are seated and eating or
20 drinking.

21 Item 8 is Music. While the District
22 of Columbia remains subject to Mayor's Order
23 2020-067, May 27, 2020, and Mayor's Order 2020-
24 075, June 19, 2020, and in accordance with 23
25 DCMR 810.2 N, Respondent shall offer recorded

1 or background music that is played at a
2 conversational level that is not heard in the
3 homes of District residents. A DJ shall not be
4 permitted.

5 And Number 9, Operating Hours.
6 Respondent shall restrict operations excluding
7 carry-out and delivery and the sales, service,
8 or the consumption of alcoholic beverages, both
9 indoor and outdoor, for on-premises
10 consumption, to the hours between 8:00 a.m. and
11 midnight during every day of the week while the
12 District of Columbia remains subject to Mayor's
13 Order 2020-067, May 27, 2020, and Mayor's Order
14 2020-075, June 19, 2020, and in accordance with
15 23 DCMR Section 810.2 K. And that concludes
16 the terms.

17 CHAIRPERSON ANDERSON: Ms. Krupke,
18 is it the Government's views that if the Board
19 accepts the Offer in Compromise that it will
20 address sufficiently the issues that were
21 raised in the Summary Suspension Order?

22 MS. KRUPKE: Yes, and that's true
23 for several reasons. First, the parties were
24 cognizant of the Board's rejection of the prior
25 OIC and the feeling that was over it and that

1 rejection that this needed to be a sufficient
2 enough penalty for the violations that were
3 observed by the ABRA investigators.

4 And so the terms of this suspension
5 are as we feel sufficiently punitive in that.
6 The 60-day suspension, it represents a
7 significant chunk of the year.

8 Nearly 1/6 of the year that there is
9 some sort of suspension being applied to his
10 license. And in this case, 30 of those days
11 are going to be served.

12 Eighteen have already been served.
13 Another 12 will be served after today. And so
14 that amount of time represents a significant
15 loss of revenue to the establishment.

16 In addition, the additional 30 days that
17 are stayed for a period of one year represent a
18 strong -- a very strong incentive for this
19 establishment to be in compliance not only with
20 the mayor's orders but also with all the other
21 regulations.

22 And the establishment understands --
23 has represented to me that he understands that
24 those days will be served should there be
25 another violation found within that year.

1 In addition, the individual terms,
2 other than the suspension that we've included
3 in this OIC, represent a means to address the
4 violations that were found by the ABRA
5 investigators, specifically for things like the
6 wearing of masks.

7 Of course, that's always been
8 required by the Mayor's Order by ABRA
9 investigators, the District alleges, did find
10 violations of the mask ordinance.

11 And so including that in there as
12 another means of reminder, and also to ensure
13 compliance with that specific provision, we
14 feel will help protect the residents of the
15 District of Columbia during this public health
16 emergency.

17 And finally, the other provision
18 that there have been repeated violations that
19 the district is alleging, the use of a DJ and
20 the music above a conversation level, that has
21 also been included in here as a means of
22 ensuring that the music will not be played
23 above a conversation level and that a DJ is
24 specifically prohibited under the terms of this
25 OIC while the mayor's orders are in effect.

1 CHAIRPERSON ANDERSON: All right.
2 Thank you very much. Mr. Rountree, I see that
3 the Government has proposed an OIC. I asked
4 that the Government provide us with the terms
5 of the OIC. Do you agree with the terms of the
6 OIC, sir?

7 MR. ROUNTREE: Yes, sir.

8 CHAIRPERSON ANDERSON: Are you aware
9 of the fact that the OIC (audio interference)
10 right to appearance?

11 MR. ROUNTREE: Yes, sir.

12 CHAIRPERSON ANDERSON: And also are
13 you aware (audio interference) OIC (audio
14 interference)?

15 MR. ROUNTREE: Yes, sir.

16 CHAIRPERSON ANDERSON: Okay, Fine.
17 I'm going to make one motion that the Board
18 accept the terms of the OIC. Is there a
19 second?

20 MEMBER SHORT: Mr. Short, second.

21 CHAIRPERSON ANDERSON: Mr. Short has
22 seconded the motion. And before I have a roll
23 call vote on the motion, and I'm also going to
24 review the terms of the OIC, do any of our
25 Board members have any questions for either the

1 Government or Mr. Rountree on the terms of the
2 OIC? All right, hearing none, then the terms
3 are the OIC are as follows.

4 Term 1 is the suspension.
5 Respondent agrees to a 60-day suspension of its
6 ABC license with 30 days served and 30 days
7 stayed. With 30 days served, suspension shall
8 commence on Friday, October 9th, 2020, through
9 Sunday, November 8, 2020, which includes time
10 served during a summer suspension period.

11 The ABC License suspension shall be
12 lifted at 8:00 a.m. on Monday, November 9,
13 2020, provided Respondent satisfies all other
14 applicable requirements in this OIC.

15 The additional 30 suspension days
16 shall be stayed for a period of one year
17 beginning on the day of the Board's acceptance
18 of this OIC. If Respondent complies with the
19 terms of this OIC and does not have any
20 additional violations in the year following the
21 Board's acceptance of this OIC, further
22 requirements of 23 DCMR Section 808.16,
23 Respondent shall not serve the 30 stayed days.

24 Number 2, Dining Activities.
25 Respondent shall only serve food and alcoholic

1 beverages seated at tables while the District
2 of Columbia remains subject to Mayor's Order
3 2020-067, dated May 27, 2020, and Mayor's Order
4 2020-075, signed June 19, 2020, and in
5 accordance with 23 DCMR Section 810.2 B, D, and
6 F.

7 Tables shall be placed so that
8 patrons in different parties are placed at
9 least six feet apart from one another with no
10 more than six patrons per table.

11 Patrons shall not be permitted to
12 walk around the establishment with food or
13 alcoholic beverages. Respondent shall require
14 the purchase of one or more prepared food items
15 per table.

16 Number 3, Bar Activities. While the
17 District of Columbia remains subject to Mayor's
18 Order 2020-067, May 27, 2020, and Mayor's Order
19 2020-075, June 19, 2020.

20 Respondent shall not seat patrons at
21 indoor or outdoor bars that are being staffed
22 or utilized by a bartender.

23 Patrons shall not be permitted to
24 stand at an indoor or outdoor bar or order food
25 or output beverages as required by 23 DCMR

1 Section 810.22.

2 Number 4, Social Distancing
3 Walkthrough. Prior to lifting the suspension
4 of establishment's alcohol beverage license, an
5 ABRA investigator shall conduct a walkthrough
6 of the licensed establishment with Respondent
7 to evaluate the establishment's requirements
8 with the District's social distancing
9 requirements.

10 This evaluation shall include an
11 assessment of Respondent's compliance with
12 Mayor's Order 2020-075, dated May 27, 2020, and
13 Mayor's Order 2020-080, dated June 19, 2020,
14 and in accordance with 23 DCMR Section 810.2

15 Number Five, Queues. While the
16 District of Columbia remains subject to Mayor's
17 Order 2020-067, dated May 27, 2020, and Mayor's
18 Order 2020-075, dated June 19, 2020, in
19 accordance with 23 DCMR Section 810.2 M,
20 Respondent shall require patrons to wait
21 outside at least six feet apart until they are
22 ready to be seated. Queuing indoors shall not
23 be permitted.

24 Number six, Egress. Respondent
25 shall not prevent egress from the

1 establishment. Respondent shall not lock doors
2 during business hours or when patrons are
3 inside of the establishment.

4 Number Seven, Masks. While the
5 District of Columbia remains subject to Mayor's
6 Order 2020-080, dated July 22, 2020, in
7 accordance with 23 DCMR Section 820.2 S and T,
8 except when eating or drinking while seated,
9 during the public health emergency, respondents
10 shall require that all owners and employees of
11 the establishment wear a mask or face covering
12 while on the premises regardless of whether
13 they are on duty.

14 Respondent shall also require
15 patrons -- or while waiting in line outside the
16 licensed premises and while traveling to use
17 the restroom or until they are seated and
18 eating or drinking.

19 Number 8, Music. While the District
20 of Columbia remains subject to Mayor's Order
21 2020-067, dated May 27, 2020, and Mayor's Order
22 2020-075, June 19, 2020, in accordance with 23
23 DCMR Section 810.2 N, Respondent shall only
24 offer recorded or background music that is
25 played at a conversational level that is not

1 heard in the homes of District residents. A DJ
2 shall not be permitted.

3 Number 9, Operating Hours.

4 Respondent shall restrict its operations,
5 including carry-out and delivery, and sales and
6 service or consumption of alcoholic beverages,
7 both indoors and outdoors, for on-premises
8 consumption, for the hours between 8:00 a.m.
9 and midnight during every day of the week while
10 the District of Columbia remains subject to
11 Mayor's Order 2020-067, dated May 27, 2020, and
12 Mayor's Order 2020-075, dated June 19, 2020, in
13 accordance with 23 DCMR Section 810.2 K.

14 Those are the terms of the OIC. OIC
15 has been properly seconded by Mr. Short. I
16 will now have a roll call on the motion. Mr.
17 Short?

18 MEMBER SHORT: Mr. Short, aye.

19 CHAIRPERSON ANDERSON: Mr. Cato?

20 MEMBER CATO: Bobby Cato, I agree.

21 CHAIRPERSON ANDERSON: Ms.

22 Wahabsadah?

23 MEMBER WAHABZADAH: Rema Wahabsadah,
24 I disagree.

25 CHAIRPERSON ANDERSON: Ms. Crockett?

1 MEMBER CROCKETT: Rafi Crockett, I
2 agree.

3 CHAIRPERSON ANDERSON: Ms. Hanson?

4 MEMBER HANSEN: Jeni Hanson, I
5 agree.

6 CHAIRPERSON ANDERSON: And Mr.
7 Anderson, I agree. The vote is five to one
8 that the Board, with Ms. Wahabsadah disagree,
9 with the Board accepting the OIC.

10 I want to thank the parties for the
11 presentation of the case today. And unless
12 anyone has any other comments, this matter is
13 concluded. Okay. All right. Thank you very
14 much.

15 MS. KRUPKE: Thank you.

16 CHAIRPERSON ANDERSON: All right.
17 Bye bye.

18 (Whereupon, the meeting in the
19 above-entitled matter was concluded at 11:01
20 a.m.)

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This is to certify that the foregoing transcript

In the matter of: District Soul Food

Before: DCABRA

Date: 10-28-20

Place: teleconference

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

Neal R Gross

Court Reporter

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