DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

..........................
IN THE MATTER OF: :
:
District Soul Food :
Restaurant & Lounge, LLC::
t/a District Soul Food :
Restaurant & Lounge  : Summary Suspension
500 8th Street SE   : Hearing
License #112072     :
Retailer CR - ANC 6B :
:
Case #20-CMP-00094, :
#20-CMP-00108,     :
#20-CMP-00109      :
:
(ABC Board Closure - :
October 7, 2020)   :

..........................
Wednesday
October 28, 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
JENI HANSEN, Member
JAMES SHORT, JR., Member
REMA WAHABZADAH, Member
ALSO PRESENT:
SIMONE ANDREWS, DC ABRA Staff
JESSICA KRUPKE, DC OAG
DAVID ROUNTREE, Licensee
CHAIRPERSON ANDERSON: Good morning, everyone. As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia, in accordance with DC Official Code Section 25764 of the Open Meetings Act, I am welcoming you to our regularly scheduled meeting of the Alcoholic Beverage Control Board.

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

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

The notice included the time, date, agenda, and call-in or login information for public participation. This electronic meeting is being hosted by a WebEx account provided by
the District of Columbia government. Please address any questions or complaints to the OOG at opengoveoffice@dc.gov.

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

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

MEMBER SHORT: Mr. James Short.

CHAIRPERSON ANDERSON: Mr. Bobby Cato.

MEMBER CATO: Bobby Cato, present.

CHAIRPERSON ANDERSON: Ms. Rema Wahabsadah.

MEMBER WAHABZADAH: Rema Wahabsadah present.

CHAIRPERSON ANDERSON: Ms. Rafi Crockett.

MEMBER CROCKETT: Rafi Crockett, present.

CHAIRPERSON ANDERSON: And Ms. Jeni Hansen.

MEMBER HANSEN: Jeni Hansen present.
CHAIRPERSON ANDERSON: The board has six members in attendance for the conduct of business today, and that constitutes a quorum. Before we get underway with today’s hearing calendar, I need to make a few instructions very clear so that the conduct of these hearings is understood by everyone.

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

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

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

Should you have any questions or require technical assistance during the hearing, please submit them using the question and answer feature or send an email to
simone.andrews2@dc.gov.

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

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

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

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

MS. KRUPKE: Good morning, Jessica Krupke.

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

MS. KRUPKE: Sure, it's J-E-S-S-I-C-A, K-R-U-P-K-E.
CHAIRPERSON ANDERSON: Okay, can I ask that everyone mute their microphones, please. Only for people who are speaking should you unmute your microphone. All right, go ahead, Mr. Rountree.


CHAIRPERSON ANDERSON: Thank you, Mr. Rountree. And what’s your affiliation with this case, please?

MR. ROUNTREE: I couldn’t hear you. Say that again.

CHAIRPERSON ANDERSON: What’s your affiliation with the case? Are you the licensee?

MR. ROUNTREE: Yes, sir.

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

I’m not sure. It’s either Mr. Rountree or Ms. Krupke. There’s an issue with -- there’s some feedback on your -- on your
microphone.

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

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

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

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

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

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

And so I’m happy to read the full
terms of the offer, but I just wanted to say
that at the outset.

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

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

The additional 30 suspension days
shall be stayed for a period of one year
beginning on the day of the Board’s acceptance
of this OIC. If the Respondent complies with
the terms of this OIC and does not have any
additional violations in the year following the
Board’s acceptance of this OIC, further
requirements of 23 DCMR Section 808.16,
Respondent shall not serve the 30 stayed days.
Term 2 is 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, May 27, 2020, and Mayor’s Order 2020-075, June 19, 2020, and in accordance with 23 DCMR Section 810.2, Subsections B, D, and L.

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.

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

Section 3 is Bar Activities. While the District of Columbia remains subject Mayor’s Order 2020-067, May 27, 2020, and Mayor’s Order 2020-075, June 19, 2020, 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, as required by 23 DCMR Section 810.2 Q.

Item 4 is the 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 requirements with the District’s social distancing requirements.

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

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

Section 6 is Egress. Respondent shall not prevent egress from the
establishment. Respondent shall not lock doors during business hours or while patrons are inside of the establishment.

Section 7 is Masks. While the District of Columbia remains subject to Mayor’s Order 2020-080, July 22, 2020, and in accordance with 23 DCMR 810.2 S and T, except when eating or drinking while seated during a public health emergency, 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.

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

Item 8 is Music. While the District of Columbia remains subject to Mayor’s Order 2020-067, May 27, 2020, and Mayor’s Order 2020-075, June 19, 2020, and in accordance with 23 DCMR 810.2 N, Respondent shall offer recorded
or background music that is played at a conversational level that is not heard in the homes of District residents. A DJ shall not be permitted.

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

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

MS. KRUPKE: Yes, and that’s true for several reasons. First, the parties were cognizant of the Board’s rejection of the prior OIC and the feeling that was over it and that
rejection that this needed to be a sufficient
eough penalty for the violations that were
observed by the ABRA investigators.

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

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

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

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

And the establishment understands --
has represented to me that he understands that
those days will be served should there be
another violation found within that year.
In addition, the individual terms, other than the suspension that we’ve included in this OIC, represent a means to address the violations that were found by the ABRA investigators, specifically for things like the wearing of masks.

Of course, that’s always been required by the Mayor’s Order by ABRA investigators, the District alleges, did find violations of the mask ordinance.

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

And finally, the other provision that there have been repeated violations that the district is alleging, the use of a DJ and the music above a conversation level, that has also been included in here as a means of ensuring that the music will not be played above a conversation level and that a DJ is specifically prohibited under the terms of this OIC while the mayor’s orders are in effect.
CHAIRPERSON ANDERSON: All right.

Thank you very much. Mr. Rountree, I see that the Government has proposed an OIC. I asked that the Government provide us with the terms of the OIC. Do you agree with the terms of the OIC, sir?

MR. ROUNTREE: Yes, sir.

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

MR. ROUNTREE: Yes, sir.

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

MR. ROUNTREE: Yes, sir.

CHAIRPERSON ANDERSON: Okay, Fine.

I’m going to make one motion that the Board accept the terms of the OIC. Is there a second?

MEMBER SHORT: Mr. Short, second.

CHAIRPERSON ANDERSON: Mr. Short has seconded the motion. And before I have a roll call vote on the motion, and I’m also going to review the terms of the OIC, do any of our Board members have any questions for either the
Government or Mr. Rountree on the terms of the OIC? All right, hearing none, then the terms are the OIC are as follows.

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

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

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

Number 2, Dining Activities. Respondent shall only serve food and alcoholic
beverages seated at tables while the District of Columbia remains subject to Mayor’s Order 2020-067, dated May 27, 2020, and Mayor’s Order 2020-075, signed June 19, 2020, and in accordance with 23 DCMR Section 810.2 B, D, and F.

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.

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


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 or order food or output beverages as required by 23 DCMR
Section 810.22.

Number 4, Social Distancing Walkthrough. Prior to lifting the suspension of establishment’s alcohol beverage license, an ABRA investigator shall conduct a walkthrough of the licensed establishment with Respondent to evaluate the establishment’s requirements with the District’s social distancing requirements.

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

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

Number six, Egress. Respondent shall not prevent egress from the
establishment. Respondent shall not lock doors
during business hours or when patrons are
inside of the establishment.

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

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

Number 8, Music. While the District
of Columbia remains subject to Mayor’s Order
2020-067, dated May 27, 2020, and Mayor’s Order
2020-075, June 19, 2020, in accordance with 23
DCMR Section 810.2 N, 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. A DJ shall not be permitted.

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

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

MEMBER SHORT: Mr. Short, aye.

CHAIRPERSON ANDERSON: Mr. Cato?

MEMBER CATO: Bobby Cato, I agree.

CHAIRPERSON ANDERSON: Ms. Wahabsadah?

MEMBER WAHABZADAH: Rema Wahabsadah, I disagree.

CHAIRPERSON ANDERSON: Ms. Crockett?
MEMBER CROCKETT: Rafi Crockett, I agree.

CHAIRPERSON ANDERSON: Ms. Hanson?

MEMBER HANSEN: Jeni Hanson, I agree.

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

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

MS. KRUPKE: Thank you.

CHAIRPERSON ANDERSON: All right.

Bye bye.

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

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.

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Court Reporter