

In the Matter of:)	
)	
)	
Shredder, LLC)	Case Nos.: 21-CMP-00009
t/a Abigail Room)	20-CIT-00568
)	License No: ABRA-107468
)	Order No: 2021-133
Holder of a)	
Retailer's Class CN License)	
)	
at premises)	
1730 M Street, N.W.)	
Washington, D.C. 20036)	
)	

Walter Adams, Assistant Attorney General
Office of the Attorney General for the District of Columbia

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ORDER

Therefore, the Board, on this 12th day of March 2021, **APPROVES** the OIC presented by the parties and attached to this Order. The terms of the OIC are as follows:

1. The Respondent shall follow the terms and conditions of the attached OIC as a condition of reopening.
2. The Respondent shall serve a 30-day suspension, which shall include the suspension of the license served prior to the issuance of this Order. The license shall remain suspended from February 18, 2021, until March 19, 2021. Furthermore, the license shall be permitted to be returned to the Respondent at 8:00 a.m. on March 20, 2021.
3. This matter is referred to the Office of the Attorney General for further review as to whether additional enforcement actions are warranted.

A copy of this Order shall be sent to the Respondent and the Government.

District of Columbia
Alcoholic Beverage Control Board

Donovan Anderson

Key: 4431305550818994270909114008

Donovan Anderson, Chairperson

James Short

Key: 54766375522656815337422455

James Short, Member

Bobby Cato

Key: 268d3fcd3d614607f4b7b0d7917a20d

Bobby Cato, Member

Jeni Hansen, Member

Key: 021720915207447401650892241910

Jeni Hansen, Member

Pursuant to 23 DCMR § 1719.1, any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, Reeves Center, 2000 14th Street, N.W., 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, District of Columbia Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b).

Finally, in the case of a summary suspension, "A person aggrieved by a final summary action may file an appeal in accordance with the procedures set forth in subchapter I of Chapter 5 of Title 2." D.C. Code § 25-826(d).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**



IN THE MATTER OF: SHREDDER, LLC t/a ABIGAIL ROOM, Respondent.	Case No. 21-CMP-00009 License No. 107468 Retailer Class CN
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OFFER IN COMPROMISE FOR BOARD APPROVAL

The District of Columbia, jointly with the licensee (respondent) submits this Offer in Compromise (OIC) to the Alcoholic Beverage Control Board (Board), as authorized by 23 DCMR § 1604.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, this case will conclude. Respondent will be obligated to abide by the terms of the OIC shown below. If the Board does not approve the OIC, the matter will be continued to the Summary Suspension Hearing, currently not scheduled.

The respondent has been advised that there is no obligation to accept an OIC. Respondent has been advised, through service of the Notice of Summary Suspension that at a Summary Suspension Hearing, respondent may: be represented by legal counsel, have subpoenas issued to require the production of witnesses and evidence, produce witnesses and evidence, cross-examine witnesses, and apply to the Board for a qualified interpreter.

The OIC terms are as follows.

- (1) Suspension: Respondent shall serve a 30-day suspension of its ABC license.

The date of the 30-day suspension to be served shall be Thursday, February 18, 2021 through Friday, March 19, 2021, which includes time served during the summary suspension period. The ABC license suspension shall be lifted at 8:00 a.m. on Saturday, March 20, 2021, provided all other applicable requirements in this OIC have been satisfied by the respondent.

- (2) Fine: Respondent shall pay fines in the amount of \$1,000.00 within 120 days, which includes a \$1,000.00 fine for the citation previously issued in Case Number 20-CIT-00568.

- (3) Masks: Except when eating or drinking while seated, during the public health emergency, the respondent shall require that all owners and employees of the establishment wear a mask or face covering while present on the licensed premises regardless of whether they are on-duty. The respondent shall also require patrons during the public health emergency to wear masks or face coverings prior to entering or while waiting in line outside of the licensed premises, while traveling to use the restroom, or until they are seated and eating or drinking.

- (4) Locked Doors: Respondent shall not lock its front doors or main entrance to the premises if Respondent is open for business, including private events, and patrons are present inside the establishment. When patrons are present inside the establishment, the rear door shall remain unlocked from the inside.

- (5) Music and Entertainment: Respondent shall not offer live music or entertainment (including disc jockeys) while the District of Columbia remains subject to Mayor's Order 2020-067 (May 27, 2020), Mayor's Order 2020-075 (June 19, 2020), Mayor's Order 2020-080 (July 22, 2020), Mayor's Order 2020-119 (November 23, 2020) and in accordance with the Board's Notice of Ninth Emergency Rulemaking (December 23, 2020) (Board's Rulemaking). The Respondent shall only offer recorded or background music that is played at a conversational level that is not heard in the homes of District residents.
- (6) Operating Hours: Respondent shall not sell, serve or permit the consumption of alcoholic beverages past 10:00 p.m., but may operate for patrons until midnight during any day of the week while the District of Columbia remains subject to Mayor's Order 2020-067, Mayor's Order 2020-075, Mayor's Order 2020-080, Mayor's Order 2020-119 and in accordance with the Board's Rulemaking.
- (7) Dining Activities: Respondent shall only serve food and alcoholic beverages to patrons seated at tables while the District of Columbia remains subject to Mayor's Order 2020-067, Mayor's Order 2020-075, Mayor's Order 2020-119 and in accordance with the Board's Rulemaking. Tables shall be placed so that patrons in different parties are placed at least six feet apart from one another, with no more than six patrons per table. Respondent shall have a menu in use containing a minimum of three prepared food items available for purchase and shall require patrons to purchase one or more prepared food items per table.

Patrons shall not be permitted to walk around the establishment with food and/or alcoholic beverages.

(8) Bar Activities: Respondent shall not seat patrons at indoor or outdoor bars that are being staffed or utilized by a bartender. Patrons shall not be permitted to stand at an indoor or outdoor bar to order food or alcoholic beverages.

(9) Contact Tracing System: Respondent shall implement a reservation system by phone, on-line, or on-site and keep customer logs to facilitate contact tracing by DC Health.

(10) Capacity: Respondent shall limit its indoor capacity to no more than twenty-five percent (25%) of the lowest indoor occupancy load or seating capacity on its certificate of occupancy, excluding employees and outdoor seating, while the District of Columbia remains subject to Mayor's Order 2020-119 or Mayor's Order 2020-075, whichever applies, in accordance with the Board's Rulemaking.

(11) Social Distancing Walk-through: Prior to lifting the suspension of the establishment's alcoholic beverage license, an ABRA investigator shall conduct a walk-through of the licensed establishment with respondent to evaluate the establishment's compliance with the District's social distancing requirements. This evaluation shall include an assessment of the respondent's compliance with Mayor's Order 2020-075, Mayor's Order 2020-080 and 23 DCMR § 810.2.

(12) Show Cause: This matter will be referred to the Office of the Attorney General for a possible Show Cause proceeding.

Dated: March 12, 2021.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

TONI MICHELLE JACKSON
Deputy Attorney General
Public Interest Division

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

/s/ Walter Adams II
WALTER ADAMS II [459131]
Assistant Attorney General
400 Sixth Street, N.W., Suite 10100
Washington, D.C. 20001
(202) 727-6262
(202) 730-1498 (fax)
Email: Walter.Adams@dc.gov

ATTORNEYS FOR THE DISTRICT OF COLUMBIA

CONSENT OF RESPONDENT

By this Offer in Compromise, I agree to accept and perform its terms. I acknowledge the validity of the OIC and waive a hearing to which I would have a right under D.C. Code § 25-826. I also recognize that I am waiving any right to appeal an adverse ruling of the Board that might have followed any such hearing. By this settlement, I waive all such rights. I sign this OIC without reservation, and I fully understand its meaning and my rights.

/s/
Respondent

March 12, 2021
DATE

/s/

March 12, 2021

Attorney for Respondent

DATE

CERTIFICATE OF SERVICE

I certify that on March 12, 2021, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

David Chung, Managing Member
Shredder, LLC t/a Abigail Room
1730 M Street, N.W.
Washington, D.C. 20036
dchung8@gmail.com
Respondent

Ki Jun Sung
kijunsung@gmail.com
Counsel for Respondent

Martha Jenkins
General Counsel, ABRA
2000 14th Street, N.W., Suite 400 South
Washington, D.C. 20009
Martha.Jenkins@dc.gov

/s/ Walter Adams II
Walter Adams II
Assistant Attorney General