

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)
)
Lemma Holdings, LLC)
t/a Bliss)
)
Holder of a)
Retailer's Class CT License)
)
at premises)
2122 24th Place, N.E.)
Washington, D.C. 20006)

Case No.: 15-251-00160
License No.: 095711
Order No.: 2015-461

BEFORE: Ruthanne Miller, Chairperson
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ALSO PRESENT: Henock Andargie, Owner, on behalf of Lemma Holdings, LLC t/a Bliss

Makan Shirafkan, Esq., on behalf of Lemma Holdings, LLC

Maureen Zaniel, Senior Assistant Attorney General, on behalf of the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

This case arises from a Notice of Summary Suspension (Notice) issued by the Alcoholic Beverage Control Board (Board) in the matter of Lemma Holdings, LLC t/a Bliss (Respondent) located at 2122 24th Place, N.E., Washington, D.C. The Alcoholic Beverage Regulation Administration (ABRA) electronically served the Notice in Case Number 15-251-00160 on the Respondent on October 2, 2015. *ABRA Summary*

Suspension File No. 15-251-00160, Email from Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, to Makan Shirafkan, Counsel of Record, Lemma Holdings, LLC (Oct. 2, 2015). The Notice sets forth grounds for a summary suspension, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Pursuant to the Notice, the Board ordered the suspension of Respondent's license in accordance with D.C. Official Code § 25-826 (2008) and 25-827(a) (2005). The suspension was based upon an investigation conducted by ABRA Investigator Kofi Apraku as the result of receiving the PD-251, CCN #15137518 incident report from the Metropolitan Police Department (MPD). D.C. Official Code § 25-827 (2001).

Additionally, the Board's suspension of the Respondent's license was based upon the written request of the Chief of Police Cathy L. Lanier, MPD, dated September 28, 2015, pursuant to D.C. Official Code § 25-827(a), which included a determination made by Chief Lanier that the establishment presented an imminent danger to the health and safety of residents and visitors in the District of Columbia. Notice of Summary Suspension, 2-4 (Oct. 2, 2015).

The Board has the authority to "summarily revoke, suspend, fine, or restrict" a license to sell alcoholic beverages in the District of Columbia if the Board determines after an investigation that the operations of the licensee present "an imminent danger to the health and safety of the public." D.C. Official Code § 25-826(a). If properly requested by the licensee, "[t]he Board shall hold a hearing within 48 hours of receipt of a timely request and shall issue a decision within 72 hours after the hearing." § 25-826(c).

Subsequently, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c), which was held on October 7, 2015. At the time of the hearing, the Parties submitted to the Board, a proposed Offer in Compromise (OIC) pursuant to 23 DCMR § 1604.5 (2009). The OIC has been reduced to writing and has been properly executed and filed with the Board. The Respondent is a signatory to the OIC. The Board formally accepts the OIC which is appended to this Order.

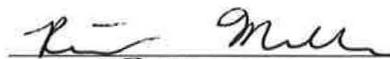
ORDER

Therefore, the Board, on this 7th day of October, 2015, hereby **APPROVES** the OIC submitted on October 7, 2015, and **ORDERS** Lemma Holdings, LLC t/a Blissto comply with the terms of the OIC.

IT IS FURTHER ORDERED that the Respondent's establishment will remain closed until the Respondent has complied with the terms set forth in the OIC to the Board's satisfaction.

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

District of Columbia
Alcoholic Beverage Control Board

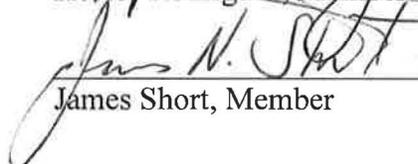

Ruthanne Miller, Chairperson


Donald Brooks, Member


Herman Jones, Member


Mike Silverstein, Member


Hector Rodriguez, Member


James Short, Member

Pursuant to 23 DCMR § 1719.1 (2008), 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, 2000 14th Street, NW, 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, D.C. 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 (2008) 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).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

ATTORNEY GENERAL
KARL A. RACINE



Public Interest Division
Civil Enforcement Section

OFFER IN COMPROMISE¹

In the Matter of: Lemma Holdings, LLC t/a Bliss

Officer/owner: Henock Andargie, Owner

Case number: 15-251-00160. Hearing Date: October 7, 2015.

Incidents occurring on: September 27, 2015.

For the Charge of: Summary suspension proceeding.

Statutory Authority: D.C. Official Code §25-826(a) (2001).

This offer in compromise will be presented to the Alcoholic Beverage Control Board by the Senior Assistant Attorney General at the summary suspension proceeding. Please be advised that this is a proposed compromise. Accordingly, it is in the discretion of the Board to accept or reject this offer.

The offer in compromise consists of the following terms:

- (1) The Respondent shall submit a security plan to ABRA and OAG by no later than 5:00 p.m., on Wednesday, October 7, 2015. The terms and conditions of the security plan shall be reviewed and accepted by the Board prior to the reopening of the establishment. 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 of this OIC not set forth in Title 25, which are also described below. Respondent shall comply with such security plan.
- (2) Prior to reopening, the Respondent shall conduct and complete two trainings with all available personnel associated with the day to day operations. The trainings to be completed prior to reopening are: (1) Crime Scene Preservation Training and (2) Training on the Respondent's security plan (3) Alcohol Awareness Training (4) how to aid an injured or ill patron on the establishment's property. Such training material are to be approved by the Board prior to reopening. ABRA may send an investigator to observe such training.

¹ Authorized under 23 DCMR 1604.5 (2008).

- (3) Each employee shall review and sign the security plan and agree to comply with it. No current personnel shall re-start without completing (1) Crime Scene Preservation Training and (2) training on the establishment's security plan. New employees shall be trained on (1) Crime Scene Preservation and (2) establishment's security plan prior to starting. Further new Bartenders and Servers shall complete alcohol awareness training within three months of employment. Licensee is required to notify the board on new employees going through the required training. Such notice shall be 48 hours in advance of the training. Such notice shall include date and time of such training.
- (4) The Respondent shall document by written certification, the completed training of all personnel associated with day to day operations. This documentation shall include the subject matter of the training, training material, the date of the training, the on-going frequency of the training and the name of the person or company conducting the training. All training materials required by this offer in compromise shall be submitted to and approved by the Board prior to reopening the establishment.
- (5) The Respondent shall document the name and employment status of all personnel associated with the day to day operations no later than Thursday, October 8, 2015, and on a quarterly basis thereafter commencing on January 1, 2016.
- (6) The Respondent shall utilize a minimum of four (4) Metropolitan Police Department (MPD) Reimbursable Detail Officers (RDO) on Friday and Saturday nights between 11:30 p.m. and 4:00 a.m. and a minimum of two RDO officers on Sunday through Thursday nights between 11:30 p.m. and 3:00 a.m. Except special events, event not open to the general public such as private parties, fundraisers, corporate events, etc. In such cases if the event is anticipated to have over 400 patrons the Licensee is to request, pay, and take all reasonable actions in Licensee's control to secure RDO no later than 2 weeks from the date of event.
- (7) The security plan shall detail the minimum number of security personnel that will be on-duty each day and their specific duty hours. The security plan shall detail the placement of security personnel within the establishment.
- (8) The security plan shall contain detailed procedures on how the Respondent's security personnel are to handle violent altercations in the establishment, including appropriate methods for separating and handling victims and aggressors, detaining and controlling aggressive patrons, and handing victims and aggressive patrons over to MPD.
- (9) The respondent shall escort patrons that are violent aggressors to the MPD Reimbursable Detail officer or officers customarily posted immediately in front of the establishment when such detail is utilized.
- (10) The Respondent shall provide training to all personnel associated with day to day operations prior to reopening on situations when it is necessary to contact MPD immediately, such as a violent incident inside of the establishment or when a patron needs or requests medical attention. The training shall include instruction on appropriate times to call 911.
- (11) The Respondent shall not clean up a crime scene under any circumstances nor authorize or permit anyone to clean up the crime scene, without the prior consent of MPD. The Security Plan shall address the establishment's procedure for securing, preserving and maintaining a crime scene.
- (12) The Respondent shall maintain an incident log recording all incidents that occur inside of and in front 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. The Respondent shall make the incident log available to MPD and ABRA investigators upon request.

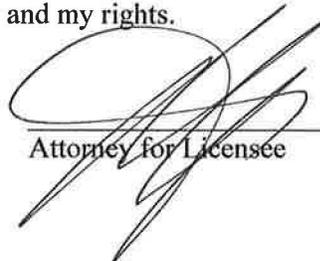
- (13) The Respondent shall utilize wands on all patrons during all hours the establishment is open to the public prior to the patrons' entry into the establishment. The purpose of wanding will be for the detection of metal objects, including weapons, which may be carried by patrons. The wands will be used on every patron who enters the establishment and when needed physical "pat down" searches and bag searches to be specified in the respondent's security plan.
- (14) The Respondent shall document the date on which any weapons are recovered from patrons as part of the incident log. The Respondent shall surrender confiscated weapons to MPD for disposition of the weapons. The Respondent shall document the date and time of the consultation with MPD and shall include the officer's name and badge number. The Respondent shall post a sign indicating that any weapon recovered from patrons will be confiscated and surrendered to MPD.
- (15) The security plan shall state that cameras utilized by the establishment will be operational at all times. The security plan shall also state that all footage will be maintained for 30 days and all footage of a crime of violence or a crime involving a weapon will be maintained in perpetuity. The respondent shall make available any security footage within 48 hours upon request from ABRA or MPD.
- (16) The security plan shall set forth what disciplinary actions will apply for any personnel associated with the day to day operations who does not comply with the security plan.
- (17) The Respondent shall utilize a counting clicker during its hours of operation that it is open to the public to track the number of patrons inside of the establishment. Under no circumstances shall the number of patrons inside of the establishment exceed the Respondent's approved certificate of occupancy.
- (18) A summary suspension status hearing shall be scheduled for Wednesday, December 9, 2015 to review the Respondent's compliance with the OIC, including the 60 day training requirements.
- (19) This matter shall be referred to the OAG for a show cause review.
- (20) ABRA investigator shall review the respondent's existing camera layout and provide recommendations within 10 calendar days from the board's approval of this agreement. The respondent shall submit to the board in writing within 60 days a statement indicating which of the recommendations were adopted and proof of such.

CONSENT

By this settlement agreement the licensee agrees to accept and perform its terms. I acknowledge the validity of the settlement and waive a hearing to which I would have a right under D.C. Official Code § 25-826 (2012 Repl.). 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 settlement agreement without reservation, and I fully understand its meaning and my rights.



Licensee 10/7/15



Attorney for Licensee 10/7/15

DISTRICT OF COLUMBIA

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ELIZABETH SARAH GERE
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Public Interest Division



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Chief, Civil Enforcement Section



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