

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

In the Matter of:)	
)	
District Soul Food Restaurant & Lounge, LLC)	Case Nos.: 20-CMP-00094
t/a District Soul Food Restaurant & Lounge)	20-CMP-00108
)	20-CMP-00109
Holder of a)	License No.: ABRA-112072
Retailer's Class CR License)	Order No.: 2020-649
)	
at premises)	
500 8th Street, SE)	
Washington, D.C. 20003)	

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ALSO PRESENT: District Soul Food Restaurant & Lounge, LLC, t/a District Soul Food Restaurant & Lounge, Respondent

Jessica Krupke, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING OFFER IN COMPROMISE

The above mentioned parties have petitioned the Alcoholic Beverage Control Board (Board) to approve an offer-in-compromise (OIC) to settle one or more violations of Title 25 of the D.C. Official Code (Title 25) and Title 23 of the D.C. Municipal Regulations (Title 23) in accordance with D.C. Official Code § 2-509(a).

ORDER

Therefore, on this 28th day of October 2020, the Board **APPROVES** the OIC appended to this Order. The terms of the OIC are as follows:

1. The Respondent admits to a violation of the statutes or regulations listed in the OIC attached to this Order.
2. The Respondent shall follow and abide by the terms and conditions of the attached OIC in accordance with D.C. Official Code §§ 2-509(a), 25-447(f), and 25-823(a)(6).
3. The Respondent waives all rights to notice or appearance before the Board.
4. The Respondent waives the right to a hearing, call witnesses, present evidence, and otherwise contest the charges as provided in Title 25 and Title 23.
5. The Respondent waives the right to judicial review or appeal of this Order. The Respondent further agrees not to collaterally attack the disposition imposed by this Order.
6. The parties agree that the attached OIC constitutes the entire agreement of the parties.

The Show Cause hearing in this matter is cancelled. ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: 6430648099050546730034132289

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547407382046401133282298ec

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d3fcadfb146d7fb75bd7917d20d

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b560a91845e1f9e401f13585c128f1ec

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 821729318509447401656e02a41899

Jeni Hansen, Member

Edward S. Grandis, Member

I dissent from the Board's decision.

eSigned via SeamlessDocs.com
Rema Wahabzadah, Member
Key: bf2ca9bb598b74099b19b35b738f162f

Rema Wahabzadah, Member

Pursuant to D.C. Official Code § 25-433(d)(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, 2000 14th Street, N.W., Suite 400S, Washington, DC 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, 430 E StTeet, N.W., Washington, D.C. 20001; (202/879-1010). 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) (2004).

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



IN THE MATTER OF:

DISTRICT SOUL FOOD
RESTAURANT & LOUNGE LLC t/a
DISTRICT SOUL FOOD
RESTAURANT & LOUNGE,

Respondent.

Case Nos. 20-CMP-00094, 20-CMP-00108,
20-CMP-00109
License No. 112072
Retailer Class CR

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 a Summary Suspension hearing.

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 agrees to a 60-day suspension of its ABC license, with 30 days served and 30 days stayed. The 30-day 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 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, per the requirements of 23 DCMR § 808.16, respondent shall not serve the 30 stayed days.
- (2) 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 §§ 810.2 (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.
- (3) Bar Activities: 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), 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 § 810.2(q).

- (4) Social Distancing Walkthrough: 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 respondent's compliance with Mayor's Order 2020-075 (May 27, 2020), Mayor's Order 2020-080 (June 19, 2020) and in accordance with 23 DCMR § 810.2.
- (5) 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 and 23 DCMR § 810.2(m), respondent shall require patrons to wait outside at least six feet apart until they are ready to be seated; queueing indoors shall not be permitted.
- (6) 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.
- (7) 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 the 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 the public health emergency to wear masks or face coverings prior to entering or while waiting in line outside of the licensed premises and while traveling to use the restroom or until they are seated and eating or drinking.

- (8) 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 and 23 DCMR § 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.
- (9) Operating Hours: Respondent shall restrict its operations, excluding carry-out and delivery, and the sale, service or the consumption of alcoholic beverages both indoors and outdoors 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 § 810.2(k).

Dated: October 27, 2020.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

TONI MICHELLE JACKSON
Deputy Attorney General
Public Interest Division

/s/ Kimberly M. Johnson
KIMBERLY M. JOHNSON [435613]
Chief, Civil Enforcement Section

/s/ Jessica Krupke
JESSICA KRUPKE [1019967]
Assistant Attorney General
400 Sixth Street, N.W., Suite 10100
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(202) 370-7628 (fax)
Jessica.Krupke@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.

Respondent

DATE

CERTIFICATE OF SERVICE

I certify that on October ____, 2020, the foregoing Offer in Compromise for Board Approval was served by electronic mail to:

David Rountree, Managing Member
District Soul Food Restaurant & Lounge LLC
t/a District Soul Food Restaurant & Lounge
500 8th Street, S.E.
Washington, D.C. 20003
davidrountree@districtsoulfood.com

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

/s/ Jessica Krupke
Jessica Krupke
Assistant Attorney General