

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

_____)		
In the Matter of:)		
DC Live, LLC)	Case No.:	20-CMP-00091
t/a Elevate)	License No:	ABRA-100316
Holder of a)	Order No:	2020-270
Retailer's Class CT License)		
at premises)		
15 K Street, N.E.)		
Washington, D.C. 20002)		
_____)		

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: DC Live, LLC, t/a Elevate, Respondent

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

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING OIC

The above mentioned parties appeared before the Alcoholic Beverage Control Board on August 26, 2020. At the hearing, the parties proposed an offer-in-compromise (OIC) to resolve the summary suspension described in Case No 20-CMP-00091. The Board approved the OIC at the hearing.

ORDER

Therefore, on this 26th day of August 2020, the Board **APPROVES** the OIC presented by the parties. 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 14-day suspension, which shall include the suspension of the license served prior to the issuance of this Order. The license shall remain suspended from August 14, 2020, until August 28, 2020 at 8:00 a.m. The indefinite suspension previously imposed by the Board shall not expire until all terms and conditions of the OIC have been fulfilled to the satisfaction of the Board.
3. The Respondent admits to the violation set forth in Case No. 20-CIT-00188 and shall pay a \$1,000 fine for the offense.
4. This matter is referred to the Office of the Attorney General for further review as to whether additional enforcement actions are warranted.

The 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: ac4330688048370c4a79306321e228f

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 347ae779500e1a81b372a2c048e7

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 25643f1adfb0e146370675ad7917d209

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rema Wahabzadah, Member
Key: f12ca40b590b74039b19435b738f15cf

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: c660e01845e1f9e4016155a5c12801c2

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172931f5094474b1b555c2a41b0f

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward S. Grandis, Member
Key: 5007bde7f9f9048ec14adeb52541ee5

Edward S. Grandis, 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: DC LIVE, LLC t/a ELEVATE, Respondent.	Case No. 20-CMP-00091 License No. 100316 Retailer Class CT
--	--

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 set forth 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 14-day suspension of its ABC license. The dates of the 14-day suspension are Friday, August 14, 2020 through Thursday, August 27, 2020, which includes time served during the summary suspension period. The suspension shall be lifted at 8:00 a.m. on Friday, August 28, 2020, provided all other requirements in this OIC have been completed by the Respondent to the satisfaction of the Board.
- (2) Fine: Respondent shall pay a \$1,000.00 fine for the citation previously issued in Case Number 20-CIT-00188 within 90 days.
- (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) 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) and Mayor's Order 2020-075 (June 19, 2020) in accordance with the Board's Notice of Fifth Emergency Rulemaking (June 22, 2020) (Board's Emergency Rules). 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.

- (5) Operating Hours: Respondent shall not operate either inside or outside or sell, serve or permit the consumption of alcoholic beverages past midnight during any day of the week while the District of Columbia remains subject to Mayor's Order 2020-067 and Mayor's Order 2020-075 in accordance with the Board's Emergency Rules.
- (6) 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 and Mayor's Order 2020-075 in accordance with the Board's Emergency Rules. Tables shall be placed so that patrons in different parties are placed at least six feet apart from one another. Respondent shall have a menu in use containing a minimum of three (3) 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.
- (7) 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.

- (8) 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.
- (9) Outside Promoters: If Respondent uses outside promoters, both the Respondent and promoters shall comply with all applicable laws and regulations, including Mayor's Order 2020-067, Mayor's Order 2020-075 and the Board's Emergency Rules.
- (10) Sparklers: Respondent shall not sell or serve alcoholic beverages with sparklers inside or outside of the licensed establishment.
- (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 possible Show Cause proceeding.

Dated: August 19, 2020.

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
441 Fourth Street, N.W., Suite 630-S
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 TO THE OIC

By this OIC, 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/ Ermiyas Asfaw
Respondent

August 19, 2020
Date

CERTIFICATE OF SERVICE

I certify that on August 6, 2020, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

Ermiyas Asfaw
DC Live, LLC, t/a Elevate
15 K Street, N.E.
Washington, D.C. 20002
dcliveclub@gmail.com

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