

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

**In the Matter of:**

Family, LLC  
t/a MK Lounge & Restaurant

Holder of a  
Retailer's Class CT License

at premises  
1930 9th Street, NW  
Washington, D.C. 20001

Case No.: 20-CMP-00099  
License No.: ABRA-088787  
Order No.: 2020-301

**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:** Family, LLC, t/a MK Lounge & Restaurant, Respondent

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

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER APPROVING OFFER IN COMPROMISE**

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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 30th day of September 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: ac306096995850944b7300301dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 547ea373f03050e6c8b1b332a22940ec

James Short, Member

eSigned via SeamlessDocs.com  
*Bobby Cato*  
Key: 256d3fca4f6a14617f6b75bd7917d2ba

Bobby Cato, Member

eSigned via SeamlessDocs.com  
*Rema Wahabzadah, Member*  
Key: b2ca46b59db74099b19b35b738f16cf

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com  
*Rafi Aliya Crockett, Member*  
Key: b560w9f1845a1f0e4010155a5c129f1cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com  
*Jeni Hansen, Member*  
Key: 82172931f1009447491bd6fc2a41e99

Jeni Hansen, Member

eSigned via SeamlessDocs.com  
*Edward Grandis, Member*  
Key: 5027bda7f09f0040ec14a3eb52541ce5

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 14<sup>th</sup> 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 Street, 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:  FAMILY, LLC t/a MK LOUNGE & RESTAURANT,  <i>Respondent.</i>	Case No. 20-CMP-00099 License No. 088787 Retailer Class CT
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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 scheduled for September 30, 2020.

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 25-day suspension of its ABC license, with 15 days served and 10 days stayed. The 15-day served suspension shall commence on Friday, September 18, 2020 through Saturday, October 3, 2020, which includes time served during the summary suspension period. The ABC license suspension shall be lifted at 8:00 a.m. on Sunday, October 4, 2020, provided respondent satisfies all other applicable requirements in this OIC. The additional 10 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 10 stayed days.
- (2) Operating Hours: Respondent shall not operate either inside or outside or sell, serve or permit the consumption of alcoholic beverages between midnight and 8:00 a.m. 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 and in accordance with 23 DCMR § 810.2(k).
- (3) 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 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 and/or alcoholic beverages. Respondent shall require the purchase of one or more prepared food items per table.

- (4) 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 as required by 23 DCMR § 810.2(q).
- (5) Capacity: Respondent shall limit its indoor capacity to no more than fifty percent (50%) 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 2020-067 and Mayor's Order 2020-075 and in accordance with 23 DCMR § 810.2(a).
- (6) 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, Mayor's Order 2020-080 and in accordance with 23 DCMR § 810.2.
- (7) Egress: The respondent shall not prevent egress from the establishment; respondent shall not lock doors during business hours or when patrons are inside of the establishment.

- (8) Masks: 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.
- (9) Fine: Respondent shall pay the \$1,000.00 fine for the citation issued in Case Number 20-CIT-00239 within 90 days.
- (10) 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.

Dated: September     , 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) 727-2125  
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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.

/s/ \_\_\_\_\_  
Respondent

\_\_\_\_\_  
DATE

**CERTIFICATE OF SERVICE**

I certify that on September \_\_\_\_, 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:

Marilu Govani, Managing Member  
Family, LLC t/a MK Lounge & Restaurant  
1930 9th Street, N.W.  
Washington, D.C. 20001

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