

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

In the Matter of:

Terfneh Kahsay
t/a Salina Restaurant

Holder of a
Retailer's Class CT License

at premises
1936 9th Street, N.W.
Washington, D.C. 20001

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) Case No.: 16-251-00087
) License No.: ABRA-082969
) Order No.: 2016-478
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BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ALSO PRESENT: Terfneh Kahsay, Salina Restaurant, Respondent

Walter Adams II, Assistant Attorney General, on behalf of the District of
Columbia

Amy Schmidt, 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 Status and Show Cause Hearing (Notice) executed on June 29, 2016, by the Alcoholic Beverage Control Board (Board) in the matter of Terfneh Kahsay, Salina Restaurant (Respondent) located at 1936 9th Street, N.W., Washington, D.C.

The Respondent waived service of the Notice at the Shaw Cause Status Hearing on July 27, 2016.

The Notice charges the Respondent with seven violations, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Specifically, the Notice charges the Respondent with the following violations:

- Charge I: [On May 19, 2016] [y]ou allowed the licensed establishment to be used for an unlawful or disorderly purpose in violation of D.C. Official Code § 22-823(a)(2)...
- Charge II: [On May 19, 2016] [y]ou failed to preserve a crime scene at the licensed establishment in violation of D.C. Official Code § 25-823(a)(8)...
- Charge III: [On May 19, 2016] [y]ou failed to obtain the Board's prior approval before making a substantial change by changing the trade name or corporate name coupled with a change in ownership of the licensed establishment in violation of D.C. Official Code § 25-762(a)...
- Charge IV: [On May 19, 2016] [y]ou failed to obtain the Board's prior approval before changing the licensed establishment's trade name in violation of 23 DCMR §§ 600.1 and 600.2...
- Charge V: [On May 19, 2016] [y]ou failed to obtain the Board's approval before completing the transfer of ownership of the licensed establishment in violation of D.C. Official Code § 25-405...
- Charge VI: [Y]ou failed to surrender the establishment's license for safekeeping after it was discontinued in violation of D.C. Official Code § 25-791(a)...
- Charge VII: [Y]ou failed to adhere to the terms of the Board's order mandating the existence of operable surveillance cameras in violation of D.C. Official Code § 25-823(a)(6)...

ABRA Show Cause File No., 16-251-00087, Notice of Status Hearing and Show Cause Hearing, 2-6 (June 29, 2016).

At the Show Cause Hearing held on August 3, 2016, the Respondent and the Government entered into an Offer in Compromise (OIC), which resolved the charges set forth above. The

Respondent acknowledged its consent to the terms of the OIC and waived its right to a Show Cause hearing and appeal.

The OIC has been reduced to writing and has been properly executed by the Government and the Respondent. The Board formally approves the OIC this which is appended to this Order.

ORDER

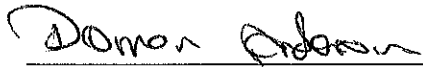
Accordingly, the Board having found the terms of the OIC to be fair, reasonable and adequate, does hereby, this 3rd day of August, 2016, **APPROVE** the terms of the Offer in Compromise entered into by the Government and Terfneh Kahsay, Salina Restaurant, located at premises 1936 9th Street, N.W., Washington, D.C.

It is further **ORDERED** that the Respondent will operate in accordance with the terms of the OIC which are binding on the Respondent.

It is further **ORDERED** that the Respondent will appear for a Status Hearing on Wednesday, September 7, 2016 at 9:30 a.m., for purposes of apprising the Board regarding its compliance with the OIC.

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

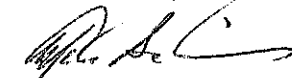
District of Columbia
Alcoholic Beverage Control Board



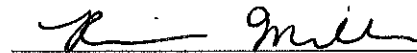
Donovan Anderson, Chairperson



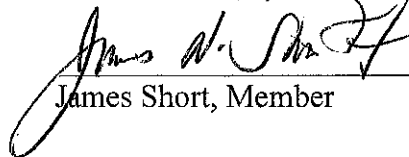
Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, 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 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
Office of the Attorney General



Public Interest Division
Civil Enforcement Section



OFFER IN COMPROMISE¹

In the Matter of: Terfneh Kaysay t/a Salina Restaurant

Officer/owner: Terfneh Kaysay

Case numbers: 16-251-00087. Hearing Date: August 3, 2016.

Incident occurring on: May 19, 2016

For the Charge of:

Statutory Authority: D.C. Official Code §25-823 (2012 Repl.).

This offer in compromise (OIC) will be presented to the Alcoholic Beverage Control Board (ABC Board) by the Assistant Attorney General at the status hearing. Please be advised that this is a proposed compromise. Accordingly, it is the discretion of the Board to accept or reject this offer.

The offer in compromise consists of the following terms:

- (1) Terfneh Kaysay t/a Salina Restaurant (Licensee) will pay a fine of \$12,000.00 within 120 days of today's date or the license will be suspended until payment of the fine is received. The OIC breakdown is as follows: (1) Charge I is dismissed, (2) A \$2,000 fine for Charge II which is unlisted on the penalty schedule; (3) a mandatory written warning for Charge III; (4) a mandatory written warning for Charge IV; (5) a \$5,000 fine for Charge V; (6) a mandatory written warning for Charge VI, and (7) a \$5,000 fine for Charge VII.
- (2) The licensee shall remain closed pending the Board's status hearing review of the licensee's compliance with the terms of the OIC on Wednesday, September 7.
- (3) Licensee shall ensure that its video surveillance cameras are operational and record for 30 days. The cameras shall cover all blinds spots as well as the exterior front and back of the establishment. An ABRA investigator will conduct a walk-through of the establishment to evaluate the location and capability of the camera system prior to September 7, 2016.
- (4) Licensee shall make its security video footage available to MPD and ABRA investigators within 12 hours of an incident. Furthermore, the Licensee is to have personnel on hand who

¹ Authorized under 23 DCMR 1611.5 (2016).

- can adequately operate the camera security system for purposes of downloading and providing copies of the requested footage to MPD and ABRA personnel.
- (5) The licensee shall file a new security plan with the Board by Monday, August 29. The new security plan shall incorporate the conditions of this offer in compromise. The new Security Plan shall include procedures on how to properly remove unruly patrons from the establishment and the method by which MPD will be contacted. The new Security Plan shall include the establishment's procedures for training all staff personnel on preserving a crime scene. The new Security Plan shall indicate when security personnel will be present, the training security personnel will receive, and how security personnel will be identifiable to the public.
 - (6) The licensee shall maintain a detailed incident log which will be made available to MPD or ABRA investigators upon request. The incident log shall be used to report any incidents that may have occurred while the establishment is open and operating. The Security Manager or owner shall be required to sign the incident log on a daily basis, even if no incidents occur.
 - (7) The Licensee must call 911 at the time of any violent incident or altercation inside the establishment that leads to eviction of the patrons by the establishment's staff or security. Additionally, the Licensee must call 911 anytime the commission of a crime is observed, anyone is in obvious need of emergency medical assistance or anyone claims injury and requests emergency medical assistance.
 - (8) The licensee shall provide the Board by Monday, August 29, 2016 evidence that all other licenses necessary to operate in the District are current and are in the current owner's name. These licenses include but are not limited to: (1) the basic business license, (2) DC tax registration, and (3) certificate of occupancy.
 - (9) The licensee shall operate under the trade name Salina Restaurant until any other trade names are approved by the Board.
 - (10). The Board shall not approve or transfer the license to a new owner until all outstanding fines are paid.
 - (11) The licensee shall provide the Board by Monday, August 29, with the names of the establishment's ABC managers and individuals who will be responsible for operating the business in his absence. Mr. Kahsay agrees that the ABC managers and individuals responsible for operating the business in his absence will be different than individuals that ran and operated the business "Karma" without Board approval. The four individuals that will not be permitted to either operate or manage the business or serve as ABC managers are (1) Mr. Rezene Sium, (2) Mr. Efreem Alazar; (3) Daniel Adhanom, and (4) Marta Mekohen).
 - (12) A status hearing shall be set for Wednesday, September 7, to determine if the licensee has complied with all of the terms of the OIC that are necessary to reopen.

CONSENT

By this settlement agreement I agree 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

_____/ /
Attorney for Licensee