

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**TUESDAY, MARCH 20, 2012
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009**

Ruthanne Miller, Chairperson

Members:

**Nick Alberti, Donald Brooks, Herman Jones, Calvin Nophlin, Mike Silverstein
and Jeannette Mobley**

Summary Suspension Hearing

9:00 AM

Case # 12-251-00103 *

Caribbean Vibes, Inc., t/a Club Timehri
2439 18th Street NW
License #77730
Retailer CT
ANC 1C
Chief of Police Closure March 10, 2012

Disposition: The Board voted to send the case to a Show Cause Hearing and continue the suspension of the license pursuant to the terms in the attached Order, 6-0.

Summary Suspension Hearing

10:00 AM

Case # 12-251-00104 *

Island Café, Inc., t/a Island Café
829 Upshur Street NW
License #60578
Retailer CT
ANC 4C
Chief of Police Closure March 10, 2012

Disposition: The Board voted to accept the attached Offer in Compromise and lift the suspension of the license. The Board voted to send the case to a Show Cause Hearing, 6-0.

***These matters constitute an emergency under the Open Meetings Act. The notice requirements of Section 406(4) were satisfied.**

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 March 10, 2012, 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.

On Friday, March 16, 2012, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c), which was held on March 20, 2011. At the time of the hearing, the Board continued the suspension of the license and approved the attached Offer in Compromise (OIC) setting forth conditions to be placed on the Respondent pursuant to 23 DCMR § 1601.1. All of the conditions are to be met to the Board's satisfaction before the Board will consider lifting the suspension of the license.

ORDER

As a result of the resolution of the Notice of Summary Suspension filed against the Respondent, the Board does hereby, this 21st day of March, 2012, **ORDER** that the suspension of the Respondent's Retailer's Class CT License, held by Club Timehri, Inc., t/a Club Timerhi, located at premises 2734 18th Street N.W., Washington, D.C., be and is hereby **SUSPENDED** effective March 20, 2012, for ten (10) days or until compliance with the terms of the OIC, whichever date is later.

It is further **ORDERED** that the Board does approve the terms and conditions set forth in the attached OIC conditions. The OIC is **INCORPORATED** as a part of this Order and its terms are binding on the Respondent.

It is further **ORDERED** that ABRA Case No. 12-251-00103 will be forwarded to the Office of the Attorney General for consideration of further enforcement action.

It is further **ORDERED** that the Licensee shall return to the Board for a Status Hearing within forty-five (45) days from the date of this Order to ensure compliance with the terms of the OIC.

It is further **ORDERED** that the Respondent shall abide by all laws and regulations of the District of Columbia, shall operate its establishment in a safe and competent manner, and shall refrain from engaging in the type of activity that led to this disciplinary action.

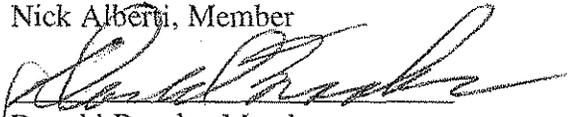
A copy of this Order shall be sent to the Respondent and to the Government.

District of Columbia
Alcoholic Beverage Control Board

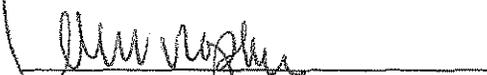
Ruthanne Miller, Chairperson



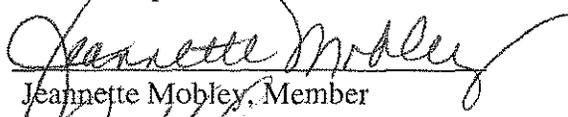
Nick Alberti, Member



Donald Brooks, Member



Calvin Nophlin, Member



Jeannette Mobley, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 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) (2004).

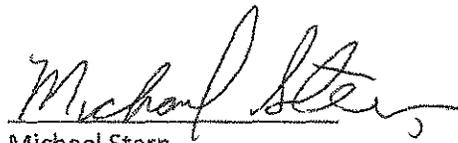
1. Install recording camera system (8 DVR night sensitive cameras with 30 day backup capability)
2. Implement mandatory quarterly professional training for all security staff and the owner on Timehri's security procedures and plan. Training will include:
 - a. Learning how to spot and identify individuals displaying questionable behavior.
 - b. Ensure security is aware they are to deny entry to any individuals displaying questionable behavior. Training will also include how to properly pat down (as needed) and confiscate any objects which could risk the safety of others. Staff will trained on how to handle unruly patrons and at what times MPD is to be called.
 - c. Educate security on their legal obligation to maintain the integrity of any incident site or evidence to facilitate any investigation by MPD or ABRA. (Security manager will be responsible for training security staff on our Security Operations Policy and Procedures outlined/documentated in our security plan. Any incident involving security must be communicated to Head of Security and Management Staff. All incidents must be documented.)
3. Create a test for security personnel on Timehri's security procedures to ensure all security personnel familiar with the contents of the security plan and the training sessions.
4. Creation of a nightly log which will be maintained by security personnel. Logbook will be used to report any incidents that may have occurred during the shift. Security personnel on duty will be required to sign the book after each shift, even if no incidents occurred. This will allow management to review the activities of the evening and address any matters that were handled or reported improperly. (The head of security will also use this logbook to note any issues with security staff on duty, including improper attire, conduct, failure to observe potential dangers).
5. Amendments to Timehri's security plan to include all of the points above and a section on responding to violent crimes, such as the incident that occurred on March 10th, i.e. not tampering with evidence. Timehri's security plan shall comply with D.C. Official Code § 25-403 and shall also include the establishment's plan for uniforms for security employees, process for contacting MPD, and maintaining employee contact information on file at the premises to be made available to MPD and ABRA. Security footage shall be provided to ABRA and MPD within 72 hours of being requested. The establishment shall be responsible for having someone who can download the establishment's security footage when requested.
6. Ensure each security personnel, at the front door, is equipped with an operational hand held metal detector. Also, ensure nightly equipment checks before the start of each shift. To ensure checks are being completed - an equipment check log book will be placed with the nightly logbook. The

establishment shall have a functioning back-up hand held metal detector available, in case of malfunction of one of the regularly used metal detectors.

7. Ensure that door security is equipped with a clicker, to keep track of the number of patrons inside. The clicker should be able to count up and down, so management always has an accurate count of the number of people in the establishment at any one time. Management shall insure that the count does not exceed 48 at any time in the evening pursuant, Occupancy Permit No 149899.

8. The establishment shall remain closed for ten days until March 30, 2012, or until all security personnel have completed Blueline Security's "Security Officer I" training course, a new security plan has been approved by ABRA and all cameras are installed and operational as described above, whichever is longer.

9. Continued Summary Suspension Status Hearing shall be set within 45 days.



Michael Stern
Senior Assistant Attorney General



Jonathan Wells
Owner, Club Timehri

operations of the establishment presented an imminent danger to the health and safety of the public.

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 March 10, 2012, 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.

On March 9, 2012, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c), which was held on March 20, 2012. At the conclusion of the hearing, the Board accepted, on a vote of six (6) to zero (0), an Offer in Compromise (OIC) presented by the parties pursuant to 23 DCMR § 1601.1.

The OIC included the following terms:

1. ABRA's Enforcement Division will inspect and evaluate the establishment's camera security system to ensure that all cameras, including the outside cameras, are operable, and that the camera security system is adequately recording and has a video storage capacity of thirty (30) days.
2. Security footage shall be provided to ABRA and MPD within 72 hours of being requested. The establishment shall have available at all times, personnel who can download the establishment's security footage from the camera system.
3. The Licensee shall familiarize its security employees with the establishment's security procedures, to include: the functioning camera system (viewing and storage), security personnel positions, incident log maintenance and completion, ID checks, the procedures for contacting MPD, the prevention of overcrowding and overconsumption, preservation of a crime scene, and for the ejection of patrons from the establishment.
4. The Licensee shall ensure that all current security employees and the owner of the establishment undertake formal security training within 30 days. The Licensee shall also ensure that new security employees shall receive formal security training within 60 days from their employment start date.
5. The Licensee shall submit a revised and updated Security Plan within twenty-one (21) days from the date of this Order, whose terms will comply with D.C. Official Code Section 25-403. The Security Plan will also include provisions regarding the use of uniforms by security employees, the process for maintaining and completing an incident log, the process for contacting MPD, the preservation of any crime scenes, and procedures for the ejection of patrons from the establishment.
6. The Licensee shall develop and maintain a list of employee's names and contact information. This list shall remain on file at the establishment and shall be made available to MPD and ABRA immediately upon request.
7. The Licensee shall review the terms and conditions of its Voluntary Agreement with all employees prior on a regular ongoing basis.

8. The Licensee shall review its revised Security Plan with all employees upon submission of the Security Plan to ABRA and on a regular ongoing basis.

ORDER

As a result of the resolution of the Notice of Summary Suspension filed against the Respondent, the Board does hereby, this 21st day of March, 2012, **ORDER** that the suspension of the Respondent's Retailer's Class CT License, held by Island Café, Inc., t/a Island Café, located at premises 829 Upshur Street N.W., Washington, D.C., be and is hereby **LIFTED** effective March 20, 2012.

It is further **ORDERED** that the Board will impose the OIC conditions set forth above which are binding on the Respondent.

It is further **ORDERED** that ABRA Case No. 12-251-00104 will be forwarded to the Office of the Attorney General for consideration of further enforcement action.

It is further **ORDERED** that the Licensee shall return to the Board for a Status Hearing within forty-five (45) days from the date of this Order to ensure compliance with the terms of the OIC.

It is further **ORDERED** that the Respondent shall abide by all laws and regulations of the District of Columbia, shall operate its establishment in a safe and competent manner, and shall refrain from engaging in the type of activity that led to this disciplinary action.

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

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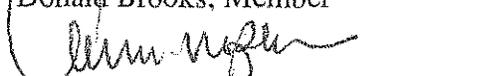
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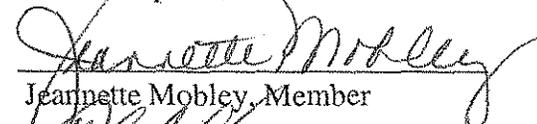
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