

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

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**FRIDAY, AUGUST 16, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson
Members:**

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Summary Suspension Hearing

1:00 PM

Case # 13-251-00097, # 13-251-00097(a)

Perculus, Inc. t/a The Reef

2442 18th Street NW

License #60475

Retailer CT

Chief of Police Closure August 10, 2013

Disposition: The Board approved an Offer in Compromise, 3-0 (Miller, Albert, Silverstein). The License remains suspended until the Board is satisfied with the Respondent's compliance of additional terms and conditions set forth in the attached OIC. Additionally, the Respondent must submit a Security Plan, install a camera security system and professionally train its security personnel. The next hearing is scheduled for August 22, 2013, at 3:00 pm.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

Public Interest Division
Civil Enforcement Section



OFFER IN COMPROMISE¹

In the Matter of: Perculus, Inc. t/a The Reef

Officer/owner: Brian C. Harrison, Owner

Case number: 13-251-00097. Hearing Date: August 16, 2013.

Incidents occurring on: August 10, 2013.

For the Charge of: Summary suspension proceeding.

Statutory Authority: D.C. Official Code §25-826(a) (2001).

This offer in compromise will be presented to the Alcoholic Beverage Control Board ("Board") by the Assistant Attorney General ("OAG") at the summary suspension proceeding. 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) Perculus, Inc. t/a The Reef ("Licensee") agrees to conduct and complete training of security employees prior to resuming operations for all existing security personnel to include all procedures described in this agreement. No security employee shall begin employment without training. All future employed security personnel shall receive security training at the time of hire. A refresher security training shall be provided to all security employees on a bi-annual basis.
- (2) Licensee agrees to document the training of security employees and to document their employment status. Licensee also agrees to document the subject matter of any training other employees receive.
- (3) Licensee agrees to conduct criminal background checks on employees before hiring, including current employees.
- (4) Licensee agrees to provide training to its security employees on: procedures for checking patron identification; procedures for preventing alcohol consumption by minors; prevention of intoxication of patrons; detailed procedures on how security personnel are to handle violent altercations in the establishment, including appropriate methods for detaining and controlling aggressive patrons; the use of force; procedure for preserving a crime scene; and the proper protocol for drafting and maintaining incident logs.

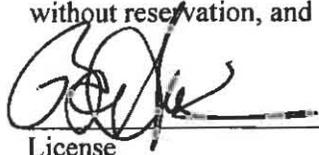
¹ Authorized under 23 DCMR 1604.5 (2008).

- (5) In addition to the topics contained in paragraph 4, the Licensee agrees to incorporate training on how to aid an injured or ill patron inside the establishment, including calling for outside medical services. Licensee will provide training on situations where it is necessary to contact MPD immediately, such as a violent incident inside the establishment or when a patron needs or requests medical attention. The training will include instruction on appropriate times to call 911.
- (6) Licensee agrees to use ~~electronic~~ ^{FR BA} devices to detect false IDs presented by patrons. The ~~electronic~~ ^{FR B14} ID scanners will be used in conjunction with the full manual ID checking procedures contained in the Licensee's Security Plan.
- (7) Licensee agrees to provide training on the use of the ID detecting devices, to include the use of manual ID review techniques in addition to the ID detecting devices.
- (8) Licensee agrees to file a Security Plan with the Board that will address:
- The placement and number of security cameras, including an appended diagram of the camera locations.
 - Security cameras shall maintain footage for at least 30 days.
 - Video recordings shall be made available to law enforcement, including ABRA, no later than 48 hours after request.
 - Security cameras shall be operational.
 - A detailed description of the placement of security employees in the establishment.
 - Procedures for checking patron identification.
 - Procedures for preventing alcohol consumption by minors.
 - Prevention of intoxication of patrons.
 - Detailed procedures on how security personnel are to handle violent altercations in the establishment, including appropriate methods for detaining and controlling aggressive patrons.
 - Procedure for preserving a crime scene.
 - Proper protocol for drafting and maintaining incident logs.
- (9) Licensee agrees to escort violent aggressors to the MPD Reimbursable Detail officer or officers customarily posted on 18th Street, N.W.
- (10) Licensee agrees to always maintain an incident log and retain log records of incidents for a minimum of one year.
- (11) The placement of security cameras shall, at a minimum, include cameras in areas of all floors that hold patrons and on the stairway.
- (12) The Security Plan will address what disciplinary actions will apply for violations of the Plan.
- (13) Licensee agrees that security employees shall remain inside the premises while on duty, shall not consume alcohol on the premises while on duty, and shall not carry weapons.
- (14) Licensee agrees that security employees shall not engage in any regular activities that distract them from their duties as security employees, such as cleaning, reading, or use of cell phones.

- (15) Licensee agrees to file its Security Plan with the Board, as well as other documentation required by this OIC, no later than 4:00 p.m. on Tuesday, August 20, 2013.
- (16) The summary suspension hearing shall be continued to 3:00 a.m/(p.m) on August 22, 2013. In the event that the Board is satisfied with the Licensee's document submission this additional hearing date would be cancelled.
- (17) This matter shall be referred to the OAG for a show cause review.

CONSENT

By this settlement agreement the licensee agrees 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 (2001). 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.



License

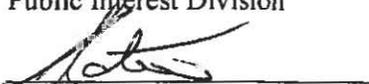
08/16/13

Attorney for Licensee

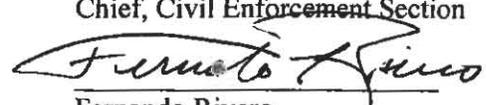
DISTRICT OF COLUMBIA

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

**NOTICE OF MEETING
AGENDA**

**FRIDAY, AUGUST 16, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review of a proposal, dated July 29, 2013, from Paul Pascal, Counsel for DCanter, to utilize a portion of the Licensee's space for tastings. **DCanter**, 545 8th Street SE, Retailer B, Lic# 090639.
Decision: Fact Finding, 3-0-0.
2. Review of Request dated July 29, 2013, from Rebecca Silberman of Room 11, for off premise storage of invoices. **Room 11**, 3234 11th Street NW, Retailer C, Lic# 079568.
Decision: Approved, 3-0-0.
3. Review of Petition for Reconsideration dated August 5, 2013, of Board Order No. 2013-293, from Watergate West Cooperative. **Watergate Hotel**, 2650 Virginia Ave NW, Retailer CH, Lic#: 091162.
Decision: Postponed until September 11, 2013.
4. Review of Petition for Reinstatement filed by Dr. Patricia D. Kellogg. **Watergate Hotel**, 2650 Virginia Ave NW, Retailer CH, Lic#: 091162.
Decision: Postponed until September 11, 2013.
5. Review of Petition for Reinstatement filed by Victoria Jennings. **Watergate Hotel**, 2650 Virginia Ave NW, Retailer CH, Lic#: 091162.
Decision: Postponed until September 11, 2013.
6. Review of Petition for Reinstatement filed by June Walsh. **Watergate Hotel**, 2650 Virginia Ave NW, Retailer CH, Lic#: 091162.
Decision: Postponed until September 11, 2013.
7. Review of Petition for Reinstatement filed by William Schneider. **Watergate Hotel**, 2650 Virginia Ave NW, Retailer CH, Lic#: 091162.
Decision: Postponed until September 11, 2013.
8. Review of Petition for Reinstatement filed by Herbert Goda. **Watergate Hotel**, 2650 Virginia Ave NW, Retailer CH, Lic#: 091162.
Decision: Postponed until September 11, 2013.

9. Review of Petition for Reinstatement filed by Robert Burney. **Watergate Hotel**, 2650 Virginia Ave NW, Retailer CH, Lic#: 091162.
Decision: Postponed until September 11, 2013.
10. Review of Petition for Reinstatement filed by Kathleen Burney. **Watergate Hotel**, 2650 Virginia Ave NW, Retailer CH, Lic#: 091162.
Decision: Postponed until September 11, 2013.
11. Review of Response in Opposition to Motion for Reconsideration dated August 12, 2013 from Stephen O'Brien, Counsel for Watergate Hotel. **Watergate Hotel**, 2650 Virginia Ave NW, Retailer CH, Lic#: 091162.
Decision: Postponed until September 11, 2013.
12. Review of Reply in Support of Petition for Reconsideration dated August 15, 2013 from Stephen H. Marcus, Counsel for the Petitioners. **Watergate Hotel**, 2650 Virginia Ave NW, Retailer CH, Lic#: 091162.
Decision: Postponed until September 11, 2013.
13. Review of Settlement Agreement, dated April 8, 2013 between The Queen Vic and ANC 6A. **The Queen Vic**, 1206 H Street NW, Retailer CR, Lic#: 083930.
Decision: Approved, 3-0-0.
14. Review of Settlement Agreement, dated March 13, 2013, between Oasis Liquor and ANC 6C. **Oasis Liquor**, 1179 3rd Street NE, Retailer A, Lic#: 088531.
Decision: Approved with Modifications, 3-0-0.
15. Review of an Admendment to Settlement Agreement, dated July 17, 2013, between Capitol Fine Wine and Spirits and ANC 6C. **Capitol Fine Wine and Spirits**, 415 H Street NE, Retailer A, Lic#: 079335.
Decision: Approved, 3-0-0.
16. Review of Settlement Agreement dated August 5, 2013 between Diego and Meridian Hill Neighborhood Association. **Diego**, 2100 14th Street NW, Retailer C, Lic# 085469.
Decision: Approved with Modifications, 3-0-0.
17. Review of Settlement Agreement dated August 8, 2013 between ANC 6D and Park Tavern. **Park Tavern**, 202 M Street SE, Retailer CT, Lic#: 089126.
Decision: Approved with Modifications, 3-0-0.
18. Review of Settlement Agreement dated July 25, 2013 between Seki and Samir Bitar. **Seki**, 1117 V Street NW, Retailer CR, Lic#: 088274.
Decision: Approved, 3-0-0.
19. Review of Request to Return License from Safekeeping and Proposed Name Change. **Balletto**, 1050 17th Street NW, Retailer CR, Lic#: 014073.
Decision: Approved, 3-0-0.

20. Review of Request for Reinstatement dated August 5, 2013 from Linden Neighborhood Association. *Sol Mexican Grill*, 1251 H Street NE, Retailer CT, Lic#: 092192.
Decision: Denied, 3-0-0.
21. Review of Request from ANC 1A Chairman Ken Boese to have change in ownership at Blue Banana placarded for public comment. *Blue Banana*, 3632 Georgia Ave NW, Retailer CT, Lic#: 82215.
Decision: Denied, 3-0-0.
22. Review of Letter from Holland & Knight in support of request for a Temporary License for Nando's at the Yards. *Nando's Peri Peri*, 300 Tingey Street SE, Retailer CR, Lic#: 092802.
Decision: FYI.
23. Review of Request for Reinstatement of Application dated August 5, 2013 from Gary Silversmith of Sequoia Presidential Yacht Group. Sequoia was dismissed August 7, 2013 for failure to appear. *Sequoia Presidential Yacht Group*, 600 Water Street SW, Retailer CX, Lic#: 090850.
Decision: Approved, 3-0-0.

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

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

**NOTICE OF MEETING
SUPPLEMENTAL AGENDA**

**FRIDAY, AUGUST 16, 2013 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review Request for a Stipulated License. Settlement Agreement with ANC 6C support. Proposed Hours of Operation: Sunday – Saturday 11am to 12 am; Sidewalk Café: Sunday – Saturday 11am to 12 am. ***TD Burger***, 250 K Street, NE, Retailer CT, Lic#: 92242.
Decision: Approved, 3-0-0.
2. Review Change of Address Request for New 405.1. Address at time of filing was 1401 S Street, NW. DCRA reassigned official address. ***doi moi/2 birds 1 stone***, 1800 14th Street, NW, Retailer CR, Lic#: 88683.
Decision: Approved, 3-0-0.

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**