

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

In the Matter of:)
)
Shamiana, LLC)
t/a Heritage India Brasserie and Lounge)
)
Holder of a Retailer's)
Class CR License)
at premises)
1337 Connecticut Avenue, N.W.)
Washington, D.C.)
)
Respondent)
)

Case No. 11-251-00366
License No. ABRA-075074
Order No. 2011-508

BEFORE: Nick Alberti, Interim Chairperson
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ALSO PRESENT: Andrew Kline, Representative for the Respondent

Amy Schmidt, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER ON SUMMARY SUSPENSION

On November 30, 2011, the Alcoholic Beverage Control Board (Board) served a Notice of Summary Suspension (Notice), dated November 30, 2011, on Shamiana, LLC, t/a Heritage India Brasserie and Lounge (Respondent), at premises 1337 Connecticut Avenue, N.W., Washington, D.C.

Pursuant to the Notice, the Board ordered the suspension of Respondent's license in accordance with D.C. Official Code § 25-826 (2008) and 25-827(a) (2005). The suspension was based upon an investigation conducted by Alcoholic Beverage Regulation Administration (ABRA) Investigator Jabriel Shakoor as the result of receiving the PD-251, CCN #11174030 incident report from the Second District of the Metropolitan Police Department (MPD) pursuant to D.C. Official Code § 25-827 (2001).

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 November 27, 2011, 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, December 2, 2011, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c), which was held on December 13, 2011. At the time of the hearing, the Board placed conditions 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 on December 21, 2011.

The Board imposed the following conditions:

1. The Respondent shall surrender its Entertainment Endorsement for cancellation. It shall not offer music or entertainment of any kind, including disc jockeys. The Licensee may offer background music.
2. The Respondent may not use any outside promoters in any aspect of its business.
3. The Respondent shall close the licensed establishment with all patrons removed from the premises, no later than 12:00 midnight, seven days a week.
4. The Respondent shall provide food service from a menu to ordering customers during all hours the establishment is open to the public.
5. The Respondent shall submit by Friday, December 16, 2011, an updated Security Plan that meets the Board's satisfaction to include the following items:
 - a. How the establishment will handle assaults, fights or verbal altercations that occur on or near the premises;
 - b. The establishment's process for notifying MPD of incidents; and
 - c. A detailed description of the establishment's newly installed camera security system, regarding operability, coverage and location of cameras. This includes a diagram of the camera locations and a requirement that video footage be made available within 24 hours to law enforcement and ABRA investigators.
6. The Respondent's ability to remain open after December 21, 2011 will be contingent upon the Board's satisfaction with the camera security system whose assessment and evaluation will be determined by an ABRA investigator following a walk-through of the system. The Board will review the supplemental investigative report to determine whether the cameras achieve adequate coverage of the interior and exterior of the establishment.

ORDER

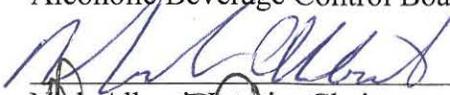
The Board has the authority to suspend or revoke the license of a licensee who violates any provision(s) of Title 25 of the D.C. Official Code pursuant to D.C. Official Code § 25-823(1) (2001).

Notwithstanding the Chief Lanier's request for revocation of the Respondent's license to protect the public safety, the Board will not revoke the Respondent's license at this time. Instead, the Board will impose the conditions enumerated above, setting forth the requirements to be met before the summary suspension of the license will be lifted. Additionally, ABRA Case #11-251-00366 will be forwarded to the Office of the Attorney General for consideration of further enforcement action.

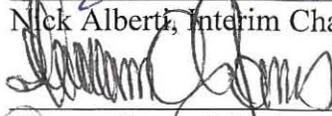
Accordingly, the Respondent, Shamiana, LLC, t/a Heritage India Brasserie and Lounge (Respondent), located at premises 1337 Connecticut Avenue, N.W., Washington, D.C., is **ORDERED** to comply with the conditions set forth above which are binding on the Respondent.

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

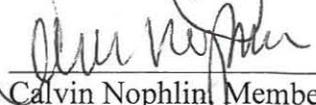
District of Columbia
Alcoholic Beverage Control Board



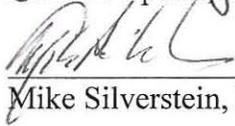
Nick Alberti, Interim Chairperson



Herman Jones, Member



Calvin Nophlin, 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).