

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

In the Matter of:)	
)	
Superclub Ibiza, LLC)	
t/a Ibiza)	Case Nos. 13-251-00032
)	13-251-00045
Holder of a)	13-251-00046
Retailer's Class CN License)	13-251-00047
)	License No. ABRA-074456
at premises)	Order No. 2014-353
1222 1st Street, N.E.)	
Washington, D.C. 20002)	

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ALSO PRESENT: Superclub Ibiza, LLC, t/a Ibiza, Respondent

Richard Bianco, Counsel for the Respondent

Fernando Rivero, Assistant Attorneys 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 Hearing and Show Cause Hearing ("Notice"), which the Alcoholic Beverage Control Board executed on November 20, 2013. The Alcoholic Beverage Regulation Administration (ABRA) served the Notice on the Respondent, located at premises 1222 1st Street, N.E., Washington, D.C., on November 29, 2013.

Procedural Background

The Notice charged the Respondent with a number of violations, which if proven true, would justify the imposition of a fine, suspension, or revocation of the Respondent's ABC-license.

The Notice charged the Respondent with the following violations:

- Charge I: The Respondent violated its Security Plan by failing to train security staff, by failing to write an incident report, by failing to provide video footage as requested, and by permitting the use of pepper spray, in violation of D.C. Official Code § 25-823(6) (2001), for which the Board may take proposed action pursuant to D.C. Official Code § 25-823(1) (2001).
- Charge II: The Respondent violated its Security Plan by failing to provide video footage as requested, in violation of D.C. Official Code § 25-823(6) (2001), for which the Board may take proposed action pursuant to D.C. Official Code § 25-823(1) (2001).
- Charge III: The Respondent violated its Security Plan by failing to provide video footage as requested; in violation of D.C. Official Code § 25-823(6) (2001), for which the Board may take proposed action pursuant to D.C. Official Code § 25-823(1) (2001).
- Charge IV: The Respondent violated its Security Plan by failing to provide video footage as requested, in violation of D.C. Official Code § 25-823(6) (2001), for which the Board may take proposed action pursuant to D.C. Official Code § 25-823(1) (2001).

ABRA Show Cause File Nos. 13-251-00032, 13-251-00045, 13-251-00046, and 13-251-00047, Notice of Status Hearing and Show Cause Hearing, 2-5 (November 20, 2013).

The Alcoholic Beverage Control Board (Board) held a Show Cause Status Hearing on January 22, 2014, where the Respondent failed to appear. The Board proceeded to a Show Cause Hearing on May 28, 2014. As a preliminary matter, the Government presented an Offer-in-Compromise (OIC) to the Board for its consideration. The Board rejected the OIC and the matter was continued for September 24, 2014.

On September 24, 2014, the Board held a Show Cause Hearing on Case Nos. 13-251-00032, 13-251-00045, 13-251-00046, and 13-251-00047. The parties presented an OIC, which resolved the allegations raised in the Notice filed by the OAG.

The terms of the OIC are appended to this Order. The Board formally accepts this OIC through this Order.

ORDER

Therefore, the Board, on this 24th day of September, 2014, hereby **APPROVES** the Offer-in-Compromise (OIC) submitted on September 24, 2014, and **ORDERS** Superclub Ibiza, LLC, t/a Ibiza to operate in accordance with the terms of the OIC, which are binding on the Respondent.

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.

It is further **ORDERED** that the Respondent must pay the fine agreed to in the OIC by no later than ninety (90) days from the date of this Order or its license shall be suspended until all outstanding fines are paid.

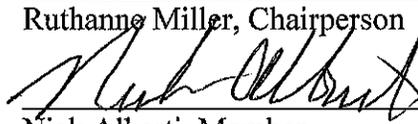
It is further **ORDERED** that the three (3) day suspension of the license agreed to in the OIC shall be served by the Respondent on November 20, 21, and 22, 2014, and the remaining four (4) days of the suspension will be stayed for one year absent further violations.

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

District of Columbia
Alcoholic Beverage Control Board



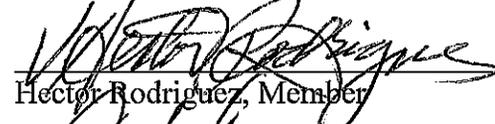
Ruthanne Miller, Chairperson



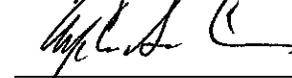
Nick Alberti, Member



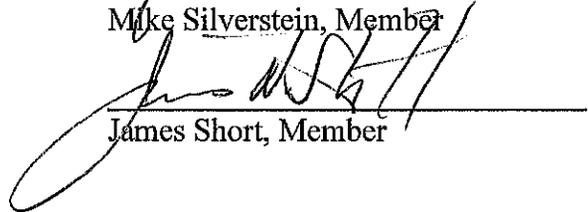
Donald Brooks, Member



Hector Rodriguez, Member



Mike Silverstein, Member



James Short, Member

Pursuant to 23 DCMR § 1719.1 (2008), 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, NW, 400S, Washington, D.C. 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).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Civil Litigation Division
Civil Enforcement Section



OFFER IN COMPROMISE¹

In the Matter of: Superclub Ibiza, LLC t/a Ibiza

Officer/owner: Aldo Truong, Managing Member

Case number(s): 13-251-00032, 13-251-00045, 13-251-00046, 13-251-00047.

Incidents occurring on: January 11, 2013 and April 4, 2013.

For the Charge of: Violation of Security Plan.

Statutory Authority: D.C. Official Code §25-823(6).

- Proposed Fine: \$8,000 payable in 90 days.
- Suspension: 7 days; 3 days served, 4 days stayed for one year.
- Other: Submission of revised Security Plan as specified below.

This offer in compromise will be presented to the Alcoholic Beverage Control Board by the Assistant Attorney General at the Show Cause proceeding. Please be advised that this is a proposed compromise. Accordingly, it is the discretion of the Board to accept or reject this offer.

In addition to the fine above, the offer in compromise consists of the following terms:

- (1) Immediate submission to the Board of a statement, to be incorporated into the licensee's security plan by this agreement, requiring:
 - a. Inspection of cameras at the start of nightly operations.
 - b. Action shall be taken when cameras are not operating properly within one business day.
 - c. Inspection of cameras at the close of nightly operations.

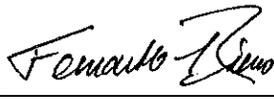
¹ Authorized under 23 DCMR 1604.5 (2008).

- d. Immediate submission of a plan showing all camera locations, angle of recording, and hard drive on which each camera recording is maintained.

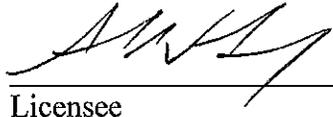
(2) For purposes of escalating fines, this matter shall be considered one primary tier violation.

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. 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.

 09/24/14

Fernando Rivero
Assistant Attorney General

 9/24/14

Licensee

 9/24/14

Attorney for Licensee

IBIZA NIGHTCLUB CAMERA SYSTEM LEGEND

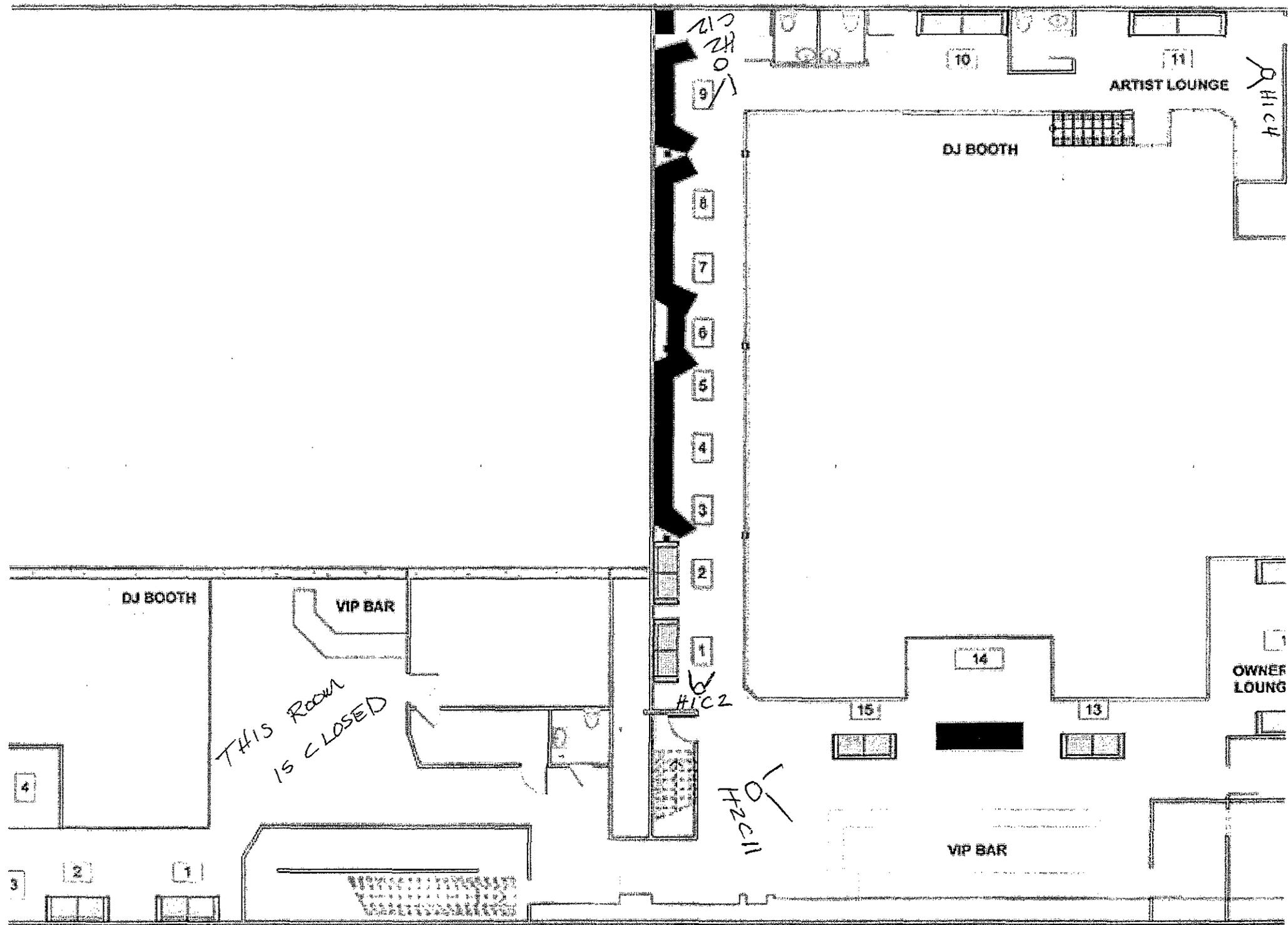
H1 MEANS HARD DRIVE 1

H2 MEANS HARD DRIVE 2

C = CAMERA AND THE CAMERA NUMBER ON THE HARDDRIVE

H1 C1	FRONT OF THE CREEK BAR IN THE MAIN ROOM
H1 C2	MAIN ROOM MEZZ LEVEL TABLES 1- 10
H1 C3	MAIN ROOM ICE BAR VIEW
H1 C4	MAIN ROOM MEZZ LEVEL SKYBOX & ARTIST LOUNGE VIEW
H1 C5	FRONT STAGE TABLES VIEW
H1 C6	MAIN ROOM CREEK BAR VIEW
H1 C7	FRONT LOUNGE ROOM BAR VIEW
H1 C8	MAIN ROOM BACK STAGE TABLES VIEW
H1 C9	MAIN ROOM INSIDE PATTERSON STREET EXIT VIEW
H1 C10	MAIN ROOM DANCE FLOOR VIEW
H1 C11	MAIN ROOM ENTRANCE HALL WAY VIEW
H2 C1	OUTSIDE FRONT DOOR PLATFORM VIEW
H2 C2	OUTDOOR PATTERSON STREET SIDE WALK VIEW
H2 C3	OUTDOOR PATTERSON STREET EXIT VIEW
H2 C4	CUSTOMER CARE ROOM
H2 C5	MAIN ROOM ICE BAR VIEW
H2 C6	FRONT ROOM LOUNGE VIEW
H2 C7	FRONT DOOR INSIDE VIEW
H2 C8	OUTDOOR PATTERSON STREET SIDEWALK VIEW
H2 C9	MAIN ROOM FRONT STAGE VIEW
H2 C10	MAIN ROOM ICE LOUNGE TABLES VIEW
H2 C11	MAIN ROOM MEZZ LEVEL VIP BAR VIEW
H2 C12	MAIN ROOM MEZZ LEVEL VIP TABLES 6-10 VIEW
H2 C13	MAIN BATHROOM HALLWAY VIEW

MEZZANINE LEVEL



HIC 2
HIC 0
9 ✓

ARTIST LOUNGE

DJ BOOTH

HIC 4

- 8
- 7
- 6
- 5
- 4
- 3
- 2

DJ BOOTH

VIP BAR

THIS ROOM IS CLOSED

HIC 2

OWNER LOUNG

14

15

13

HIC 1

VIP BAR

4

2

1

3