

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD



NOTICE OF SUMMARY SUSPENSION

IN THE MATTER OF:

HERITAGE MANAGEMENT SERVICE,
LLC t/a Heritage India/The Zanzibar

Respondent

Case No. 15-251-00001

License No. 0900

Retailer's Class CR

To: Sanjeev Tuli, Owner
Heritage Management Service
t/a Heritage India/The Zanzibar
1901 Pennsylvania Avenue, N.W
Washington, D.C. 20006

Pursuant to D.C. Official Code § 25-826 (a) (2012 Repl.), the District of Columbia Alcoholic Beverage Control Board ("Board") hereby **summarily suspends** the above-captioned alcoholic beverage control license effective **immediately** upon your receipt of this notice.

The licensee has the right to request a hearing before the Board, and such request shall be filed with the Board within seventy-two (72) hours after receipt of this notice. Should a request for hearing be filed in a timely manner, a summary suspension hearing will be held within forty-eight (48) hours of such request, and a decision will be rendered by the Board within seventy two (72) hours after the close of the hearing.

The District of Columbia is represented by the Office of the Attorney General in these proceedings. A copy of your hearing request and any pleading or other written communication addressed to the Board should also be delivered to Amy Schmidt, Assistant Attorney General, Office of the Attorney General, Civil Enforcement Section, Suite 630 South, 441 4th Street, N.W., Washington, D.C. 20001. **You, or your legal counsel if represented, should contact this attorney at (202) 727-6278 upon receipt of this notice to discuss any potential offer in compromise to be considered by the Board at the Summary Suspension Hearing.**

You may appear personally at the summary suspension hearing, and you as well as the establishment, may be represented by legal counsel. You have the right to produce witnesses and evidence on your behalf and to cross-examine witnesses. You may examine evidence produced, and have subpoenas issued on your behalf to require the production of witnesses and evidence.

All hearings are conducted before the Board in the English language. If you, any corporate officer, or any witnesses to be called are deaf, have a hearing impediment, or cannot readily understand or communicate the spoken English language, an application may be made to the Board for the appointment of a qualified interpreter.

The grounds for the summary suspension are outlined below.

On January 3, 2015, the Chief of Police for the Metropolitan Police Department of the District of Columbia requested in writing, pursuant to D.C. Official Code § 25-827 (2012 Repl.), that the Board revoke the alcoholic beverage license of the licensed establishment. The request is based upon the conclusion that the continued operation of the licensed establishment presents an **imminent danger** to the health and safety of the public. In further support of the request, the Chief of Police concluded that “there would be an additional imminent danger to the health and welfare of the public if the establishment was not closed, and that there is no other immediately available measure that would ameliorate the threat to public safety.”

The imminent danger presented is because of an incident which occurred at your establishment in the early morning of January 3, 2015, at approximately 1:10 a.m., a patron was stabbed in your establishment during an altercation. He was stabbed on the left side of his torso. There were three stab wounds and his lung was punctured. The victim identified his assailant to another patron who approached a security person from your establishment. The security person then went outside to an MPD officer parked outside of your establishment to report that a stabbing had taken place in your establishment. That unit apprehended the suspect at the intersection of 18th and I Streets, N.W. When additional officers responded to your club, they had to block the vehicle carrying the victim, and call for medical attention. The victim was transported to George Washington University Hospital. One knife was recovered at your establishment and another knife was recovered where the suspect was being detained. A call was made to the ABRA hotline and ABRA investigators Earl Jones and Felicia Dantzler arrived at your establishment.

According to the videotape which was filmed by the cameras in your establishment, multiple altercations took place for almost six minutes. The video shows a male patron wildly swinging two champagne bottles and pushing a female patron to the ground. The female patron who was pushed took off her shoes and began to hit patrons who were close to her with her high heel shoe. A second female patron was seen turning a table over and attempting to throw a chair which you took away from her. A third female patron took off her belt and began to beat a fourth female patron with her belt buckle. The male patron with the champagne bottles then threw a champagne bottle at another male patron and got into a physical altercation with him on the floor. A patron who had a shirt wrapped around his waist who was later determined to be the victim of the stabbing, walked over to where the champagne swinging patron and the other patron were fighting on the floor, and joined in and began to hit the male on the floor. The female patron was then seen

hitting another female patron in the head with her belt buckle. She then picked up a bucket of ice water and threw it at multiple patrons who were fighting in front of her. She then approached another female patron and hit her with a belt buckle. That patron slipped to the ground and was beaten by two other female patrons while she was on the floor. The female patron then turned over another table and hit another patron with her belt buckle. One of your employees was seen trying to diffuse this incident. The female patron then threw a glass at another patron. Another fight then erupted in the rear of the dining room followed by the victim being covered by a coat and walked out of your establishment by two male patrons. Almost a minute later, four female patrons were still verbally arguing followed by one of the patrons hitting another patron with a belt buckle. The video was retrieved by ABRA Investigator Jones. No one employed by your establishment knew how to properly use the video equipment that morning.

When Investigator Jones went to the back room where the altercations had taken place, he saw several of the tables turned over, broken glass scattered all over the floor along with women's shoes left behind as well as pieces of hair extensions and wigs scattered on the floor.

When additional MPD units arrived at the club, they found a chaotic scene. Multiple units including the Club Action Team (CAT) and two other upper district units were necessary to control the scene at the club. At least 20 officers responded to the scene. One sergeant stated that when he arrived on the scene, the patrons were irate and that the girlfriend of the victim smashed the windshield of the vehicle she assumed belonged to the subject.

When you spoke to the ABRA Investigators, you told them about the fight between the two females in the back dining room and that you and your security guard had diffused the situation. You also stated that there were no other incidents that had taken place and you were unaware that a male patron had been stabbed. You admitted that you were understaffed that evening and that you did not see the need to book additional security for that night since the only event was a simple birthday party booked for the back room. You said that you were unaware as to why there was an unexpected big crowd that night that were in a line that lead down to Pennsylvania Avenue around midnight. However before the Investigator left you did tell him that there were no special events planned there that evening even though you had an outside promoter that night who was advertising on Twitter and other social media that Ashley Moore of the show "Love and Hip Hop" was scheduled to appear that night. You told the Investigator that Ms. Moore never made it inside of the club due to the fights. Investigators that night also saw patrons wearing colored wristbands which were part of a drink promotion that night. You also acknowledged that you were going to make improvements to the security of the establishment.

Your Head of Security stated that there were four security members on duty that evening for the 250 to 275 patrons that were in attendance that evening. Two security members were posted outside checking identifications and conducting pat downs while two members were inside. This ration violated your Board approved Security Agreement which requires one security member for every fifty patrons. In addition, security was not identifiable by their clothing. In fact one of your security members wore a black hoodie with the word Police on the front. This lack of identifiable clothing also violated your security plan.

In addition, the security camera just after the fighting showed you watching employees mopping blood from the area where the victim and other patrons were fighting. The victim's girlfriend went over to the employees and tried to take the mop from one of them in order to preserve the crime scene. The security tapes also showed an employee mopping the floor nine minutes later. The MPD officers on the scene stated to the investigator that they did not see blood on the floor notwithstanding the stabbing that occurred in your establishment.

Consequently, your establishment presents an imminent danger since there were insufficient security personnel for the amount of people in the club especially since you had a special promotion that night, you were unable to control fights that continued for approximately six minutes, you watched the crime scene being compromised by your employee mopping up blood, and you diverted police resources from other areas of the police district by having at least 20 officers responding to control the chaotic scene at your establishment.

Please note that under 23 DCMR § 1502.3, your failure to appear at the time and place set for the hearing, either in person or through counsel, or both, will not preclude the Board's proceeding in this matter. Should you have any questions, contact ABRA Adjudication Specialist Danette Walker at (202) 442-4418.

11/7/15
DATE

R Miller
Ruthanne Miller
Chairperson
Alcoholic Beverage Control Board