

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

**In the Matter of:** )  
 )  
Mahogany, LLC )  
t/a The Tap & Parlour/Bohemian Caverns) )  
 )  
Holder of a Retailer's )  
Class CT License )  
 )  
at premises )  
2001 11th Street, N.W. )  
Washington, D.C. 20001 )  
 )  
Respondent )  
 )

Case No. 12-251-00380  
License No. ABRA-074895  
Order No. 2012-532

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Mike Silverstein, Member

**ALSO PRESENT:** Mahogany, LLC, t/a The Tap & Parlour/Bohemian Caverns

Andrew Kline and Scott Rome, Esq., on behalf of the Respondent

Michael Stern, Senior 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 December 12, 2012, the Alcoholic Beverage Regulation Administration (ABRA) served a Notice of Summary Suspension (Notice), dated December 12, 2012, on Mahogany, LLC, t/a The Tap & Parlour/Bohemian Caverns (Respondent), located at premises 2001 11th Street, N.W., Washington, D.C.

Pursuant to the Notice, the Alcoholic Beverage Control Board (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 ABRA investigators, where the Board found that the 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, Metropolitan Police Department (MPD), dated December 8, 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 December 12, 2012, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c). The Board held a Summary Suspension Hearing on December 13, 2012.

At the Summary Suspension Hearing, the Government and the Respondent agreed to the following conditions which must be met by the Respondent to the Board's satisfaction. Some of these conditions must be met prior to the Board's agreement to lift the suspension. Other conditions will be met through the submission of supplemental documentation which will provide further detail regarding the measures outlined below for the Board to evaluate their efficacy.

- I. Prior to the Board's lifting of the suspension of the license, the Respondent shall meet the following conditions:
  1. Dismiss the employee and manager involved in the incident occurring on December 8, 2012.
  2. Submit a Security Plan that complies with the requirements of D.C. Code Section §25-403. Additionally, the Security Plan shall include the following:
    - a. Information on the camera security system, to include retention of security footage and a floor diagram showing location of each camera (viewing and storage);
    - b. Positions and locations of Security Personnel;
    - c. Incident report procedures and incident log completion;
    - d. ID checks;
    - e. Procedure for contacting the Metropolitan Police Department (MPD);
    - f. Procedures for preserving a known crime scene;
    - g. Procedures for handling security breaches; and
    - h. Procedures for closing the establishment on time.
  3. Train employees on all provisions of the Security Plan.
  4. Identify new or current individuals employed by the establishment who will be responsible for ensuring the establishment is closed on time.
  5. Repair the broken lock on the establishment's door.

6. Repair the two broken cameras so that they are fully functional.
  7. Submit an employee handbook.
- II. Within thirty (30) days from the date of this Order, the Respondent shall meet the following conditions:
1. Cooperate with an ABRA investigator who will inspect and evaluate the establishment's camera security system to ensure that all four (4) cameras are operable, and that the camera security system is adequately recording during hours of operation and that it has a thirty (30) day backup capability. The inspection and evaluation will be reduced to a supplemental investigative report that will be reviewed and approved by the Board.
  2. Obtain formal security training for all staff.
  3. Obtain from MPD and have all employees review with MPD educational materials on how to prevent sexual assaults.
  4. Obtain sexual assault prevention training for all employees from MPD.
  5. Post at the establishment educational materials from MPD on how to prevent sexual assaults.
  6. Submit a plan to add remote access capability to the establishment's camera security system. The Respondent shall brief the Board on the progress of this upgrade at the Summary Suspension Status Hearing.

III. Additionally, the Respondent shall be required to:

1. Train new employees on the Security Plan and on all security procedures within ten (10) days of their hire, and provide refresher training on a regular basis.
2. Provide security footage to ABRA and MPD within forty eight (48) hours of being requested. The Respondent shall have at all times, personnel who can download the establishment's security footage from the camera system.

A continued Summary Suspension Status Hearing shall be set within forty five (45) days.

This matter will be referred to the Office of the Attorney General (OAG) for Show Cause Hearing.

## ORDER

The Board does hereby, this 13th day of December, 2012, **ORDER** that the Retailer's Class CT License, held by Mahogany, LLC, t/a The Tap & Parlour/Bohemian Caverns, located at premises 2001 11th Street N.W., Washington, D.C., be and is hereby **SUSPENDED** until December 14, 2012, or until compliance with the terms of this Order to the Board's satisfaction, whichever date is later.

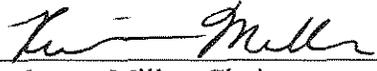
It is further **ORDERED** that the Board will impose the conditions set forth above which are binding on the Respondent.

It is further **ORDERED** that the Respondent shall return to the Board for a Summary Suspension Status Hearing on January 30, 2013 at 9:30 a.m., to determine compliance with the terms of this Order.

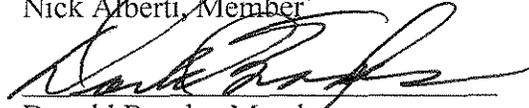
It is further **ORDERED** that the Respondent shall abide by all laws and regulations of the District of Columbia, shall operate its establishment in a safe and competent manner, and shall refrain from engaging in the type of activity that led to this disciplinary action.

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

  
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 14<sup>th</sup> 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).