

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

Beg Investments, LLC  
t/a Twelve Restaurant  
and Lounge  
1123 H Street NE  
License No. 76366  
Retailer CT  
Case No. 14-252-00087

Summary  
Suspension  
Hearing

March 19, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MICHAEL SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

ALSO PRESENT:

Emanuel Mpras, ESQ  
Amy Schmidt, OAG

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P-R-O-C-E-E-D-I-N-G-S

(11:14 a.m.)

CHAIRPERSON MILLER: Okay, the next case on the calendar is a Summary Suspension Hearing. It's Case Number 14-251-00087. Twelve Restaurant and Lounge located 1123 H Street, NW. License Number 76366. Would the parties introduce themselves for the record please?

MS. SCHMIDT: Good morning. Amy Schmidt, Assistant Attorney General on behalf of the District of Columbia.

MR. MPRAS: Emanuel Mpras for Twelve Restaurant and Lounge.

MR. GIBSON: Bernard Gibson, management of the Twelve Restaurant and Lounge.

CHAIRPERSON MILLER: Okay. I'm just going to read a statement before we begin. The Board has before it today a Summary Suspension Hearing involving Twelve Restaurant and Lounge. A retailer's class CT,

1 located at 1123 H Street, NW. This case is  
2 Number 14-251-00087.

3 On March 8th, 2014 an altercation  
4 occurred between two male patrons that  
5 resulted in one male patron stabbing the other  
6 male patron.

7 As a result of this incident, the  
8 Chief of Police, Cathy Lanier, closed the  
9 establishment pursuant to her authority under  
10 D.C. Official Code, Section 25-827.

11 Chief Lanier submitted a letter to  
12 ABRA dated March 8th, 2014 seeking revocation  
13 of the establishment's ABC license. The Board  
14 voted 7-0 in March 12, 2014 to continue the  
15 suspension of the establishment's license.

16 The respondent requested a hearing  
17 on March 13th, 2014, under D.C. Official Code  
18 25-826(c). Today the Board will be hearing  
19 testimony from the Office of the Attorney  
20 General, the respondent, and their respective  
21 witnesses.

22 The purpose of the hearing is so

1 that the Board can determine under D.C.  
2 Official Code, Section 25-826, whether the  
3 operations of the respondent present an  
4 imminent danger to the health and safety of  
5 the public.

6 The Board will be announcing it's  
7 decision at the conclusion of today's hearing.  
8 The Board ask that the parties stick to the  
9 facts and issues related to the incident.

10 The facts and issues are those  
11 contained in the Summary Suspension Notice  
12 dated February 21, 2014 and the Investigative  
13 Report Case Number 14-251-00087.

14 The Board is only interested in  
15 hearing about those matters that could be used  
16 to establish whether the establishment is an  
17 imminent danger to the health and safety of  
18 the public.

19 The Board will begin the case by  
20 hearing the opening statement from the  
21 Government, represented by the Assistant  
22 Attorney General, Amy Schmidt, followed by the

1 opening statement of Emanuel Mpras, counsel  
2 for the respondent.

3 Before we begin with opening  
4 statements, are there any procedural matters  
5 that the parties would like to bring to the  
6 Board's attention?

7 MS. SCHMIDT: Yes there is. We  
8 have an offer in compromise which we would  
9 like to present to the Board. This offer in  
10 compromise, should it be accepted, the  
11 Government believes would allay any imminent  
12 danger to the public.

13 And I'm going to read, I'm going  
14 to read part today of the offer in compromise  
15 for the record. And I've given, we've given  
16 copies to the Board so they can follow along.

17 It gets a little confusing. And  
18 pretty lengthy also, it's 12, it's, the  
19 address is in NE, not in NW.

20 CHAIRPERSON MILLER: Okay.

21 MS. SCHMIDT: The offer in  
22 compromise consists of the following terms.

1                   One, Beg Investments, LLC trading  
2                   as Twelve, the licensee, agrees to train it's  
3                   employees on preserving a crime scene.  
4                   Licensee agrees to document the training of  
5                   employees and to document their employment  
6                   status.

7                   Licensee also agrees to document  
8                   the subject matter of any training other  
9                   employees receive.

10                  Number 2, licensee agrees to  
11                  corporate revised training on how to aide an  
12                  injured or ill patron inside the  
13                  establishment, including calling for outside  
14                  medical services.

15                  Licensee will provide training on  
16                  situations where it is necessary to contact  
17                  MPD immediately, such as a violent incident  
18                  inside the establishment, or when a patron  
19                  needs or requests medical attention.

20                  The training will include  
21                  instruction on appropriate times to call 911.

22                  Number 3, licensee agrees to train

1 security personnel on how to handle violent  
2 altercations in and near the establishment  
3 including appropriate methods for detaining  
4 and controlling aggressive patrons.

5 Number 4, licensee agrees to use  
6 wands at the entrances to the establishment  
7 for the purpose of detecting metal objects,  
8 including weapons carried by patrons when the  
9 establishment has entertainment, including but  
10 not limited to disc jockey or live band.

11 The wands will be issued in  
12 conjunction with physical pat down searches to  
13 be specified in the licensee's security plan.

14 Number 5, licensee agrees to have  
15 security personnel wear clothing that  
16 identifies them to patrons as security.

17 Number 6, licensee agrees to  
18 escort violent aggressors to the MPD  
19 reimbursable detail officer, or officers  
20 customarily posted in front of the  
21 establishment when such a detail is in place.

22 Number 7, licensee agrees to

1       implement a security plan. The security plan  
2       shall be submitted and reviewed by the Board  
3       prior to the establishment opening.

4                 The security plan shall cover and  
5       meet the requirements set forth in D.C.  
6       Official Code Section 25-402(d3).

7                 The security plan shall  
8       incorporate detailed procedures of the  
9       security plan on how security personnel are to  
10      handle violent altercations in the  
11      establishment, including appropriate methods  
12      for detaining and controlling aggressive  
13      patrons.

14                Number 8, the security plan shall  
15      address the establishment's procedure for  
16      preserving a crime scene.

17                Number 9, the security plan shall  
18      indicate the placement of security employees  
19      in the establishment.

20                Number 10, the security plan shall  
21      include the establishment's protocol for  
22      drafting and maintaining an incident log.

1                   Number 11, licensee agrees to  
2 document the date on which any weapons are  
3 recovered from patrons and to consult MPD on  
4 the disposition of the weapons.

5                   Licensee shall document the date  
6 and time of the consultation, and include the  
7 name and badge number of the officer  
8 consulted.

9                   Number 12, the security plan will  
10 also state that cameras utilized in the  
11 establishment will be operational. The  
12 revised security plan will also state that any  
13 footage of a crime, or violence, or a crime in  
14 involving a gun, will be maintained for 30  
15 days.

16                   And that any security footage will  
17 be made available within 48 hours upon request  
18 from ABRA or MPD.

19                   Number 13, the security plan shall  
20 address what disciplinary actions will apply  
21 for violations of the security plan.

22                   Number 14, cameras utilized by the

1 licensee shall be operational. Any footage of  
2 a crime of violence, or a crime involving a  
3 gun shall be maintained by the establishment  
4 for 30 days.

5 Security footage shall be made  
6 available within 48 hours of upon request from  
7 ABRA or MPD.

8 Now Number 14, I'm sorry.

9 Number 15, the licensee's liquor  
10 license shall be suspended until the Board  
11 determines if the requirements set forth above  
12 have been met.

13 And 16, this matter shall be set  
14 for a continued Summary Suspension Hearing  
15 date by the Board, if it is agreed to by  
16 parties.

17 However, in this case there is a,  
18 the licensee has submitted a security plan  
19 which has been reviewed by our office and  
20 which we have approved, and does meet the  
21 requirements of this plan.

22 And I will defer to the licensee's

1 counsel for the rest of what has been done and  
2 what has not been done.

3 CHAIRPERSON MILLER: Okay.

4 MR. MPRAS: We, with the  
5 statements the Ms. Schmidt has made regarding  
6 the offer in compromise. And we have compiled  
7 a security plan that does meet the  
8 requirements.

9 The staff has been trained on that  
10 security plan. They have been given  
11 instructions, additional instruction as to  
12 proper use of wanding and patting down  
13 procedures, and identification checking  
14 procedures.

15 CHAIRPERSON MILLER: Okay. When  
16 were they trained, and who trained them?

17 MR. MPRAS: Yesterday, and they  
18 were trained by me. I went down there and I  
19 gave them the instruction. And I'd like to  
20 qualify myself. Graduate of the FBI Academy,  
21 graduate of D.C. Police Academy, former  
22 federal agent, and approximately ten years,

1 MPD Reserve Officer Level I.

2 CHAIRPERSON MILLER: And did you  
3 use any specific materials for training?

4 MR. MPRAS: I used the security  
5 plan, and I used actual wands. So they used  
6 the wand they are going to be using to train.  
7 And they did it on each other, back and forth  
8 on me. And I observed until they were able to  
9 do it to my satisfaction.

10 CHAIRPERSON MILLER: Did you train  
11 them on everything in the OIC that requires  
12 training?

13 MR. MPRAS: Yes, ma'am. And I  
14 reviewed the entire plan with them. And did  
15 a Q&A with them to make sure they understood  
16 everything.

17 CHAIRPERSON MILLER: Did you write  
18 the plan?

19 MR. MPRAS: I did.

20 CHAIRPERSON MILLER: Okay. Other  
21 questions? Mr. Brooks.

22 MEMBER BROOKS: Yes, Mr. Mpras, in

1 looking at Number 4, I don't see where it  
2 shows that, searches of purses and handbags is  
3 going to be performed to search for weapons  
4 and contraband.

5 MR. MPRAS: Mr. Brooks, the terms  
6 not specifically stated in there. We can add  
7 it. There's no problem whatsoever to that.  
8 It has been a practice and that will be  
9 continued to be done. But there's no problem  
10 adding it to the security plan.

11 MEMBER BROOKS: Yes, I think that  
12 should be identified specifically, all right?

13 MR. MPRAS: Absolutely.

14 MEMBER BROOKS: Thank you.

15 CHAIRPERSON MILLER: What is the  
16 practice with handbags? Do they open them and  
17 --

18 MR. MPRAS: They are opened and  
19 inspected.

20 CHAIRPERSON MILLER: Okay. Other  
21 questions? Yes, Mr. Short.

22 MEMBER SHORT: Yes, good morning.

1 MR. MPRAS: Good afternoon.

2 MEMBER SHORT: It's morning,  
3 still. The -- I'm seeing where the cameras,  
4 or the film from cameras should be given  
5 within 48 hours?

6 MR. MPRAS: Sure.

7 MEMBER SHORT: Why two days, why  
8 not 24 hours?

9 MR. MPRAS: Sir, that's the  
10 language taken from the alcohol Amendment Act  
11 of 2012 which specifically mandates the time  
12 period that have, that it must be turned over.  
13 But that can be amended if it's an issue.

14 MEMBER BROOKS: I would think 24  
15 hours would be --

16 MR. MPRAS: We have no problem --

17 MEMBER BROOKS: -- for the  
18 investigation too.

19 MR. MPRAS: Yes, sir. We have no  
20 problem with that.

21 MEMBER BROOKS: Thank you.

22 (Off the record comments)

1                   CHAIRPERSON MILLER: Yes, Mr.  
2 Silverstein.

3                   MEMBER SILVERSTEIN: Very briefly.  
4 Mr. Mpras, this was produced rather  
5 expeditiously and appears to be rather complete.  
6 It would be helpful if we knew that this had  
7 been, that this is similar to something that  
8 we've already approved elsewhere. Is this?  
9 Is there a template of this?

10                  MR. MPRAS: It is similar because  
11 I had also written one for the Rock Bar in  
12 their Summary Suspension matter. And this  
13 case paralleled it, so I referenced that in  
14 creating this. And you had approved that and  
15 lifted their suspension.

16                  MEMBER SILVERSTEIN: Thank you.

17                  MR. MPRAS: Thank you.

18                               (Off the record comments)

19                  CHAIRPERSON MILLER: Mr. Mpras,  
20 how many security employees are there?

21                  MR. MPRAS: Ma'am I have a sign-up  
22 sheet of everybody that was there yesterday.

1 And I trained five persons in total. And we  
2 have Mr. Pearson here who is a new hire and  
3 was not able to make that meeting.

4 But Mr. Pearson has 16 years  
5 nightclub experience as Head of Security, and  
6 that will be the position he will be assuming.  
7 And he has reviewed the security plan.

8 CHAIRPERSON MILLER: So there's  
9 not a provision for training of new hires?

10 MR. MPRAS: Yes, there is.

11 CHAIRPERSON MILLER: Oh, there is.

12 MR. MPRAS: Provision of training  
13 new hires, and all new hires will be trained  
14 within 30 days of hiring.

15 CHAIRPERSON MILLER: Oh, okay.

16 MR. MPRAS: It's in order to be  
17 able to schedule a training session.

18 CHAIRPERSON MILLER: Okay. And in  
19 the meantime, just so I understand, Mr.  
20 Pearson because of his extensive experience,  
21 you're saying he can start without this  
22 training?

1 MR. MPRAS: Well, like I, now Mr.  
2 Pearson has reviewed the security plan. And  
3 he, depending on how we go today, if I have  
4 time, I will go over it with him myself today.

5 CHAIRPERSON MILLER: Okay.

6 MR. MPRAS: But again, the, we  
7 have five permanent staff members that have,  
8 it's just not a large place per se, especially  
9 when only one floor is open. It's very small.  
10 The larger floor is upstairs.

11 And that would only be open on  
12 weekends. So I would have adequate time to  
13 take care of Mr. Pearson.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER ALBERTI: May I?

16 CHAIRPERSON MILLER: Yes, Mr.  
17 Alberti.

18 MEMBER ALBERTI: When all three  
19 levels of the club are open, you have three  
20 levels, right?

21 MR. GIBSON: Yes.

22 MEMBER ALBERTI: Pardon?

1 MR. GIBSON: Yes.

2 MEMBER ALBERTI: Okay. How many  
3 security personnel are employed?

4 MR. GIBSON: Well we'll have one  
5 man for every 50 people.

6 MEMBER ALBERTI: So you never have  
7 more than 250 people?

8 MR. GIBSON: Yes, we have. But  
9 when we do, we have more. We actually  
10 dismissed 3 people, 3 staff members after this  
11 incident.

12 MR. MPRAS: In relation to this  
13 incident.

14 MEMBER ALBERTI: So what are your  
15 plans for full staffing?

16 MR. GIBSON: It's in the security  
17 plan. Our plan is to have enough coverage for  
18 security.

19 MEMBER ALBERTI: Well so what's  
20 the security plan say if you stuck with that?  
21 Well you said it's in the security plan, so  
22 what's it say with respect to staffing of

1 security?

2 MR. MPRAS: One person for every  
3 fifty. And they'll be trained within 30 days  
4 of hire, at maximum 30 days. And the third  
5 level's the rooftop, which is not open and  
6 will not be open. So it's the first level --

7 MEMBER ALBERTI: It's won't be  
8 open tomorrow, but it will be open this  
9 summer.

10 MR. MPRAS: It will be, but all  
11 new hires will be trained per the security  
12 plan.

13 MEMBER ALBERTI: Okay.

14 MR. GIBSON: Yes.

15 MEMBER ALBERTI: Okay, all right.  
16 I just, five just didn't seem enough for that.

17 MR. MPRAS: For now.

18 MEMBER ALBERTI: I appreciate  
19 that, no, I appreciate that, explanation of  
20 those conditions. Thank you.

21 MR. MPRAS: Yes.

22 CHAIRPERSON MILLER: Yes, Mr.

1       Rodriquez.

2                   MEMBER RODRIGUEZ:   Hi, Mr. Mpras.  
3       One question about the security, and that is  
4       one of the concerns is whether security carry  
5       weapons?  In some cases that, that in the past  
6       we've had situations like that.

7                   What have you put in your security  
8       plan that will prevent your security personnel  
9       from carrying weapons?

10                  MR. MPRAS:  Well, Mr. Rodriguez  
11       they are prohibited from carrying weapons and  
12       have never done so.  But we will be happy to  
13       add that language.

14                  MEMBER RODRIGUEZ:  Thank you.

15                  CHAIRPERSON MILLER:  Others?

16                  (Off the record comments)

17                  CHAIRPERSON MILLER:  I just have  
18       one more general question?  Is it your opinion  
19       that if these provisions were in place, they  
20       would have prevented the incident that  
21       occurred?

22                  MR. MPRAS:  Ma'am, it, I can't say

1 100 percent because as the other MPD officer  
2 testified, even reimbursable details can't  
3 stop everything. But it would reduce the risk  
4 significantly.

5 And most importantly would  
6 preserve the crime scene. And prevent  
7 evidence from being tampered with, which was  
8 added to this plan. And I know it was a great  
9 concern.

10 CHAIRPERSON MILLER: Okay. I  
11 think the Board would like to take a careful  
12 look at the security plan in executive session  
13 now, and the offer in compromise.

14 MR. MPRAS: And ma'am, we'd like  
15 to stipulate that all the changes requested  
16 for, we'll stipulate that they will be in  
17 effect and a modified version will be sent to  
18 the Board immediately.

19 CHAIRPERSON MILLER: Okay, let me  
20 clarify then, one point. Did you say that Mr.  
21 Pearson would be trained by the weekend?

22 MR. MPRAS: Yes.

1                   CHAIRPERSON MILLER: Okay. So I  
2 think what we're going to do is talk about  
3 this and then come back to you all shortly and  
4 let you know where we are on this. Okay,  
5 thank you.

6                   (Off the record comments)

7                   CHAIRPERSON MILLER: As  
8 Chairperson of the Board for the District of  
9 Columbia and in accordance with Section 405 of  
10 the Opening Meetings Amendment Act of 2010, I  
11 move that the ABC Board hold a closed meeting  
12 for the purpose of seeking legal advice from  
13 our counsel on case Number 14-251-00087,  
14 Twelve Restaurant and Lounge, for deliberating  
15 upon this case for the reason cited in Section  
16 405(b13) of the Open Meetings Amendment Act of  
17 2010. Is there a second?

18                   MEMBER SHORT: Second.

19                   CHAIRPERSON MILLER: Mr. Short has  
20 seconded the motion. I'll not take a roll  
21 call vote on the motion before us now that  
22 it's been seconded. Mr. Silverstein?

1 MEMBER SILVERSTEIN: I agree.

2 CHAIRPERSON MILLER: Mr. Short?

3 MEMBER SHORT: I agree.

4 CHAIRPERSON MILLER: Ms. Miller  
5 agrees. That's 3-0-0, so the Board will now  
6 recess to consider the offer in compromise in  
7 this case. And return shortly. Thank you.

8 (Whereupon, the hearing in the  
9 above-entitled matter went off record at 11:32  
10 a.m. and went back on the record at 11:44  
11 a.m.)

12 CHAIRPERSON MILLER: Okay, we're  
13 back on the record. The Board having  
14 considered the offer in compromise and the  
15 security plan to a limited extent, in closed  
16 session. So where we're at is basically we  
17 think we the offer in compromise looks good,  
18 basically.

19 And same with the security plan,  
20 however we haven't had enough time to  
21 carefully go through it and it doesn't  
22 contain, the security plan doesn't contain the

1 additions that Mr. Mpras --

2 MR. MPRAS: Ma'am, I'll be adding  
3 just to confirm, the searching of purses and  
4 bags, no weapons for security, and the footage  
5 to be turned over within 24 hours. Is there  
6 anything else that I'm missing?

7 CHAIRPERSON MILLER: I want to  
8 address that last one and change that. That  
9 the Board felt that it would accomplish the  
10 same purpose by stating that we think that  
11 access to the video should be provided upon  
12 request by ABRA and MPD. But provision of the  
13 tapes themselves, within 48 hours is  
14 reasonable.

15 MR. MPRAS: Okay.

16 CHAIRPERSON MILLER: Okay. So  
17 basically what we're suggesting, and I know  
18 you're coming back this afternoon. If you can  
19 make the additions to the security plan that  
20 you've represented, the Board will hopefully  
21 by the end of the day have fit in reviewing  
22 more carefully the security plan and the offer

1 in compromise.

2 And will take this up at our  
3 agenda and vote on it this afternoon, after  
4 the protest hearings.

5 MR. MPRAS: After reporting here,  
6 I'll make the changes as soon as possible and  
7 get it to you even earlier -- I'll get it to  
8 you as quickly as I can so you have more time  
9 to look at it.

10 CHAIRPERSON MILLER: Great.

11 MS. SCHMIDT: The Government does  
12 not have to come back this afternoon then, is  
13 what you're saying?

14 CHAIRPERSON MILLER: Yes. I don't  
15 think we'll have any other questions. We'll  
16 just be voting on it at that point.

17 MR. MPRAS: And will you also  
18 waive the presence of Mr. Gibson?

19 CHAIRPERSON MILLER: No. Do what?

20 (Off the record comments)

21 CHAIRPERSON MILLER: Yes, oh,  
22 sorry. Okay, well you'll be in touch with Mr.

1 Gibson as to how that hearing is going, as to  
2 what time he should be able to come back. You  
3 know, you have a 4:30 hearing I understand.  
4 It's going to be after that hearing.

5 MR. MPRAS: Well do you, would you  
6 like Mr. Gibson to come back?

7 CHAIRPERSON MILLER: Yes.

8 MS. SCHMIDT: Can I dismiss my  
9 witnesses? I have a police officer here.

10 CHAIRPERSON MILLER: Yes. Okay.  
11 I think we're finished with this proceeding.

12 MEMBER ALBERTI: Ms. Miller.

13 CHAIRPERSON MILLER: Yes, Mr.

14 MEMBER ALBERTI: Just to, I know  
15 this is nitpicking, but I assume that you're  
16 going to give copies of the security plan to  
17 us?

18 MR. MPRAS: Yes, sir. I will  
19 email it your general counsel and also to Ms.  
20 Schmidt.

21 MEMBER ALBERTI: Ms. Schmidt,  
22 okay, great. Just so --

1                   CHAIRPERSON MILLER: Right, and if  
2 you have any questions this afternoon feel  
3 free to call Ms. Jenkins.

4                   MR. MPRAS: Would you like me to  
5 bring hard copies this afternoon, or will the  
6 email be sufficient?

7                   CHAIRPERSON MILLER: We can do it.

8                   MR. MPRAS: Thank you.

9                   CHAIRPERSON MILLER: Okay. We  
10 know you have that other meeting too. Okay,  
11 all right then. If there aren't any questions  
12 then this is concluded. Thank you.

13                   (Whereupon, the hearing in the  
14 above-entitled matter concluded at 11:47 a.m.)

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