

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

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In the Matter of:)	
Jasper Ventures, LLC)	Case No. 14-251-00045
t/a Capitale)	License No.: 072225
Holder of a)	Order No. 2014-076
Retailer's Class CN License)	
at premises)	
1301 K Street, N.W.)	
Washington, D.C. 20036)	
_____)	

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

ALSO PRESENT: Jasper Ventures, LLC, t/a Capitale, Respondent

Stephen O'Brien, Esq., Counsel for the Respondent

Michael Stern, Assistant Attorneys General, on behalf of the
District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

CONSENT ORDER MODIFYING SUMMARY SUSPENSION

The Board has the authority to “summarily revoke, suspend, fine, or restrict” a license to sell alcoholic beverages in the District of Columbia if the Board determines after an investigation that the operations of the licensee present “an imminent danger to the health and safety of the public.” D.C. Code § 25-826(a) (2008). If properly requested by the licensee, “[t]he Board shall hold a hearing within 48 hours of receipt of a timely request and shall issue a decision within 72 hours after the hearing.” § 25-826(c).

On Monday, February 17, 2014, the Chief of Police for the Metropolitan Police Department for the District of Columbia issued a written order summarily suspending the liquor license held by Jasper Ventures, LLC, t/a Capitale (hereinafter “Respondent” or “Capitale”) in accordance with D.C. Official Code § 25-827. Letter from Cathy Lanier, Chief of Police, Metropolitan Police Department, to Fred Moosally, Director, Alcoholic Beverage Regulation Administration, 1 (Feb. 17, 2004) [*MPD Closure Letter*].

The Chief of Police indicated that on February 17, 2014, at approximately 4:00 a.m., security escorted out patrons involved in an incident inside the establishment. *MPD Closure Letter*, 1. The letter noted that during the incident a member of the establishment’s security was cut on his left hand and an individual was arrested for committing an “Assault with a Deadly Weapon (Knife).” *Id.*

On February 21, 2014, under D.C. Official Code § 25-826(a), the Alcoholic Beverage Control Board (Board) voted to continue the summary suspension. In response, the Office of the Attorney General drafted a Notice of Summary Suspension indicating the basis for the continued summary suspension. *ABRA Summary Suspension File No. 14-251-00045*, Notice of Summary Suspension, 1-2 (Feb. 21, 2014) [*Notice*].

In pertinent part, the notice stated that an altercation occurred inside the establishment and security carried the patron outside the establishment. *Id.* Once security released the patron, the patron attacked security with a knife. *Id.* The notice also indicated that one of the establishment’s security members had a knife in his possession and brandished it during the assault. *Id.*

On February 21, 2014, Capitale requested a hearing in accordance with D.C. Official Code § 25-826(c). The Board held the summary suspension hearing in this matter on February 25, 2014. Both the Office of the Attorney General (OAG) and Capitale presented their respective cases.

At the conclusion of the hearing, the Board indicated that it would allow Capitale to reopen so long as it complied with the conditions outlined by the Board. Neither party objected to the conditions and expressed their consent on the record; therefore, in accordance with D.C. Official Code § 2-509(a), the Board resolves this matter with a consent order in lieu of making formal findings of fact and conclusions of law.

ORDER

Therefore, the Board, on this 26th day of February 2014, hereby **MODIFIES** the summary suspension order issued on February 21, 2014, to immediately remove the suspension of Capitale’s license so long as it operates in compliance with the following conditions:

- (1) The establishment shall search all patrons seeking entrance into the establishment with a metal detecting wand after 10:00 p.m. on Thursday, Friday, Saturday, and Sunday.

- (2) No employee shall carry a weapon on their person while working at the establishment (e.g., baton, knife, firearm, pepper spray, or stun gun).
- (3) Capitale shall inform its employees that having weapons in their possession while on duty will result in immediate termination.
- (4) Capitale shall require all employees to be searched for weapons through the use of a metal detecting wand before the employees go on duty. Capitale shall document that each of its employees has been searched in a log kept daily by the establishment.
- (5) Any employee that is terminated by Capitale for possessing a weapon shall be prohibited from working at another establishment in which any owner of Jasper Ventures, LLC, has an interest.

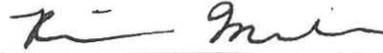
IT IS FURTHER ORDERED that Capitale shall also comply with the following before the Summary Suspension Status Hearing:

- (1) All newly hired employees shall be trained in the establishment's security procedures by a third party service provider before commencing employment.
- (2) A third party service provider shall provide all of the establishment's employees with a refresher course in proper security procedures every six months. The licensee shall maintain documentation that the training occurred and that each employee received the required training.
- (3) Capitale shall provide the Board with the following information by March 7, 2014:
 - a. All training materials provided to the establishment's staff;
 - b. Capitale's security manual;
 - c. The identity of the third party security training provider selected by Capitale.
- (4) Capitale shall provide the Board with an updated security plan by March 7, 2014 at 9:30 a.m. that addresses the following:
 - a. The establishment's specific closing procedures;
 - b. Training for employees on how to de-escalate situations involving angry, hostile, or upset patrons;

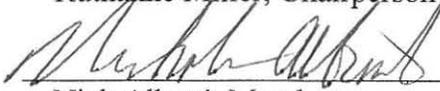
IT IS FURTHER ORDERED that Capitale shall attend a Summary Suspension Status Hearing on March 12, 2014 at 9:30 a.m. to review its compliance with this Order.

IT IS FURTHER ORDERED that this matter shall be referred to the Office of the Attorney General to determine whether a show cause action is appropriate.

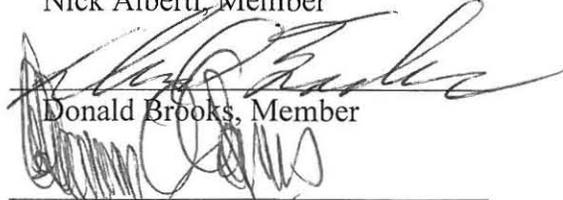
District of Columbia
Alcoholic Beverage Control Board



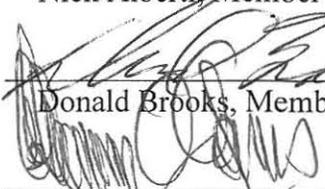
Ruthanne Miller, Chairperson



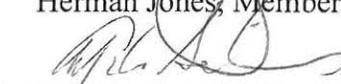
Nick Alberti, Member



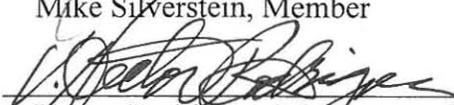
Donald Brooks, Member



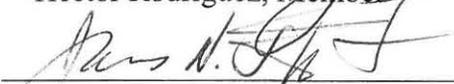
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, 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).