THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:	)	
	)	
Taboo, LLC	)	
t/a DC Star	)	
	)	Case No. 11-251-00316
Holder of a Retailer's Class CN License	)	License No. ABRA-078881
at premises	)	Order No. 2011-449
2135 Queen Chapel Road, N.E.	)	
Washington, D.C. 22018	)	
	)	

BEFORE: Nick Alberti, Interim Chairperson
Calvin Nophlin, Member
Mike Silverstein, Member

ALSO PRESENT: Emanuel N. Mpras and Matt A. LeFande,
On behalf of Taboo, LLC, t/a DC Star, Respondent

Walter Adams, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ON SUMMARY SUSPENSION

On October 12, 2011, the Alcoholic Beverage Control Board (Board), pursuant to D.C. Official Code §§ 25-826 (2008) and 25-827(a) (2005), ordered the suspension of the Retailer's Class CN license held by Taboo, LLC, t/a DC Star (Respondent). The suspension was based upon an investigation conducted by Alcoholic Beverage Regulation Administration (ABRA) Investigator Tyrone Q. Lawson as a result of PD-251 incident reports, Nos. 11147635, 11147636, and 11147598, received from the Fifth District of the Metropolitan Police Department (MPD), pursuant to D.C. Official Code § 25-804(b) (2001).

Additionally, the Board's suspension of the Respondent's license was based upon the written request of Chief of Police Cathy L. Lanier, MPD, dated October 8, 2011, 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 the

residents of the District of Columbia and to visitors to the city. As such, Chief Lanier requested that the Board revoke the Respondent's license. The grounds for the suspension are set forth in the Notice of Summary Suspension, dated October 12, 2011, which was served on the Respondent.

On Wednesday, October 12, 2011, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c), which was held on October 14, 2011. At the conclusion of the hearing, the Board issued from the bench, on the record, and through a formal articulation of the decision and vote, its decision to suspend the Respondent's license based upon the evidence presented at the Summary Suspension Hearing.

Accordingly, the Board continued the suspension of the license at the close of the Summary Suspension Hearing and reduces such decision to writing by this Order. The Board considered, in making its decision, the evidence presented at the hearing, the testimony of the witnesses, the arguments of counsel, the exhibits admitted at the hearing, and the documents comprising the Board's official file.

FINDINGS OF FACT

1. The Respondent holds a Retailer's Class CN license and is located at 2135 Queens Chapel Road, N.E., Washington, D.C. *See* ABRA Licensing File No. ABRA-078881.

2. The Board held a Summary Suspension Hearing on October 14, 2011. *See* Summary Suspension File No. 11-251-00316. On October 14, 2011, the Board issued from the bench, on the record, and through a formal articulation of the decision and vote, its 3-0 decision to keep the Respondent's license in a summary suspension status for an additional thirty (30) days based upon the evidence presented at the Summary Suspension Hearing.

3. The Respondent's license has been suspended since October 12, 2001, when the Board, pursuant to D.C. Official Code § 25-826(a), issued the Notice of Summary Suspension to the Respondent, based upon an investigation conducted by ABRA Investigator Tyrone Q. Lawson as a result of PD-251 incident reports received from MPD's Fifth District, pursuant to D.C. Official Code § 25-804(b). *See* Summary Suspension File No. 11-251-00316.

4. Additionally, the Board's suspension of the Respondent's license was also based upon the written request of Chief Lanier, MPD, dated October 8, 2011, 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 the residents of the District of Columbia and to visitors to the city. *See* Summary Suspension File No. 11-251-00316.

5. Counsel for the Government presented its case-in-chief with five witnesses consisting of an ABRA Investigator and MPD Detectives and Officers.

6. Officer Ray Malengo had been employed by MPD for six years, and is currently assigned to 5th District's Crime Analysis Unit. *Transcript, October 14, 2011* (hereinafter "*Tr.*"), at 21. In that capacity, among other things, he works on crime statistics, provides the Uniform Crime Reporting information to the FBI, and monitors gang and crew intelligence. *Tr.* at 22. He also develops and manages MPD's various crime statistic tables. *Tr.* at 22. These tables include calls for service data and all reportable crime data. *Tr.* at 22. He also works with the District's GIS system, the technology that analyzes geographical data. *Tr.* at 23. GIS is a mapping software that allows MPD to pinpoint calls for service and other crime statistics to a given geographical location. *Tr.* at 23.

7. Officer Malengo was instructed by his District Commander to map the crime data, and calls for service within a 1,000 feet radius of the Respondent's establishment, located at 2135 Queens Chapel Road, N.E. *Tr.* at 24. He produced a satellite image of the area surrounding the establishment. *Tr.* at 26; Government's Exhibit No. 1. The map depicted a green dot where the establishment is located and a blue circle line representing the 1,000 feet radius. *Tr.* at 26.

8. Officer Malengo also produced a document that contained a layer of street information imposed on the map. *Tr.* at 27; Government's Exhibit No. 1B. He stated that anything marked in gray on the map represents a paved surface, street or parking lot. *Tr.* at 27. Anything in yellow represents a building structure. *Tr.* at 27. Government's Exhibit No. 1C represented the same area as the previous two maps, and demonstrates the street center lines and the 1,000 feet radius from the establishment. *Tr.* at 28. Government's Exhibit No. 1D is an enlarged view of the area surrounding the establishment. *Tr.* at 28. Officer Malengo's four maps were admitted into evidence. See Government's Exhibits 1, 1B, 1C, and 1D.

9. Officer Darrin Haile has been employed by MPD for four years, and is currently assigned to MPD's Fifth District, Public Safety Area (PSA) 504. *Tr.* at 32. He also works the MPD Reimbursable Detail (Detail) for the area nightclubs (Detail). *Tr.* at 33. He was assigned to the Detail at the Respondent's establishment on October 8, 2011, and his tour of duty was from 11:30 p.m. to 3:00 a.m. *Tr.* at 34, 66, 76. The Respondent regularly secures Detail on Friday and Saturday nights, and there were eight officers working Detail on the night of October 8, 2011. *Tr.* at 67, 89. Officer Haile stated that some nights are rowdier than others depending on the entertainment offered at the club. *Tr.* at 68. He has worked Detail for one to two years, and he has handled patrons fighting at this establishment in the past. *Tr.* at 83-84.

10. Officer Haile was posted in front of DC Star, assisting in maintaining crowd control and keeping the peace on the public streets. *Tr.* at 35, 49, 72. He acknowledged that members of the establishment's security personnel have no authority to address crowd control or issues regarding the peace outside of the establishment. *Tr.* at 49-50.

11. Officer Haile testified that there was an altercation inside of DC Star that necessitated the club's security to escort two women out of the establishment. *Tr.* at 35-36, 50. He did not witness the two women being escorted from the club, but this was his understanding from MPD Officer Charles Marshall who did witness their removal. *Tr.* at 68-69, 73, 75-76. Officer Haile was standing across the street when he first saw the

women. *Tr.* at 77, 79. He walked across the street to where the two women were talking to other MPD officers located near a police patrol car. *Tr.* at 78.

12. Officer Haile testified that the two women, Tameka and Brittany Malloy, were rowdy, boisterous, belligerent, and disorderly. *Tr.* at 36, 51. The women were upset because they were being removed from the club and they didn't want to leave. *Tr.* at 36-37. They cursed, threatened to sue the establishment and everyone involved, and then threatened to shoot the police officers who were present on Detail. *Tr.* at 36-37, 85-86. They were not arrested at that time for disorderly conduct, which is within MPD's discretion. *Tr.* at 51-52, 55, 57, 70-71.

13. MPD intercepted the two women and attempted to escort them across the street, while encouraging them to leave the area. *Tr.* at 37-39, 51-53, 70. Officer Haile could smell alcohol on their breath and their behavior led Officer Haile to believe the two women were intoxicated. *Tr.* at 39, 69-70, 72. Tameka Malloy stated that she was drunk. *Tr.* at 39, 64. At the time MPD began to escort the two women, Tameka Malloy started flailing her arms wildly, hitting Officer Marshall in the face, knocking off his glasses, and poking him in the eye. *Tr.* at 40-41, 61, 82. It was approximately 2:45 a.m., and the officers and women were located across the street, about 20 to 25 feet from the entrance of the establishment. *Tr.* at 41-42.

14. When MPD officers held Tameka Malloy's arms to detain her and place handcuffs on her, the other woman, Brittany Malloy, ran toward the officers and grabbed her niece trying to free her from MPD's custody. *Tr.* at 42-43, 60. MPD then detained and handcuffed Brittany Malloy. *Tr.* at 44, 81. MPD made the decision to place handcuffs on the two women for their own safety and the safety of MPD. *Tr.* at 60, 63. Officer Haile did not observe any wrist bands on the women at the time of their handcuffing. *Tr.* at 81-82.

15. Tameka Malloy complained that her handcuffs were too tight. *Tr.* at 44. When MPD loosened the handcuffs, Ms. Malloy freed herself and started swinging her arms again. *Tr.* at 44. The two women were arrested for assault on a police officer (APO). *Tr.* at 45. MPD called for a transport wagon and the two women were taken to MPD's Fifth District. *Tr.* at 45. Tameka Malloy remained belligerent and combative, and as she was being loaded into the transport wagon, she spat on one of the officers. *Tr.* at 45-46.

16. Officer Haile accompanied the transport to MPD's Fifth District to prepare the paperwork for the arrests. *Tr.* at 47. He recommended that charges be pressed against the women due to their age. *Tr.* at 47. Tameka Malloy is 19 and Brittany Malloy is 20. *Tr.* at 47-48. They were also charged by MPD with underage drinking. *Tr.* at 47, 63.

17. Jamell Stallings is a Detective with MPD's Fifth District. *Tr.* at 91, 93. She has been employed by MPD for 21 ½ years and she has worked as a detective for 17 years. *Tr.* at 92-93. She was on duty on October 8, 2011 and at about 3:30 a.m., she was called to respond to Providence Hospital for a stabbing victim.[1] *Tr.* at 94, 99, 116. When she

[1] Due to the status of the stabbing victim as a 17-year-old minor, the victim is referenced throughout the Board's Order by his initials, D.L.

arrived at Providence Hospital, she was advised that D.L. had come from Respondent's establishment. *Tr.* at 94.

18. Det. Stallings interviewed D.L. while he was dressed in a hospital gown and lying on a gurney. *Tr.* at 94-95, 116, 123. She did not observe his personal clothing, but knew that they were in a bag in his room secured for the crime scene processing team. *Tr.* at 124-125. Det. Stallings stated that the crime scene processing team responded to the hospital because there were two other incident victims from MPD's Fifth District.

19. During the course of the interview, Det. Stallings obtained D.L.'s name, date of birth, address, and a contact number. *Tr.* at 95, 116-117. D.L. is 17 years old and was being treated as a juvenile at the time of the incident and subsequent investigation. *Tr.* at 97, 167-168. She did not request his identification, but she believed D.L. was straightforward and telling the truth when he gave his personal information. *Tr.* at 124, 161-162. The interview with D.L. was consensual. *Tr.* at 130. Det. Stallings testified that D.L. was upset and in pain, but that he did not appear to be drunk. *Tr.* at 160-161, 170. She did not take a written statement from D.L. regarding the hospital interview. *Tr.* at 189-190.

20. D.L. informed Det. Stallings that he was inside DC Star on the dance floor dancing, when someone bumped into him, and he stumbled. *Tr.* at 96, 98, 168, 171. At that point, security personnel came over to the dance floor and escorted D.L. out of the club. *Tr.* at 96, -98. Once he was outside the club, he felt pain in his back, and realized that he was bleeding. *Tr.* at 96. He stated that one of the security personnel flagged down someone to take D.L. to Providence Hospital. *Tr.* at 96, 118-119.

21. Det. Stallings believes D.L. was accompanied by friends at the establishment because while he was in the hospital, he took several calls, and notified the callers that he was in the hospital due to a stabbing. *Tr.* at 100, 168-169. The story D.L. told over the phone multiple times was consistent with the story he told Det. Stallings. *Tr.* at 162, 169.

22. Later that morning around 7:00 to 7:30 a.m., Det. Stallings, along with Det. Joseph Radvansky, returned to the nightclub to review the security camera video footage. *Tr.* at 100, 131-132. An employee at the establishment informed them that the camera room was locked, and he did not have access to it. *Tr.* at 101, 104, 134-135, 176. The detectives asked the employee to contact the owner of DC Star. *Tr.* at 101, 103-104, 135.

23. The owner, Sonny Preet, informed Det. Radvansky that he and other employees had just left the nightclub, and that they wouldn't be able to provide access to the camera room at that time. *Tr.* at 101, 135-136, 177. Det. Stallings then spoke to Mr. Preet and informed him that he had two choices; either provide someone to access the camera room, or expect a search warrant to obtain the video footage. *Tr.* at 102, 136-137, 145, 178. A security employee of the Respondent's appeared 45 minutes later to access the locked camera room. *Tr.* at 102, 105, 178.

24. Det. Stallings watched video footage of the dance floor which she stated was of poor quality. *Tr.* at 102. At that point, the detectives requested that the employee unhook all of the video equipment so that MPD could take it as evidence. *Tr.* at 103, 106, 150, 178-179. MPD informed Mr. Preet that they were going to take the video equipment. *Tr.*

at 180. MPD did not want to jeopardize having evidence tampered with if the video equipment was left on site. *Tr.* at 106, 144-146, 176. Det. Stallings testified that MPD has the authority to seize property without a warrant, if they believe that the property is evidence of a crime. *Tr.* at 140.

25. Det. Stallings stated that MPD was also able to locate a blood trail on the street in front of the club. *Tr.* at 107, 153, 157. A crime scene processing team was called to take photographs of the blood and to track the trail. *Tr.* at 107. The trail appeared to Det. Stallings to be eastbound along Queens Chapel Road, N.E, toward Bladensburg Road, N.E. *Tr.* at 152. Det. Stallings also examined the interior of the nightclub, but she did not observe any blood due to the low lighting. *Tr.* at 155-156. She did not call the crime scene processing team to examine the inside of the club, but there were other officers present searching the club. *Tr.* at 156.

26. Det. Stallings testified that Det. Radvansky secured a search warrant for the video equipment on Tuesday, October 11, 2011. *Tr.* at 109. At the same time, Det. Stallings received an email from Sgt. Hart notifying her that D.L. was at MPD's Fifth District to pick up a copy of the crime report. *Tr.* at 107, 171, 173-174. D.L. stated that the information contained in the crime report was not an accurate accounting of what happened on October 8, 2011. *Tr.* at 107, 172-173. D.L. wrote a personal statement, recanting his original version of events, and gave it to Sgt. Hart to attach to the crime report. *Tr.* at 173, 185-189; Government's Exhibit No. 1.

27. Det. Stallings then contacted D.L. and in this second interview, D.L. stated that he was not in the nightclub that night because he could not get in. *Tr.* at 111-112, 173. D.L. initially stated that he was in one parking garage, and then he stated that he was in another parking garage where he was stabbed. *Tr.* at 111-112, 162. D.L. could not describe to Det. Stallings who stabbed him. *Tr.* at 111.

28. Det. Stallings was convinced that D.L.'s second version of events was not truthful due to the inconsistencies in his story. *Tr.* at 111, 162. She asked him if the version of events he described in the hospital interview wasn't correct, and he said that he was not stabbed inside the establishment. *Tr.* at 112. D.L. became irritated and agitated when questioned by Det. Stallings, and he told Det. Stallings to refer all of her questions to his mother. *Tr.* at 112, 161. Detective Stallings stated that in her opinion D.L.'s first interview was the truthful version. *Tr.* at 163, 181.

29. Subsequent to the second interview with D.L., Det. Stallings learned from MPD Officer McCall that D.L. was at the establishment with Mr. Preet and Mr. Sims, DC Star's Head of Security, before he went to MPD's Fifth District to change his story. *Tr.* at 113-114. Det. Stallings later contacted the victim's mother and requested that she and D.L. meet with the detective to give a full and accurate accounting of what happened that night. *Tr.* at 115. Det. Stallings has not heard from them as of the date of the Summary Suspension Hearing. *Tr.* at 115.

30. Officer Michael Jenkins is an MPD patrol officer, and he has served in that capacity for eight years. *Tr.* at 197. He also works the Detail in MPD's Fifth District. *Tr.* at 198-199. He was on Detail duty at DC Star on October 8, 2011. *Tr.* at 199. He recalls that there were two women placed under arrest that night for assault on a police officer.

Tr. at 200, 202-203, 211. He witnessed the two women leaving the club and described them as upset because they were asked to leave. *Tr.* at 200, 209, 225-226. He observed the arrest take place on the sidewalk across from the club. *Tr.* at 213.

31. One of the women cursed Officer Jenkins. *Tr.* at 200-201. He informed her that because she was escorted out, she needed to leave the area. *Tr.* at 201. The woman then grabbed his badge trying to get his badge number. *Tr.* at 201-202. Officer Jenkins told the woman not to touch him and at that point, Officer Marshall walked over. *Tr.* at 202. Officer Marshall also told the women they needed to leave, and he started walking the two women across the street and away from the nightclub. *Tr.* at 202, 209-211. One of the women turned her aggression toward Officer Marshall. *Tr.* at 211, 213.

32. Officer Jenkins also observed injured male patrons. *Tr.* at 204. The first male was walking toward the police officers and the club. *Tr.* at 205, 215-216. The male stated that he thought he was bleeding, and when Sgt. Woodard offered to call the ambulance, the man didn't want to wait and he walked away. *Tr.* at 205-206. Officer Jenkins described the man as skinny, about 5'10", and with a medium complexion. *Tr.* at 205, 214. He was wearing a green colored coat. *Tr.* at 205.

33. Officer Jenkins also observed a group of males walking toward Bladensburg Road, N.E., away from the nightclub and the police officers. *Tr.* at 206, 223-224. One of them had on a red coat, and it appeared that he had a wet mark down his backside. *Tr.* at 206. The police called out to this man too, but the man indicated that he was okay, and kept walking. *Tr.* at 207, 224.

34. Officer Jenkins observed a third injured person inside a parking garage, across from the Stadium nightclub. *Tr.* at 236, 246, 248. He heard a commotion coming from inside the parking garage, and he and other officers walked to the parking garage to diffuse the situation. *Tr.* at 237. It was then that Officer Jenkins was advised that someone had been stabbed. *Tr.* at 237.

35. The victim was located in the far left corner of the garage, and it appeared to Officer Jenkins that the victim's body parts were protruding from his abdomen. *Tr.* at 238, 242. The police told the victim that an ambulance was being called for him, but the victim did not want to wait. *Tr.* at 238, 240-241. The victim and a friend got into a silver-colored Lincoln Town Car and left the scene. *Tr.* at 238. Officer Jenkins described this victim as being dark skinned with shoulder length dreadlocks. *Tr.* at 239. Officer Jenkins stated that the victim and his friend were not cooperative, and they did not disclose where he was stabbed. *Tr.* at 241-242.

36. Officer McCall has been a police officer for four years, and he is assigned to MPD's Fifth District. *Tr.* at 250-251. He works Detail for various nightclubs in MPD's Fifth District. *Tr.* at 251. He was on Detail duty on October 8, 2011. *Tr.* at 252, 288. In that capacity, he serves as a peacekeeper, such that if someone has an incident inside the club, or once they leave the club, the Detail handles the matter when it is in the public space. *Tr.* at 288.

37. Officer McCall received a radio run from MPD Dispatch that night for a stabbing victim from DC Star. *Tr.* at 255, 289. He arrived at Providence Hospital around 3:30 a.m.

Tr. at 256, 291, 295. Detective Stallings was also there. *Tr.* at 308. The victim told Officer McCall that he was inside DC Star, and he was dancing when he was bumped by an unknown individual. *Tr.* at 256-257, 261. When he stumbled, a security person helped him regain his composure. *Tr.* at 257.

38. The victim told Officer McCall that someone told him it appeared he was bleeding, and that's when he felt pain. *Tr.* at 257. The victim did not have identification on him, and so he gave his name and date of birth to Officer McCall. *Tr.* at 258. Officer McCall confirmed this information with the victim's mother who responded to the hospital. *Tr.* at 258, 284, 325. He observed a minor wound to the victim's lower back. *Tr.* at 258. He did not believe the victim to be intoxicated. *Tr.* at 303, 335-336.

39. Officer McCall observed the victim's clothing in the room in a bag under the bed. *Tr.* at 259, 297. He described the clothing as a black, long-sleeved shirt, a green jacket and blue jeans. *Tr.* at 259. The crime scene investigator took the clothes as evidence. *Tr.* at 297-298, 300. Officer McCall noticed a hole in the lower back area of the victim's shirt. *Tr.* at 299. He also observed a t-shirt that had holes in it. *Tr.* at 299.

40. Officer McCall asked the victim if he was involved in any altercations or if he saw any weapons. *Tr.* at 261. The victim said he didn't know he was stabbed until he felt the pain and someone pointed out the blood to him. *Tr.* at 261. The victim did not change his story the entire time Officer McCall was with him at the hospital. *Tr.* at 262.

41. Officer McCall completed a PD 251 regarding the incident. *Tr.* at 262; Government's Exhibit No. 2, CCN #11147635.

42. Officer McCall was in the middle of the street looking toward DC Star when he observed another injured person leaving the establishment, walking toward Stadium nightclub. *Tr.* at 267, 307, 329-330. He and Sgt. Woodard could see a large blood stain on the back of his shirt. *Tr.* at 267. They called out to him repeatedly and offered to render aid. *Tr.* at 268, 307, 313. The victim stated that he was okay and walked away. *Tr.* at 268, 330. Officer McCall described this victim as a black male with short hair. *Tr.* at 268. Officer McCall believes that the victim made his own way to the hospital, because he was later located there. *Tr.* at 269.

43. Officer McCall observed a third victim in the parking garage across the street from the Stadium Club. *Tr.* at 269-270. He observed a man pulling on the door of a car that was speeding out of the garage. *Tr.* at 270, 304. Officer McCall called out to other officers, and he ran to the incident in an attempt to intervene. *Tr.* at 270, 304. When he arrived, the car was gone, and a man was yelling to the police that his partner had just been stabbed. *Tr.* at 271. Officer McCall noticed the victim leaning on a car in the rear of the parking garage. *Tr.* at 271, 305. He described the victim as having dreadlocks. *Tr.* at 272.

44. As Officer McCall approached the victim, he noticed that the victim had a small portion of his intestines hanging outside his abdomen. *Tr.* at 272, 305. When he first received the radio run to respond to the hospital, he believed it was for the injured person with the exposed intestines. *Tr.* at 290-291. Officer McCall left the garage and returned to the front of the nightclub. *Tr.* at 293. He did not notice blood on the ground anywhere. *Tr.* at 293-294.

45. Officer McCall returned to the establishment on Saturday morning to assist with the Chief of Police closure. *Tr.* at 280. He stopped by the club again when he was informed by Mr. Sims, a former MPD officer, that D.L. had some additional information regarding the incident. *Tr.* at 282, 314-315, 318. When he arrived, Mr. Preet, Mr. Sims, D.L., and a fourth unidentified person were present. *Tr.* at 283, 320.

46. When D.L. attempted to offer additional information, Officer McCall instructed him that he was not the investigating officer, and that D.L. needed to contact the assigned detective. *Tr.* at 285-286, 316, 321-322-323. Officer McCall was under the impression that D.L. wanted to clear some things up. *Tr.* at 286. Officer McCall later learned that D.L. went to MPD's Fifth District to change his original statement. *Tr.* at 287.

47. Officer McCall witnessed three stabbing victims on October 8, 2011. *Tr.* at 326. One of the victims was at the hospital, the second refused aid and walked away, and the third was located in the parking garage with exposed intestines. *Tr.* at 326-327.

48. Joseph Radvansky, Jr. is a detective and he is assigned to MPD's fifth District. *Tr.* at 346. He was on duty on October 8, 2011. *Tr.* at 346. He received a radio run to respond to Washington Hospital Center for a stabbing victim. *Tr.* at 346-348. He was informed by Officers Rutledge and Richardson that the victim had been stabbed at DC Star. *Tr.* at 350. The victim, D'Angelo Wayne McNeil, was alert, conscious and bandaged. *Tr.* at 350, 392. When Det. Radvansky talked to the attending physician, he learned that the victim was in stable condition, and he would be admitted for observation. *Tr.* at 356. The victim's date of birth is December 5, 1986. *Tr.* at 427.

49. Mr. McNeil told Det. Radvansky that as he and his friends were walking out of the nightclub, he could see a crowd beginning to fight, so they hurried along past the crowd, and he was stabbed in the back. *Tr.* at 355. He ran down the hill toward Bladensburg Road, N.E., where he met up with a school friend who took him to the hospital. *Tr.* at 355. Mr. McNeil did not know where the weapon came from. *Tr.* at 357.

50. Det. Radvansky testified that the crime scene technician, Officer Ruiz, collected the victim's clothing. *Tr.* at 357. He noticed that the victim's clothing was very bloody, but he did not examine it. *Tr.* at 358, 394-395. The clothing was described as a red shirt, a white long john shirt, and a white t-shirt. *Tr.* at 358. Officer Ruiz took photographs of the injury and informed Det. Radvansky that it appeared to be a knife wound. *Tr.* at 393.

51. Det. Radvansky returned to DC Star about 7:20 a.m. where he knocked on the door of the establishment, and was greeted by an employee. *Tr.* at 359-360, 395-396. Det. Stallings was also present. *Tr.* at 359-360. No steps were taken to preserve the crime scene at that time. *Tr.* at 396-39.

52. Det. Radvansky was told that the stabbing occurred on the dance floor so he used his flashlight to locate evidence of blood. *Tr.* at 361, 397-398. The lighting wasn't bright but he was able to have more lights turned on. *Tr.* at 361, 398. He did not see any blood on the dance floor. *Tr.* at 361, 399.

53. Another officer spotted blood drops on the ground in the street. *Tr.* at 361, 399-400. He followed the blood trail toward Bladensburg Road, N.E. *Tr.* at 361. The blood trail ended at the ramp that enters into the parking lot across from the Stadium Club. *Tr.* at 362, 399-401. Det. Radvansky ordered officers to block off the street to traffic, and he called for the crime scene processing team. *Tr.* at 362-363. He traced the blood trail back to DC Star and saw a blood drop about two feet in front of the door. *Tr.* at 400-401, 429. Det. Radvansky testified that he did not discern which end of the blood trail is the origin or the terminus. *Tr.* at 402-403.

54. Det. Radvansky testified that MPD recovered the video camera system without the use of a search warrant. *Tr.* at 363, 365. Det. Stallings was able to get Mr. Preet to have his security personnel access the locked room so they could retrieve the system and view the video at a later date. *Tr.* at 364-366, 405, 432. He informed Mr. Preet that there were a couple of stabbings that occurred at his nightclub. *Tr.* at 365. Mr. Preet told Det. Radvansky that his security personnel had just gone home from the night's activity. *Tr.* at 365. The employee returned to the nightclub 40 minutes later, unlocked the door to the camera security system, and unhooked the equipment. *Tr.* at 434. *Tr.* at 433.

55. Det. Radvansky was not concerned that the video footage would have been corrupted while he and Det. Stallings were present. *Tr.* at 409. MPD took the video camera equipment so that the footage could not be erased. *Tr.* at 409. Det. Keiser informed the security employee that MPD needed to take the video evidence at that time so that the evidence lab could conduct further review of the footage. *Tr.* at 435.

56. Det. Radvansky testified that search warrants are required to obtain electronic media. *Tr.* at 411. On October 11, 2011, Officer Radvansky was able to secure a search warrant to examine the four boxes. *Tr.* at 355, 411. The video camera system included a computer and three DVRs, so he had to get a warrant for each box. *Tr.* at 366. The purpose of the search warrant was to allow an MPD technician to retrieve the video rather than rely on the nightclub to produce it. *Tr.* at 367. The video system was kept at the Mobile Crime in the locked evidence room. *Tr.* at 367.

57. Det. Radvansky testified that the technician downloaded all of the files for October 8, 2011. *Tr.* at 368. One of the video camera footage shows the dance floor area. *Tr.* at 369. It was not a close view of the dance floor, but Det. Radvansky could observe that the crowd was dancing, and then the crowd was pushing everyone to one side, and the dance floor emptied. *Tr.* at 370, 412-413, 424, 430-431. Det. Radvansky could not discern if a fight had taken place because the camera was too far away from the scene. *Tr.* at 370. After a few minutes, the crowd returned and the dancing resumed. *Tr.* at 370-371, 424.

58. Det. Radvansky stated that on another camera, time-stamped at 3:41 a.m., the dance floor was clear and it appeared that the nightclub was closing. *Tr.* at 372. He also watched video footage from the camera inside foyer of the establishment. *Tr.* at 372-373. On this view, time-stamped at 3:21 a.m., he observed a male in a red shirt and a long-john shirt with blood stains on his back. *Tr.* at 373-374. He believes the male in the red shirt is the same person he interviewed at the hospital. *Tr.* at 374, 380. He also believes that the victim was stabbed inside the nightclub because the video demonstrates that the victim was bleeding inside the building as he walked past the bar to exit. *Tr.* at 390, 428.

59. Det. Radvansky testified that Officer Keiser was able to make a recording of that video footage, and to collect some still shots from the same video. *Tr.* at 375; Government's Exhibit No. 4. One of the still shots shows the victim walking out of the front entrance of DC Star with the bloody stain on his back. *Tr.* at 379; Government's Exhibit No. 5. The still shot was taken from camera #11. *Tr.* at 379, 382; Government's Exhibit No. 5. The victim appears to be walking off camera toward Bladensburg Road, N.E. *Tr.* at 380.

60. Det. Radvansky also observed video footage, time-stamped at 2:51 a.m., that shows a female patron being escorted out by security personnel, followed by a couple of other female patrons. *Tr.* at 385, 424. He compared the video to the mug shots of the two women who were arrested for the APO, and the female on camera #11 is one of the two defendants. *Tr.* at 385, 428.

61. Det. Radvansky testified that camera #1 is located on the outside of the nightclub at the corner of the building. *Tr.* at 386. This camera captures the outside of the establishment. *Tr.* at 386. As Det. Radvansky is watching the video, the time jumps from 2:51 a.m. to 3:31 a.m., and thirty minutes of video is missing. *Tr.* at 387, 425. Det. Keiser told Det. Radvansky that the time stamp glitch may be attributable to a system crash. *Tr.* at 425-426.

62. Investigator Tyrone Lawson has been an investigator with ABRA for two years, and he has conducted investigations at DC Star in the past. *Tr.* at 443. On October 8, 2011, Investigator Lawson, along with Investigators Earl Jones and Abyie Ghenene, was part of the ABRA investigative team detailed to the DC Star to investigate alleged stabbings. *Tr.* at 443-444. Investigator Lawson's supervisor received a hot-line call from the Shift Commander at MPD's Fifth District regarding a possible stabbing. *Tr.* at 444. They arrived at the establishment at approximately 4:15 a.m. *Tr.* at 445. Investigators Lawson and Jones stayed at the nightclub while Investigator Ghenene went to Providence Hospital to interview D.L. *Tr.* at 445.

63. Investigator Lawson took a statement from Sgt. Woodard who stated that there were multiple incidents that night, and that different officers reported to Providence Hospital because a walk-in victim stated that he had been stabbed at DC Star. *Tr.* at 446. Sgt. Woodard informed Investigator Lawson that other officers responded to the parking garage approximately 175 feet from DC Star, and they observed a male bleeding from his back. *Tr.* at 447. When the officers offered assistance, the male crossed the street, entered a vehicle and left the scene. *Tr.* at 447.

64. Sgt. Woodard further stated to Investigator Lawson that the officers then observed another male inside the garage, who appeared to be holding his intestines in his hands. *Tr.* at 447. The officers tried to render aid to this man too, but he also left in a vehicle. *Tr.* at 447. Sgt. Woodard told Investigator Lawson that he observed a person wearing a green jacket who was bleeding from his back, but he did not see that person exit from DC Star. *Tr.* at 448.

65. Investigator Lawson interviewed DC Star security personnel who were standing outside the establishment. *Tr.* at 448. He asked if any of them had any knowledge regarding an altercation that took place inside the establishment earlier that morning. *Tr.* at

448. One of the security personnel, Raymond Burell, stated that he was inside the establishment, and the large fight occurred in the VIP section near the front of the stage. *Tr.* at 448-450, 537, 618, 621. Mr. Burell and several other security personnel intervened, separated the combatants, and escorted them out of the establishment. *Tr.* at 448, 451, 468, 537. A female security person also informed Investigator Lawson that she observed the fight but by the time she arrived, the fight was over, and she no longer needed to be involved. *Tr.* at 449, 622. Investigator Lawson is not aware of any other fights or injuries inside the establishment that night. *Tr.* at 553.

66. Investigator Lawson then proceeded to the management office where Investigator Jones was interviewing the owners, Mr. Preet and Mr. Dua, and the Head of Security, Mr. Sims. *Tr.* at 452-454, 623. Mr. Preet and Mr. Dua repeatedly informed Investigator Lawson that no incidents had occurred inside the establishment. *Tr.* at 454-455, 457, 553, 603, 623-624. Mr. Sims also indicated that nothing had happened inside the club. *Tr.* at 455, 457, 623-624.

67. When Investigator Lawson informed the three that Mr. Burell admitted to diffusing a large fight inside the establishment that night, Mr. Burell was summoned to the management office. *Tr.* at 456, 605. Mr. Burell then denied that there was a large fight, and said that he had witnessed a verbal altercation. *Tr.* at 458, 468, 595-597. He then admitted that security personnel had escorted patrons out of the establishment. *Tr.* at 459. Mr. Dua also later admitted to Investigator Lawson that he was aware that female patrons, but not male patrons, had been escorted out of the establishment. *Tr.* at 557-558, 625-626.

68. During the interview with the owners and security personnel, Investigator Lawson was also on the phone with Investigator Ghenene who was relaying information from the interview with D.L. *Tr.* at 458. D.L. told Investigator Ghenene that there was a large fight inside the establishment. *Tr.* at 458. Investigator Ghenene also observed a green wristband on D.L.'s arm. *Tr.* at 464-465.

69. D.L. informed Investigator Ghenene that he was dancing near the stage in the VIP section when he observed a large fight. *Tr.* at 470. He was bumped while dancing, and security personnel arrived and escorted him outside. *Tr.* at 470. D.L. did not know he was bleeding until after he had exited the establishment, and people pointed out the red stain to him. *Tr.* at 471. When he realized he had been stabbed, he panicked, approached the police officers, and then turned up Queens Chapel Road, N.E., and flagged down a car. *Tr.* at 471.

70. Investigator Lawson testified that the entertainment that night was a live go-go band called The Kings. *Tr.* at 460, 598. Investigator Lawson conducted an internet search of The Kings and determined that the band uses several monikers: Bounce Beat Kings, Polo and the Boyz, and TCB. *Tr.* at 598-599, 602, 629-630. He stated that a majority of the band mates from The Kings were also members of those three bands. *Tr.* at 600-601.

71. Mr. Preet and Mr. Dua told Investigator Lawson that they were informed by MPD that a 17-year-old had been inside the establishment. *Tr.* at 461, 605. The owners stated that it was impossible for a 17-year-old to enter because their policy provides that only 21 year olds and older are permitted entry. *Tr.* at 461-462, 597-598. Mr. Preet was insistent that nobody was in their establishment under the age of 21 that night. *Tr.* at 469, 606.

72. The owners then explained that when they do permit people under the age of 21, the letter X is marked on the back of the patron's hand. *Tr.* at 462, 607. A wristband is fastened around the arm of those patrons 21 years old and older. *Tr.* at 462. The owners stated however, that on October 8, 2011, only the wristbands were used because everyone was 21 and older. *Tr.* at 462-463, 605-607. Mr. Preet showed Investigator Lawson the gold wristbands used that night. *Tr.* at 463. Investigator Lawson also noticed green wristbands in the management office. *Tr.* at 464. Mr. Preet informed Investigator Lawson that the Armed Resistance Unit (ARU) thoroughly checks IDs to ensure the lawful age of the patrons. *Tr.* at 465, 606, 608-610. Mr. Preet told Investigator Lawson that ARU sometimes provides the wristbands to patrons, but this was denied by the ARU supervisor. *Tr.* at 608

73. Investigator Lawson testified that there are two entrance lines into the establishment; one was for patrons paying regular admission, and the other was an express line for patrons willing to pay a higher fee. *Tr.* at 466. The admission price on October 8, 2011, was $25.00 for male patrons and $15.00 for female patrons.

74. Investigators Lawson and Jones then met with Derrick Ross, the Respondent's video surveillance technician. *Tr.* at 469. Investigator Lawson requested that Mr. Ross show the footage from 3:00 a.m. to 3:30 a.m. *Tr.* at 472. The video footage showed a large fight around 3:19 a.m., with a view of one particular person who was aggressive and swinging at other people. *Tr.* at 473-474. The camera view ends at the stage area, and the physical fight is no longer visible on that camera angle. *Tr.* at 473-474. Investigator Lawson confirmed that he and Investigator Jones observed a physical altercation. *Tr.* at 474. They also observed DC Star's security personnel enter the area where the combatants were fighting. *Tr.* at 474. Given the visual evidence from the security cameras, Investigator Lawson would have expected the Respondent to have notified MPD that someone was injured. *Tr.* at 617.

75. Mr. Ross then pulled up the video on the camera angle focused on the establishment's exit. *Tr.* at 475-476. They observed a patron with a red shirt who appeared to have a dark stain on his back. *Tr.* at 477-479. They observed another patron with a green shirt who was pulling up his shirt and looking down at his waistline as he was exiting. *Tr.* at 477-478. Both men exited the establishment and headed east on Queens Chapel Road, N.E. toward the parking garage. *Tr.* at 479.

76. Investigator Lawson called Mr. Preet to the security camera room to view the video footage. *Tr.* at 480. They showed the footage of the man in the red shirt and Mr. Preet stated that the stain could be spilled champagne or wine. *Tr.* at 481. Investigator Lawson told Mr. Preet that the investigators were there for an alleged stabbing, and it was clear that something had happened, to which Mr. Preet had no response. *Tr.* at 481-482. They also showed Mr. Preet footage of the large fight at the front of the stage. *Tr.* at 482-483. Investigator Lawson explained that he did not see D.L. exiting the establishment on any video footage, because he did not know who he was looking for at the time of the viewing. *Tr.* at 568-569.

77. Investigator Lawson testified that the establishment has 64 cameras. *Tr.* at 483. He observed several monitors where the screens were blank or white. *Tr.* at 483. Mr. Ross

stated that some of the cameras were not working. *Tr.* at 484. There were three monitors altogether; two wide screen, and one small computer. *Tr.* at 484. There are 16 cameras on each of the large monitors. *Tr.* at 484. Eight screens were blank on the small monitor. *Tr.* at 484. Mr. Ross told Investigator Lawson that 47 cameras were working. *Tr.* at 484, 569. Investigator Lawson pointed out the non-working cameras to Mr. Preet, who responded that his video people take care of those matters. *Tr.* at 485. Having 64 recording cameras is a requirement of the Respondent's security plan. *Tr.* at 486, 569.

78. Investigator Lawson requested a copy of the night's video surveillance footage, and Mr. Ross offered to have it ready the following day at 4:00 p.m. *Tr.* at 487. Investigator Lawson did not receive a copy of the surveillance footage the next day, because MPD had taken the video equipment on October 8, 2011. *Tr.* at 488-489.

79. Investigator Lawson interviewed Mr. Sims again, who provided a copy of the MPD Reimbursable Detail Officer sign-in sheet, a copy of the in-house security sign-in sheet, and a copy of the ARU sign-in sheet. *Tr.* at 491-492. Investigator Lawson was informed that there were 25 security personnel inside the establishment that night. *Tr.* at 573. There were also eight MPD reimbursable detail officers and eight ARU personnel. *Tr.* at 574. Investigator Lawson testified that this staffing level was adequate under the requirements of the Respondent's security plan. *Tr.* at 574.

80. Investigator Lawson requested an incident log for that night and Mr. Sims stated that he did not have one. *Tr.* at 492, 494-495, 574, 581-582, 620. He then requested any documentation resulting from the stabbings or incidents, and again, Mr. Sims had nothing. *Tr.* at 492. The Respondent's security plan also requires the maintenance of a management log. *Tr.* at 493, 574, 577-578. Mr. Sims acknowledged that an incident occurred within the establishment. *Tr.* at 494. Investigator Lawson believed that Respondent's failure to record the incident in the log was a violation of the terms of their security plan. *Tr.* at 582-584, 591-592. Investigator Lawson testified that Mr. Sims told him that he was advised not to write an incident report and that he received this directive from the owners. *Tr.* at 583.

81. Investigator Lawson testified that the Respondent's security plan also requires the establishment to have a procedure to determine a patron's legal drinking age. *Tr.* at 496. Additionally, the security plan also requires that the establishment check patrons' identifications to ascertain whether they can legally drink. *Tr.* at 496. The security plan also provides that only patrons 18 years and older are permitted entry. *Tr.* at 496. The security plan also provides that anyone under 21 years old is marked with an X on the back of their hand, and people of legal drinking age are provided with a wristband.

82. Investigator Lawson completed an investigative report, which contains 30 exhibits. *Tr.* at 498; Government's Exhibit No. 6. He separately identified each of the exhibits for the record. *Tr.* at 499-510. He also completed a supplemental report for the administrative record. *Tr.* at 534; Government's Exhibit No. 7.

83. Investigator Lawson testified that Emanuel Mpras, counsel for DC Star, informed him that D.L. had recanted his story, and asked if Investigator Lawson had a copy of the new written statement. *Tr.* at 511. Mr. Mpras provided an electronic copy of D.L.'s statement to Investigator Lawson. *Tr.* at 511. The statement was not consistent with the

version that D.L. had provided to Investigator Ghenene at Providence Hospital. *Tr.* at 513. Investigator Lawson also received an invoice from Mr. Mpras indicating that the nonworking security cameras had been repaired. *Tr.* at 569-570, 615.

84. Investigator Lawson then spoke with D.L. on October 12, 2011. *Tr.* at 513-515, 585. He also spoke with D.L.'s mother who recalled seeing a wristband on her son's arm when he was at the hospital. *Tr.* at 515, 613. She recalled this because she questioned why the hospital staff would place a red wristband on her son, when he already had a wristband. *Tr.* at 613. D.L. identified DC Star as the place where he received the wristband. *Tr.* at 515. The mother instructed her son to tell Investigator Lawson the truth about what happened on October 8, 2011. *Tr.* at 516.

85. D.L. told Investigator Lawson that he left his grandmother's house at 1:00 a.m. to attend a function at The Scene. *Tr.* at 518. When he learned that The Scene was closed, he headed to DC Star where he paid $50.00 to get in the express line. *Tr.* at 519. D.L. stated that he was patted down before he entered the establishment. *Tr.* at 520. He did not have any identification on him. *Tr.* at 520. D.L. was not in the establishment long when the fighting broke out. *Tr.* at 520. He was on the dance floor near the VIP section when someone bumped him, and then he was removed from the establishment by security personnel. *Tr.* at 521.

86. D.L. questioned the security personnel as to why he was being escorted out of the establishment, and he was told that he needed to leave. *Tr.* at 522. D.L. walked from DC Star to the parking garage to locate his friend's car. *Tr.* at 522. While he was in the garage, he noticed a fight break out, so he left the garage and he walked back to DC Star's entrance. *Tr.* at 523. When he looked back toward the garage, he saw people running out and the police running in. *Tr.* at 523.

87. D.L. told Investigator Lawson that his brother and friends asked him if he had spilled red juice on his green jacket. *Tr.* at 523. He felt the blood, panicked, and started walking down Queens Chapel Road, N.E., toward Channing Road, N.E. *Tr.* at 523. His brother flagged down a passerby who took him to the hospital. *Tr.* at 524. Investigator Lawson stated that the version D.L. gave to him was fairly consistent with the original version he told Investigator Ghenene during the interview in the hospital. *Tr.* at 614-615.

88. Investigator Lawson also interviewed D'Angelo McNeil on October 13, 2011. *Tr.* at 525. Mr. McNeil stated that he arrived at DC Star at 12:00 a.m. to attend The Kings go-go concert. *Tr.* at 525, 600. Mr. McNeil acknowledged that the band was also known as TCB. *Tr.* at 600. He was patted down for weapons, but he cannot recall if security requested any identification. *Tr.* at 525, 563. Mr. McNeil indicated that patrons were required to take off their shoes before they entered the establishment. *Tr.* at 562. He was in the middle of the establishment near the stage when everyone started fighting. *Tr.* at 526. He did not engage in the altercation, and he left the establishment shortly thereafter. *Tr.* at 526-527.

89. As Mr. McNeil was walking toward Stadium and the parking garage, someone told him that it looked as though he had blood on the back of his shirt. *Tr.* at 528. He then felt blood on his skin. *Tr.* at 529. He stated that he was not near anybody nor did he engage

with anybody. *Tr.* at 529. He tried to locate the friends he arrived with, but he couldn't, so he caught a ride to the hospital with a former friend from school. *Tr.* at 530.

90. Investigator Lawson also interviewed Tameka Malloy on October 13, 2011. She stated that she and her niece had consumed alcoholic beverages before they arrived at the club. *Tr.* at 531, 587. She paid $40.00 for the two of them to access the express line. *Tr.* at 532. She was located in the VIP section when she stood to dance, and was then confronted by another female patron. *Tr.* at 532. She stated that they started to tussle, and a security member grabbed her, lifted her, and exposed her undergarments. *Tr.* at 532-533, 551. He then took her to the door and pushed her outside. *Tr.* at 533. Investigator Lawson was troubled by how the security personnel handled the patrons. *Tr.* at 594.

91. Investigator Lawson stated that the Respondent's security plan provides that the establishment will screen for patrons who are intoxicated or who have been previously consuming alcoholic beverages. *Tr.* at 533, 587. Investigator Lawson testified that no violations were detected at the time of the establishment's regulator inspection. *Tr.* at 572.

92. The Respondent presented no witnesses. *Tr.* at 631.

CONCLUSIONS OF LAW

93. 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. Official Code § 25-8276a) (2008). If properly requested by the licensee, "[t]he Board shall hold a hearing within 48 hours of receipt of a timely request and the hearing shall be conducted in accordance with D.C. Official Code § 25-447 and 23 DCMR § 1604.1. At the conclusion of the Summary Suspension Hearing on October 14, 2011, the Board held a closed meeting pursuant to §405 (b)(13) of the Open Meetings Act, voted to suspend the license for thirty (30) days, and now reduces their deliberations to this written Order.

94. The Board finds, based on the testimony from ABRA investigators, and MPD officers and detectives, that the establishment operates with disregard for public safety, and is an imminent danger to the health and safety of the public. As this Board held in the DC 9 Summary Suspension Hearing held November 1, 2010, it is recognized and understood that bar and club owners have a responsibility for ensuring the safety of their patrons and themselves.

95. In this instance, it is apparent to the Board that the Respondent exercises little to no control over the establishment, has a complete disregard for its own Security Plan, and contributes to underage drinking, disorderly conduct, and assaults. Not only does the Respondent fail to provide adequate attention to preventing these problems, it fails to address these problems, and in some instances as described above, it denies that the problems exist or are attributable to the establishment. The Board, however, finds that the existence of these problems, and the Respondent's failure to address these problems, create an imminent danger to the health and safety of the public.

96. The Board is extremely disturbed and appalled by the egregious behavior of Respondent and the incidents related to October 8, 2011. Most compelling is the very thorough investigation undertaken by ABRA investigators, which revealed that the Respondent failed to comply with its own security plan on a number of fronts. Indeed, the Government's witness testimony bears out that the Respondent did not check its patrons' identification to determine the legal drinking age of those patrons, issued wristbands to minors, failed to record the large fight in an incident report, operated after Board approved hours as denoted on the security camera footage, failed to properly hand combative patrons over to MPD, and did not have 64 operable cameras to capture the necessary video footage that could have assisted authorities in the investigation of the stabbing incidents.

97. The Board takes these types of violations very seriously and is offended by Respondent's lack of cooperation with ABRA investigators when it repeatedly denied that a large altercation even took place inside its establishment. The head of security also denied the existence of an altercation. Moreover, the Board doubts the cooperation of the Respondent when confronted with testimony regarding the missing 30 minutes of the video footage, or the presence of the minor stabbing victim at the establishment the following day, willing to recant his story to MPD. The Respondent provided no explanation for any of the alleged violations or suspicious behavior at the Summary Suspension Hearing.

98. As such, the Board agrees with the Government that the facts presented at the October 14, 2011, Summary Suspension Hearing are sufficient to demonstrate that the Respondent currently poses an imminent danger to the health and safety of the public. As the Government noted, but for the Respondent's security personnel intervening in the altercation, nothing in the record indicates that the owner or the employees took any responsibility for the safety of their patrons that resulted from the incidents of October 8, 2011.

99. The Board takes into consideration in formulating its Order that not only were there multiple incidents attributable to the licensee on October 8, 2011, but the Respondent initially denied that any altercation had taken place inside the establishment as well as failed to adhere to the terms of its license and security plan. The Board concludes that Respondent's complete disregard for the laws governing his license establishes that no penalty other than suspension will suffice to prevent further violent incident and violations. Thus, the Board concludes that the appropriate remedy in this case is the suspension of Respondent's ABC license for thirty (30) days, effective October 14, 2011.

100. Additionally, the Board also has the authority to fine...suspend, or revoke the license of any Licensee...[who] allows the licensed establishment to be used for any unlawful or disorderly purpose." D.C. Official Code § 25-823(2) (2009). "[A]n unlawful or disorderly purpose under D.C. Official Code § 25-823 can be imputed to a licensee who engages in a method of operation that is conducive to unlawful or disorderly conduct. Levelle, Inc. v. D.C. Alcoholic Bev. Control Bd., 924 A.2d 1030, 1036 (D.C. 2007) (quotation marks removed). Thus, § 25 -823(2) allows the Board to punish a licensee, who, although otherwise may operate in accordance with the law, has a method of operation that encourages unlawful or disorderly conduct. To this end, the Board is forwarding this matter to the Office of the Attorney General to pursue a Show Cause action and make a determination if further suspension or revocation is warranted for this license.

ORDER

THEREFORE, it is hereby **ORDERED** on this 16th day of November, 2011, that the Retailer's License Class CN, issued to Taboo, LLC, t/a DC Star, be and is hereby **SUSPENDED** for thirty (30) days, effective October 14, 2011.

IT IS FURTHER ORDERED that the matter be forwarded to the Office of the Attorney General for Show Cause prosecution to determine if additional charges and penalties are warranted.

Copies of this Order shall be sent to the Respondent and the Government.

District of Columbia
Alcoholic Beverage Control Board

Nick Alberti, Interim Chairperson

Calvin Nophlin, 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 14th 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).