

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

In the Matter of:

New York Avenue Beach Bar, LLC
t/a Halftime Sports Bar

Holder of a
Retailer's Class CT License

at premises
1427 H Street, N.E.
Washington, D.C. 20002

Case No.: 15-251-00033

License No.: ABRA-094107

Order No.: 2015-096

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

ALSO PRESENT: New York Avenue Beach Bar, LLC t/a Halftime Sports Bar (Respondent)

Karl Graham, on behalf of the Respondent

Christine Gephardt, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER LIFTING SUMMARY SUSPENSION

INTRODUCTION

The Alcoholic Beverage Control Board (Board) lifts the summary suspension ordered on New York Avenue Beach Bar, LLC t/a Halftime Sports Bar (Respondent or Halftime) on February 18, 2015. *See New York Avenue Beach Bar, LLC t/a Halftime Sports Bar*, Board Order No. 2015-049, 1-10 (D.C.A.B.C.B. Feb. 18, 2015). As a result, the Board concludes that the Respondent's conduct no longer constitutes an imminent danger to the public pursuant to District

of Columbia (D.C.) Official Code § 25-826. The Board further concludes that the summary suspension placed on the Respondent's liquor license shall be lifted effective 6:00 p.m. on the date of this Order.

Procedural History

On January 31, 2015, the Chief of Police summarily suspended Halftime's liquor license based on allegations that the owner of the establishment displayed an H&K Semi-automatic .40 caliber pistol during a verbal altercation. *Notice of Closure*, 1 (Jan. 31, 2015). In response, Metropolitan Police Department (MPD) Chief of Police, Cathy L. Lanier, suspended the Respondent's Retailer's Class CT License under the authority granted to her under D.C. Official Code § 25-827 and requested that the Board revoke Halftime's license. *Id.*; *Request for Revocation of License*, 1 (Jan. 31, 2015).

The Board reviewed the closure issued by the Chief of Police on February 4, 2015, and voted to initiate a summary revocation proceeding. *Notice of Summary Revocation*, 2. Subsequently, the Board served the Notice of Summary Revocation (Notice) on the Respondent on February 4, 2015. Pursuant to the Notice, the Board ordered the revocation of the Respondent's license in accordance with D.C. Official Code § 25-826. *Id.* at 1-2. The revocation was based upon Case Report Number 15-251-00033 authored by ABRA Investigator Abyie Ghenene.

On February 9, 2015, the Board held a Summary Revocation Hearing pursuant to D.C. Official Code § 25-826(c). *See* ABRA Summary Revocation File No. 15-251-00133. At the conclusion of the Hearing, the Board ordered the summary suspension of the Respondent's liquor license, in accordance with D.C. Official Code § 25-826, shall remain in effect until the conclusion of a future show cause hearing related to the underlying incident occurring on January 30, 2015.

On March 11, 2015, the Board held an expedited Show Cause Status Hearing at the request of the Parties. At this Hearing, the Respondent and the Government entered into an Offer in Compromise (OIC), which addressed the charges set forth in the Summary Suspension Notice. The Board did not accept the terms presented in the OIC and referred this matter to the Office of the Attorney General (OAG) for prosecution of a show cause action against the Respondent. Nonetheless, the Board found that the Respondent no longer poses an imminent danger to the public pursuant to (D.C.) Official Code § 25-826. Accordingly, the Respondent may resume its operations effective 6:00 p.m. on the date of this Order.

ORDER

Therefore, the Board, on this 11th day of March 2015, hereby **LIFTS THE SUMMARY SUSPENSION** of the Retailer's Class CT License held by New York Avenue Beach Bar, LLC, t/a Halftime Sports Bar, effective 6:00 p.m. on the date of this Order.

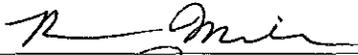
IT IS FURTHER ORDERED that the Board hereby **AMENDS** its prior decision in Board Order No. 2015-049 to summarily suspend the Respondent's Retailer's Class CT License.

IT IS FURTHER ORDERED that the Board **DENIES** the OIC presented by the Respondent and the Government.

IT IS FURTHER ORDERED that this matter proceed to a Show Cause Hearing on April 29, 2015 at 10:00 a.m.

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

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson

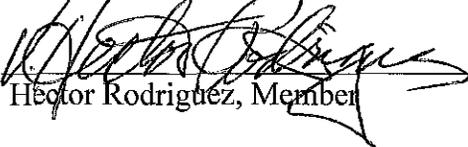


Donald Brooks, Member



Herman Jones, Member

Mike Silverstein, Member



Hector Rodriguez, Member

I dissent from the position taken by the majority of the Board with regard to lifting the summary suspension of the Respondent's liquor license. However, I concur with the majority's decision to continue the Show Cause proceedings in this matter.

Nick Alberti, 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, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). 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).