THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:	)	
	)	
Island Café, Inc.	)	
t/a Island Café	)	
	)	Case No. 12-251-00104
Holder of a Retailer's	)	License No. ABRA-060578
Class CT License	)	Order No. 2012-117
at premises	)	
829 Upshur Street, N.W.	)	
Washington, D.C.	)	
	)	
Respondent	)	
	)	

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Calvin Nophlin, Member
Mike Silverstein, Member
Jeannette Mobley, Member

ALSO PRESENT: Michael Fonseca, Esq., on behalf of the Respondent

Michael Stern, Senior Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER LIFTING SUMMARY SUSPENSION

On March 14, 2012, the Alcoholic Beverage Regulation Administration (ABRA) served a Notice of Summary Suspension (Notice), dated March 14, 2012, on Island Café, Inc., LLC, t/a Island Cafe (Respondent), located at premises 829 Upshur Street, N.W., Washington, D.C.

Pursuant to the Notice, the Alcoholic Beverage Control Board (Board) ordered the suspension of Respondent's license in accordance with D.C. Official Code § 25-826 (2008) and § 25-827(a) (2005). The suspension was based upon an investigation conducted by ABRA Investigator Tyrone Lawson, where the Board found that the

operations of the establishment presented an imminent danger to the health and safety of the public.

Additionally, the Board's suspension of the Respondent's license was based upon the written request of the Chief of Police Cathy L. Lanier, MPD, dated March 10, 2012, pursuant to D.C. Official Code § 25-827(a), which included a determination made by Chief Lanier that the establishment presented an imminent danger to the health and safety of residents and visitors in the District of Columbia.

On March 9, 2012, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c), which was held on March 20, 2012. At the conclusion of the hearing, the Board accepted, on a vote of six (6) to zero (0), an Offer in Compromise (OIC) presented by the parties pursuant to 23 DCMR § 1601.1.

The OIC included the following terms:

1. ABRA's Enforcement Division will inspect and evaluate the establishment's camera security system to ensure that all cameras, including the outside cameras, are operable, and that the camera security system is adequately recording and has a video storage capacity of thirty (30) days.

2. Security footage shall be provided to ABRA and MPD within 72 hours of being requested. The establishment shall have available at all times, personnel who can download the establishment's security footage from the camera system.

3. The Licensee shall familiarize its security employees with the establishment's security procedures, to include: the functioning camera system (viewing and storage), security personnel positions, incident log maintenance and completion, ID checks, the procedures for contacting MPD, the prevention of overcrowding and overconsumption, preservation of a crime scene, and for the ejection of patrons from the establishment.

4. The Licensee shall ensure that all current security employees and the owner of the establishment undertake formal security training within 30 days. The Licensee shall also ensure that new security employees shall receive formal security training within 60 days from their employment start date.

5. The Licensee shall submit a revised and updated Security Plan within twenty-one (21) days from the date of this Order, whose terms will comply with D.C. Official Code Section 25-403. The Security Plan will also include provisions regarding the use of uniforms by security employees, the process for maintaining and completing an incident log, the process for contacting MPD, the preservation of any crime scenes, and procedures for the ejection of patrons from the establishment.

6. The Licensee shall develop and maintain a list of employee's names and contact information. This list shall remain on file at the establishment and shall be made available to MPD and ABRA immediately upon request.

7. The Licensee shall review the terms and conditions of its Voluntary Agreement with all employees prior on a regular ongoing basis.

8. The Licensee shall review its revised Security Plan with all employees upon submission of the Security Plan to ABRA and on a regular ongoing basis.

ORDER

As a result of the resolution of the Notice of Summary Suspension filed against the Respondent, the Board does hereby, this 21st day of March, 2012, **ORDER** that the suspension of the Respondent's Retailer's Class CT License, held by Island Café, Inc., t/a Island Café, located at premises 829 Upshur Street N.W., Washington, D.C., be and is hereby **LIFTED** effective March 20, 2012.

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

It is further **ORDERED** that ABRA Case No. 12-251-00104 will be forwarded to the Office of the Attorney General for consideration of further enforcement action.

It is further **ORDERED** that the Licensee shall return to the Board for a Status Hearing within forty-five (45) days from the date of this Order to ensure compliance with the terms of the OIC.

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

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

District of Columbia
Alcoholic Beverage Control Board

Ruthanne Miller, Chairperson

Nick Alberti, Member

Donald Brooks, Member

Calvin Nophlin, Member

Jeannette Mobley, 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).