

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

_____)	
In the Matter of:)	
)	
Arm, LLC)	
t/a Lux)	
)	Case No. 14-251-00192
Holder of a)	License No.: ABRA-071743
Retailer's Class CN License)	Order No. 2014-280
)	
at premises)	
649 New York Avenue, N.W.)	
Washington, D.C. 20001)	
_____)	

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Hector Rodriguez, Member

ALSO PRESENT: Arm, LLC, t/a Lux, Respondent

Andrew Kline and Scott H. Rome, Counsel for the Respondent

Louise Phillips, Assistant Attorney General, on behalf of the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

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 § 25-826(a). 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 June 28, 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 Arm, LLC, t/a Lux (hereinafter "Respondent" or "Lux") in accordance with D.C. Official Code § 25-827. *Notice of Summary Suspension*, 1-5 (July 2, 2014).

After receiving a request for a hearing from Lux, the Board conducted a Summary Suspension Hearing on July 11, 2014. The parties presented an Offer-in-Compromise (OIC), which resolved the allegations raised in the summary suspension notice filed by the Office of the Attorney General.

The terms of the OIC are appended to this Order. The Board formally accepts this OIC through this Order.

Therefore, the Board lifted the summary suspension imposed on Lux on July 2, 2014, and permitted the Respondent to resume operations in accordance with the OIC.

ORDER

Therefore, the Board, on this 11th day of July 2014, hereby **APPROVES** the Offer-in-Compromise submitted on July 11, 2014, and **ORDERS** Arm, LLC, t/a Lux to operate in accordance with the terms of the OIC.

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

It is further **ORDERED** that the Respondent shall return to the Board for a Summary Suspension Status Hearing on August 13, 2014 at 9:30 a.m., to determine compliance with the terms of this Order.

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.

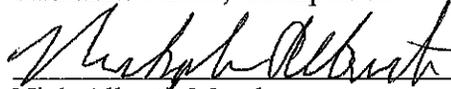
It is further **ORDERED** that this matter shall be referred to the Office of the Attorney General to determine whether a show cause action is appropriate.

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

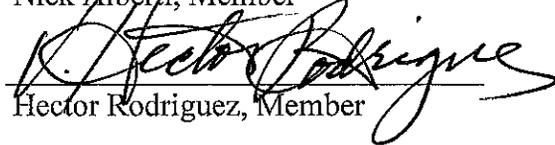
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



Hector Rodriguez, 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).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Public Interest Division
Civil Enforcement Section

OFFER IN COMPROMISE¹

In the Matter of: Arm LLC t/a Lux

Officer/owner: Henock Andargie, President

Case number: 14-251-00192. Summary Suspension Hearing Date: July 11, 2014.

Incidents occurring on: June 28, 2014.

For the Charge of: Licensee's continued operation presents an imminent danger to the health and safety of the public.

Statutory Authority: D.C. Official Code §25-826 (2001).

This offer in compromise will be presented to the Alcoholic Beverage Control Board by the Assistant Attorney General at the summary suspension proceeding. Please be advised that this is a proposed compromise. Accordingly, it is the discretion of the Board to accept or reject this offer.

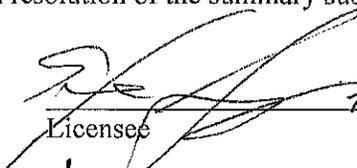
In addition to the suspension above, the offer in compromise consists of the Licensee agreeing to all the following terms:

- (1) Submission of a revised Security Plan which is in full compliance with all applicable laws including all requirements for a security plan under Title 25 of the D.C. Official Code: See, revised plan attached hereto as Exhibit 1.
- (2) Confirmation that all cameras in the establishment, including the camera on the exterior front of the premises, and all digital video recorders attached to such cameras, are in proper working condition, and reveal no substantial blind spots. ABRA investigator Jason Peru shall provide such confirmation prior to the suspension hearing. In the future, video recordings shall be available for review immediately upon the request by MPD or ABRA investigators and copies will be given to ABRA investigators or MPD within twenty-four (24) hours of a request. The password to the video surveillance system shall be on the premises and available during all hours of operation. All such videos shall be maintained for at least thirty (30) days.
- (3) Submission of a full diagram of the premises including the location of all cameras and viewing angles of vision for all such cameras. See Diagram attached hereto as Exhibit 2.

¹ Authorized under 23 DCMR 1604.5 (2011).

- (4) Completion of a training session with Sexton Executive Security. This course shall include a training of all security for the establishment, by John Sexton personally, and will have occurred by the date of the hearing. See confirmation of the completion of such training session by all security personnel, attached hereto as Exhibit 3. Licensee shall also have a full training session performed by HOST Security Training, within 30 days of the date of the hearing.
- (5) Submission of a full list of all employees who witnessed any incidents on the date at issue, including the name of the employee, the role of the employee and the events witnessed. See document attached hereto as Exhibit 4. Such document shall be provided upon request of the ABRA investigator in any future incident being investigated by ABRA investigators or MPD.
- (6) Completion of TIPS training for all employees who serve alcohol, and TIPS training for any new employees before the commencement of work, completed prior to the date of the hearing. See, Certification of Completion for Alcohol Awareness Training for employees of Lux attached hereto as Exhibit 5.
- (7) Agreement to provide reimbursable detail from 12:00 a.m. to thirty (30) minutes after closing during any and all dates in which the establishment is open and operating. Such reimbursable detail shall consist of a minimum of four (4) officers.
- (8) Agreement to stop admitting patrons at least thirty (30) minutes prior to the end of the permitted hours of service of alcoholic beverages on any night of operation.
- (9) An additional exterior camera, on the East corner of the front of the building, facing the entrance of the establishment and the sidewalk, will be installed within ten (10) days of the date of the acceptance of this Offer in Compromise by the Board.
- (10) The security plan will be amended to include the following:
 - 1) A list of all security personnel will be kept on premises with the job title or role of each employee listed. Such list shall be updated upon the hiring or termination of each security employee, and shall be available at the establishment upon request by MPD or ABRA.
 - 2) A clarification on the section regarding Bottle Service to state that at least two security personnel will be stationed to the bottle service area at all times in which bottle service is available to patrons. This will consist of a single security member at the roped entrance to bottle service, as well as another security member stationed within the area. Security personnel shall also ensure that any empty bottles are promptly removed from tables.

Licensee hereby agrees to the foregoing conditions in resolution of the summary suspension in this matter.



Licensee 7/11/2014



Attorney for Licensee