

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

In the Matter of:)
)
Roc Bar, LLC)
t/a Roc Bar)
)
Holder of a Retailer's)
Class CT License)
)
at premises)
1426 L Street, N.W.)
Washington, D.C. 20005)
)
Respondent)
)

Case No. 12-251-00360
License No. ABRA-089818
Order No. 2012-518

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member

ALSO PRESENT: Emanuel N. Mpras, Esq. and Matthew LeFande, Esq., on behalf of
the Respondent

Amy Schmidt, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER LIFTING SUSPENSION OF LICENSE

On November 28, 2012, the Alcoholic Beverage Regulation Administration (ABRA) served a Notice of Summary Suspension (Notice), dated November 28, 2012, on Roc Bar, LLC, t/a Roc Bar (Respondent), located at premises 1426 L Street, N.W., Washington, D.C.

On November 28, 2012, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c), which was held on November 30, 2012. At the time of the hearing, the Board placed conditions on the Respondent pursuant to 23 DCMR § 1601.1. All of the conditions were to be met to the Board's satisfaction before the Board would consider lifting the suspension of the license. *See* Board Order No. 2012-511.

Additionally, as part of Board Order No. 2012-511, the Board ordered the continued suspension of the Respondent's Retailer's Class CR License until an ABRA Investigator could conduct a walk-through to assess and evaluate the operability of the security camera. The Respondent also filed a Security Plan as requested by the Board.

On December 5, 2012, the Board held a Summary Suspension Status Hearing to ascertain the Respondent's compliance with the conditions imposed by the Board at the Summary Suspension Hearing. The Board raised several concerns regarding provisions of the Security Plan, and the location of certain security cameras. As a result, the Board requested further modification to the Security Plan to include:

1. Increase the number of functional radios to twelve (12) and describe the location of the radios.
2. Clarify that mandatory training will be paid for and provided by the Respondent.
3. Provide that video will be saved for ninety (90) days from the date of an incident.
4. Clarify which type of incidents will be reported to the Metropolitan Police Department (MPD), and ensure that the language is consistent throughout the Security Plan.
5. Ensure that medical attention is provided to any persons who need or appear to need medical assistance.

Additionally, the Board requested that the Respondent perform the following:

1. Obtain a new Certificate of Occupancy from the Department of Consumer and Regulatory Affairs (DCRA) prior to the second Summary Suspension Status Hearing, on January 23, 2013 at 9:30 a.m.
2. Mitigate the obstructed view of security camera #9 so that it creates a clear, unobstructed view of the front of the premises.
3. Unlock the establishment's back gate from the alley exit to the street, so that egress is available to all who desire to exit during business hours.

Based upon the Respondent's compliance with the conditions set forth in Board Order No. 2012-511, and the Respondent's compliance with the requirements set forth above, the written results of a compliance check conducted by the ABRA Investigator confirming the Respondent's installation of an operable security camera system, and the submission of a revised Security Plan, the Board is satisfied that the Respondent has met the conditions to warrant the lifting of the suspension of the license.

ORDER

As a result of the resolution of the Notice of Summary Suspension filed against the Respondent, the Board does hereby, this 5th day of December, 2012, **ORDER** that the suspension of the Respondent's Retailer's Class CT License, held by Roc Bar, LLC, t/a Roc Bar, located at premises 1426 L Street, N.W., Washington, D.C., be and is hereby **LIFTED** effective December 6, 2012;

It is further **ORDERED** that the terms and conditions of the Order on Summary Suspension, dated November 30, 2012, shall remain in full force and effect; and

It is further **ORDERED** that Investigative Report Nos. 12-251-00360 and 12-251-00360(a) will be forwarded to the Office of the Attorney General for consideration of further enforcement action.

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.

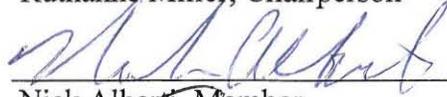
It is further **ORDERED** that the Respondent shall return for a second Summary Suspension Status Hearing on January 23, 2013 at 9:30 a.m., to ensure compliance with the conditions set forth above. If compliance is not met to the Board's satisfaction, the Board may take further enforcement action pursuant to D.C. Official Code Title 25 and District of Columbia Municipal Regulations Title 23.

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

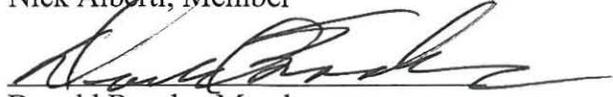
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member

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).