

Suspension File No. 15-251-00155, Email from Jonathan Berman, Assistant General Counsel, Alcoholic Beverage Regulation Administration, to Julian Haffner, Counsel of Record, RCX, LLC (Sep. 4, 2015).

The charges were resolved through the approval of an Offer-in-Compromise (OIC) between the Government and the Respondent. *In re RCX, t/a Stadium Club*, Case No. 15-251-00155, Board Order No. 2015-423 (D.C.A.B.C.B. Sept. 10, 2015). The Respondent attempted to train its employees on September 18, 2015 in accordance with the OIC, but ABRA investigators sent to monitor the training indicated that the training was inadequate; thus, in their view, the Respondent had not yet complied with the conditions in the OIC related to the reopening of the establishment. *Case Report 15-251-00155(b)*.

The Respondent subsequently filed a request for a hearing, which was held on September 24, 2015, with both the Government and the Respondent present.¹ At the hearing, the Respondent indicated that they would retrain the establishment's employees in compliance with the OIC.² The Respondent also sought clarification of the OIC's terms.

ORDER

Therefore, the Board, on this 24th day of September, 2015, for the purposes of clarifying and confirming compliance with Board Order No. 2015-423 makes the following determinations:

1. Under provision 2 of the OIC, a person "associated with day to day operations" shall be defined as anyone who:
 - a. Serves alcohol;
 - b. Takes customer orders;
 - c. Prepares food;
 - d. Works as a bar back, bus person, or bartender;
 - e. Works as security, door person, or floor person;
 - f. Checks identification;
 - g. Conducts pat downs;
 - h. Conducts wandering or otherwise uses a metal detector;
 - i. Provides crowd control or otherwise monitor's the establishment's crowds; or

¹ This order was written and issued before the issuance of the official transcript.

² During the hearing, the Board offered the Respondent an opportunity to present evidence and argument related to its compliance with the OIC. While the Board refrains from making final findings of fact and conclusions of law on this issue based on the Respondent's representations at the hearing, the parties should be advised that at this juncture the record appears to support a determination that the training provided by the Respondent on September 18, 2015, failed to comply or sufficiently cover provisions 2, 3, 4, 6, 17, and 18 of the OIC.

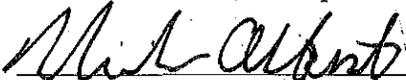
- j. Serves as an entertainer or performer who routinely appears at the establishment at least once per month.
2. Once the training materials are approved, the Respondent will notify the Board no less than 48 hours prior to conducting the training of the location and time of the training. In order to ensure compliance, the Respondent is required to:
 - a. Provide a list of employees that have received training, along with their name and position, prior to reopening;
 - b. Maintain a sign-in sheet at the training that demonstrates that the employees on the list received the training conducted by the Respondent. This sign-in sheet shall be submitted to the Board for review; and
 - c. Permit ABRA investigators to observe the training.
3. The Respondent shall submit an updated security plan prior to conducting the training that indicates that:
 - a. After the initial training prior to reopening, the Respondent shall notify the Board 48 hours prior to the initiation of any training conducted by the establishment, which shall include the date, time, and location of the training;
 - b. The Respondent shall submit a second notice within 48 hours after the training, which shall contain the following information:
 - i. The name, position, address, email, and telephone number of the person(s) being trained; and
 - ii. The name, address, email, and telephone number of the person conducting the training.
 - c. All notices shall be sent by email to abra.legal@dc.gov.
4. ABRA's Enforcement Division will report to the Board regarding the observed training. Upon reviewing the report and the sign-in sheet provided by the Respondent, the Board will provide written feedback to the Respondent regarding any deficiencies in the training or it will notify the Respondent that it is permitted to re-open.
5. The terms of Board Order No. 2015-423 shall remain in full force and effect.

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



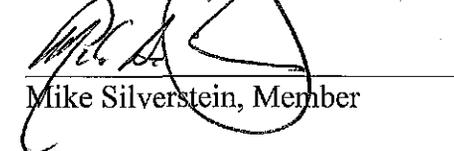
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member

Hector Rodriguez, Member



James Short, 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).