

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

**In the Matter of:** )  
 )  
MPAC, LLC )  
t/a The Scene )  
 )  
Holder of a Retailer's )  
Class CX Multipurpose Facility )  
 )  
at premises )  
2221 Adams Place, N.E. )  
Washington, D.C. 20018 )  
 )  
Respondent )  
\_\_\_\_\_ )

Case No. 12-251-00303  
License No. ABRA-078642  
Order No. 2012-373

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Calvin Nophlin, Member  
Mike Silverstein, Member

**ALSO PRESENT:** Emanuel Mpras, Esq., and Mathew Le Fande, Esq.  
On behalf of the Respondent

Walter Adams, 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 AND  
SETTING FORTH CONDITIONS ON LICENSE**

On September 26, 2012, the Alcoholic Beverage Control Board (Board) served a Notice of Summary Suspension (Notice), dated September 26, 2012, on MPAC, LLC, t/a The Scene (Respondent), located at premises 2221 Adams Place, N.E., Washington, D.C.

Pursuant to the Notice, the 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 Alcoholic Beverage Regulation Administration (ABRA) Investigator Tyrone Lawson as the result of receiving the PD-251

incident reports (CCN #s 12133989 and 12133990) from the Fifth District of the Metropolitan Police Department (MPD) pursuant to D.C. Official Code § 25-827 (2001).

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 September 22, 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 September 26, 2012, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c), which was held on September 28, 2012. At the conclusion of the hearing, the Board voted four to zero (4-0) to continue the suspension indefinitely, until the following two conditions were met by the Licensee to the Board's satisfaction:

1. The Respondent is to provide the video footage from the night of incident, recorded by the nine cameras, which was not made available to ABRA at the time of the initial investigation. Investigator Lawson is to review the additional video footage from the nine cameras, and submit a supplemental investigative report for the Board's review; and
2. The Respondent is to provide the names of the band members for TCB and The Kings. The Respondent had previously agreed by letter submitted on September 15, 2010, to no longer employ TCB to perform at its establishment.

Additionally, though not a condition for reopening, the Respondent was to submit a list of its entertainment events (to include performers, and dates and times of performances) on a monthly basis to the Director of ABRA commencing October 1, 2012. The Respondent provided its list of entertainment for the month of October on October 5, 2012.

On October 3, 2012, the Board reviewed the Supplemental Investigative Report prepared by Investigator Lawson as a result of his review of the video footage from the nine cameras. The Supplemental Investigative Report indicated that the Respondent did not have the 16 infra-red cameras required by the Security Plan, dated August 8, 2011. Additionally, the Supplemental Investigative Report also revealed that after an internet search, Investigator Lawson determined that seven members of The Kings are also members of TCB. *See* Supplemental Report No. 12-251-00303(a).

As a result of the findings in the Supplemental Investigative Report, the Board was not satisfied that the Respondent had complied with the two conditions set forth above. The Board modified its initial conditions and requested the Respondent to comply with the terms of its Security Plan by installing 16 infra-red cameras on the premises. Equally importantly, the Board sought assurance that the 16 cameras were operational, and that they were capable of capturing the video necessary to further ABRA and MPD investigations. The Board further instructed Investigator Lawson to conduct a walk-through of the establishment to evaluate the security camera system, and the Respondent's compliance with the modified conditions.

On Thursday, October 3, 2012, at approximately 9:30 p.m., Investigator Lawson and ABRA Investigator Brian Molloy conducted a walk-through of the Respondent's premises to assess the establishment's surveillance camera system. Investigator Lawson observed that cameras #9 (bathroom entrances), #11 (VIP seating and left side of stage), and #16 (rear exit and alleyway), showed the same darkened non infra-red picture that Investigator Lawson observed in the Saturday, September 22, 2012, surveillance footage. Mr. Blakeney, Jr., had three infra-red cameras stored inside the office at the time of the walk-through on October 3, 2012. Mr. Blakeney, Jr., replaced camera #11 with one of the infra-red cameras at that time. Mr. Blakeney, Jr., informed Investigator Lawson that he would replace Camera #9 and #16 with new cameras.

On Friday, October 3, 2012, at approximately 1:30 a.m., Investigator Lawson returned to the establishment to re-inspect the Respondent's cameras. Mr. Blakeney, Jr., had replaced cameras #9 and #16 with the infra-red cameras that were stored on the premises. Camera #16 required a light source. Investigator Lawson also observed that camera #1 (outside door) and #12 (dance floor) were functioning, but they were not infra-red cameras as required by the Respondent's Security Plan. The Respondent agreed to replace camera #1, #12, and #16 with similar infra-red cameras used to replace camera #9 and #11, within thirty (30) calendar days. *See Respondent's Diagram of Camera Locations*, appended to this Order.

On October 8, 2012, the Respondent submitted a proffer letter indicating that the installation of the cameras enumerated above would be completed within thirty (30) days of this Order, and that he would not employ TCB or The Kings, or any band that has three or more members from those two bands. *See Respondent's Proffer Letter #3* and list of band membership, appended to this Order.

## **ORDER**

As a result of the Respondent's compliance with the modified conditions as described above, the Board does hereby, this 10th day of October, 2012, **ORDER** that the suspension of the Respondent's Retailer's Class CX Multipurpose Facility License, held by MPAC, LLC, t/a The Scene, located at premises 2221 Adams Place, N.E., Washington, D.C., be and is hereby **LIFTED** effective October 10, 2012;

Notwithstanding Chief Lanier's request for revocation of the Respondent's license to protect the public safety, the Board will not revoke the Respondent's license at this time. Instead, the Board **ORDERS** 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 Investigator Lawson will conduct a third inspection within thirty (30) days to confirm the Respondent's installation of the three remaining infra-red cameras, and submit a report of his evaluation to the Board.

It is further **ORDERED** that the Respondent must submit a list of its entertainment events (to include performers, and dates and times of performances) on a monthly basis to the Director of ABRA commencing October 1, 2012.

It is further **ORDERED** that Investigative Report Nos. 12-251-00303 and 12-257-00303(a) will be forwarded to the Office of the Attorney General for consideration of further enforcement action.

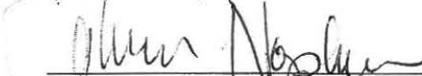
A copy of this Order shall be sent to the Respondent and to the Government.

District of Columbia  
Alcoholic Beverage Control Board

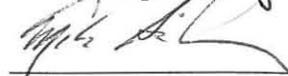
\_\_\_\_\_  
Ruthanne Miller, Chairperson



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Nick Aberti, Member



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Calvin Nophlin, Member



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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 14<sup>th</sup> 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).



09 October 2012

REC'D BY  
Alcoholic Beverage Regulation Administration  
Government of the District of Columbia  
2000 14<sup>th</sup> Street, NW  
Suite 400S  
Washington, DC 20009

Re: MPAC, LLC t/a The Scene; License No ABRA-083133 (Retail Class "CX")

Esteemed Members of the Board:

On behalf of MPAC, LLC t/a The Scene, we hereby proffer the following:

1. That The Scene will no longer contract with or hire The Kingz, TCB, or any derivation of these bands or group comprised of three or more members from either The Kingz or TCB. The names of the members are from either of the two lists provided by The Scene or internet sources. Members of the Kingz or TCB are 17 unique names in total.
2. That three (3) cameras have been replaced with new infrared cameras, per Investigators Lawson's inspection and instruction. Those cameras were camera #7 which is located near bar #2, camera #9 which is located outside the restrooms, and camera #16 which is located outside emergency exit #2.
3. That two (2) additional infrared cameras will be replaced with new infrared cameras within 30 days which are camera #1 which is located out front covering the driveway, and camera #6 which is located above the dance floor.
4. That an updated floor plan showing the location of all cameras is completed and attached .

Respectfully

Willie J. Blakeney Jr.

<b>TCB BAND MEMBERS</b>	<b>THE KINGS</b>	<b>BAND POSITION</b>
Reggie Burrell	Elgin Miller	Lead Talker
Paul Frazier	Antonio Lovett	Rapper
Elgin Miller	Marcus Shepherd	Rapper
Shawn Thomas	Corey Wright	Singer
XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX
Neal Smith	Delroy Dixon	Drums
Sam Lowry	Joshua Anderson	Key Boards
Charlie Taylor	Marvin Leach	Key Boards
Jason Bowen	Jody Poe	Bass Guitar
Edward McCoy	Edward McCoy	Congos/Timbales
Eric Johnson	XXXXXXXXXXXXXXXXXXXX	Lead Guitar



# CAMERA LEGEND

- #1 OUTSIDE DRIVEWAY
- #2 OUTSIDE FRONT DOOR
- #3 MAIN FOYER
- #4 TICKET BOOTH
- #5 BAR (1)/DANCE FLOOR
- #6 DANCE FLOOR
- #7 BAR (2)/DANCE FLOOR
- #8 EMERGENCY EXIT (1)
- #9 RESTROOMS
- #10 EMERGENCY EXIT (2)
- #11 VIP SEATING
- #12 OUTSIDE EMERGENCY EXIT (1)
- #13 DANCE FLOOR
- #14 BUSINESS OFFICE
- #15 STAGE RIGHT SIDE
- #16 OUTSIDE EMERGENCY EXIT (2)

