

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

**In the Matter of:** )  
 )  
Perculus, Inc. )  
t/a The Reef )  
 )  
Holder of a Retailer's )  
Class CT License )  
 )  
at premises )  
2442 18th Street, N.W. )  
Washington, D.C. 20009 )  
 )  
Respondent )  
 )

Case No. 13-251-0000097 &  
13-251-0000097(a)  
License No. ABRA-060475  
Order No. 2013-379

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

**ALSO PRESENT:** Brian Harrison, on behalf of the Respondent

Fernando Rivero, 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 August 14, 2013, the Alcoholic Beverage Regulation Administration (ABRA) served a Notice of Summary Suspension (Notice), dated August 14, 2013, on Perculus, Inc., t/a The Reef (Respondent), located at premises 2442 18th 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 investigators, 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, Metropolitan Police Department (MPD), dated August 10, 2013, 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 August 15, 2013, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c), which was held on August 16, 2012.

At the Summary Suspension Hearing, the Government and the Respondent submitted an Offer in Compromise (OIC) which included several conditions that must be met by the Respondent to the Board's satisfaction. *See* OIC dated August 16, 2013.

On August 21, 2013, based upon the Respondent's compliance with the conditions set forth in the OIC, 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.

Additionally, this matter will be referred to the Office of the Attorney General (OAG) for Show Cause Hearing.

## **ORDER**

As a result of the resolution of the Notice of Summary Suspension filed against the Respondent, the Board does hereby, this 11<sup>th</sup> day of September, 2013, **ORDER** that the suspension of the Respondent's Retailer's Class CT License, held by Perculus, Inc., t/a The Reef (Respondent), located at premises 2442 18th Street, N.W., Washington, D.C., be and is hereby **LIFTED** effective August 21, 2013;

It is further **ORDERED** that the terms and conditions of the Offer in Compromise dated August 16, 2013, shall remain in full force and effect; and

It is further **ORDERED** that Investigative Report Nos. 13-251-0000097 and 13-251-0000097(a) will be forwarded to the Office of the Attorney General for consideration of further enforcement action.

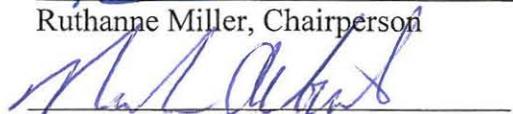
It is further **ORDERED** that the Respondent shall abide by all laws and regulations of the District of Columbia, shall operate its establishment in a safe and competent manner, and shall refrain from engaging in the type of activity that led to this disciplinary action.

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

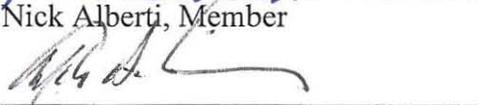
District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



Mike Silverstein, Member

Pursuant to D.C. Official Code § 25-433, 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).

# The Reef Restaurant

## Security Plan Version 1.2

### August 20<sup>th</sup> 2013

**PURPOSE OF SECURITY PLAN:** This document defines the operating policies for Perculus Inc. Db. The Reef Restaurant. Any and all security employees and managers are required to sign this document in acknowledgement of their responsibilities before they can be employed at The Reef. Employees will be expected to initial and sign all applicable areas of this document to acknowledge receipt of these policies.

**TRAINING:** The Reef will train all managers and security in the following areas; when to call police and emergency services, crowd control and measures to prevent overcrowding, actions to prevent and treat for intoxicated guests, processes to establish age verification, underage drinking prevention, handling violent patrons, crime scene treatment, and the operation of The Reef Restaurant's camera system. Security and management employees must complete a conflict resolution training session, which must include a "hands-on" portion describing the legally acceptable methods of force, conducted by a certified security specialist. All security employees, to ensure compliance with all existing and new A.B.R.A. policies and local laws, will conduct this training session every six months, along with a review of this document.

**EMPLOYEE CONDUCT:** The purpose of security is to provide a safe environment, minimize liability and prevent violence. The best way to provide a safe environment is through keen observation and timely communication with guests and other staff members. Be professional in your appearance and demeanor but never be overbearing or aggressive. Most problems can be avoided through professional interaction with patrons. When standing at your post, keep in mind that we are here to protect people. The easiest way to stop a fight is before it happens. **Security personnel should not lay hands on patrons unless absolutely necessary to protect other patrons or security staff from harm.** 911 will be called anytime a staff member witnesses criminal activity. The number of security staff scheduled, varies in response to business volume. On weekends there can be as many as 6 security staff, while on weekdays one will be fine. The number of security personnel required is determined by the volume of business and number of customers inside the establishment. Summertime staff totals are higher than wintertime staffing as The Reef experiences far more business in the summer. Attached to this plan are three sheets labeled "SECURITY PLACEMENT PLAN." The purpose of the placement plan is to direct the placement of security employees, depending on how many employees are working at the time. When only one security member is on board then they are to be posted at S.1. In the event there are two security members working, the next placement of the security person is S.2. Positions S.4, S.5 and S.6 will roam through the building with one person stationed on middle floor at all times.. These prescribed positions will be maintained unless there is an incident that requires security to aid in another position. The exceptions are the posting of the security at the door S.1 and on the roof S.3. The roof and door positions must be maintained at all times.

**DRESS CODE:** – Business casual...all black, polo or button down shirt. The shirts of all security individuals will be labeled with "SECURITY" on the front and back, allowing security members to be identified.

**POLICE RECORDS CHECK:** All employees must disclose any criminal record on their employment contract, and that all employees, despite disclosure may be subject to a

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background/criminal records check before commencing employment. A violent crimes conviction will preclude employment in either manager or security positions.

**AGE VERIFICATION:** The ID checking guide and ID Checking Device is located behind the Reef bar. Any ID with frayed edges, creases, holes or inconsistencies in the lamination of the ID will be considered invalid. Pay close attention to expiration date, birthdate, photo and origin of the ID. If you are unfamiliar with the ID refer to the ID checking guide you are supplied with. Any ID that is not found within that book is considered invalid. To use the "ID Checker" device slide the ID into the side of the device, press the button to illuminate the white or black light and look through the magnifier to check to see that the image in laminate is intact and is consistent across the photo aspect and rest of the card. Please ask questions when first using the device so you are comfortable with its use. Use the time during the ID check to talk to the customer to ascertain whether or not they may already be intoxicated. Ask them how they are doing or any other question if you suspect they are already intoxicated. Any intoxicated guest will be told they can come back another night but will not be allowed in at this time. Please be polite and tell them we look forward to their return another day. Patrons of any age are allowed in the restaurant between the hours of 5pm-8pm. Although we will not be letting underage patrons in after 8pm, those that are already in the building prior to the cut off time are allowed to stay until 9pm. After 9pm they will be politely asked to leave. When underage patrons enter the building please make sure that all front of house staff is aware of their location and their underage status. Please be aware of the location and movements of any minors to prevent their moving to another floor or table to drink. Notify all staff that the minor is not allowed to be served any alcohol. Also, they are not allowed to sit directly at the bar. Employees will be required to attend one of the free annual sessions offered by the ABRA on Fake ID Training.

**THE LOGS:** There are two Log Books for the house. There is the Red Security log Book, and Black Reef Log Book. These are to be checked daily and signed before every shift. Any and all security related incidents will be noted in the security log. Date, time, description of individual(s), nature of event, whether police were involved, whether an ambulance was necessary, names of individuals, phone numbers and all information that can be gathered shall be entered in the security log. There are also incident report forms located at the back of the security log. Fill in as much information as possible. Be specific and accurate in your recounting of events.

**INTOXICATION TREATMENT AND PREVENTION:** Any patron that is observed to be boisterous, loud, rude, and unruly should be scrutinized for intoxication. Slurred speech, or impaired movements are significant of intoxication. Please notify the server or bar tender of such behavior so they can respond appropriately. Such appropriate responses include, but are not limited to, serving water soda or coffee, cutting the patron off, escorting them up and down stairs or to the restrooms, and providing them with a waste receptacle if they become sick. Staff is required to call 911 if the patron exhibits signs of alcohol poisoning such as vomiting or disorientation. If staff suspects drug use or drug interactions with alcohol to be the cause of illness or disorientation then 911 must be called immediately. In situations where the patron claims not to have been drinking nor under the influence of drugs but is disoriented or ill, they could have been drugged by someone else. Call 911 immediately and reassure the patron until medical attention arrives. If the customer loses consciousness or is unable to recover from the other previously listed symptoms call 911. Keep in mind the best way to prevent intoxication is through monitoring customer consumption. If a customer brings several shots to a table and consumes them his/herself, then staff attention will become necessary. Let the patron know they can only consume drinks ordered one at a time. Security communication with bar tenders and servers with regard to types of drinks and speed of consumption will prevent negative situations. A good rule of thumb is anyone drinking more than 2 drinks per hour will become intoxicated.

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All employees have a responsibility to maintain a continual awareness of the level of intoxication of patrons as well as whether individuals are buying drinks for someone who has been "cut off". Employees must notify associates of an intoxicated patron, and if necessary assist in escorting the intoxicated patron from the establishment.

**HANDLING VIOLENT INTERACTIONS:** In every incidence of violence, both parties will be required to leave the establishment. When called to a fight, communicate with your radio for assistance from other security or other staff. In most altercations there is an aggressor and a victim. Stop the fight by restraining the aggressor. The aggressor should be escorted out first and be delivered to police if at all possible. After the aggressor, or first ejected patron, has been cleared the area or has been arrested the other patron involved in the incident shall be put out of the building. This ejection protocol is designed to prevent the continuation of violent activity inside or outside the establishment. In incidents of violence where someone ejected from the premises or when a patron is injured, police attention is required. Call an ambulance for anything that requires medical attention immediately. **Physical contact with a patron should be as a last possible resort. Security personnel should not lay hands on patrons unless absolutely necessary to protect other patrons or security staff from harm. In cases where security must use physical force to prevent or stop and assault from occurring, the employee shall use defensive force only, with minimum amount of force needed to restrain the individual(s).** Security may not punch or push any guest as those actions increase liability and the likelihood of injury. Legally acceptable means of force to detain restrain or escort, violent or unruly patrons will be taught and demonstrated by the professional security expert. Whenever possible, patrons suspected of committing a crime shall be detained by legal means. Victims and witnesses to crimes should be encouraged to wait for the police to arrive in order to assist with the investigation. At a minimum, they should be asked to provide identifying information so the police can contact them in the future. All incidents involving violence will be documented with an incident report and placed in the security log.

**WHEN TO CALL POLICE OR AMBULANCE:** The police are to be called anytime a crime has been committed on the premises. Assault, sexual assault, theft (purses, cell phones etc.) The police are also to be called anytime a customer requests it. Most frequently it is quicker to get a police officer from 18<sup>th</sup> street, but a call to the police is always warranted, given the above circumstances. Situations where ambulances should be called are, and are not limited to, anytime a customer has lost consciousness, had a seizure, requires stitches, is unresponsive, has broken bones, is in shock, impaired respiration and whenever requested by a patron. Do not administer CPR unless certified. Do not move an injured guest if doing so will exasperate their injury. In the event of a laceration, get bandage from first aid kit (located in kitchen next to ice machine) apply direct pressure to wound site. Elevate wound, and treat for shock by reassuring the patron and helping them to remain calm and comfortable. Rule of thumb is, if you don't know what your doing get out of the way for someone who does. All incidents requiring police or medical attention will be documented with an incident report and placed in the security log.

**CRIME SCENE TREATMENT:** In the event of a crime where evidence such as weapons, bodily fluids, clothes or other relevant items can be documented and collected, it may be necessary to protect a crime scene. It is the job of security and all members of staff to keep the area associated with a crime free of contamination. Staff must ensure that the area is not walked on, and that nothing is removed or cleaned until police have had an opportunity to examine the scene. Operations in the crime scene can be resumed only upon approval of the police.

**DISCIPLINE POLICY:** No Call + No Show = No Job. If you can't be on time, CALL THE HOUSE BEFORE THE TIME YOU ARE SCHEDULED TO BE HERE.

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Actions that result in immediate termination include but are not limited to: stealing, drinking alcohol on duty, illegal drug use, rude or violent behavior, or the violation of any law. Carrying a weapon of any sort will result in immediate termination. Actions that will result in the following tier system include, but are not limited to, insubordination, failure to follow instructions, dress code violations, and violations of the provisions set forth by the security plan. First offense = warning, Second offense = write up, Third offense = suspension 1 week, Fourth offense = termination.

**Radio Lingo:**

*"Lush" - Bottom Level*

*"Main" - Reef level*

*"Roof"- Deck Level*

*"Hold the (app. Level)" – Use this prompt to hold any level*

*"# Of people to (app. level)" – use this prompt to call for customers to any level*

*Keep the communication short and concise. Talk slow and clear, no need to yell. You will not be able to hear anyone else while the transmit button on your radio is depressed. No inappropriate comments on the radio; if someone does not have their earpiece in customers will hear your comments.*

**CONTRACT SECURITY:** Metropolitan Security Professionals (MSP) shall be trained in all of the terms of the Reef Security Plan Version 1.2. MSP employees shall acknowledge all provisions by of the Security Plan and adhere to the terms. All management and MSP employees will be retrained every six months to ensure compliance with ABRA regulations and DC law.

**BACK HOUSE PROCEDURES:** At anytime during the night there should never be non-employees in the back of house. If you see someone that you do not know, or do not recognize, ask them who they are and what business they have in the back of the house. If you are not working stay out of the back house, people are working and you are in the way. The Kitchen is also included in the back of the house. Our goal is to stay away from the kitchen, as much as possible stay out of their way. That is there space and we do not belong in their way.

**THE ROOF:** The Roof capacity number shall not exceed 75 people. Please use clicker to maintain capacity numbers on each floor. Although people will try anything to get to the rooftop please communicate the fact that we can't possibly fit them all up there at one time. Our objective is to balance occupancy with proper service. It is our job to make sure this happens.

- *Nothing goes over the roof's edge if someone mindlessly ashes or flicks a cigarette give them a warning, anything else warrants immediate removal.*
- *Keep the service wells clear of patrons at all times*
- *Make sure there is a lane from the service well to the swinging doors*
- *Keep people off the support poles for the HeatRay*
- *Hands are to be below shoulder level as much as possible*
- *No leaning over the rail*
- *There is no glassware on the roof*
- *There is no smoking anywhere BUT on the roof*
- *Stay out of the storage area as much as possible*
- *Hands off the HeatRay*

- Cigarettes get put out in liquid at end of night, not the trash can.
- Cell phones: emergency use only! Or to check time.
- There shall be no reading books or playing with electrical devices.
- Check the restrooms frequently, if there is inappropriate behavior witnessed in the bathroom stall, it is imperative that we do not open or enter the restroom stall. If a customer is suspected of doing drugs, wait for the customer to exit under his or her own power, and ask them to leave. We may open the stall door for select reasons, if someone is injured and cannot respond, or when a fight, or a sexual assault is in progress. At which point the guests should be escorted out and the area should be treated as a crime scene.

**THE REEF LEVEL:** The capacity number for the Reef level (middle floor) is 120. Please use clicker to maintain capacity numbers on each floor. This number is not only important to adhere to fire codes. Crowd control is critical as the staff has to be able to move and get to customers. If we can't move through the crowd smoothly, we also can't get to where we need to be if something were to happen that requires our immediate attention.

- Never over crowd the level
- Carry a towel and rubber gloves while working
- All service areas are to be kept clear of patrons
- When holding the Roof Top, a line is formed on the reef level. It is formed against the mirrored wall. The line should be a single-filed line stretching as far back as needed. It is also very important to have the fire alarm uncovered.
- Check the restrooms frequently, if there is inappropriate behavior witnessed in the bathroom stall, it is imperative that we do not open or enter the restroom stall. If a customer is suspected of doing drugs, wait for the customer to exit under his or her own power, and ask them to leave. We may open the stall door for select reasons, if someone is injured and cannot respond, or when a fight, or a sexual assault is in progress. At which point the guests should be escorted out and the area should be treated as a crime scene.

**THE LANDING:** the landing is one of the most important positions in the house. At certain points during the night it is the first contact point for customers. This means that we will greet all customers and bid them farewell as they exit. There is a lot of traffic that flows through the landing; it is our job to make sure this happens smoothly. When alone on security you will be expected to check IDs while posted on the landing.

- Transfer all glassware into plastic cups
- You will need a bus tub, plastic cups, towels, rubber gloves and trash bag. Make sure that this area appears clean and organized.
- Be in constant communication with the Roof Top
- Stay alert and pay attention to everybody moving in the area
- Make eye contact with all customers and staff give a greeting hello or goodbye when customers are coming and going.
- Keep the stairwell clear, always
- Help customers move up and down the stairs when needed walk in front of or beside them. If a customer falls and you are behind them, you cannot help them.
- Never leave the landing unattended if it necessary let staff member on middle floor know so they can cover you.
- Notify all servers and bar staff of any underage patrons or anyone without ID
- Always have a towel for spills on stairs and extra cups

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- *Stay off your cell phone except in cases of emergency*

**LUSH:** Lush (the first floor) is the smallest serving space we have in the building. This means we have to pay special attention to crowd control in this space. If the area becomes over crowded we have no way of getting to people that need our assistance. Make eye contact with the bar staff as much as possible. Walk through the back of the space with some frequency to ensure there isn't any inappropriate activity happening back there.

**THE DOOR:** The door is extremely important. The position is to be taken very serious. All members of the security staff must be able to work this post. At this post you must and will be attentive to everyone coming into this establishment. Customers are to be greeted with a professional and friendly greeting. You are the first and last impression that The Reef has on customers; make it a pleasant one.

- *No expired IDs no exceptions*
- *Everyone must have IDs. Acceptable forms of primary IDs are as follows, Drivers Licenses, Sate IDs, Legal Immigrant cards issued by the Department of State, Military IDs, and Passports.*
- *Customers under 30 years of age will be asked for second form of ID*
  - *Acceptable secondary IDs are credit cards, social security cards, and health insurance card. Other IDs listed on the Primary ID list are also acceptable as long as they show 2 IDs.*
- *Stay off your cell phone*
- *No reading at the door*
- *No outside food or drink. (unless cleared through the Bar Tender or MOD)*
- *Everyone waits in line. The reef is first come first served. Anyone hooking up an underage friend or accepting bribes from anyone will not only be terminated but will also be prosecuted.*
- *No dress code.*
- *No cover.*
  - *If anyone is caught taking cover from a patron you will be asked to go home from for the remainder of the night and asked not to come back.*
- *The line is to be held on the right side of the entrance the line must be orderly and anyone caught drinking or behaving inappropriately will not be allowed entry*
- *The stool is to be placed on the right wall, by lush entrance*
- *Keep the doorway clear*
- *No beverages leave or come into the building*
- *Once on the clock security members may not leave the building for any reason, bring whatever you may need during your shift with you in the beginning, such as cigarettes jackets or whatever other personal effects.*
- *Speak clearly to customers.*

**AT CLOSING:** Security personnel are to ensure orderliness as patrons are exiting and that patrons depart in a timely manner.

**THE WALK THROUGH:** **The walk through is by far the most important part of securing the house at the end of the night. It is to be taken very seriously. The walk through starts at the end of the night (EON) once the house has no customers in it.**

- *Take a flashlight from behind the bar*
- *At EON, the back door and gate is to be locked immediately*
- *Go up the back stairwell*

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- Lock back door on roof
- Check the back roof. If a space can hold a person check it
- Go down the front stairwell to lush
- Check DJ booth, behind bar, and bathroom
- Have the bar tender or the bar back to lock the latch on the back door
- Go up the back stairwell
- Check the keg-erator, inside, and above
- Check the refrigerator and freezer in kitchen, above and inside
- Exit kitchen, check empty space by the kitchen door
- Announce house cleared
- Hand keys back to the person that gave them to you

**THE REEF RESTAURANT CAMERA POLICY**

The Reef will provide a copy of any requested video recording within 48 hours of such notice. The camera system will store 30 days of material in its hard drive. Diagrams of the placement of the (8) security cameras will be attached to this document. Such diagrams, and the operation of the cameras will be subject to review by A.B.R.A. employees and police.

**MOD RESPONSIBILITIES:**

All MODs must check that camera system is on, and recording, at the beginning of every shift. All MODs must be knowledgeable in the use of the camera system, including play back, save and record. It will be the MODs responsibility to assist A.B.R.A inspectors or police in the event of an incident.

**STAFF RESPONSIBILITIES:**

All staff members must ensure that cameras shall not be blocked or encumbered in any way, paying close attention to balloons, decorations and clothing. Any camera that appears to be broken, malfunctioning or missing shall be reported to the MOD immediately, and noted in the house and security logs.

**I, \_\_\_\_\_, acknowledge having read and understand the Security Plan, and commit to adhere to its terms.**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received by.  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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