

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

<b>In the Matter of:</b>	)	
	)	
BEG Investments, LLC	)	
t/a Twelve Restaurant & Lounge	)	
	)	
Holder of a Retailer's	)	
Class CT License	)	License No. ABRA-076366
	)	Order No. 2012-496
at premises	)	
1123 H Street, N.E.	)	
Washington, D.C. 20002	)	
	)	

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Calvin Nophlin, Member  
Mike Silverstein, Member

**ALSO PRESENT:** BEG Investments, LLC t/a Twelve Restaurant & Lounge  
  
Andrew Kline, Non-Attorney Representative for the Applicant  
  
Lieutenant Christopher Micciche, Metropolitan Police Department  
  
Sergeant James Rogers, Metropolitan Police Department  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

**ORDER MODIFYING BOARD ORDER NO. 2011-368**

On June 22, 2011, by Order No. 2011-289, the Alcoholic Beverage Control Board (Board) granted the Renewal Application filed by BEG Investment, LLC, t/a Twelve Restaurant and Lounge (Licensee), holder of a Retailer's Class CT License, located at 1123-1125 H Street, N.E., Washington, D.C. The approval of the Renewal Application was subject to two conditions, the second of which was:

- (1) The Applicant shall hire the MPD Reimbursable Detail whenever the establishment provides any entertainment permitted by the establishment's entertainment endorsement.

BEG Investment, LLC, t/a Twelve Restaurant & Lounge, Board Order No. 2011-289, 5 (D.C.A.B.C.B. Jun. 22, 2011)

Subsequently, on August 10, 2011, the Board modified Board Order No. 2011-289 by clarifying the condition regarding MPD Reimbursable Detail. That modification reads as follows:

- (1) The Applicant shall hire the MPD Reimbursable Detail whenever the establishment provides any DJs or live music as entertainment at the establishment. The MPD Reimbursable Detail shall be hired for a minimum of four hours and shall end no sooner than one hour after closing.

BEG Investment, LLC, t/a Twelve Restaurant & Lounge, Board Order No. 2011-368, 3 (D.C.A.B.C.B. Aug. 10, 2011)

On September 19, 2012, the Board held a hearing in response to concerns raised by Daniel Hickson, Commander of the Metropolitan Police Department's (MPD) First District, regarding the Licensee's compliance with the condition set forth above. Specifically, according to MPD, the Licensee has frequently employed the Reimbursable Detail (Detail), only to cancel the Detail on the same day as the entertainment event, and sometimes within a few hours of the event. This last minute cancellation causes a serious hardship to MPD, and it impairs their ability to adequately staff the Detail for future events. Fewer MPD officers are availing themselves to the Detail because of the concern that they will be assigned to the Licensee, and thus subject to a last minute cancellation. As a result, MPD's Reimbursable Detail volunteer list is depleting, and MPD struggles to fill the Reimbursable Detail requests.

A second area of concern for MPD is that the Licensee does not request MPD Reimbursable Detail in a timely fashion or pursuant to MPD guidelines, making it impractical or difficult for MPD to accommodate the request.

At the hearing, the Licensee agreed to notify MPD of its cancellation of the Detail no later than 72 hours prior to the entertainment events. Additionally, the Licensee agreed that should it fail to notify MPD no later than 72 hours prior to the event cancellation, the Licensee will pay the costs of the Reimbursable Detail for the full number of hours and officers requested.

The Board has long recognized that the primary benefit MPD Reimbursable Detail offers is that it allows MPD to deploy officers at a licensed establishment to address public safety issues without diverting police resources from other areas of the community. This is accomplished by having MPD assign off-duty members who are then compensated with overtime pay for that event. This cost of overtime pay is off-set by the hourly fee paid by the licensed establishments who employ Reimbursable Detail.

To this end, the Board now seeks to amend Order No. 2011-368 to make clear that the condition regarding Reimbursable Detail is deleted in its entirety, and is replaced with the language set forth below.

### ORDER

Therefore, it is hereby **ORDERED**, on this 7th day of November 2012, Board Order No. 2011-368 (D.C.A.B.C.B. Aug. 10, 2011), is modified by striking the second condition, located on page 3 of Board Order No. 2011-368. The following language shall replace the language provided in Board Order No. 2011-368:

- (1) The Licensee shall hire the MPD Reimbursable Detail whenever the establishment provides any DJs or live music as entertainment at the establishment. The MPD Reimbursable Detail shall be hired for a minimum of four hours and shall end no sooner than one hour after closing. For any MPD Reimbursable Detail requested by the Licensee that is then subsequently canceled by the Licensee less than 72 hours prior to the event, the costs of the hours and MPD officers requested for the Detail shall be borne by the Licensee.
- (2) All other terms and conditions of Order No. 2011-368 shall remain in full force and effect.

Copies of this Order shall be sent to the Licensee and the Metropolitan Police Department.

District of Columbia  
Alcoholic Beverage Control Board

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Ruthanne Miller, Chairperson



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Nick Alberti, Board Member



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Donald Brooks, Member

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Herman Jones, Member



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Mike Silverstein, Member

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 the service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington D.C. 20001.

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 (April 2004) 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).