

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
AGENDA**

**FRIDAY, NOVEMBER 30, 2012 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review of Request for Continuance, dated November 28, 2012, for the Show Cause Status Hearing scheduled for December 5, 2012. The Respondent seeks a date after February 2013. The Government does not object. *Green Island Café/Heaven and Hell Inc*, 2327 18th Street NW Retailer CT03, Lic.#: 74503.
Decision: Approved. The Show Cause Status Hearing was continued to February 6, 2013 at 10:00 am, 3-0.
2. Review of a request from Andrew Kline on behalf of applicant seeking approval of a new full service grocery store Retailer's Class "B" License for Smucker Farms of Lancaster County, LLC, t/a Smucker Farms of Lancaster County, located at 2118 14th Street, NW.
Decision: Placard, 3-0.

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**FRIDAY, NOVEMBER 30, 2012
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson
Members:**

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Summary Suspension

9:00 AM

Case # 12-251-00360

**Roc Bar, LLC, t/a Roc Bar
1426 L Street NW
License #89818
Retailer CT
ANC 2F
Chief of Police Closure November 25, 2012**

**Disposition: The Board continued the suspension until December 5, 2012,
and imposed several conditions (see attached Board Order). The
Respondent will appear before the Board on December 5, 2012 at 10:00 for
a Status Hearing.**

***This matter constitutes an emergency under the Open Meetings Act. The notice
requirements of Section 406(4) were satisfied.**

**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. 2012-511

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 ON SUMMARY SUSPENSION

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.

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 November 25, 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 November 28, 2012, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c), and appeared before the Board on November 30, 2012. The Respondent waived its right to a Summary Suspension hearing, and agreed to remain suspended until December 5, 2012, at which time it will appear before the Board for a Summary Suspension Status Hearing.

Additionally, the Government and the Respondent agreed to the following conditions which must be addressed to the Board's satisfactions in order for the Board to grant a lifting of the suspension at the Summary Suspension Status Hearing on December 5, 2012. They also agreed that the Licensee would submit supplemental documentation to the Board by December 3, 2012, providing further detail of the measures outlined below for the Board to evaluate their efficacy.

Security Measures

1. The Respondent shall submit a Security Plan that complies with the requirements of D.C. Code Section §25-403. Additionally, the Security Plan will address and describe the following procedures and requirements:
 - a. How the establishment will handle assaults, fights or verbal altercations that occur on or near the premises;
 - b. The establishment's process for calling 911 and notifying MPD for assistance;
 - c. A detailed description of the establishment's newly installed camera security system regarding operability, coverage and location of cameras;
 - d. Uniforms for all security personnel that are clearly marked as security;
 - e. Patron ejection protocol and procedures for handing off of unruly patrons to MPD;
 - f. Procedures for preserving a known crime scene;
 - g. Creation and maintenance of an incident log;
 - h. Creation and maintenance of a security equipment check log.
2. The Respondent shall distribute and review its Security Plan with all establishment employees and security personnel within fourteen (14) days of the submission of the Security Plan to ABRA.
3. The Respondent will maintain contact information on all employees and security personnel. This information will be on file at the licensed premises and it will be made available to MPD and ABRA upon request.
4. The Respondent shall ensure that security personnel who are stationed at the front entrance of the establishment be equipped with an operational hand held

metal detector. The Head of Security will conduct nightly equipment checks before the start of each shift to ensure that the devices are functional. The Respondent will maintain an equipment check log book to record that the shift checks on the equipment are being completed. This log is separate from the requirement to maintain an incident log. The establishment shall have a functioning back-up hand held metal detector available, in case one of the regularly used metal detectors malfunctions.

Camera System

1. The Respondent shall install a fully functional camera security system that has viewing and storage capabilities.
2. The location and coverage of the cameras must include all blind spots, entrances, exits, service areas, hallways, stairwells and restrooms. A diagram of the location of the establishment's floor plan with location of the cameras will be maintained on the premises to facilitate investigations and shall be appended to the Respondent's Security Plan.
3. The camera security system must record footage for fourteen (14) days, with retention of the videotape or DVD for thirty (30) days. Security footage shall be provided to ABRA and MPD within forty eight (48) hours of being requested.
4. The establishment shall have available at all times, personnel who can download the establishment's security footage from the camera system.
5. Prior to the Summary Suspension Status Hearing, an ABRA investigator will conduct a walk-through of the Respondent's establishment to assess and evaluate the operability of the security camera system. This assessment and evaluation will be reduced to a supplemental investigative report that will be reviewed and approved by the Board.

Training

1. Formal security training will be required for all security employees and the owner within thirty (30) days from the date of this Order. This training should include techniques on how to de-escalate verbal and physical altercations, and other difficult situations.
2. New employees will be trained within 30 days of their hire, and refresher courses will be offered annually to all employees. The owner shall receive both security and alcohol awareness training, if that has not been completed already.

ORDER

The Board does hereby, this 30th day of November, 2012, **ORDER** that the 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 **SUSPENDED** until December 5, 2012, or until compliance with the terms of this Order to the Board's satisfaction, whichever date is later.

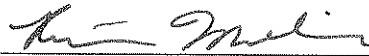
It is further **ORDERED** that the Board will impose the conditions set forth above which are binding on the Respondent.

It is further **ORDERED** that the Respondent shall return to the Board for a Summary Suspension Status Hearing on December 5, 2012 at 10:00 a.m., to determine compliance with the terms of this Order.

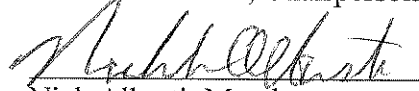
It is further **ORDERED** that the Respondent shall abide by all laws and regulations of the District of Columbia, shall operate its establishment in a safe and competent manner, and shall refrain from engaging in the type of activity that led to this disciplinary action.

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

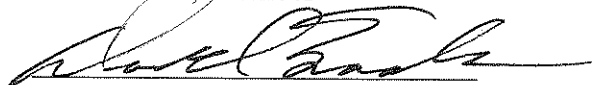
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



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).