

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

In the Matter of:)
)
Amaya-I, LLC)
t/a La Cabana Restaurant)
)
Holder of a)
Retailer's Class CR License)
)
at premises)
3614 14th Street, N.W.)
Washington, D.C. 20010)

Case No. 17-251-00027
License No.: ABRA-074849
Order No. 2017- 166

BEFORE: Donovan Anderson, Chair
Nick Alberti, Member
Mike Silverstein, Member
James N. Short Member
Mafara Hobson, Member
Jake Perry, Member

ALSO PRESENT: Amaya-I, LLC t/a La Cabana Restaurant, Respondent

Fernando Rivero, Assistant Attorneys General, on behalf of the
District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**ORDER APPROVING THE OFFER-IN-COMPROMISE
AND LIFTING THE SUMMARY SUSPENSION**

Pursuant to D.C. Official Code § 25-826(a), the Alcoholic Beverage Control Board (Board) has the authority to “summarily revoke, suspend, fine, or restrict” a license to sell alcoholic beverages in the District of Columbia if the Board determines after an investigation that the operations of the licensee present “an imminent danger to the health and safety of the public.” § 25-826(a). If properly requested by the licensee, “[t]he Board

shall hold a hearing within 48 hours of receipt of a timely request and shall issue a decision within 72 hours after the hearing.” § 25-826(c).

On March 6, 2017, the Chief of Police for the Metropolitan Police Department for the District of Columbia issued a letter summarily suspending the liquor license held by Amaya-I, LLC t/a La Cabana Restaurant (Respondent) in accordance with D.C. Official Code § 25-827. *Notice of Summary Suspension*, 1-5 (March 8, 2017).

After receiving a request for a hearing from the Respondent, the Board conducted a Summary Suspension Hearing on March 22, 2017. The Government and the Respondent presented an Offer-in-Compromise (OIC), which addresses the allegations raised in the Notice of Summary Suspension filed by the Office of the Attorney General. Additionally, the Respondent filed a Security Plan.

The terms of the OIC are appended to this Order. The Board formally accepts this OIC through this Order. Therefore, the Board lifted the summary suspension imposed on the Respondent on March 22, 2017, and permitted the Respondent to resume operations in accordance with the terms of the OIC and the Security Plan.

ORDER

Therefore, the Board, on this 22nd day of March 2017, hereby **APPROVES** the OIC submitted on March 22, 2017, and **LIFTS** the Summary Suspension of the license held by Amaya-I, LLC t/a La Cabana Restaurant effective 6:00 P.M. on the date of this Order.

It is further **ORDERED** that the Respondent will revise the Security Plan to include a statement regarding the type of training provided to, and completed by the security staff by no later than 5:00 pm on Friday, March 24, 2017.

It is further **ORDERED** that the Respondent will comply with the terms of the OIC and the revised Security Plan which are binding on the Respondent.

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.

It is further **ORDERED** that this matter shall be referred to the Office of the Attorney General to determine whether a show cause action is appropriate.

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

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chair

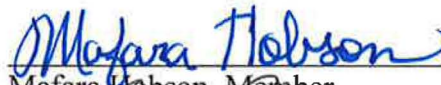


Nick Alberti, Member



Mike Silverstein, Member

James N. Short, Member



Mafara Hobson, Member



Jake Berry, 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).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Public Interest Division
Civil Enforcement Section

OFFER IN COMPROMISE¹

In the Matter of: Amaya-I, LLC t/a La Cabana Restaurant

Officer/owner: Isidoro Amaya, Managing Member

Case number: 17-251-00027. Hearing Date: March 22, 2017.

Incident occurring on: March 5, 2017.

For the Charge of: Summary suspension proceeding.

Statutory Authority: D.C. Official Code §25-826(a) (2012 Repl.).

This offer in compromise (OIC) will be presented to the Alcoholic Beverage Control Board (Board) by the Assistant Attorney General at the status hearing. Please be advised that this is a proposed compromise. Accordingly, it is the discretion of the Board to accept or reject this offer.

The offer in compromise consists of the following terms:

- (1) Amaya-I t/a La Cabana Restaurant (Licensee) shall submit a revised Security Plan to the Board that complies with D.C. Official Code 25-403(e)(2) and (3) no later than March 24, 2017.
- (2) Licensee agrees to employee professional licensed security during operations on Friday, Saturday, and Sunday from 10:00 pm until closing.
- (3) Licensee will employ two security officers, one for the first and one for the second floor, when the second floor is used for over 50 or more persons. Licensee will employ three security officers, one for each floor and the third a rover, when the second floor is used for 100 or more persons. Licensee will employ one security officer when the second floor is not in use.
- (4) Licensee will maintain an Incident Report File at the establishment. Report forms will be maintained for 60 days and will provide reports to police or ABRA Investigators upon request.
- (5) Licensee will maintain video recordings at the establishment for 30 days and will provide recordings to police or ABRA investigators upon request.

¹ Authorized under 23 DCMR 1611.5 (2016).

- (6) Licensee agrees to file an application for entertainment endorsement to allow a cover charge if the Licensee wishes to collect a cover charge. No cover charge will be collected until the Board approves the endorsement application.
- (7) This matter shall be referred to the Office of the Attorney General for the District of Columbia for review of possible show cause proceedings.

CONSENT

By this settlement agreement I agree to accept and perform its terms. I acknowledge the validity of the settlement and waive a hearing to which I would have a right under D.C. Official Code § 25-826 (2012 Repl.). I also recognize that I am waiving any right to appeal an adverse ruling of the Board that might have followed any such hearing. By this settlement, I waive all such rights. I sign this settlement agreement without reservation, and I fully understand its meaning and my rights.

Amaya 03/22/2017
Licensee

Attorney for Licensee

SECURITY PLAN
FOR
LA CABANA RESTAURANT

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Employment of Security Staff

- Fridays through Sundays one (1) security officer is employed. When there are special events using the upper level, for 50 or more people, one (1) security officer on the first floor and one (1) security officer on the second floor are employed. For special events of 100 people or more, there will be three (3) security officers, one for each floor and the third will serve as a rover. Security will be employed 10 pm until closing.

Security Staff Training

- The establishment holds the belief in having effective security personnel on the premises, which enables guest to enjoy their visit without having to worry about incidents or any type of conflict.
- Training for all security personnel will be provided by SWATA Security or other professional licensed company and will include:
 - Conflict resolution training.
 - Procedures for handling violent incidents, other emergencies, and calling the Metropolitan Police Department.
 - Procedures for crowd control and preventing overcrowding.
 - Procedures for preserving a crime scene
- All security staff will have will have the appropriate license to conduct security work.
- Staff that sells or serves alcoholic beverages will receive alcohol awareness training.
- The manager on duty working along with the head of security will manage and maintain the security staff.

Uniform

- All staff must adhere to uniform requirement when working provide by SWATA Security or other professional licensed company which includes:
 - Black boots, blue pants and shirt, special police patch.

Positions and Descriptions

- **Security Officer (On duty when assigned):**
 - Securing premises and personnel by patrolling the location, monitoring the customers viewing all access points and preventing any threats or danger. Also the officer will act as front doorman and rover during non- special events.
 - Recognize, observe and react to any intoxicated patrons and responsible for documentation of all incidents involving unruly or ejected patrons.
 - Responsible for directing all customers to entrances and exits.
 - Respond to all security situations in a timely and professional manner.
 - Responsible for advising all front door staff of any patrons ejected from the premises to prevent re-entry.

- **Front Doorman (There will only be one (1) Front Doorman when upstairs is in use):**
 - Responsible for checking identification and patting down all customers prior to entry to the venue. The Front Doorman will also be responsible for preventing overcrowding by use of a clicker or other counting device.
- **Rovers (There will only be one (1) Rover when upstairs is used):**
 - Responsible for patrolling the first and second floor.
 - Same duties as Security Officer above.
- **Head of Security:**
 - The Head of Security will be the supervisor assigned by SWATA security or other professional licensed company.
 - The Head of Security will communicate with the manager each night to monitor security operations.

Identification Checking Procedures

- **Checking IDs:**
 - Keep minors from consuming alcohol.
 - To prevent the people with bad/fake ID's from entering the establishment

Valid Identification Accepted:

- **Government issued ID's which include:**
 - Driver's License
 - Military Identification
 - State issued non-drivers ID
 - Passports
 - Resident Alien Cards
- **Identifications Not Accepted:**
 - College ID's
 - Check- Checking ID's
 - ID's from a place of employment
- **Procedure for Checking ID's:**
 - Be Polite when asking for ID's
 - Ask the patron to remove ID from wallet
 - Ask questions about ID if needed (address, birth date, etc.)

Closing Procedures

- All lights will be turned on fifteen (15) mins prior to closing.
- The Security Officer will check restrooms to make sure no customers are lingering in the area and also locking the front door so no potential customers can enter.

- **Closing and Exits:**

- All security will politely ask patrons to exit the building once their bill has been paid.

Preventing Intoxication

- Bartenders will not serve customers who appear intoxicated.
- Bartenders will call a security officer to speak to customers who appear intoxicated.

Incidents and Accidents

- **Injuries and Accidents:** All injuries will be handled by Security. All incidents will be documented in the Log Book. It will remain for 60 days. The Log Book will be kept along with the Security Plan.
- If there is a crime scene, for example blood or glad on the floor after the fight, then the scene will be maintained until the police arrive. If a person is injured, security or manager will offer to call for medical assistance. An Incident Report Form will document if medical assistance arrives or if assistance is declined the guest.

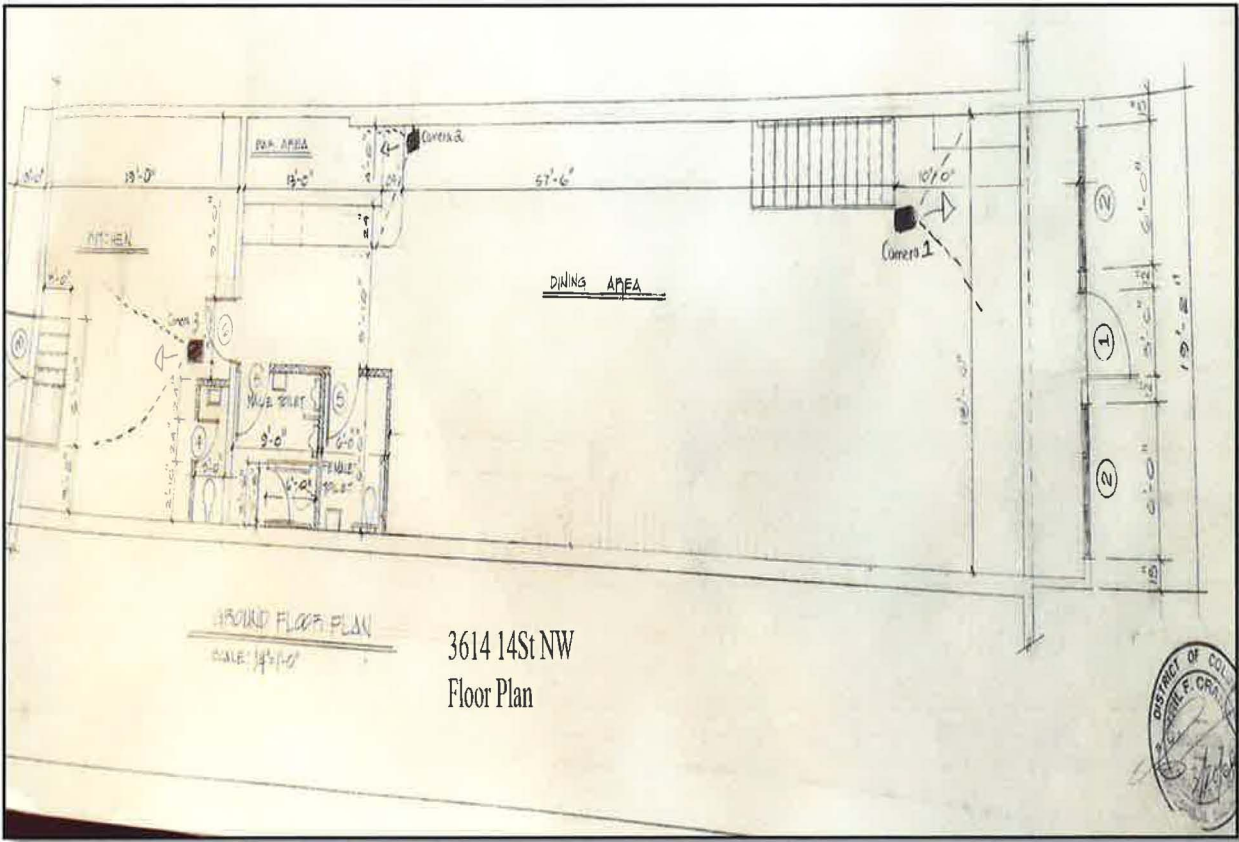
Altercations and Patron Ejection

- In the event of an altercation between patrons, the security staff will separate and investigate the situation as quickly as possible. The patron(s) will be asked to leave and will be escorted off the premises. An incident report will be completed, and an Incident Log File will be kept on the premises at all times and will be available for the security personnel. MPD and the ambulance will be notified by security or the manager of the establishment if necessary.
- If a customer attacks a member of the security staff or restaurant staff at any time, the security is only permitted to use enough force in self-defense or to stop the attack.

Cameras and Incident Log

- **Cameras:** Two (2) cameras are located on the second level. Three (3) cameras are located on the first level. Video recording will be kept for thirty (30) days. The attached floor plan demonstrates where the cameras recording will be located.
- **Incident Log:** Incident reports will kept for at least sixty (60) days. Incident Reports will include the names of the persons involved, if possible, and also include if police or ambulance were called. Incident Reports will describe what happened.

La Cabana Plan Showing Cameras on First Floor



La Cabana Plan Showing Cameras on Second Floor

