

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD



NOTICE OF SUMMARY SUSPENSION

IN THE MATTER OF:

Mimi & D, LLC
t/a Mood

Respondent

Case No. 12-251-00001
License No. 086037
Retailer's Class CT

To: Abeba Abye Beyene, Managing Member
Mimi & D, LLC, t/a Mood
1318 9th Street, NW
Washington, D.C. 20001

Pursuant to D.C. Official Code, § 25-826 (2001), the District of Columbia Alcoholic Beverage Control Board ("the Board") hereby **summarily suspends** the above-captioned alcoholic beverage control license effective **immediately** upon your receipt of this notice.

The licensee has the right to request a hearing before the Board, and such request shall be filed with the Board within seventy-two (72) hours after receipt of this notice. Should a request for hearing be filed in a timely manner, a summary suspension hearing will be held within forty-eight (48) hours of such request, and a decision will be rendered by the Board within twenty-four (24) hours after the close of the hearing.

The District of Columbia is represented by the Office of the Attorney General in these proceedings. A copy of your hearing request and any pleading or other written communication addressed to the Board should also be delivered to Michael A. Stern, Senior Assistant Attorney General, Office of the Attorney General, Civil Enforcement Section, Suite 650 North, 441 4th Street, N.W., Washington, D.C. 20001. **You, or your legal counsel if represented, should contact this attorney at (202) 727-3881 upon receipt of this notice to discuss any potential offer in compromise to be considered by the Board at the Summary Suspension Hearing.**

You may appear personally at the summary suspension hearing, and you as well as the establishment, may be represented by legal counsel. You have the right to produce witnesses and evidence on your behalf and to cross-examine witnesses. You may examine evidence

produced, and have subpoenas issued on your behalf to require the production of witnesses and evidence.

All hearings are conducted before the Board in the English language. If you, any corporate officer, or any witnesses to be called are deaf, have a hearing impediment, or cannot readily understand or communicate the spoken English language, an application may be made to the Board for the appointment of a qualified interpreter.

The grounds for the summary suspension are outlined below.

On December 30, 2011, the Chief of Police for the Metropolitan Police Department of the District of Columbia requested in writing, pursuant to D.C. Official Code § 25-827 (2001), that the Board suspend or revoke the alcoholic beverage license of the licensed establishment. The request is based upon the conclusion that the continued operation of the licensed establishment presents an **imminent danger** to the health and safety of the public. In further support of the request, the Chief of Police concluded that “there would be an additional imminent danger to the health and welfare of the public if the establishment was not closed, and that there is no other immediately available measure that would ameliorate the threat to public safety.”

On Friday, December 30, 2011, two persons were stabbed and seriously wounded immediately outside the establishment. Just prior to the stabbing there was an altercation inside the establishment. The security officers of the establishment removed all patrons involved in the altercation. The stabbing occurred shortly thereafter when one performer at the establishment and one promoter for the establishment were assaulted. One of the stabbed persons returned inside the establishment to obtain a ride to Howard University Hospital. No one from the establishment called the Metropolitan Police Department concerning the initial altercation or the subsequent stabbing.

When Alcoholic Beverage Regulation Administration investigators went to the establishment to investigate, the establishment made several attempts to hinder the investigation. The owner of the establishment indicated to investigators that no one in her employ had seen or heard anything regarding the incident. It later turned out that the chief of security had known of a group of patrons who were removed from the establishment. The chief of security indicated to investigators that the patrons were removed for smoking inside the establishment. However, witnesses reported there was a fight in the establishment, and that patrons were removed because of the fight. The owner of the establishment indicated to the investigators that the security cameras were not working on the evening in question. The investigators later learned that several cameras, including a camera on the inside front door, were working. The owner of the establishment indicated that there was no tape of the night of the incident, but the investigators later learned that a tape would be made available for their review. When the security chief was asked about copious amounts of blood spilled immediately outside the establishment, he indicated to investigators that it was just, “cranberry juice.”

Additionally, the establishment failed to follow their own security plan designed to ensure the safety of patrons. The security plan indicates that no one under the age of 21 should be admitted. However, one of the victims in the incident is under 21. The security plan calls for groups removed from the establishment to be separated and for time to pass before groups are allowed to

intermingle. However, in this instance all offending patrons were removed at the same time and through the same exit door. The security plan calls for security cameras to be monitored and recordable to a compact disc. However, in this instance no recording has been produced and more than half of the available cameras were not turned on and thus not monitored on the night in question. Further, investigators found the hard disk of the recording device was full, and that the status screen of the system indicated that portions of the device was off and disconnected. The security plan called for the establishment to make incident reports and call the Metropolitan Police if there is a violation of the law. In this instance the establishment did neither.

Further, when Metropolitan Police Officers entered the establishment to investigate on December 30, 2011, there was a strong odor associated with marijuana coming from inside the establishment. In addition, when Metropolitan Police Officers interviewed the victims and witnesses, there was a strong odor of marijuana coming from their person.

In the past year, Metropolitan Police statistics show that there were sixty-one police calls related to this establishment. Of those reports, thirty-one were classified as disorderly conduct.

Please note that under 23 DCMR § 1502.3, your failure to appear at the time and place set for the hearing, either in person or through counsel, or both, will not preclude the Board's proceeding in this matter. Should you have any questions, contact ABRA Adjudication Specialist Dannette Walker at (202) 442-4418.

11/3/12

DATE

Ruthanne Miller

Ruthanne Miller
Chairperson
Alcoholic Beverage Control Board