

**Alcoholic Beverage Regulation Administration (“ABRA”)**  
**FY14-15 Performance Oversight Hearing Questions**  
**Committee on Business Consumer and Regulatory Affairs**

**Vincent B. Orange, Chairperson**

January 26, 2015

**I. Agency Organization and Personnel**

1. Provide a complete, up-to-date organizational chart for each division within ABRA including, either attached or separately, an explanation of the roles and responsibilities for each division and subdivision. Also, provide a narrative explanation of any organizational changes made during FY14 and thus far in FY15.

**Response: Please see the attached agency organizational chart.**

2. Provide a complete, up-to-date position listing for the agency, which includes the following information:

- A. Title of Position
- B. Subdivision of the agency in which the position is located
- C. Name of employee or statement that the position is vacant, unfunded, or proposed
- D. Date employee began in position
- E. Salary and fringe benefits, including the specific grade, series, and step of position
- F. Job status (continuing/term/temporary/contract)

**Response: Please see the attached “ABRA FY 15 Position Listing” document.**

3. Provide a complete, up-to-date position listing of all employees detailed to ABRA from other District agencies, which includes the following information:

- A. Title of Position
- B. Subdivision of the agency in which position is located
- C. Name of employee or statement that the position is vacant, unfunded, or proposed
- D. Date employee began in position
- E. Salary and fringe benefits, including the specific grade, series, and step of position
- F. Job status (continuing/term/temporary/contact)

**Response: ABRA does not have any employees detailed from another agency.**

4. Provide the number of FY14 full-time equivalents ("FTEs") for the agency, and FY15 FTEs to date, broken down by program and activity. Please also note the number of vacancies at the close of FY14 and in FY15, to date, by program and activity.

**Response: Please see the attached “ABRA FY14 and FY15 FTE’s and Vacancies” document.**

- A. For each vacant position, please note how long the position has been vacant and whether or not the position has been filled.

**Response: This information is contained in the document referenced above.**

- B. How many vacancies within the agency were posted during FY14 and how many have been posted during FY15, to date?

**Response: ABRA advertised 3 vacancies in FY14 and 3 vacancies thus far in FY15.**

5. Please provide:

- A. A list of all employees who receive cell phones, personal digital assistants, or similar communications devices at the agency's expense.

**Response: This information is contained in the attached "Question#5-A ABRA Response" document.**

- B. A list of all employees who receive laptops and tablets at the agency's expense.

**Response: This information is contained in the attached "Question#5-B ABRA Response" document.**

- C. A list of vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned.

**Response: This information is contained in the attached "Question#5-C ABRA Response" document.**

- D. A list of employee bonuses or awards granted in FY14 and FY15, to date, if any.

**Response: ABRA did not pay any bonuses or awards in FY 2014. As of February 13, 2015, ABRA has not paid any bonuses or awards thus far in FY 2015.**

- E. A list of travel expenses, arranged by employees. For each such occurrence, list the official event titles, the names and job titles of the individuals who attended the event, the cost (detailed by cost of registration, lodging, airfare, per diems, etc.) of attending the event, the funding source used to pay for each expense, and how participation benefited the agency and its clients.

**Response: This information is contained in the attached "Question#5-E ABRA Response" document.**

6. Please list and describe all employee training provided in FY14 and FY15, to date. In addition, please list and describe all proposed employee training for the remainder of FY15.

**Response: Please see the attached “Question #6 ABRA Response” worksheet which includes all ABRA employee training provided in FY 2014 and thus far in FY 2015.**

7. Does the agency conduct annual performance evaluations of all its employees? If so, who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?

**Response: ABRA conducts mid-year and annual performance evaluations for its employees, including managers. Mid-year performance reviews are required to be completed by managers and reviewed with the employee. The mid-year review is a discussion with the employee to ensure that they are on track to meet or exceed their performance goals. Annual performance evaluations are then completed at the end of the fiscal year by the manager to evaluate the employee’s performance and provide feedback. The mid-year review provides an opportunity for all managers to ensure that employees are on target to meet or exceed their individual job requirements. Managers may at any time during the course of the performance year provide feedback to the employee to encourage and assist the employee with meeting their individual job requirements.**

8. Please provide a list of the total overtime payments paid in FY14 and FY15, to date.

**Response: Please see the attached “Question # 8 ABRA Response” worksheet.**

9. Please provide an explanation of the type of work approved for overtime pay. Please provide a list of employees and the amount of overtime they were paid.

**Response: ABRA’s overtime work is primarily related to the duties and responsibilities of ABRA’s Enforcement Division. The Enforcement Division offers overtime for matters related to investigative operations and Special Events. Some of the operational matters where overtime would be approved would be investigating violent incidents after normal working hours; undercover operations during hours the investigative staff is not normally working; and sale to minor compliance checks. ABRA investigators also work overtime at Special Events such as festivals and other entertainment events designated by the Mayor’s Special Events Task Group (MSETG). The Agency also has some overtime work in the Licensing Division that relates to specific license renewals and other major licensing projects. The Administrative Division also occasionally performs overtime work that relates to training sessions held for licensees and the public, including on weekends.**

**A list of employees receiving overtime pay and the amount of overtime they were paid is included in the attached “Question # 9 ABRA Response” worksheet.**

10. Please provide a list of workman’s compensation payments paid in FY14 and FY15, to date.

**Response: The District of Columbia's Third Party Administrator (TPA), CorVel, has paid a total of \$651.31 in FY 2014 for one employee. No payments have been made in FY 2015.**

## **II. Budget**

11. Please provide a chart showing ABRA's approved budget and actual spending, by program, for FY14 and FY15 to date. In addition, describe any variance between fiscal year appropriations and actual expenditures for FY14 and FY15 to date.

**Response: Please see the attached "Question # 11 ABRA Response" worksheet.**

12. List any reprogramming's which occurred in FY14 or which have occurred in FY15, to date. For each reprogramming, please list the total amount of the reprogramming, the original purposes for which the funds were dedicated, and the reprogrammed use of funds.

**Response: The requested information is attached as "Question # 12 ABRA Response".**

13. Provide an accounting of all intra-District transfers received by or transferred from the agency during FY14 or during FY15, to date.

**Response: The requested information is attached as "Question # 13 ABRA Response".**

14. Does the agency anticipate any additional spending pressures for FY15? If so, provide a detailed account of the amount and source of the spending pressures.

**Response: No. The Agency does not anticipate any spending pressures in FY15.**

## **III. Property and Other Fixed Costs**

15. Provide a list of all properties occupied by ABRA in FY14 and thus far in FY15. For each property, what were your total rental costs in FY14 and what have been your total rental costs thus far in FY15?

**ABRA occupied part of the 4<sup>th</sup> floor of the Reeves Center located at 2000 14<sup>th</sup> Street, NW, in FY14 and thus far in FY15. ABRA's total rental costs in FY14 were \$83,344. ABRA's total rental costs for FY15 are centrally managed by the Department of General Services.**

16. Provide a list of ABRA's fixed costs budget and actual spending for FY14 and thus far in FY15.

**Response: Please see the attached "Question # 16 ABRA Response" worksheet.**

17. What steps were taken in FY14 and FY15, to date to reduce the following:

- A. Energy use
- B. Communication costs
- C. Space utilization

**Response: During FY14 and FY15, ABRA has made a concerted effort to comply with all requests for energy conservation by the Department of General Services (DGS). ABRA has attended all Tenant meetings for the Reeves Center to ensure we are updated on the latest issues and concerns with conserving energy. Additionally, ABRA participated in the DGS building survey; to include assisting a team of engineers in taking an inventory of all the equipment that are associated with the mechanical, electrical and plumbing systems within the building to assess their efficiency. To date, ABRA continues to conform to all requests to conserve energy made by DGS.**

**ABRA reviews the cost of communication devices on an annual basis. ABRA is assisted by the Office of the Chief Technology Officer (OCTO) in reviewing the cellular devices as well as our landlines. OCTO advises ABRA when a line has been inactive for over 2 months and could potentially be suspended until needed thus providing a savings. ABRA continues to take advantage of these scenarios to effect the necessary cost savings.**

**At this time, ABRA is still utilizing space in the Reeves Center and has no immediate plans to move. Potential enhancements could be made to ABRA's current space if needed in the future to add additional cubicles or offices.**

#### **IV. Underage Drinking Enforcement**

18. The agency last received a Department of Justice Grant to help enforce the District's underage laws in FY12. Has the Department of Justice provided any indication of future grant offers to the agency to combat underage drinking in FY15?

**Response: There has been no indication that the Department of Justice will be offering any grants for the purpose of conducting underage drinking compliance checks.**

19. How many ABC establishments did ABRA check in FY14 for compliance with underage drinking laws, and how many such illegal sales did you observe?

**Response: ABRA conducted 889 compliance checks in FY14 with 173 sales to minor violations taking place.**

20. How many ABC establishments has ABRA checked thus far in FY15 for compliance with underage drinking laws, and how many such illegal sales have you observed?

**Response: ABRA has conducted 130 compliance checks thus far in FY15 with 10 sales to minor violations taking place.**

21. Please provide a list of compliance checks and illegal sales in FY14 and FY15, to date by Ward?

**Response: Please see the attached FY14 and FY15 spreadsheets.**

22. Has ABRA received any other federal funds or grants with respect to combat underage drinking in either FY14 or FY15, to date?

**Response: ABRA has not received any other federal funds or grants for the purpose of conducting underage drinking compliance checks in either FY14 or FY15 and no funding is anticipated.**

23. Is ABRA continuing with the "DC: Double Check 101" program that you began in FY10 to combat underage drinking at colleges and universities in the District? If so, how many complaints and investigations were initiated as a result of this program in FY14 and thus far in FY15? (Please provide a list of complaints and investigations by college or university in the District)

**Response: Yes. Please see the attached "Question # 23 ABRA Response" worksheet.**

**ABRA received 33 complaints in FY14 through the DC: Double Check 101 program and followed up on each complaint with some form of enforcement action (monitoring, meeting with management, ID checks, etc.) As a result of these complaints, 24 enforcement cases were generated.**

**To date in FY15, ABRA has received three (3) complaints through the DC: Double Check 101 program and is following up on each complaint with some form of enforcement action. ABRA has generated one (1) enforcement case thus far in FY15 as a result of these complaints.**

24. Please provide a complete list of sales to minor violations in FY14 and FY15, to date. Provide the name and location of the establishment where the violation occurred and whether there was a recheck and/or subsequent violation?

**Response: A complete list of sales to minors violations in FY14 and FY15 is contained in the attached FY14 and FY15 spreadsheets. The Agency will begin conducting re-checks of the FY14 sales once a vendor is selected by the Office of Contracting and Procurement. The Office of Contracting and Procurement is working on securing a vendor to provide youths for ABRA's underage drinking compliance program. Establishments are typically re-checked for compliance 8-10 months after the initial sale.**

25. Please provide a list of establishments who have had their licenses revoked for multiple sales to minor violations in FY14 and FY15, to date.

**Response: Of the five licenses that were revoked in FY14 and FY15 to date, none was revoked for reasons of multiple sale to minor violations. A listing of the five licenses revoked by the ABC Board is contained below in the response to Question 28.**

26. In order to combat underage sales to minors in Wards 7 and 8, ABRA had agreed to conduct a minimum of two sales to minor compliance checks per establishment in both Wards during

FY15 and FY16. Has ABRA conducted any of these compliance checks thus far in FY15? If so, how many illegal sales did ABRA observe?

**Response: Yes. In FY15 thus far, ABRA has conducted 13 compliance checks in Ward 7 & 8 combined which resulted in no sale to minor violations.**

## **V. Other Enforcement**

27. How many total "Show-Cause" hearings did ABRA conduct regarding complaints alleging a violation by an ABC licensee of the terms of its license in FY14 and thus far in FY15?

**Response: The ABC Board conducted 98 Show Cause Hearings in FY14 and 6 Show Cause Hearings year to date in FY15 (through the end of January 2015).**

28. How many ABC establishments had their licenses either revoked or suspended by ABRA in FY14 and thus far in FY15? Please provide a list of these establishments and the reasons for suspension or revocation.

**Response: There were four license revocations in FY14. The four licensees that had their licenses revoked in FY14 were:**

- 1. Queen Makeda – Retailer Class CR, located at 1917 9th Street, NW – Board Order No. 2013-514.**
- 2. Roadside Café – Caterer’s License, located at 2101 Benning Road, NE –Board Order No. 2013-511.**
- 3. S & P Wine & Liquors – Retailer Class A, located at 2316 Pennsylvania Ave, SE –Board Order No. 2014-050.**
- 4. Sunshine Bar & Lounge – Retailer Class CR, located at 7331 Georgia Ave, NW –Board Order No. 2014-027.**

**There has been one license revocation thus far in FY15. The one license that had their license revoked thus far in FY15 was:**

- 1. NY NY Diva – Retailer Class CR, located at 2406 18th Street, NW –Board Order No. 2014-435.**

**Summarily Suspended: There were nine instances in FY14 that the Board summarily suspended a license following a Chief of Police closure. The nine summary suspensions issued by the Board in FY14 involved eight establishments. Those eight establishments are: (1) District Lounge, located at 2473 18th Street, NW; (2) Opera Ultra Lounge, located at 1400 I Street, NW; (3) Capitale, located at 1301 K Street, NW; (4) Bar 7, located at 1015 7<sup>th</sup> Street, NW; (5) Twelve Restaurant and Lounge (twice), located at 1123 H Street, NE;**

**(6) The Scene, located at 2221 Adams Place NE (7) Lux, located at 649 NY Ave, NW, and (8) Café Asia, located at 1720 I Street NW.**

**There has been five licensees thus far in FY15 (through January 27, 2014) that the Board summarily suspended following a Chief of Police closure. These establishments are: (1) McFadden's, located at 2401 Pennsylvania Avenue, NW, (2) Heritage India-The Zanzibar, located at 1901 Pennsylvania Avenue, NW, (3) T & T Association, located at 5123 Georgia Ave NW, (4), Chuck and Bill's Bison Lounge, located at 2718 Georgia Avenue, NW, and (5) Halftime Sports Bar, located at 1247 H Street, NE.**

**All of these summary suspensions were due to the Board's finding that the operations of the licensed establishment presented an imminent danger to the health and safety of the public.**

**Suspension: Excluding the licenses that are suspended as the result of a Summary Suspension Case, ABRA suspended 33 licenses in FY14 and 11 licenses in FY15 (through January 2015).**

29. How many of these establishments were subsequently allowed to resume their operations and within what time period?

**Response: None of the five licensed establishments that were revoked in either FY14 or FY15 to date resumed operations and are in fact, barred from seeking new licenses or renewing other licenses for five years, pursuant to DC Official Code § 25-821(c).**

**Most of the establishments whose licenses were suspended in FY14 have been permitted to resume their operations with one exception. Specifically, as noted above, the liquor license for the District was summarily suspended by the Board on January 3, 2014. On January 24, 2014, the licensee withdrew its request for a summary suspension hearing. As a result, the establishment's liquor license currently remains suspended indefinitely.**

**Of the licensees who were summarily suspended in FY15 year to date, none has re-opened or returned to operations.**

30. How many establishments, if any, were cited for not having security plans in FY14 and FY15, to date?

**Response: During FY14 and FY15 thus far no establishments were cited for not having security plans.**

## **VI. Agency Programs and Policies**

31. How many total ABC establishments were cited for violations regarding their books and records in FY14 and thus far in FY15?



**Response: During FY14 a total of 76 establishments were cited for violations regarding their books and records. In FY15 a total of 66 establishments have been cited for violations regarding their books and records thus far.**

32. Did the agency meet the objectives set forth in its performance plan for FY14? Please provide a narrative description of what actions the agency undertook to meet the key performance indicators or any reasons why such indicators were not met.

**Response: Yes, the Agency exceeded all of the objectives set forth in its performance plan for FY14. ABRA continues to meet or exceed its goals by communicating agency expectations to both ABRA management and staff and tracking their progress throughout the fiscal year.**

33. How well is ABRA currently meeting the objectives set forth in its performance plan for FY15? Please provide a narrative description of what actions the agency is undertaking to meet the key performance indicators or any reasons why such indicators are not being met.

**Response: ABRA is on track to meet all of its objectives in its FY15 performance plan. One note, however; the Office of Contracting and Procurement is working on securing a vendor to provide youths for ABRA's underage drinking compliance program. ABRA will restart its compliance checks once a vendor is selected by the Office of Contracting and Procurement. ABRA has every indication that the Agency will still achieve and exceed the 700 compliance checks for underage drinking in its FY15 performance plan.**

34. Please list and describe any ongoing or completed investigations, studies, audits, or reports on your agency or any employee of your agency during FY14 or FY15, to date.

**Response: Please see the response to Question 35 below.**

35. Please identify any recommendations regarding ABRA made by the Office of the Inspector General or the D.C. Auditor during FY14 or thus far in FY15. Please note what actions have been taken to address these recommendations.

**Response:**

**In FY 14, multiple District Agencies, including ABRA, received a report from the Office of the District Auditor entitled, "District Special Events processes can be improved". The District Auditor's report included two recommendations. First, the District Auditor recommended that District agencies establish a system to ensure that special event organizers are charged the correct fees and payments are received in a timely manner. To address this concern, ABRA initiated a process whereby payment invoices, which DCRA currently maintains, will be forwarded to ABRA for events which DCRA has accepted payment to cover the costs for services to be provided by ABRA investigators. Under this new procedure, service will not be provided by ABRA until ABRA has received the payment invoice from DCRA.**

The District Auditor's second recommendation was that HSEMA and agency members of the Mayor's Special Events Task Group execute proper controls over the special events process, including a consistent event closeout process after an event has concluded. To address this concern, ABRA has agreed to provide HSEMA with an after-action report for each special event that falls under ABRA's jurisdiction regardless of whether an issue occurs. HSEMA has agreed to maintain on file these after-action reports that will describe both the positive and/or negative results of an event.

In FY14 and FY15 thus far, ABRA received two final investigative reports from the Office of the Inspector General (OIG Report No. 2013-0614 and OIG Report No. 2013-420(s)). OIG Report No. 2013-0614 contains two recommendations. First, the report recommends that ABRA ensure that all ABRA investigators are aware of the District's standards of conduct. The agency implemented this recommendation with ABRA providing this information to ABRA staff, including ABRA investigators on October 30, 2014. Second, the report recommends that ABRA address the ABRA investigator's conduct with appropriate administrative action. ABRA is in the process of implementing this recommendation.

With regard to OIG Report No. 2013-420(s), the report recommends that ABRA implement a policy regarding the off-duty conduct of ABRA investigators at ABRA regulated establishments. ABRA has in place a written policy that addresses the on and off-duty conduct of ABRA investigators who patronize ABRA regulated establishments. Second, the report recommends that ABRA address the ABRA investigator's conduct with appropriate administrative action. ABRA is in the process of implementing this recommendation.

## **VII. Contracting and Procurement**

36. Please list each contract, procurement, lease and grant awarded or entered into by ABRA during FY14 and FY15, to date. For each contract, please provide the following information, where applicable:

- A. The name of the contracting party or vendor
- B. The nature of the contract, including the end product or service
- C. The dollar amount of the contract, including budgeted amount and actual spending
- D. The term of the contract
- E. Whether the contract was competitively bid or not
- F. The name of the agency's contract monitor and the results of any monitoring activity
- G. The funding source
- H. Indicate whether or not the vendor is a certified business enterprise

**Response: Please see the attached worksheet (ABRA Oversight Question # 36).**

37. Please provide a list of all MOUs in place during FY14 and FY15, to date.

**Response: Please see the attached worksheet (ABRA Oversight Response Question # 37).**

## VIII. Voluntary Agreements

38. How many voluntary agreements were submitted to the ABC Board for review and approval in FY14 and thus far in FY15?

**Response: There were 125 settlement agreements or amendments to settlement agreements submitted to the Board for review in FY14. In FY15 to date (through January 2015), 65 settlement agreements or amendments to settlement agreements have been submitted to the Board for review.**

39. How many such agreements were approved in FY14 and thus far in F15?

**Response: There were 125 settlement agreements or amendments to settlement agreements approved by the Board in FY14. In FY15 (through January 2015), 64 settlement agreements or amendments to settlement agreements have been approved by the Board.**

40. How many voluntary agreements were either violated or terminated in FY14 and how many have been violated or terminated thus far in FY15?

**Response: In FY14, the Board terminated four settlement agreements. In FY15, as of January 31, 2015, the Board has terminated two settlement agreements.**

**In FY14, 19 establishments were cited for violations regarding their settlement agreements. In FY15, 23 establishments have been cited thus far for violations regarding their settlement agreements.**

41. How many establishments have requested to have their voluntary agreements terminated without community approval? How many of those requests were granted? Please provide the location of the establishment.

**Response: 11 establishments sought to have their settlement agreements terminated in FY14. Most of the establishments entered into new settlement agreements. Of these, the Board denied 4 requests filed by: (1) Manchester Bar and Grill; (2) 1101 Convenience Mart; and (3) Martha's Market (4) Sahra Hookah Lounge. Of the petitions filed in FY14, three settlement agreements were terminated (Raven Grill, License No. 005864, by Board Order No. 2014-103; Cheerz, License No. 095178 by Board Order No. 2014-392 and H Street Country Club, License No. 076649 by Board Order No. 2014-423) and four requests (Harris Teeter, Jubilee Market, Club Timehri, Manchester Bar & Grill (currently "Darnell's")) were approved, then placarded and proceeded through the protest process.**

**Additionally, 1 establishment sought to terminate their settlement agreements in FY15 year to date (Georgia Line Convenience Store, Protest still pending).**

42. What provisions does ABRA currently allow to be included in a voluntary agreement and what provisions are prohibited?

**Response: D.C. Law 19-310, the Omnibus Alcoholic Beverage Regulation Amendment Act of 2012, effective May 1, 2013, sets forth the conditions that are allowed to be included in settlement agreements. This law also sets forth examples of conditions that if contained in a settlement agreement will not be enforced by the Board. These conditions can be found at DC Official Code Sections 25-446.01 and 25-446.02.**

### **IX. Board Questions**

43. What is the current number of seats filled on the Board? How many seats are vacant?

**Response: There are currently seven (7) seats that are filled on the ABC Board. As of February 13, 2015, there are no vacant seats on the ABC Board.**

44. Please provide the date when each member was appointed and the date their appointment ends?

**Response: Please see the table below.**

<b>ABC Board Member</b>	<b>Initial Appointment Date</b>	<b>Term End Date</b>
<b>Ruthanne Miller</b>	<b>December 6, 2011</b>	<b>May 7, 2016</b>
<b>Nick Alberti</b>	<b>June 3, 2008</b>	<b>May 7, 2015</b>
<b>Donald Brooks</b>	<b>June 3, 2008</b>	<b>May 7, 2015</b>
<b>Herman Jones</b>	<b>June 3, 2008</b>	<b>May 7, 2015</b>
<b>James N. Short</b>	<b>January 7, 2014</b>	<b>May 7, 2016</b>
<b>Mike Silverstein</b>	<b>April 20, 2010</b>	<b>May 7, 2015</b>
<b>V. Hector Rodriguez</b>	<b>January 7, 2014</b>	<b>May 7, 2015</b>

45. Please provide the Ward in which each Board member resides.

**Response: Ruthanne Miller, Chairperson, Ward 3  
Nick Alberti, Member, Ward 6  
Donald Brooks, Member, Ward 1  
Herman Jones, Member, Ward 8  
James N. Short, Member, Ward 7  
Mike Silverstein, Member, Ward 2  
V. Hector Rodriguez, Member, Ward 1**

46. What was the attendance rate of each ABC Board member at Board meetings in FY14 and what has been the attendance rate of each member at Board meetings in FY15 to date?

**Response: This information is contained in the attached “Question#46 ABRA Response” documents. The information on the attached worksheet for FY15 is current through January 28, 2015.**

## **X. Reimbursable Detail Officer Program**

47. What was the total cost to ABC licensees and group of licensees of these RDOSs in FY14 and thus far in FY15, and how much of these expenses were reimbursed through the ABRA RDO subsidy program?

**Response: This information is contained in the attached “Question#47-50 ABRA Responses Reimbursable Detail” document.**

48. How much of the RDO subsidy did your agency spend in FY14 and how much has been spent so far in FY15?

**Response: This information is contained in the attached “Question#47-50 ABRA Responses Reimbursable Detail” document.**

49. What is the current ABRA RDO subsidy balance?

**Response: This information is contained in the attached “Question#47-50 ABRA Responses Reimbursable Detail” document.**

50. How many total ABC licenses, independently or in a group, utilized the ABRA RDO subsidy in FY14 and how many have done so thus far in FY15?

**Response: This information is contained in the attached “Question#47-50 ABRA Responses Reimbursable Detail” document.**

51. Please detail by Ward the number of ABRA RDO subsidies that were provided to establishments?

**Response: This information is contained in the attached “Question#51 ABRA Response” document.**

52. Please provide a monthly listing of the funds spent from the RDO subsidy program for FY14 and thus far in FY15?

**This information is contained in the attached “Question#52 ABRA Response” document.**

## **XI. Noise Issues**

53. How many complaints did ABRA receive from residents regarding noise from ABC establishments in FY14 and thus far in FY15? In addition, how many such complaints were referred to ABRA by MPD in FY14 and thus far in FY15?

**Response:**

**Complaints received from residents in FY 14: 347**

**Complaints received from residents in FY 15: 113**

**Complaints referred by MPD in FY 14: 4**

**Complaints referred by MPD in FY 15: 2**

54. Of those total complaints, how many did ABRA formally investigate?

**Complaints substantiated from residents in FY 14: 9**

**Complaints substantiated from residents in FY 15: 6**

**Complaints from MPD substantiated in FY 14: 0**

**Complaints from MPD substantiated in FY 15: 0**

55. How many citations were issued to ABC establishments for noise violations in FY14 and thus far in FY15? List each citation and establishment.

**Response:**

**FY 14**

<b>Establishment</b>	<b>Address</b>	<b>Date</b>	<b>Disposition</b>
1. Newtown Kitchen and Lounge	1336 U St NW	3/7/2014	SA Violation
2. NY NY Diva	2406 18th St NW	3/15/2014	SA Violation
3. NY NY Diva	2406 18th St NW	3/20/2014	SA Violation
4. NY NY Diva	2406 18th St NW	3/20/2014	SA Violation
5. Newtown Kitchen and Lounge	1336 U St NW	5/10/2014	SA Violation
6. Newtown Kitchen and Lounge	1336 U St NW	6/4/2014	SA Violation
7. Dahlak Restaurant	1771 U St NW	7/3/2014	SA Violation
8. Newtown Kitchen and Lounge	1336 U St NW	8/23/2014	SA Violation
9. Newtown Kitchen and Lounge	1336 U St NW	9/19/2014	SA Violation

**FY15**

1. Vita Lounge	1318 9th St NW	10/18/2014	SA Violation
2. Vita Lounge	1318 9th St NW	10/19/2014	SA Violation
3. Taste	1812 Hamlin St NE	11/15/2014	25-725 Case
4. New Kitchen and Lounge	1336 U St NW	12/18/2014	SA Violation
5. Manchester Bar and Restaurant	944 Florida Av NW	1/15/2015	25-725 Case pending
6. Climax Restaurant & Lounge	900 Florida Av NW	1/7/2015	Board Order Violation

56. Explain ABRA's current procedures with respect to responding and investigating complaints about noise from ABC establishments?

**Response: ABRA handles noise complaints according to DC Code § 25-725, Noise from a Licensed Premises – the code reads as follows:**

**25-725. Noise from licensed premises**

**(a) The licensee under an on-premises retailer's license shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment by the use of any:**

**(1) Mechanical device, machine, apparatus, or instrument for amplification of the human voice or any sound or noise;**

**(2) Bell, horn, gong, whistle, drum, or other noise-making article, instrument, or device; or**

**(3) Musical instrument.**

**(b) This section shall not apply to:**

**(1) Areas in the building which are not part of the licensed establishment;**

**(2) A building owned by the licensee which abuts the licensed establishment;**

**(3) Any premises other than the licensed establishment which are located within a C-1, C-2, C-3, C-4, C-M, or M zone, as defined in the zoning regulations for the District; or**  
**(4) Sounds, noises, or music occasioned by normal opening of entrance and exit doors for the purpose of ingress and egress.**

**(c) The licensees under this subchapter shall comply with the noise level requirements set forth in Chapter 27 of Title 20 of the District of Columbia Municipal Regulations.**

**The open access complaint process currently in place, allows complainants to forward complaints using the following methods:**

- ABRA Hotline;**
- Telephone call, during business hours;**
- ABRA E-Complaint;**
- E-mail; and**
- Letter**

**For complaints that are received while the noise (usually music) is active, complainants commonly call the ABRA Hotline and speak with the Supervisory Investigator on-duty.**

**The complaint is screened and documented to ensure it is handled by the appropriate agency. Irrespective of which agency is responsible for the complaint; the information is placed on the ABRA Noise Log. The following information is collected and entered on the noise log:**

- 1. Time and date of complaint**
- 2. Name and address of the establishment that is the subject of the complaint**
- 3. Name and address of the complaint, if available**
- 4. Nature of the noise complaint and**
- 5. Whether it is substantiated**

**If it is a matter for ABRA, using the complainant's address the Supervisory Investigator on-duty refers to the District of Columbia Official Zoning electronic map to determine the**

**zoning information. The Supervisory Investigator also refers to ABRA's records to determine if there is a Settlement Agreement.**

**Following this supervisory assessment, the complainant is provided with information concerning response options and the likelihood of violation based on zoning and other factors.**

**If it is determined that the circumstances are fitting for ABRA follow-up, the complainant is provided with an overview of the standard procedures for follow-up, which involves two investigators entering the residence to determine whether the noise can be heard while the doors and windows are closed. If the complainant elects to have investigators respond, the supervisor sends two investigators to the residence. Upon their arrival, the investigators enter and listen for the noise.**

**If the noise is not heard, investigators will advise the complainant and then will respond to the establishment and notify a representative that the business was the subject of a complaint.**

**If noise is heard the investigators will respond to the establishment, verify the source and advise a representative of the violation. In the days following the violation notification, one of the investigators will check the history for the establishment and write the citation consistent with the established fee schedule. The investigator will then respond to the establishment to obtain a signature on the citation and leave the appropriate representative (owner or ABC Manager) with a copy. Commonly, when there is an active Settlement Agreement with well-defined perimeters for noise licensees are found to be in violation, regardless of zoning. In these incidences, the assigned investigator prepares a formal report for the ABC Board.**

**Regardless of how and when the noise complaint is received, an ABRA employee will contact a representative (ABC Manager or owner) of the establishment by: phone; registered mail or in person to inform them that the establishment is the subject of a noise complaint.**

**ABRA's Noise Program Coordinator is a Supervisory Investigator who is responsible for maintaining the log, responding to questions and concerns, and conducting presentations. In situations where the law does not provide the desired relief the complainants are supplied with alternative methods to seek relief or a compromise via one the following processes:**

#### **Alternative Dispute Resolutions**

**Alternative Dispute Resolutions are efforts of complainants and ABC licensees to informally resolve issues. For noise – the agreed upon remedies commonly involve agreements to reposition speakers, determine and utilize predetermined volume settings and reduce bass settings (which is a common problem).**

#### **Settlement Agreements**



**A settlement agreement is a contractual agreement between an ABC licensee and most likely a protestant to a license, which becomes a part of the ABC license once approved by the ABC Board.**

### **Protests**

**A Protest is a written statement submitted to the ABC Board opposing the issuance of, or modification to, an establishment's ABC license. Protests are often initiated in regards to:**

- A new ABC license request or license renewal (every three years)**
- Transfer of an ABC license to a new location**
- Substantial changes to the nature of an operation, e.g. the addition of a sidewalk café, summer garden, extension of hours of operation or additional seating**
- Changes in license class (e.g. from restaurant to tavern)**
- Application for an entertainment endorsement**

57. Does ABRA provide training to ABC establishments, ANC's, community groups and District residents regarding compliance with noise laws of the District? If so, what sort of training occurs?

**Response: ABRA provides regularly scheduled trainings to ABC-licensed establishments, ANC's, community groups and all members of the public through a variety of means.**

- In FY 2014, 5 New Licensee Orientation training sessions were held. These trainings are open to the public and are strongly encouraged for new ABC licensees. On average, 15 individuals attend these training sessions.**
- In FY 2015, 5 New Licensee Orientation training sessions have been scheduled.**
- ABRA has dedicated a portion of its website to a variety of noise-prevention resources. Including the specifics of the District's Noise Control Act, ABC Board Orders that have been issued that address noise concerns, copies of ABRA Director Moosally's letters to ABC-licensees regarding the Noise Task Force and compliance with the provisions of the District's Noise Control Act, and detailed actions.**
- ABRA's Community Resource Advisor is also available to attend community meetings, upon request, addressing issues of community concern, including noise.**

## **XII. Entertainment Endorsements and Promoters**

58. How many ABC establishments currently have entertainment endorsements?

**Response: As of January 26, 2015, 582 establishments have an entertainment endorsement.**

59. Are promoters of events at ABC establishments currently regulated in any way?

**Response: The ABC Board has no jurisdiction over promoters, and thus they are not regulated by ABRA or the Board. However because the Board exercises jurisdiction over**

licensed establishments, the Board does, on an as needed basis, prohibited or limit the use of promoters by terms in a Settlement Agreement, Board Order or Offer-in-Compromise.

### **XIII. Protests**

60. How many protests regarding current ABC establishments or establishments applying for and ABC license were initiated in FY14 and have been initiated thus far in FY15?

**Response: There were 111 protests filed against 81 establishments in FY14. Of those, 70 were filed by Advisory Neighborhood Commissions, 12 were filed by Neighborhood Associations, 21 were filed by Groups of Five or More Individuals and eight were filed by abutting property owners.**

**As of January 31, 2015, 32 protests have been filed against 24 establishments in FY15. Of those, 20 were filed by Advisory Neighborhood Commissions, one was filed by a Neighborhood Association, nine were filed by Groups of Five or More Individuals, and two were filed by abutting property owners.**

### **XIV. Holiday Extension of Hours Act (“Act”)**

61. Provide how many ABC establishments applied to have extended hours during the holidays in FY14 and thus far in FY15?

**Response: In FY14, 191 ABC establishments applied for extended hours during the holidays. Of these, 181 applications were approved and 10 were denied by our agency. Thus far in FY15, 177 ABC establishments applied for holiday extended hours with 166 approved and 11 being denied by our agency.**

62. How many ABC establishments were found to be open later than the hours allowed under the Act? Please provide the locations of each establishment.

**Response: During FY14 there were 18 establishments found to be in violation of the act.**

- 1. Tattoo, 1413 K St NW (11/28/2013)**
- 2. Fiesta Restaurant and Lounge, 1327 Connecticut Ave NW (1/1/2014)**
- 3. The Queen Vic, 1206 H St. NE (1/1/2014)**
- 4. El Tamarindo Adam Morgan, 1785 Florida Ave. NW (1/1/2014)**
- 5. Vendetta, 1210-1212 H St NE (1/1/2014)**
- 6. Bukom Café, 2442 18<sup>th</sup> St. NW (1/1/2014)**
- 7. Little Fountain Café/Angles, 2339 18<sup>th</sup> St NW (1/1/2014)**
- 8. Bossa Brazilian Bistro, 2463 18<sup>th</sup> St NW (1/1/2014)**
- 9. Smith Commons, 1245 H St NE (1/1/2014)**
- 10. Mellow Mushroom, 2436 18<sup>th</sup> St NW(1/1/2014)**
- 11. RedRocks, 1348 H St NE (1/1/2014)**
- 12. Li’L Pub, 655 Pennsylvania Ave SE (1/1/2014)**
- 13. Player’s Lounge, 2737 M.L. King Jr. Ave. SE (1/1/2014)**

14. Uniontown Bar & Grill, 2200 Martin Luther King Jr. Ave. SE (1/1/2014)
15. Da Luft Restaurant & Lounge, 1242 H St NE (1/1/2014)
16. Ambar, 523 8<sup>th</sup> St SE (1/1/2014)
17. Redrocks, 1348 H Street, NE (1/1/2014)
18. Dahlak Restaurant, 1771 U Street, NW (1/1/2015)

To date during FY15 a total of 4 establishments have been found in violation of the act.

1. DA Luft, 1242 H St NE (1/1/2015)
2. STK, 1250 Connecticut Ave NW (1/1/2015)
3. Axum, 1934 9<sup>th</sup> St. NW (1/1/2015)
4. Cloud, 1919 9<sup>th</sup> St NW (1/1/2015)

63. Please provide a narrative of how ABRA regulates and monitors ABC establishments that have extended hours under the Act?

**Response: The Enforcement Division receives a list from the Licensing Division which lists those establishments that have applied and been approved for the extended hours. The investigators then monitor all areas of the District for establishments in non-compliance.**

64. How has ABRA educated ABC establishments, ANCs, community groups, and District residents regarding the provisions of this Act?

**Response: The specific details of the Holiday Extension of Hours program are mailed to every on-premises licensee. Additionally, ABRA conducts a robust communication campaign to disseminate information on this program to all registered recipients on ABRA's list-serv that utilizes a portion of the ABRA website to support all related information and registration documents. Furthermore, information regarding this program is conveyed during ABRA's New Licensee Orientation training sessions and is also provided to the public whenever ABRA's Community Resource Advisor attends community meetings.**

#### **XV. Omnibus Alcoholic Beverage Regulation Amendment Act of 2012 ("Omnibus Act")**

65. Please provide a narrative on ABRA's status of implementing the Omnibus Act?

**Response: ABRA implemented the Omnibus Act in multiple ways. First, ABRA created and placed on its website quick guides regarding various provisions of the new law, including an informational guide on "growlers", which are allowed to be sold under the Act by certain licensees. ABRA also revised its civil penalty schedule contained in Title 23 of the D.C. municipal regulations to implement several of the new violations created under the Act. Additionally, ABRA modified several of its license applications as a result of the creation of new license and permit categories, including the new wine pub permit. ABRA also implemented the new licensee orientation class required by the Act.**

66. Please provide a narrative of the training and outreach done by ABRA to educate ABC establishments, ANCs, community groups, and District residents regarding the provisions of this Omnibus Act?

**Response: See the response to Question 57 above. In addition to the Agency's New Licensee Orientation training sessions and public outreach at community meetings, ABRA also held three training sessions in February 2015 for new ANC Commissioners that covered the major provisions of this Act. These ANC trainings also serve as refresher training for incumbent ANC Commissioners.**

67. Please provide whether or not additional resources are needed in FY15 to fully implement the Omnibus Act?

**Response: ABRA has sufficient resources to fully implement the Act.**

## **XVI. Other**

68. Please identify all electronic databases maintained by ABRA, including the following:

A. A detailed description of the information tracked within each system

**Response: Accela is the electronic business system used to track ABRA licensing information. It maintains a list of employee users. The information tracked includes retailer, wholesaler, and manufacturer new license applications, transfer applications, substantial changes, solicitor, and associated license statuses. The Accela electronic database also tracks certified alcohol awareness courses, license renewals, temporary and one day licenses, daily importer permits, licensing fees and payments, and enforcement citations, and protests.**

B. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system

**Response: Migration to Accela occurred in October 2008. Our agency intends to substantially upgrade Accela in FY15 and FY16 in conjunction with ABRA's separation from OCTO as our Agency's Accela host.**

C. Whether the public can be granted access to all or part of each system

**Response: Currently, the public is granted virtual access to ABRA through abra.dc.gov. The public is afforded access to view active licensee lists, obtain licensing and enforcement information, print applications and register for ABRA's listserv. Pending migration and upgrades to ABRA's electronic business system, citizen access can be provided to the public side of the Accela system.**

69. What has the agency done in the past year to make the activities of the agency more transparent to the public? In addition, please identify ways in which the activities of the agency and information retained by the agency could be made more transparent.

**Response:** The Alcoholic Beverage Control Board (Board) recognizes that an open government is critical to engendering the public's trust and confidence in government officials. The enactment of the District of Columbia's Open Meetings Act (OMA) in 2011, sets forth the statutory duty for government officials to conduct their meetings in the open, except in certain limited circumstances, and in doing so, the Act formalized many of the Board's current practices. The Board is committed to operating in a manner that is responsible, transparent, and accessible to the public it serves.

To that end it is the policy of this Board that the public is given advance notice of all hearings and meetings at which any business is discussed or acted upon. Exceptions to the public's right to attend meetings exist only in those limited circumstances where the law has specifically determined that the deliberations regarding the business must be kept confidential.

Notice of the Board's open meetings is accomplished in the following ways:

a. **Annual Calendar of Hearing Dates** - the Board posts its annual hearing meeting calendar for the coming year on the agency's website and to the exterior bulletin board located outside the Board's Hearing Room. The annual calendar of hearing dates is kept current at all times.

b. **Board Agendas** – the Board publishes to the DC Register all of its administrative agendas requiring discussion and vote on a weekly basis. The Board's Investigative Agenda is also published but the discussion of the agenda items is conducted in closed meeting pursuant to the exception under §2-575(b) of the OMA regarding investigations.

d. **Hearing Calendar** – the Board also publishes its weekly hearing calendar to the DC Register. This calendar lists all of the hearings set for adjudication before the Board for that week. All adjudicatory hearings are open to the public, however deliberations following the closing of the record for a given hearing will be conducted in closed meeting pursuant to the exception under §2-575(b) regarding deliberations.

For Closed Meetings, the Board gives notice of the intent to close a meeting on the record and includes the statutory citation and reason for closure. The Board conducts a roll call vote to close a meeting.

Notice for Emergency Meetings such as a Summary Suspension Hearing or a Fact Finding Hearing is provided as early as possible, but not less than 48 hours or two business days, whichever is greater, before a hearing. This is accomplished by publication to the Board's exterior bulletin board located outside the Board's hearing room and to the Agency's website.

For retained information – The Board makes all public records available to the public within two business days of receipt of request for records. The results of the Board's actions on the Hearing Calendar, the Administrative Agenda, and the Investigative Agenda

**is published to the Agency’s website within 24 hours of the day the business is conducted by the Board.**

**All transcripts produced from open meetings are posted to the Agency’s website within two weeks of the hearing. This includes hearing transcripts and the Board’s Administrative Agenda transcripts. Additionally, all Board Orders issued by the Board in a given week are posted to the agency’s website within 24 hours of signature.**

**The Agency’s Office of Public Information is charged with receiving, securing, archiving, and where applicable, disseminating, all records produced from open meetings and non-confidential licensing files.**

70. How does the agency solicit feedback from customers?

**Response: The agency receives feedback from its customers in multiple ways. For example, the agency receives feedback from its customers at licensee trainings, community meetings, and during routine enforcement inspections. Additionally, ABRA regularly receives feedback via e-mail, including through the utilization of the “Ask the Director” section of the ABRA website.**

**The Board regularly holds public hearings whenever it proposes changes to the regulations that govern ABC licensees. At these hearings, the Board solicits input and feedback from the community and industry and takes that information into consideration when formulating new rules. All rulemakings proposed by the Board are published in the D.C. Register and subject to a 30 day public comment period.**

**ABRA also utilizes both Facebook and Twitter to maintain a presence in Social Media. Many issues have been raised by District residents on these two platforms that were able to be promptly addressed due to their use. Additionally, the agency has several public points of contact prominently displayed on its website ([abra.dc.gov](http://abra.dc.gov)) providing users with contact information through which they may submit a complaint.**

71. Has the agency changed its practices as a result of such feedback?

**Response: Yes. The agency has changed several of its practices and procedures as a result of such feedback. These changes include ABRA developing and implementing an electronic list serv in response to requests from our customers for additional information and notice. ABRA’s Licensing Division has also adjusted some customer service practices suggested by customers to enhance the quality of customer service provided by ABRA.**

**Many complaints that are received by ABRA are submitted to address operational issues with an ABC-license holder. These complaints are routed to ABRA’s Enforcement division for appropriate follow up action. To facilitate submission of complaints of this nature, an electronic complaint submission form was added to ABRA’s website allowing users to submit a complaint in their own words at any time of the day.**

**Complaints that are received and address agency operational procedures are reviewed and, if merited, changes or corrections are made on an as-needed basis. An example of this would be posting of the Notice of Public Hearing at the physical premises for which the an ABC license application had been received. The notice itself was posted in such a way that obscured a mural that had been painted onto the applicant premises. Upon receipt and verification of the complaint, an ABRA investigator promptly relocated the notice so that the artwork was no longer covered.**

72. Please provide any additional information, feedback, or requests to the Committee that ABRA deems necessary.

**Response: ABRA has no additional feedback or requests at this time.**