

**Alcoholic Beverage Regulation Administration ("ABRA")**  
**FY15-16 Performance Oversight Hearing Questions**  
**Committee on Business Consumer and Regulatory Affairs**  
**Vincent B. Orange, Chairperson**

**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 FY15 and thus far in FY16.

**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 Position Listing document.**

3. Provide the number of FY15 full-time equivalents ("FTEs") for the agency, and FY16 FTEs to date, broken down by program and activity. Please also note the number of vacancies at the close of FY15 and in FY16, to date, by program and activity.

**Response: Please see the attached ABRA FY15 and FY16 Schedule A 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 in response number 3.**

B. How many vacancies within the agency were posted during FY15 and how many have been posted during FY16, to date?

**Response: ABRA advertised 13 vacancies in FY15. As of February 18, 2016, ABRA has advertised three vacancies thus far in FY16.**

4. 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: Please see the attached worksheet entitled Cellular Devices 2016.**

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

**Response: Please see the attached worksheet entitled Electronic Devices 2016.**

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

**Response: ABRA has nine vehicles that are assigned as follows:**

**Supervisor Keith Gethers**

		<b>year</b>	
DC-5765	Chevy Impala	2006	Donnell S. Butler
DC-5922	Chevy Impala	2006	Earl Jones
DC-10190	Toyota Corolla	2013	Abyie Ghenene
DC-8842	Dodge Caravan	2014	Kofi Apraku
DC-10595	Toyota Corolla	2014	Felicia Dantzler
			Vernon Leftwich

**Supervisor Craig Stewart**

		<b>Year</b>	
DC-5749	Chevy Impala	2006	Tasha Cullings
DC-5925	Chevy Impala	2006	John Suero
DC-10596	Toyota Corolla	2014	Mark Brashears
DC-10191	Toyota Corolla	2013	Sean Townsend
			Jason Peru
			Kevin Puente

- D. A list of employee bonuses or awards granted in FY15 and FY16, to date, if any.

**Response: Please see the attached document entitled Bonuses-Awards.**

- 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: Please see the attached worksheet entitled Travel for FY15-FY16.**

5. Please list and describe all employee training provided in FY15 and FY16, to date. In addition, please list and describe all proposed employee training for the remainder of FY16.

**Response: Please see the attached worksheet entitled Employee Training for FY15-FY16.**

6. 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: Yes, ABRA conducts mid-year and annual performance plans for its employees, including managers. Mid-year performance plans are required to be completed by managers and reviewed with the employee. The mid-year is a marker for the employee to ensure they are on track to meet or exceed their performance goals. Annual performance plans 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 meeting 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 with meeting all job requirements.**

7. Please provide a list of the total overtime payments paid in FY15 and FY16, to date.

**Response: Please see the attached worksheet entitled Overtime FY15-FY16.**

8. 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: The Enforcement Division offers overtime for matters related to investigative operations and special events. Operational matters where overtime would be approved includes investigating violent incidents after normal working hours; undercover operations during hours the investigative staff is not normally working; and 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). In addition, overtime is granted for time sensitive investigative or administrative matters, which cannot be completed during the employee's regular working hours. Additionally, overtime may be offered to work on time sensitive licensing projects or to attend community meetings.**

9. Please provide a list of workman's compensation payments paid in FY15 and FY16, to date.

**Response: Please see the attached worksheet entitled Workman's Compensation.**

## **II. Budget**

10. Please provide a chart showing ABRA's approved budget and actual spending, by program, for FY15 and FY16, to date. In addition, describe any variance between fiscal year appropriations and actual expenditures for FY15 and FY16, to date.

**Response: Please see the attached worksheet for question number ten.**

11. List any reprogrammings which occurred in FY15 or which have occurred in FY16, 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: Please see the attached worksheet entitled FY15 and FY16 Reprogrammings.**

12. Provide an accounting of all intra-District transfers received by or transferred from the agency during FY15 or during FY16, to date.

**Response: Please see the attached worksheet entitled Intra District Transfers FY15-FY16.**

13. Does the agency anticipate any additional spending pressures for FY16? 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 for FY16.**

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

14. Provide a list of all properties occupied by ABRA in FY15 and thus far in FY16. For each property, what were your total rental costs in FY15 and what have been your total rental costs thus far in FY16?

**Response – ABRA occupied the Reeves Center located at 2000 14<sup>th</sup> Street, NW, in FY15 and thus far in FY16. ABRA's rental costs are budgeted within the Department of General Services.**

15. Provide a list of ABRA's fixed costs budget and actual spending for FY15 and thus far in FY16.

**Response: Please see the attached worksheet entitled FY15 and FY16 Fixed Cost.**

16. What steps were taken in FY15 and FY16, to date to reduce the following:

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

**Response: During FY 2015 and FY 2016, ABRA has made every 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 that we are updated on the latest issues and concerns with conserving energy. Additionally, ABRA has participated in DGS' building survey; to include assisting a team of engineers in taking an inventory of all of 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 two 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**

17. How many ABC establishments did ABRA check in FY15 and thus far in FY16 for compliance with underage drinking laws, and how many such illegal sales did you observe?

**Response: ABRA conducted 905 compliance checks in FY15 with 99 sale to minor violations taking place. As of January 31, 2016, ABRA has conducted 253 compliance checks in FY16 with 33 sale to minor violations taking place.**

18. Has ABRA received any federal funds or grants with respect to combat underage drinking in either FY15 or FY16, to date?

**Response: ABRA did not receive any federal funds in FY15 or FY16 for compliance with underage drinking laws. 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. 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 FY15 and thus far in FY16? (Please provide a list of complaints and investigations by college or university in the District)

**Response: Yes, ABRA is still operating the "DC: Double Check 101" Program. ABRA received ten complaints in FY15 through the DC: Double Check 101 Program and followed each complaint with some form of enforcement action (monitoring, meeting with management, ID checks, etc.) As a result of the complaints, seven investigative cases were generated by ABRA's Enforcement Division. To date in FY16, ABRA has received four complaints through the DC: Double Check 101 Program and is following up with some form of enforcement action. Two investigative cases were generated by the Enforcement**

**Division as a result of these complaints. A spreadsheet containing a list of complaints received under the DC: Double Check 101 Program is attached.**

20. Please provide a complete list of sales to minor violations in FY15 and FY16, 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: Please see the attached FY15 and FY16 spreadsheets for question 20. In FY15 there were ten compliance rechecks which resulted in two (2) violations. To date in FY16 there have been 14 compliance rechecks which resulted in one (1) violation.**

21. Please provide a list of establishments who have had their licenses revoked for multiple sales to minor violations in FY15 and FY16, to date.

**Response: Of the three (3) licenses that were revoked in FY15 and FY16 to date, neither was revoked for reasons of multiple sales to minor violations. A listing of the licenses revoked by the ABC Board is contained below in the response to Question 24.**

22. 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. How many compliance checks were completed in FY15? How many compliance checks have been completed in FY16, to date? How many illegal sales did ABRA observe?

**Response: During FY15, Wards 7 and 8 had a total of 76 active Class A and B establishments, and three Class CR establishments. A total of 23 establishments were visited on two or more occasions. The total number of compliance checks for Ward 7 was 48 with nine illegal sales. The total number of compliance checks for Ward 8 was 53 with eight illegal sales.**

**During FY16, Wards 7 and 8 had a total of 80 active Class A and B establishments, and three Class CR establishments. A total of 81 establishments were visited on two or more occasions. The total number of compliance checks for Ward 7 was 90 with nine illegal sales. The total number of compliance checks for Ward 8 was 83 with 12 illegal sales.**

## **V. Other Enforcement**

23. 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 FY15 and thus far in FY16?

**Response: The ABC Board conducted 71 Show Cause Hearings in FY15 and six (6) Show Cause Hearings year-to-date in FY16 (through the end of January 2016).**

24. How many ABC establishments had their licenses either revoked or suspended by ABRA in FY15 and thus far in FY16? Please provide a list of these establishments and the reasons for suspension or revocation.

**Response: There were three license revocations in FY15. The three licenses that had their licenses revoked were:**

- (1) District-Retailer Class CR, located at 2473 18<sup>th</sup> Street, NW. The license was revoked by the Board for interfering with an investigation (See order number 2015-123).**
- (2) Ibiza-Retailer Class CN, located at 1222 1st Street, NE. The license was revoked by the Board due to the failure to comply with the terms of a previous Board order. (See order number 2015-279).**
- (3) NY NY Diva-Retailer Class CR, located at 2406 18<sup>th</sup> Street, NW. The license was revoked by the Board due to violations of Title 25. (See order number 2014-435).**

**There have been no license revocations thus far in FY16 (through the end of January 2016).**

**There were seven licensees in FY15 that the Board summarily suspended following a Chief of Police closure. Those seven establishments are:**

- (1) McFadden's, 2401 Pennsylvania Ave, N.W;**
- (2) Heritage India/The Zanzibar, 1901 Pennsylvania Ave, NW;**
- (3) Chuck & Bill Bison Lounge, 2718 Georgia Ave, NW;**
- (4) Da Luft Restaurant and Lounge, 1242 H Street, NW;**
- (5) T & T Association, 5123 Georgia Ave, N.W.;**
- (6) Halftime Sports Bar, 1427 H Street, NE;**
- (7) Stadium Club, 2127 Queens Chapel Road, NE.**

**There have been four licenses thus far in FY16 (through February 2016) that the Board summarily suspended following a Chief of Police closure. These establishments are:**

- (1) Bliss, 2122 24th Place, NE;**
- (2) Layla Lounge, 501 Morse Street, NE;**
- (3) Mesobe, 1853 7th Street, NW;**
- (4) Barcode, 1101 17th Street, NW.**

**All of the 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.**

**Excluding the licenses that are suspended as the result of summary suspension cases, ABRA suspended 24 licenses in FY15 and 11 licenses in FY16 (through January 2016).**

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

**Response: To date, all of the establishments whose licenses were suspended in FY15 or FY16 had their suspension lifted with the exception of Mesobe, which is currently in enforcement hearing processes with the Board.**

26. How many establishments, if any, were cited for not having security plans in FY15 and FY16, to date?

**Response: During FY15 there were six establishments cited for not having security plans. In FY16, to date, there have been three establishments cited for not having security plans.**

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

27. How many total ABC establishments were cited for violations regarding their books and records in FY15 and thus far in FY16?

**Response: During FY15 there were 39 establishments cited for violations regarding their books and records. In FY16 to date there have been seven establishments cited for books and records violations.**

28. Did the agency meet the objectives set forth in its performance plan for FY15? 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 its objectives set forth in its performance plan for FY15. 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.**

29. How well is ABRA currently meeting the objectives set forth in its performance plan for FY16? 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 or exceed all of its objectives in its FY16 performance plan. ABRA management and staff are tracking the agency's progress throughout the fiscal year.**

30. Please list and describe any ongoing or completed investigations, studies, audits, or reports on your agency or any employee of your agency during FY15 or FY16, to date.

**Response: Since ABRA's February 20, 2015 Committee Oversight hearing, several District agencies, including ABRA, received a report dated May 4, 2015 from the Office of Integrity and Oversight, Office of the Chief Financial Officer entitled, "Audit of Internal Controls over the Cash Collection Process at Selected Non-OCFO Agencies" (OCFO report). The objectives of the audit were to determine whether selected non-OCFO agencies complied with applicable laws and regulations regarding cashiering operations and to evaluate the**



**effectiveness of internal controls to safeguard the District's assets from fraud, waste, and abuse.**

31. Please identify any recommendations regarding ABRA made by the Office of the Inspector General or the D.C. Auditor during FY15 or thus far in FY16. Please note what actions have been taken to address these recommendations.

**Response: As it relates to ABRA, the OCFO report included several recommendations. These recommendations include but are not limited to the OCFO report recommending that ABRA ensure that cashiers provide a complete description of the reason and maintain evidence for a voided transaction, and identify the corrected transaction, if one was required. The OCFO report also recommended that supervisors before approving a voided transaction in iNovah, review and approve the supporting documentation for voiding the transaction to ensure transparency and validity of the void. In response to these recommendations, ABRA, in coordination with the OCFO, retrained its cashiers and supervisors regarding the expected process for reviewing, voiding and approving a voided transaction in iNovah.**

**Additionally, the OCFO report recommended that ABRA identify iNovah codes that are no longer used and deactivate unneeded allocation codes. As a result of this recommendation, ABRA worked with the OCFO and Office of Finance and Treasury to deactivate eight allocation codes that were no longer needed by the Agency.**

## **VII. Contracting and Procurement**

32. Please list each contract, procurement, lease and grant awarded or entered into by ABRA during FY15 and FY16, 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 for question number 32.**

33. Please provide a list of all MOUs in place during FY15 and FY16, to date.

**Response: Please see the attached worksheet for question number 33.**

## **VIII. Voluntary Agreements**

34. How many voluntary agreements were submitted to the ABC Board for review and approval in FY15 and thus far in FY16?

**Response: There were 164 new or amended settlement agreements submitted to the Board for review in FY15. In FY16, to date, 42 new or amended settlement agreements have been submitted to the Board for review.**

35. How many such agreements were approved in FY15 and thus far in F16?

**Response: There were 171 new or amended settlement agreements approved by the Board in FY15. In FY16, to date, 42 new or amended settlement agreements have been approved by the Board.**

36. How many voluntary agreements were either violated or terminated in FY15 and how many have been violated or terminated thus far in FY16?

**Response: During FY15, a total of 32 establishments were cited for violations regarding their settlement agreements. In FY16, ten (10) establishments have been cited thus far for violating their settlement agreements.**

**In FY15, the Board terminated zero (0) settlement agreements. In FY16, as of January 31, 2016, the Board has not terminated any settlement agreements.**

37. 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: Three establishments filed petitions received by ABRA in FY 2015 to have their settlement agreements terminated All three of these licensees' petitions were denied by the Board. The three establishments were:**

- 1) **Roses Liquors, 830 Bladensburg Road, NE;**
- 2) **Logan Circle Liquors, 1018 Rhode Island Ave, NW; and**
- 3) **S&S Liquors, 6925 4<sup>th</sup> Street, NW.**

## **IX. Board Questions**

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

**Response: There are currently five (5) seats that are filled on the ABC Board. As of February 19, 2016, there are two (2) vacant seats on the ABC Board.**

39. 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>Donovan Anderson</b>	<b>November 3, 2015</b>	<b>May 7, 2019</b>
<b>Nick Alberti</b>	<b>June 3, 2008</b>	<b>May 7, 2019</b>
<b>Ruthanne Miller</b>	<b>December 6, 2011</b>	<b>May 7, 2016</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, 2019</b>

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

**Response:** Donovan Anderson, Chairperson, Ward 7  
Nick Alberti, Member, Ward 6  
Ruthanne Miller, Member, Ward 3  
James N. Short, Member, Ward 7  
Mike Silverstein, Member, Ward 2

41. What was the attendance rate of each ABC Board member at Board meetings in FY15 and what has been the attendance rate of each member at Board meetings in FY16, to date?

**Response:** This information is contained in the attached question number 41 ABC Board attendance documents. The information on the attached worksheet for FY16 is current through February 3, 2016.

42. The ABC Board's hours sometimes pose difficulty for community and ANC volunteers who hold a job during the traditional work week. Does the ABC Board have any plans to offer protestants an opportunity to be heard on evenings or weekends?

**Response:** The ABC Board has a 4:30 p.m. protest hearing time slot available weekly to accommodate protestants. Because evidentiary protest hearings last several hours, the 4:30 p.m. time slot provides ANC commissioners and community members the opportunity to testify later in the evening after their regular work hours.

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

43. How much of the RDO subsidy did your agency spend in FY15 and how much has been spent so far in FY16?

**Response:** Please see the attached RDO FY15 and FY 16 spreadsheet.

44. How many total ABC licenses, independently or in a group, utilized the ABRA RDO subsidy in FY15 and how many have done so thus far in FY16?

**Response:** Please see the attached RDO FY15 and FY 16 spreadsheet.

45. Please provide a monthly listing of the funds spent from the RDO subsidy program for FY15 and thus far in FY16?

**Response: Please see the attached RDO FY15 and FY 16 spreadsheet.**

#### **XI. Noise Issues**

46. How many complaints did ABRA receive from residents regarding noise from ABC establishments in FY15 and thus far in FY16? In addition, how many such complaints were referred to ABRA by MPD in FY15 and thus far in FY16?

**Response:**

**Number of complaints for FY 15: 277**

**Number of complaints for FY 16: 118**

**Number of complaints referred by MPD in FY2015: 4**

**Number of complaints referred by MPD in FY 2016: 1**

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

**Response: The number of noise complaints substantiated in FY 15 was ten. The number of noise complaints substantiated, thus far, in FY 16 is six.**

48. How many citations were issued to ABC establishments for noise violations in FY15 and thus far in FY16? List each citation and establishment.

**Response: ABRA is currently submitting investigative reports involving noise violations to the ABC Board for appropriate enforcement action instead of issuing noise citations.**

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

**Response: ABRA responds to noise complaints according to DC Official Code § 25-725:**

#### **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 phone hotline;
- ABRA on-line complaint form;
- Email; 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 recorded to ensure that it is responded to by the appropriate agency. 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 the complaint;
2. Name and address of the establishment that is the subject of the complaint;
3. Name and address of the complainant, if available;
4. Nature of the noise complaint; and
5. Whether the complaint is substantiated.

If it is a matter for ABRA, using the complainant's address the on-duty Supervisory Investigator refers to the District of Columbia Official Zoning electronic map to determine the zoning information. ABRA records would also be reviewed to determine if there is a settlement agreement.

Following this supervisory assessment; the complainant is provided with information concerning ABRA's response options and the likelihood of a violation based on zoning information.

If it 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 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 the residence to listen and determine if there is a noise violation.

If the noise is not heard, investigators will advise the complainant and notify the licensee's representative that the business was the subject of a complaint.

If noise is heard the investigators will respond to the establishment, verifying the source and advise the licensee's representative (owner or ABC Manager) of the violation. In the days following the violation notification, one of the investigators will prepare a case report. The report will detail the circumstances and investigative findings.

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 or registered mail, or in person to inform them that the establishment is the subject of a noise complaint.

ABRA's Noise Program Coordinator is Supervisory Investigator Keith Gethers 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 Resolution-Efforts** are undertaken with 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 Agreement Enforcement-ABRA** is responsible for enforcing the terms of settlement agreements. A settlement agreement is a contractual agreement between an ABC licensee and often a protestant to a license, which becomes part of the terms of the ABC license.

**Filing a Protest--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 application 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 to license class (e.g. from restaurant to tavern); and
- Application for an entertainment endorsement.

50. How many times has the Noise Task Force gone out to investigate noise complaints in FY15 and thus far in FY16? Please provide the dates and the locations.

**Response:** The Noise Task Force made 576 visits to establishments in FY 2015. The Noise Task Force has made 24 visits to establishments thus far in FY 2016.

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

51. How many ABC establishments currently have entertainment endorsements?

**Response: As of December 1, 2015, 597 establishments have entertainment endorsements.**

52. Please provide a summary of ABRA's new regulations regarding "pub crawls".

**Response: The Board adopted emergency and proposed rules regarding pub crawls on January 13, 2016. The emergency rules are in effect until May 13, 2016; 120 days after the emergency rules were adopted, unless superseded or terminated. The Board's objectives for adopting the emergency and proposed rules were to: (1) ensure that pub crawls are conducted in a responsible, safe, and orderly manner; and (2) protect the rights and privileges of affected District residents and businesses.**

**The Board has received numerous complaints in recent months from District residents, Advisory Neighborhood Commissions, Business Improvement Districts, and the Metropolitan Police Department concerning pub crawls, specifically as it relates to noise, litter, crowd control, and public intoxication. The emergency and proposed rules seek to address these concerns by putting more requirements in place and giving the Board more authority over pub crawl promoters and/or organizers.**

**The proposed rules amend 23 DCMR § 712 by:**

- 1. Revising the pub crawl license requirements;**
- 2. Establishing a pub crawl licensing fee;**
- 3. Giving the Board more authority to manage pub crawls; and**
- 4. Strengthening the requirements for pub crawl applicants regarding their responsibilities before, during, and after pub crawl events, to include having a litter removal plan in place.**

## **XIII. Protests**

53. How many protests regarding current ABC establishments or establishments applying for and ABC license were initiated in FY15 and have been initiated thus far in FY16?

**Response: There were 127 establishments protested in FY15. There have been 36 establishments protested in FY16, as of January 31, 2016.**

## **XVI. Other**

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

- A. A detailed description of the information tracked within each system
- B. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system
- C. Whether the public can be granted access to all or part of each system

**Response: ABRA currently maintains its electronic database via licensing software offered by proprietor Accela, Inc. ABRA will initially upgrade to Version 7.3.3 and then upgrade again to newly released version 8.0 in late Spring of 2016. The database is utilized by ABRA's licensing, enforcement, and adjudication divisions.**

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

**The Accela licensing software system maintained by ABRA is currently hosted by OCTO. OCTO is scheduled to be released from hosting ABRA in April 2016. The Accela system and data is expected to migrate onto Accela servers and be hosted in a Cloud environment. Current ABRA data will be migrated and hosted by Accela servers for the purpose of retaining current and historical data including current and former licensee files and records as well as licensure information and reporting. The Accela system also:**

- 1. Establishes and maintains lists of users;**
- 2. Creates lists of record types (license types and statuses, substantial changes, change of offices/ownership information, renewals and payments with receipts, protests, enforcement complaints, citations, comments, workflows, etc.);**
- 3. Creates a list of reports to include any documents that are generated by Accela (e.g. receipts, licenses, citations, etc.);**
- 4. Generates statistics on the number of records (e.g. how many records for each type of license and how many complaints per type, etc.);**
- 5. Maintains billing and payment invoices relevant to new and existing licenses and renewals;**

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

**The migration to OCTO hosted Accela services occurred in October 2008. Initial stages of system upgrades were completed with finalization of upgrade and migration taking place in April 2016. This included the first phase of scrubbing old system data; preparing data for upgrades; system migration and releasing OCTO from hosting ABRA in April 2016. A second phase of migrating to the upgraded version of Accela will include staff training. Phase**



**three will include implementation of Accela Citizen's Access, which features online payment and renewals.**

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

**As part of Accela's upgrade, the public will be granted access to Accela in 2016 through the Accela Citizens Access portal. The public will be able to establish and access secure, interactive, individual user accounts; submit license applications; make payments via PayPal interface; and peruse licensing data and/or request information.**

55. 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: ABRA provides transparency to the public through a multi-pronged approach.**

**First, all Alcoholic Beverage Control Board public hearing notices, agendas, decisions, orders, transcripts and rulemakings are made available on ABRA's website. The majority of these documents are posted to the site on a weekly basis. Many of the same documents are also posted to the DC Register.**

**Second, members of the public can sign up to have notice of many Board and agency activities emailed directly to their inbox each week. This includes Board schedules, agendas, orders and decisions as well as ABRA trainings, media releases, licensee updates and newsletters.**

**In addition, all Board hearings are open to the public. Hearing schedules are communicated not only through the website and email updates but also on placard notices that are posted on affected establishments. These notices provide the public with notice of business development in their community and allow them to be a part of the process.**

**The agency's Legal Division worked with ABRA's Public Information Officer to develop information to be provided at community and ANC meetings to educate and inform community members during license renewals. These talking points also address requirements for the submission of settlement agreements.**

56. How does the agency solicit feedback from customers?

**Response: Last year, ABRA conducted a five-month survey on its website to learn from users how well the site was working for them and any needed improvements. The agency is currently in the process of conducting a survey on ABRA trainings to find out how well**

**those are working for licensees and the community and whether we need to make any adjustments to what is being covered or to the agency's presentations.**

**The agency also encourages licensees and the public to provide comment on rulemakings. A good example of this includes the upcoming hearings on the Georgetown Moratorium Zone on Feb. 24, 2016; the pub crawl regulations hearing on March 2, 2016; and the Glover Park Moratorium hearing on March 30, 2016.**

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

**Response: As a result of the website survey, ABRA implemented a number of improvements to the website. A library of 15 informational pages based on establishment type was added to the website that include resources applicable to those establishments. Protest information was streamlined into a single-resource page that can now be found in several places on the site. A request that was made for a video on the application process is currently in development and will be rolled out soon.**

58. 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.**