

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

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In the Matter of)	
)	
Sweet Mango Café Corporation)	
t/a Sweet Mango Café)	Case No.
Holder of a Retailer's Class CR)	
License at)	License No. 072512
3701-3707 New Hampshire Avenue, N.W.)	
Washington, D.C. 20010)	
)	
Respondent)	
_____)	

NOTICE OF SUMMARY SUSPENSION

To: Reginald James, President
Sweet Mango Café Corporation
t/a Sweet Mango Café
3701-3707 New Hampshire Avenue, N.W.
Washington, D. C. 20010

Pursuant to D.C. Official Code § 25-826 (a) (2001), the District of Columbia Alcoholic Beverage Control Board ("Board") hereby **summarily suspends** the above-captioned alcoholic beverage control ("ABC") license. The grounds for the suspension are outlined below.

On Saturday, December 5, 2009, at approximately 1:05 a.m. two patrons who had been ejected from the premises twice earlier in the evening returned to the establishment in a vehicle and fired several shots at the establishment injuring two patrons who were allegedly waiting in line to enter the establishment. Blood was later found soaking a carpet inside the vestibule of the establishment. There were no calls to the police that evening by the establishment even when the establishment had to repeatedly remove the same patrons because of their disruption of the peace.

Alcoholic Beverage Regulation Administration Investigator Bartlett and Investigator Holland interviewed the injured victims. Neither victim admitted being in the establishment. One of the victims said he had come to the establishment to go to a party downstairs at the establishment with the second victim. The second victim said he had come to the establishment alone. Supervisory Investigator Stewart received a call from the Metropolitan Police Department and arrived at the establishment at approximately 1:45. Mr. Augustini, who identified himself as the owner of the establishment, was extremely uncooperative with the Investigator. He lied or

misled the Investigator on several occasions. A check of the Alcoholic Beverage Regulation Administration records reveals that no person named "Augostini" has an ownership interest in the establishment.

The Investigator found that the basement of the establishment and the restaurant of the establishment had two separate entrances. Mr. Augostini told the Investigator that the basement of the establishment was never used for anything other than storage. The Investigator discovered that this was untrue. When the Investigator insisted on searching the basement, Mr. Augostini, claimed he did not have access to that part of the building. The Investigator discovered that this was untrue. Mr. Augostini went to the back door of the establishment and claimed the door was locked from the inside. The Investigator discovered that this was untrue. When the Investigator entered the basement of the establishment it was clear from the surroundings that the basement was used as a dance club. Mr. Augostini told the Investigator that the basement was only used for a baby shower. The Investigator discovered this was untrue. In the basement there was DJ equipment, lounge chairs and a dance floor. The establishment does not have an entertainment endorsement and their voluntary agreement specifically prohibits DJ's from using the basement. Further, there was a sign outside the establishment advertising entertainment with a DJ at the basement entrance. Commander Brown of the Fourth District of the Metropolitan Police Department indicates that in a recent neighborhood walk-through she has seen several advertisements where the establishment sought to hire a DJ.

When the owner, Mr. James, was contacted the next day, he continued to obfuscate the investigation. Mr. James claimed to have no knowledge of the uses of his establishment. Mr. James claimed that there was one security guard for the establishment, but that the security guard did not wear anything indicating he was employed by the establishment. On the day of the incident, no one was identified as security for the establishment. Further, this claim of security personnel was refuted by Mr. Augostini on the day of the incident.

The establishment is subject to a Board approved voluntary agreement. That agreement provides that the establishment will provide adequate and appropriate security on the premises. The agreement also provides that the establishment must call the Metropolitan Police Department if they observe loiterers or criminal activity. Finally, the agreement provides that the establishment will not have live entertainment (with the exception of non-amplified music), a DJ or dancing anywhere in the establishment. The prohibition against entertainment extends to all of the establishment's activities, including private parties.

The establishment has a history of nine (9) violations of Alcoholic Beverage Regulation Administration regulations in the last two years. While all such violations were for secondary offenses, this evidences a total disregard for the rules of holding an alcoholic beverage license. This total disregard coupled with the lack of security, their violation of the voluntary agreement, their refusal to call the police to control a dangerous situation and their deliberate misdirection of the investigation makes this establishment an imminent danger to the health and welfare of the community if they were to be allowed to remain open.

On Sunday, December 6, 2009, Chief Cathy Lanier of the Metropolitan Police Department closed the establishment pursuant to D.C. Official Code § 25-827, based on the

above mentioned facts and finding that continued operation of the establishment presented an **imminent danger** to the health and welfare of the community, and recommended that the establishment's license to sell alcoholic beverages be revoked by the Alcoholic Beverage Control Board under D.C. Official Code §25-826.

After an investigation and discussion of the above incidents, and in view of the facts presented above, the Board has determined that further alcoholic beverage operations under the above-captioned license presents an **imminent danger** to the health and safety of the public, mandating the summary suspension of the ABC license.

The holder of the above-captioned license has the right to request a hearing before the Board, and such request shall be filed with the Board within 72 hours after receipt of this notice. Should a request for hearing be filed in a timely manner, a hearing will be held within 48 hours of such request, and a decision will be rendered within 24 hours after the close of the hearing.

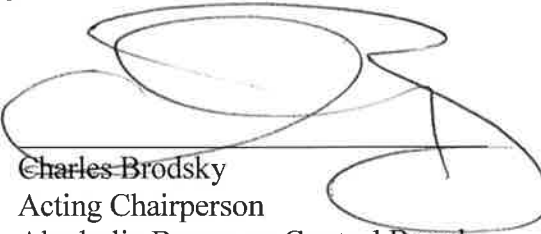
You may appear personally at the summary suspension hearing, and you as well as the establishment, may be represented by legal counsel. You have the right to produce witnesses and evidence on your behalf and to cross-examine witnesses. You may examine evidence produced and have subpoenas issued on your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

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

If you, any corporate officer, or any witnesses to be called, are deaf or because of a hearing impediment cannot readily understand or communicate the spoken English language, you or your witnesses may apply to the Board for the appointment of a qualified interpreter.

Please note that, under 23 DCMR § 1502.3, your failure to appear at the time and place set for the hearing, either in person or through counsel, or both, will not preclude the Board's proceeding in this matter.

12-8-09
DATE


Charles Brodsky
Acting Chairperson
Alcoholic Beverage Control Board