

# *Council's ABC bill requires further work*

**E**arlier this year, Ward 1 D.C. Council member

Jim Graham, chair of the Committee on Human Services, convened a 26-member task force consisting of business owners and representatives of various advisory neighborhood commissions and civic groups. That group produced the Omnibus Alcoholic Beverage Regulation Amendment Act of 2012 now before the full council.

Parts of that bill are well-considered, but other provisions warrant further deliberation and revision.

Clearly, both the current law and its enforcement are woefully lacking. Restaurants that morph into nightclubs, in particular, draw huge crowds that disturb the surrounding residents. Yet the Alcoholic Beverage Regulation Administration does not enforce the District's noise ordinance in mixed residential-commercial areas like western Dupont Circle.

There, the former Marrakesh Palace Pasha Lounge disrupted the peace, order and quiet of the surrounding neighborhood. More than 300 people live adjacent to and across the street from it. Its sound system was so loud that windows in the condominium next door actually rattled. Eventually, the landlord, not the Alcoholic Beverage Control Board, closed that operation down, if only temporarily.

Elsewhere in Dupont, a fight that broke out inside Heritage India last November spilled into the street, where a man was shot dead and three other people were stabbed. Then the Alcoholic Beverage Control Board suspended the license of Mood Lounge in Shaw for 10 days and fined the owner \$7,000 in connection with a double stabbing outside last December.

The existing law and regulatory practices, however, have been demonstrably ineffective in bringing such operations into line; enforcement generally has been unresponsive and, arguably, corrupt. Despite the lengthy list of these three establishments' violations and their patrons' unruly behavior investigated by the Alcoholic Beverage Regulation Administration and considered by the Alcoholic Beverage Control Board, all are still in business.

At its first reading of the bill on Dec. 4, the council struck the requirement that would limit challenges to applications by citizens associations and by residents.

But the pending legislation gives greater weight to advisory neighborhood commissions relative to neighborhood residents. If the Alcoholic Beverage Control Board approves the voluntary agreement between the applicant and its respective neighborhood commission, the protests of all other groups would be dismissed automatically.

Experience has shown that neighborhood commissions do not necessarily represent the interests of the affected residents. Dupont Circle commissioners, for instance, met with the owners of Marrakesh Palace Pasha Lounge and their attorney behind closed doors to craft a voluntary agreement, which they then represented as a done deal. The Alcoholic Beverage Control Board, however, determined that its terms diluted those of the voluntary agreement that our group of protestants had been negotiating openly and in good faith.

On June 12, the Committee on Human Services heard testimony that the chair of another neighborhood commission crafted a voluntary agreement that likewise went against its neighborhood's interests.

The council needs to strengthen regulation of the District's bars and restaurants. The draft bill, however, perpetuates the Alcoholic Beverage Control Board's practice of ignoring applicants' record of alcohol violations and police incidents when considering applications for licenses at other establishments or in transferring licenses. "No matter how many citations or arrests at the currently licensed business," Mark Rosenman observes in his Aug. 1 Viewpoint, "residents are powerless in using that documentation to prevent or moderate replication of those practices."

The measure currently before the council fails to strike the right balance between the interests of businesses and those of the residents of the surrounding area. In an Oct. 24 letter to the editor, task force member Abigail Nichols details how a slim majority of business members voted down resident members who opposed sections of the draft bill.

Supporters of the bill characterize its opponents as a faction that currently wields too much power in the licensing process. But Denis James maintains in his Oct. 10 Viewpoint that, in fact, those purported malcontents represent broad grass-roots opposition to the bill passed by Graham's committee.

Civic activists and knowledgeable observers agree: Given its long-lasting effects, the pending legislation requires revisions. The board of the D.C. Federation of Citizens Associations has concluded that, if not amended, the bill would prevent residents' meaningful involvement. Without significant changes, it would curtail direct public involvement in the licensing process unduly, and existing bad practices would be perpetuated.

The bill comes up for a final vote on Dec. 18.

*John Hammond lives in Dupont Circle.*