

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in D.C. Official Code §§ 25-211(b), 25-798 (2006 Supp.) and Mayor's Order 2001-96 (June 28, 2001) as revised by Mayor's Order 2001-102 (July 23, 2001), hereby gives notice of the adoption of emergency rules that create a new section 718 of Title 23 of the District of Columbia Municipal Regulations ("DCMR") to establish procedures for the recently created pilot subsidy program for reimbursable details. The Alcoholic Beverage Regulation Administration's (ABRA) FY 2008 budget transfers \$1,000,000 to the ABRA fund balance to subsidize this program. These procedures are necessary to establish guidelines for the distribution of subsidies by ABRA to the Metropolitan Police Department (MPD) to cover certain costs incurred for MPD officers working reimbursable details.

The emergency action is necessary to help maintain and improve upon the public safety of patrons of licensed establishments. The emergency action will allow additional licensees to participate in MPD's reimbursable detail program and will enable the newly-enacted pilot subsidy program to be implemented as expeditiously as possible.

These emergency rules were adopted by the Board on January 23, 2008. The rules became effective on that date. The emergency rules will expire 120 days from the date of effectiveness or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first. This rulemaking supersedes the Notice of Proposed Rulemaking adopted by the Board on January 16, 2008.

Title 23 DCMR is amended by adding a new section 718 to read as follows:

**718 REIMBURSABLE DETAIL SUBSIDY PROGRAM**

718.1 This section sets forth the procedures for receiving reimbursement from ABRA under the subsidy program for monies paid to the Metropolitan Police Department (MPD) by licensees for the hiring of MPD officers to work a reimbursable detail. A licensee, a group of licensees, or a Business Improvement District (BID) on behalf of licensees ("licensees"), may enter into an agreement with MPD to provide for reimbursable detail and are eligible for reimbursement under the subsidy program. This section shall apply only to the extent that: (1) the Council funds the subsidy program, and (2) ABRA has sufficient funds earmarked for this program remaining to reimburse MPD for costs incurred by licensees for MPD officers working reimbursable details.

- 718.2 ABRA will reimburse MPD fifty percent (50%) of the total cost of invoices submitted by MPD to cover the costs incurred by licensees in FY 2008 for MPD officers working reimbursable details. MPD shall submit to ABRA on a monthly basis invoices documenting the fifty percent (50%) amount owed by each licensee. Invoices will be paid by ABRA to MPD within thirty (30) days of receipt in the order that they are received until the subsidy program's funds are depleted.
- 718.3 ABRA shall notify MPD when funds in the subsidy program fall below two hundred and fifty thousand dollars (\$250,000).
- 718.4 Any invoices unpaid by ABRA either for good cause or a lack of sufficient funds left in the subsidy program shall remain the responsibility of the licensee.
- 718.5 ABRA shall not be involved in determining the number of MPD Officers needed to work a reimbursable detail.

Copies of the proposed rulemaking can be obtained by contacting Fred Moosally, General Counsel, Alcoholic Beverage Regulation Administration, 941 North Capitol Street, N.E., 7<sup>th</sup> Floor, Washington, D.C. 20002. All persons desiring to comment on the proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of the publication of this notice in the D.C. Register, to the above address.