

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
:
Toppromo, Inc., :
t/a Ultrabar/Chroma :
911 F Street NW :
License #74767 :
Retailer CN - ANC 2C : Fact Finding
Case #22-251-00034 : Hearing
:
(Allowed Patron to Enter :
the Establishment with a :
Weapon, Failed to Follow :
Security Plan, Failed to :
Provide Video Footage) :
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Wednesday
January 25, 2023

The Alcoholic Beverage Control Board
met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

- OFFICER NICOLE BECK, DC MPD
GALEN EPPS, Witness
ANDREW KLINE, Licensee's Counsel
DIMITRIOS MARMARAS, Licensee
JOSE ORELLANA, DC ABRA Staff
VANESSA PLEITEZ, DC ABRA Investigator

1 P-R-O-C-E-E-D-I-N-G-S

2 1:36 p.m.

3 CHAIRPERSON ANDERSON: Now, we have a
4 series of Fact-Finding Hearings, and the first
5 Fact-Finding Hearing that we're going to call is
6 Case Number 22-251-00034, Ultrabar/Chroma.
7 License Number 74767.

8 Mr. Orellana, can you please elevate
9 the rights of the Licensee? The Licensee's
10 attorney, I think is Mr. Kline. And I think
11 there's an Officer Beck. Ms. Pleitez, who is the
12 witness for the -- the Agency Investigator.

13 MR. ORELLANA: All of you can unmute,
14 everyone has been elevated.

15 CHAIRPERSON ANDERSON: All right,
16 thank you very much, sir. If you have a camera,
17 can you please turn your cameras on, please?

18 All right, Mr. Kline, can you please
19 state your name for the record, please?

20 MR. KLINE: Yes, good afternoon, Mr.
21 Chairman and Members of the Board. Andrew Kline,
22 A-N-D-R-E-W, Kline, K-L-I-N-E, attorney for the
23 Licensee.

24 CHAIRPERSON ANDERSON: And I think
25 there was, is the Licensee, Mr. Marmaras? Mr.

1 Marmaras, can you please pronounce your name
2 for the record, please? You're on mute, sir.

3 MR. MARMARAS: I apologize. My first
4 name is Dimitrios, D-I-M-I-T-R-I-O-S. My last
5 name is Marmaras, M-A-R-M-A-R-A-S.

6 CHAIRPERSON ANDERSON: What's your
7 relationship to the establishment, sir?

8 MR. MARMARAS: I'm one of the owners,
9 sir.

10 CHAIRPERSON ANDERSON: All right, good
11 afternoon, sir.

12 Officer Beck, can you please identify
13 yourself for the record, please?

14 OFFICER BECK: Hello, can you hear me?

15 CHAIRPERSON ANDERSON: Yes, yes,
16 ma'am.

17 OFFICER BECK: All right, I'm Officer
18 Nicole Beck. Nicole is spelled N-I-C-O-L-E, Beck
19 spelled B-E-C-K. Officer of the Metropolitan
20 Police Department.

21 CHAIRPERSON ANDERSON: Good afternoon,
22 ma'am.

23 OFFICER BECK: Good afternoon.

24 CHAIRPERSON ANDERSON: Ms. Pleitez,
25 can you please identify yourself for the record?

1 INVESTIGATOR PLEITEZ: Yes,
2 Investigator Pleitez, Vanessa Pleitez with ABRA.
3 V-A-N-E-S-S-A, last name is P-L-E-I-T-E-Z.

4 CHAIRPERSON ANDERSON: Good afternoon,
5 ma'am.

6 All right. This is a Fact-Finding
7 Hearing, and let me go through the background.
8 It's my understanding that a patron entered the
9 establishment, the premises, with a firearm.
10 After search by security, the Respondent -- this
11 is what ABRA stated -- that the Respondent failed
12 to provide security footage.

13 And the establishment lacked an
14 adequate security plan. Security cameras did not
15 capture entrance or a patron search. And so,
16 that's where we are.

17 This is a Fact-Finding Hearing. And
18 a fact finding, for a Fact-Finding Hearing, folks
19 are not sworn. We are just gathering facts. The
20 Board has not made any determination what the
21 next steps, if any, are.

22 What the Board can do, and once we
23 have had this hearing today, we can determine
24 that no further action is required. Or we can
25 submit this to the Office of Attorney General for

1 them to make a determination whether or not any
2 violations of our laws have been violated.

3 And, during a Fact-Finding Hearing, as
4 you're aware, Mr. Kline, the Board cannot legally
5 order the Applicant to take any specific action.
6 Although, the Applicant can volunteer to take
7 certain action, which is binding on them, but the
8 Board cannot order them to do that.

9 And so, basically, as I stated before,
10 we're just trying to gather information. And so,
11 what I'm going to do, we'll start off by having
12 Investigator Pleitez. She can give her report.
13 Then I'll have Officer Beck. She can add if
14 there's something that she needs to add. And
15 then, on behalf of your client, Mr. Kline, you
16 can respond and let us know how your efforts --
17 you can respond. Any questions by anyone before
18 we start?

19 CHAIRPERSON ANDERSON: All right. Ms.
20 Pleitez, can you just tell us why we're, ma'am,
21 from your perspective?

22 INVESTIGATOR PLEITEZ: Of course. So,
23 on Saturday, November 26th, ABRA received a
24 hotline call from officer, or Sergeant Darnell
25 Bennett, stating that a gentleman was escorted

1 out of Ultrabar, located at 911 F Street, NW, and
2 was found in possession of a handgun.

3 I arrived at the establishment at
4 approximately 1:25 a.m. and met with Sergeant
5 Bennett, who informed me that the head of
6 security, Mr. Galen Epps, advised officers that a
7 male patron was escorted out of the establishment
8 and found in possession of a handgun.

9 The patron advised Sergeant Bennett
10 that he had a concealed carry permit in D.C., and
11 Sergeant Bennett was in the process of verifying
12 that information. While on scene, I did complete
13 a regulatory inspection and spoke with the head
14 of security, Mr. Epps.

15 Mr. Epps stated that -- oh, I'm sorry.
16 I asked Mr. Epps, If he they had footage of the
17 security, when they checked the patron, entering
18 the establishment, and footage from the inside of
19 the establishment where the patron was, which I
20 believe it was the third floor?

21 Mr. Epps stated, that the camera in
22 front of the establishment did not cover the area
23 where the male patron was allegedly searched.

24 Mr. Epps stated, that he was searched by
25 security. However, he was unsure If he was

1 properly searched because some patrons wear belts
2 with metal buckles, and that's where the weapon
3 may have been placed.

4 Mr. Epps stated, that he would email
5 me the incident reports and footage by December
6 1st, 2022. At that point, I exited the
7 establishment. I did verify with Sergeant
8 Bennett, who stated that the gentleman who was
9 arrested, the patron, he did not have a concealed
10 carry weapon permit in the District of Columbia.

11 On, sorry -- so, on December 1st, I
12 did receive camera footage. But like, Mr. Epps
13 stated, the search was not on the camera that was
14 provided to us. You can see the patron entering
15 the establishment, but you cannot see when the
16 patron was searched.

17 Mr. Epps, that night, did advise me
18 that they had moved the line back, because
19 there's another establishment on that block. And
20 they blocked the entrance. So, they moved the
21 line back, and that's why it wasn't covered in
22 the camera footage.

23 I emailed Mr. Epps, requesting the
24 remainder of the footage of the patron inside of
25 the establishment on December 5th, and then again

1 on December 7th. But I did not receive an email
2 back from him. On December 7th, at like 3:50
3 p.m., I did receive a call by Mr. Dimitrios
4 Marmaras.

5 Mr. Marmaras stated that he was
6 currently in contact with the tech company that
7 handles his camera system because he was unable
8 to retrieve the footage of the inside of the
9 establishment.

10 Mr. Marmaras stated that someone in
11 his staff discovered that the system was off-
12 line, and that he would contact his tech company,
13 which was MasTec, and that he would get back to
14 me.

15 So, on Thursday, December 8th, Mr.
16 Marmaras gave me a call back with the
17 representative from the tech company, which his
18 name was Mike. And Mike explained that the
19 footage was off-line for a couple of days, and
20 that they would essentially need a new system, a
21 new hard drive. And at that time, they only have
22 footage for five days prior to the phone call.

23 CHAIRPERSON ANDERSON: So, that's it?

24 INVESTIGATOR PLEITEZ: Oh, I'm sorry.
25 Yes, so then on December 9th I also reviewed the

1 security plan. And in the security plan, it does
2 say that -- let me see, give me one second, I'm
3 sorry. So, the security plan says, when
4 additional security screening is required, the
5 screening/pat down, (slash pat down) should take
6 place immediately inside of the doormat's
7 position -- the doorman's position. But, yeah,
8 at this point, that's all I have.

9 CHAIRPERSON ANDERSON: The other
10 thing, we never got footage from, we never got
11 footage from the establishment that covers the
12 incident, is that correct?

13 INVESTIGATOR PLEITEZ: Not the inside,
14 no.

15 CHAIRPERSON ANDERSON: Okay, that's
16 fine.

17 I'm going to have Sergeant, or --
18 Officer Beck, is there anything you want to add
19 to this incident matter?

20 OFFICER BECK: Can you hear me?

21 CHAIRPERSON ANDERSON: Yes, I can hear
22 you, yes.

23 OFFICER BECK: Wonderful. I guess the
24 only thing I'd like to add is that the firearm,
25 which was a Canik TP9, was recovered from the

1 right waistband area, and it was inside of a
2 holster, so it should have been pretty clear to
3 pat down and be able to feel it If it had been in
4 that location when he entered the establishment.

5 CHAIRPERSON ANDERSON: All right.
6 Thank you, ma'am. Any questions of this -- any
7 questions of -- let me see. Any questions by any
8 of the Board Members?

9 MEMBER GRANDIS: Mr. Chairman?

10 CHAIRPERSON ANDERSON: Yes, Mr.
11 Grandis?

12 MEMBER GRANDIS: Thank you. I would
13 --

14 CHAIRPERSON ANDERSON: Okay. Go
15 ahead, Mr. Grandis.

16 MEMBER GRANDIS: Hello, Investigator.
17 Thank you for your testimony and your report. I
18 think you said in your statement that the
19 individual with the gun has been arrested.

20 INVESTIGATOR PLEITEZ: Yes.

21 MEMBER GRANDIS: Did I hear that
22 right?

23 INVESTIGATOR PLEITEZ: That night, he
24 was arrested. Yes.

25 MEMBER GRANDIS: Would you or the

1 officer, Officer Beck, hello, know the status of
2 that arrest?

3 INVESTIGATOR PLEITEZ: I do not.

4 MEMBER GRANDIS: You may not, but --

5 OFFICER BECK: I can speak on that.

6 MEMBER GRANDIS: Thank you.

7 OFFICER BECK: So, I attended a RIH
8 hearing, which is a rapid indictment hearing. I
9 don't know the exact date, but it is set. There
10 was finding that it is going to go to trial, so
11 at this time, they are moving forward with the
12 charges.

13 MEMBER GRANDIS: The reason I asked is
14 that I think we all feel that since the pandemic
15 and all other related impacts to our society,
16 there's been an uptick in crime in many, many
17 areas, including D.C. And one of the things as
18 the Board, we are, at least in my opinion, having
19 more incidents brought to us that include a
20 weapon of some sort.

21 So, I asked this question because I
22 would like for the public to know what happens to
23 individuals who are arrested, because I would
24 like to give D.C. residents some -- a little bit
25 of comfort that they can go out at night and not

1 be, you know, subject to this kind of violence.

2 So, I'm just making a statement, but
3 it would be helpful, I think, If we could find
4 out eventually what happens with anyone who's
5 ever arrested at an ABC establishment for having
6 any type of weapon. Thank you. Thank you, Mr.
7 Chairman.

8 CHAIRPERSON ANDERSON: Any other Board
9 Members?

10 MEMBER SHORT: Mr. Chair, I'd like to
11 ask of the officer, Officer --

12 CHAIRPERSON ANDERSON: Beck.

13 MEMBER SHORT: Beck, forgive me.
14 Officer Beck, in your investigation, did you
15 investigate this matter?

16 OFFICER BECK: I was the arresting
17 officer on scene, so I was not the one who
18 actually recovered the firearm. I was the one on
19 scene that looked into his background to see if
20 he had any concealed carry permits, if the gun
21 was registered. I looked into him, and then I
22 ultimately did arrest the defendant at the club.

23 MEMBER SHORT: Is it a fact that even
24 though one may, or a person may have a concealed
25 carry permit, they cannot carry them into a

1 public space. Is that correct?

2 OFFICER BECK: If they --

3 MEMBER SHORT: If they have one -- go
4 ahead.

5 OFFICER BECK: If they have a
6 concealed carry permit, it allows them to carry
7 it concealed in some locations, but there is a
8 list of places that they are still not authorized
9 to carry. And I don't know the list off the top
10 of my head, but I do believe that the whole
11 reason you have security, and, you know, to pat
12 them down, is so they do not bring firearms into
13 the club.

14 MEMBER SHORT: For the record, I'd
15 just like to say to you, Officer Beck, I do know
16 that, that list includes nightclubs and places
17 that serve alcohol. You cannot -- or grocery
18 stores, you cannot carry your concealed weapon in
19 the District of Columbia into those places.

20 And I think it would behoove you as an
21 officer -- and thank you for your service -- to
22 know when you're doing these kinds of
23 investigations where someone -- because If the
24 officers don't know, then security could say,
25 well, he had a gun. He said, he had -- he said

1 he had a permit to carry concealed, and might
2 have let him because of that.

3 But the security should have known
4 that too, shouldn't they, in your opinion?

5 OFFICER BECK: Well, I don't want to
6 speak to how they're trained, but what I can say
7 is I'm trained to, if a firearm is present, I am
8 trained to get the firearm. See if it's
9 registered, pat them down, see if they've a
10 concealed carry.

11 And regardless, in this case,
12 regardless of whether it was allowed in the club,
13 or not allowed in the club, it was not
14 registered. It had an extended feeding magazine,
15 which means it was an extended magazine. Way too
16 many rounds in the District of Columbia. And the
17 gun itself was not registered. That's what I'm
18 aware of.

19 MEMBER SHORT: Okay. Well, let me ask
20 you this, in your professional opinion, with the
21 extended clip, had this person decided to shoot
22 inside that club, how would that have affected
23 the rest of the guests? And you said it had an
24 extended clip, how many bullets did he have in
25 that clip, approximately?

1 OFFICER BECK: It was a 12-round
2 capacity magazine. It had 11 rounds in the
3 magazine. And there was none in the chamber.
4 What I can say is that, there was 11 bullets,
5 that were in the firearm.

6 MEMBER SHORT: And just speculation,
7 or a question of speculation, that as you -- how
8 long have you been an officer?

9 OFFICER BECK: I've been in policing
10 for approximately five years.

11 MEMBER SHORT: How long with the
12 District of Columbia?

13 OFFICER BECK: I've been in MPD for
14 about two and a half years.

15 MEMBER SHORT: Okay, and so your
16 knowledge of firearms, since you -- are you
17 considered to be an expert in firearms, since you
18 have that duty of --

19 OFFICER BECK: I'm not trained as an
20 expert in firearm evaluation or anything. And I
21 don't really feel comfortable speculating, but
22 what I can say is that there was 11 rounds of
23 ammunition in the firearm. And the firearm
24 appeared to be fully functional.

25 MEMBER SHORT: Were those nine

1 millimeters, of bullets that were in that weapon?

2 OFFICER BECK: Yes.

3 MEMBER SHORT: Thank you. That's all
4 I have Mr. Chair. Thank you for your service,
5 officer.

6 CHAIRPERSON ANDERSON: Thank you, Mr.
7 Short. Any other questions by Board Members of
8 the officer or the investigator?

9 Mr. Kline, do you have any questions
10 of the officer or the investigator?

11 MR. KLINE: Mr. Chairman, good
12 afternoon, Officer Beck. Thank you for your
13 service, particularly in this area related to
14 something that's just been a terrible problem for
15 all of us in the last two years.

16 When did you arrive on the scene,
17 relative to the removal of the patron with the
18 handgun, if you know?

19 OFFICER BECK: Sure, I do. I cannot
20 tell the exact time I arrived on scene, but when
21 I did arrive on scene, the firearm had already
22 been taken off of the defendant. And it was
23 sitting out, and the defendant was in handcuffs.
24 So, I arrived probably, approximately 15 minutes
25 after the entire event started, 15 to 20.

1 MR. KLINE: Okay. So, you don't know
2 that the firearm was holstered or where it was
3 found on the defendant, when it was discovered?

4 OFFICER BECK: So, I don't first-hand
5 knowledge. I was not on scene. However, I do
6 have the testimony of the officers there. I have
7 the BWC, which I viewed. And then I do have the
8 testimony of Mr. Galen Epps, who was the
9 security.

10 MR. KLINE: And to your knowledge, was
11 there reimbursable detail in front of the
12 establishment that night?

13 OFFICER BECK: I don't recall. I do
14 know there was officers there. I don't know if
15 it was reimbursable, or if those officers had
16 just been posted there from our section patrol to
17 keep an eye on it. So, I'm not sure which it
18 was.

19 MR. KLINE: And do you know whether
20 the establishment is the one that alerted MPD,
21 that this individual had a gun?

22 OFFICER BECK: Yes, they were. To my
23 knowledge, it was explained to me, that the
24 establishment itself, had found the firearm. And
25 as soon as they had found the firearm, they

1 flagged down an officer who was already in the
2 block to come and handle the scene.

3 MR. KLINE: And you, interviewed
4 personnel with the club?

5 OFFICER BECK: Yes, sir. I was, yes,
6 I believe the investigator called in the head of
7 security. I think was his title.

8 MR. KLINE: And you found him to be
9 cooperative and forth coming?

10 OFFICER BECK: Yes.

11 MR. KLINE: Investigator Pleitez, do
12 you use -- you investigated this for the ABC
13 Board, correct?

14 INVESTIGATOR PLEITEZ: (No audible
15 response.)

16 MR. KLINE: All right. And you were
17 provided with what footage was available covering
18 the front on the establishment. Is that correct?

19 INVESTIGATOR PLEITEZ: Correct.

20 MR. KLINE: Okay. In your judgment,
21 there were some lapses in coverage of the
22 establishment, with respect to the security
23 cameras?

24 INVESTIGATOR PLEITEZ: Yes.

25 MR. KLINE: Were you subsequently --

1 you were subsequently informed that the camera
2 system had been upgraded. Correct?

3 INVESTIGATOR PLEITEZ: Can you repeat
4 that?

5 MR. KLINE: You were subsequently
6 informed that changes had been made and that the
7 security camera had been upgraded, correct?

8 INVESTIGATOR PLEITEZ: Yes, on -- I
9 was called by the owner, who stated that, but I
10 also visited the establishment on January 14th,
11 and I did review some of those cameras. There
12 were -- there was an issue with pulling the
13 cameras up, but the camera system had been
14 updated, from what I can tell. And even the
15 actual footage, it was better. It was a better
16 camera. You can tell --

17 MR. KLINE: Better quality?

18 INVESTIGATOR PLEITEZ: -- that they
19 are updated. Yes.

20 MR. KLINE: And did you look at
21 coverage in terms of whether there was coverage
22 at that point?

23 INVESTIGATOR PLEITEZ: Well, I did not
24 that day. I just -- because he didn't -- he
25 called me a few times, so I wanted to go to the

1 establishment and just look at some of, like, the
2 updates that they had completed.

3 But I -- like I said, when I went, I
4 think they maybe needed another screen to attach
5 to the hard drive. But it was an issue with,
6 like, the connecting the hard drive to the TV, so
7 I told them that I could return a different day
8 once they've completed the upgrade.

9 MR. KLINE: Okay. And have you since
10 returned to look at that?

11 INVESTIGATOR PLEITEZ: I have not.
12 So, that was last week, so, I'll -- I can.

13 MR. KLINE: And the, you said someone
14 called you several times. Was that Mr. Marmaras?

15 INVESTIGATOR PLEITEZ: Yes, the owner.

16 MR. KLINE: And why was he calling
17 you?

18 INVESTIGATOR PLEITEZ: Because we were
19 -- he told me he was going to do the updates to
20 the camera footage, the hard drive, because of
21 the issue that Mr. Mike, with MasTec informed me
22 of, which was that the system was off-line.

23 MR. KLINE: So, he was aggressive
24 about making sure that you knew that these
25 problems had been fixed. Correct?

1 INVESTIGATOR PLEITEZ: Yes.

2 MR. KLINE: Now, in your report, you
3 said that you determined that Ultrabar/Chroma was
4 in violation of its security plan. Correct?

5 INVESTIGATOR PLEITEZ: Correct.

6 MR. KLINE: All right. And then you
7 recite a paragraph from the security plan. What
8 is it that you contend that the establishment in
9 this paragraph, did not follow?

10 INVESTIGATOR PLEITEZ: Give me one
11 second, If I can review it. So, it says, the
12 screener's goal is to detect any patron's from
13 attempting to bring any weapons into the
14 establishment and to detect any that do.

15 If the screener detects a potential
16 weapon, knife, gun, illegal drugs, or drug
17 paraphernalia, do not try to confiscate it. Give
18 it back, and tell the person they cannot enter
19 the club.

20 So, the reason I stated that they were
21 in violation of their security plan, is because
22 they allowed a patron to enter the establishment
23 with a firearm, even though, they have
24 instructions to pat them down at the door -- to
25 make sure that they don't have a weapon.

1 MR. KLINE: You don't have any
2 evidence that this individual was not patted
3 down, do you?

4 INVESTIGATOR PLEITEZ: No, because
5 there was no camera footage that's, that showed
6 that. And that's another violation of their
7 settlement plan.

8 MR. KLINE: Well, you interacted with
9 Mr. Ebbs, correct?

10 INVESTIGATOR PLEITEZ: Correct.

11 MR. KLINE: And he was forthcoming
12 about what happened that night?

13 INVESTIGATOR PLEITEZ: Yes.

14 MR. KLINE: And did he tell you that
15 the person had not been patted down?

16 INVESTIGATOR PLEITEZ: He said that
17 the person had been searched. He didn't use the
18 word patted down. He said searched, but that
19 sometimes when they use the wand, that it could
20 miss the weapon, because some people, or some
21 patrons wear -- I have that here, wear belt
22 buckles.

23 MR. KLINE: So, you don't really have
24 any knowledge that they didn't comply with the
25 verbiage that's set forth in the report, do you?

1 I mean, all you know is, the weapon got in. But
2 that doesn't necessarily mean the establishment
3 did anything wrong, does it?

4 INVESTIGATOR PLEITEZ: They allowed
5 someone to enter their establishment with a
6 weapon.

7 MR. KLINE: When you allow someone to
8 do something, that means that you know that
9 they're going to do it, right?

10 INVESTIGATOR PLEITEZ: No, not
11 necessarily, not in this situation.

12 MR. KLINE: Or you don't take steps to
13 make sure that they don't do it. Correct?

14 INVESTIGATOR PLEITEZ: Well, that's
15 correct.

16 MR. KLINE: All right, well so what
17 I'm trying to get at, what evidence do you have
18 that they didn't follow the requirements of their
19 security plan? That the gun got in, is that it?

20 INVESTIGATOR PLEITEZ: Yes.

21 MR. KLINE: And is it your position
22 that there is a foolproof way to make sure a
23 weapon never gets into an establishment?

24 INVESTIGATOR PLEITEZ: I'm sorry,
25 what's your question?

1 MR. KLINE: Is it your position that
2 there is a foolproof way to make sure a weapon
3 never gets into an establishment?

4 INVESTIGATOR PLEITEZ: Is there a
5 foolproof way?

6 MR. KLINE: Yes? Can any
7 establishment guarantee, a weapon is never going
8 to get into their establishment?

9 INVESTIGATOR PLEITEZ: I'm not sure.

10 MR. KLINE: Okay.

11 INVESTIGATOR PLEITEZ: I'm not sure
12 how to answer that question.

13 MR. KLINE: All right. You go on in
14 your report, and you say that the security plan
15 verbiage is more of an employee manual, and not a
16 policy. And somehow this violates D.C. Official
17 Code 25-836(e).

18 INVESTIGATOR PLEITEZ: It is --

19 MR. KLINE: What is your content --
20 I'm sorry.

21 INVESTIGATOR PLEITEZ: I'm sorry, I
22 didn't say it violates it. It just says that,
23 it's not a policy and procedure as stated on D.C.
24 official code. It's more so of an employee
25 manual.

1 MR. KLINE: Isn't an employee manual,
2 even if that's true, something that gives
3 directions for employees, and policies and
4 procedures to follow?

5 INVESTIGATOR PLEITEZ: Yes.

6 MR. KLINE: Then what's the
7 difference? What's the deficiency here?

8 INVESTIGATOR PLEITEZ: Can you repeat
9 that?

10 MR. KLINE: In your report --

11 INVESTIGATOR PLEITEZ: Uh-huh.

12 MR. KLINE: -- you have a sentence
13 that says, Investigator Pleitez also determined
14 that the SP's verbiage is more of an employee
15 manual and not a policy and procedure, as stated
16 in D.C. Official Code 25-836(e). Now, you just
17 answered that an employee manual, words to the
18 effect of, contains policies and procedures.
19 Right?

20 INVESTIGATOR PLEITEZ: In this
21 situation, yes it does.

22 MR. KLINE: Well, wouldn't it
23 normally?

24 INVESTIGATOR PLEITEZ: I've seen
25 several security plans, that does not read like

1 an employee manual. But for Ultrabar, it does.

2 MR. KLINE: And then that, that's an
3 issue in your mind, in some way?

4 INVESTIGATOR PLEITEZ: No.

5 MR. KLINE: Okay. And you indicate
6 the security plan was submitted on October 15th
7 of 2013, correct?

8 INVESTIGATOR PLEITEZ: Correct.

9 MR. KLINE: Here, also has anyone
10 suggested to Ultrabar, that the security plan is
11 deficient in some way?

12 INVESTIGATOR PLEITEZ: I'm sorry, are
13 you asking me?

14 MR. KLINE: Yeah, I'm asking you. If
15 anyone ever --

16 INVESTIGATOR PLEITEZ: What did you
17 say?

18 MR. KLINE: The security plan was
19 submitted nine, eight years ago, over eight years
20 ago. To your knowledge, has anyone ever
21 suggested that the security plan is deficient in
22 some way?

23 INVESTIGATOR PLEITEZ: To my
24 knowledge, I'm not sure. I did notify them, and
25 advise Mr. Marmaras, in reference to this case.

1 But I'm not sure If they were ever notified by
2 someone else.

3 MR. KLINE: And what is it, you
4 advised them to do with respect to the security
5 plan?

6 INVESTIGATOR PLEITEZ: Well, because
7 he did update the camera system, and added
8 cameras. I don't remember how many specifically,
9 he did say. But I advised him that he should
10 update the security plan to include all of those
11 cameras.

12 MR. KLINE: So, the only issue with
13 the security plan, is making sure that there's an
14 accurate camera diagram that reflects the cameras
15 that are there, and their coverage. Correct?

16 INVESTIGATOR PLEITEZ: Yes.

17 MR. KLINE: Okay. All right. I don't
18 have any further questions of the investigator or
19 the officer.

20 CHAIRPERSON ANDERSON: Okay. Officer
21 Beck, I just need to get some clarification. Can
22 you describe again, for the record, the gun that
23 was found, and what was found with the gun,
24 please?

25 OFFICER BECK: Sure. It was a Canik

1 TP9, Elite SC, which is a nine-millimeter
2 handgun. And an extended mag, which is a 12-
3 capacity magazine with 11 rounds in it. And it
4 was inside of a holster. And that was found in
5 the right waistband area of the defendant.

6 CHAIRPERSON ANDERSON: Now, so, in
7 your view, If a pat down out in the perfect
8 world, If a pat down was made of the suspect, is
9 it something that a reasonable person would have
10 located?

11 OFFICER BECK: That firearm, in that
12 holster, in that location, we are trained to find
13 in a pat down. Yes, so If it had been in that
14 position, upon entering the nightclub. And
15 patted down, how they are trained to pat down,
16 us, that firearm would have been located. But
17 that's, I mean, that's If it was in the same
18 position.

19 CHAIRPERSON ANDERSON: So speak to me
20 about the position, because I don't understand.
21 So, explain to me a little more.

22 OFFICER BECK: So, the reason I say
23 that is because the Investigator's report
24 referenced, that If the metal detector had come
25 across the firearm, it may have been confused for

1 a belt buckle. If that firearm had been on the
2 right side of the hip, where it was when we
3 recovered it, it wouldn't have been confused with
4 a belt buckle.

5 CHAIRPERSON ANDERSON: Because a belt
6 buckle is normally in the front instead?

7 OFFICER BECK: Exactly.

8 CHAIRPERSON ANDERSON: Okay, the belt
9 buckle is usually at the front and not at the
10 side? Is that --

11 OFFICER BECK: Yes, that's what,
12 that's what I'm referring to. If it had been in
13 that position, I don't see how it would have been
14 confused, but I didn't see any pat down. I can't
15 testify to how the pat down from security went.

16 CHAIRPERSON ANDERSON: All right. But
17 you're saying that if a pat down was done, a
18 reasonable person would have recognized that
19 there something was amiss. That's what I'm
20 trying to find out.

21 OFFICER BECK: Yes, if they were
22 trained to do pat downs and it had been in that
23 position, that firearm should have been located.

24 CHAIRPERSON ANDERSON: Okay. Now, let
25 me ask you a question. If, do you -- are you

1 familiar with wands?

2 OFFICER BECK: No, that's not
3 something I'm familiar with.

4 CHAIRPERSON ANDERSON: Okay, fine.
5 Then I won't ask the question.

6 All right. I don't have any other
7 questions for the investigator or the officer.
8 But I do have some questions for the
9 establishment, Mr. Kline. So, I'm not sure,
10 maybe either you can respond, or Mr. Marmaras
11 can. I'm just, I'm wanting --

12 MR. KLINE: Mr. Chair If I may, we'd
13 like to tell you what we know. And sort of fill
14 in the blanks, and maybe that'll fill in for a
15 lot of the questions.

16 CHAIRPERSON ANDERSON: All right. All
17 right.

18 MR. KLINE: I think that will be more
19 efficient.

20 CHAIRPERSON ANDERSON: Sure, sir. Go
21 ahead.

22 MR. KLINE: Thank you, Mr. Galen Epps,
23 can we have his rights elevated, please?

24 CHAIRPERSON ANDERSON: I'm sorry, who
25 is that?

1 MR. KLINE: Galen Epps.

2 CHAIRPERSON ANDERSON: Mr. Epps. Is
3 there a Mr. Epps on the line? All right, Mr.
4 Epps, I see. Mr. Epps, you have a camera, sir,
5 you can turn on?

6 MR. EPPS: I believe so, I believe so.
7 One moment.

8 CHAIRPERSON ANDERSON: Okay, okay.

9 MR. EPPS: Yes, sir.

10 CHAIRPERSON ANDERSON: All right, Mr.
11 Epps, can you spell and state your name for the
12 record, please?

13 MR. EPPS: Yes, my name is Galen Epps,
14 G-A-L-E-N, last name Epps, E-P-P-S.

15 CHAIRPERSON ANDERSON: What's your
16 relationship to this establishment, sir?

17 MR. EPPS: I'm the head of security.

18 CHAIRPERSON ANDERSON: Go ahead, Mr.
19 Kline.

20 MR. KLINE: Thank you, Mr. Chair. Mr.
21 Epps, how long have you been head of security?

22 MR. EPPS: I've been the head of
23 security for about four and a half to five years
24 now.

25 MR. KLINE: Okay, and this is

1 something that you did before you worked at this
2 establishment?

3 MR. EPPS: No, sir.

4 MR. KLINE: And have you had any
5 training in security?

6 MR. EPPS: Yes, I've been through a
7 training class a couple times with Mr. Robert
8 Smith. He's the head of Nightclubs Consultants.
9 He's recognized nationwide for his --

10 (Simultaneous speaking.)

11 MR. KLINE: He's a retired police
12 officer out of San Diego?

13 MR. KLINE: Yes, sir.

14 MR. KLINE: Now, you were there the
15 night that this gun was discovered?

16 MR. EPPS: Yes, I was.

17 MR. KLINE: Tell the Board what
18 happened, how the gun was discovered, and what
19 was done when it was discovered.

20 MR. EPPS: Sure. So, I received a
21 call over the radio that they were walking out a
22 gentleman from the second floor of the nightclub
23 establishment. So, as they brought the gentleman
24 downstairs, I was notified that the gentleman
25 would need to be searched again. We searched him

1 right inside our box and discovered the firearm.

2 My security, Collin, that works that
3 floor, had notified -- I asked him how, you know,
4 did the gentleman brandish it inside?

5 He said, no, he just saw the gentleman
6 was adjusting his waistband a few too many times,
7 and it kind of alerted him as to someone who was
8 -- had some suspicious activity, and as I always
9 advise my security to be proactive, he asked the
10 gentleman to step outside. And he was very
11 cooperative and stepped outside.

12 But that was the reason for the alert
13 to actually bring the gentleman outside to
14 research him. He was readjusting his waist a
15 little bit too many times, and it looked
16 suspicious.

17 MR. KLINE: And do you know, to your
18 knowledge, where the weapon was located, on hie
19 person?

20 MR. EPPS: When we found the weapon,
21 it was right inside the waistband, when we
22 searched him on the second search.

23 MR. KLINE: And was it in a holster?

24 MR. EPPS: To my knowledge, yes.

25 MR. KLINE: And you've had some

1 experience in the past, where weapons sometimes
2 get in or things that aren't supposed to come in,
3 come in. Is that correct?

4 MR. EPPS: Well, I've never
5 experienced a firearm being inside of our
6 establishment. I know that we have discovered
7 them of off-duty police officers. And notified
8 them that this establishment does not allow
9 firearms. And, you know, just asked them kindly
10 to return to their vehicles. They, you know,
11 display their badges to try to gain entry. But,
12 not to my knowledge a firearm, getting in.

13 MR. KLINE: And then, when the firearm
14 was discovered, what, exactly was done?

15 MR. EPPS: We had an officer there.
16 Sergeant, if I could his name, if it's relevant.
17 We had an officer there, I went directly to the
18 officer and notified him that I had a gentleman
19 who proclaimed to have a legal firearm, and that
20 was discovered inside the establishment.

21 MR. KLINE: So, you escorted him to
22 MPD?

23 MR. EPPS: I notified them in the, the
24 MPD, of his location. He was still right outside
25 of our establishment. And my security was

1 standing with him. And MPD approached him.

2 MR. KLINE: Now, have any theories or
3 any idea how it is, that he might -- well, first
4 of all -- to your knowledge he was subjected to
5 electronic scanning. Correct?

6 MR. EPPS: That's correct.

7 (Simultaneous speaking.)

8 MR. KLINE: What's your --

9 MR. EPPS: Everyone's wanded.

10 MR. KLINE: Wanded. Okay.

11 MR. EPPS: Everyone's wanded and they
12 are patted down physically with the hand. I like
13 to pat-down physically as well. With the wand,
14 the wand is just a guide. But as I spoke to
15 Investigator Pleitez, that when you wand around
16 the belt area, if there's a belt buckle, it's
17 going to go off. So, it's properly to go hands
18 on in that area as a follow up.

19 MR. KLINE: Now, who was it that
20 called you, concerning this weapon on the
21 premises?

22 MR. EPPS: That called me concerning
23 this issue?

24 MR. KLINE: Yes, you said you got a
25 call on the radio.

1 MR. EPPS: Oh, that was Collin.

2 MR. KLINE: And did you talk to Collin
3 more specifically, as to what it was that he
4 observed that made him suspicious?

5 MR. EPPS: Yes, he observed the
6 gentleman readjusting his waistband multiple
7 times.

8 MR. KLINE: And did he have any theory
9 as to where, when he said, he thought there was a
10 weapon? Where did he think that weapon was?

11 MR. EPPS: Well, he thought he, he
12 thought it may have been adjusted from his crouch
13 area.

14 MR. KLINE: Okay. Now, If that were
15 true, does that present some challenges in terms
16 of the searches that you do?

17 MR. EPPS: It would present some
18 challenges. It depends on the exact location,
19 size, the clothing, but, yes, it would make it a
20 little more difficult to find the weapon.

21 MR. KLINE: Okay. And you agree with
22 the officer, had the weapon been holstered, that
23 it very likely would have been found, in the
24 standard pat-down search that he did?

25 MR. EPPS: Yes, I do, I do agree.

1 MR. KLINE: But we don't know that it
2 was in the holster when this individual was
3 observed by Collin, do we?

4 MR. EPPS: Not to my knowledge.

5 MR. KLINE: All we know is, Collin
6 found this to be suspicious enough for him to
7 investigate further. Correct?

8 MR. EPPS: That's correct.

9 MR. KLINE: And he did that. Correct?

10 MR. EPPS: That's correct.

11 MR. KLINE: And said, we need to take
12 you outside and search you again, right?

13 MR. EPPS: That's correct.

14 MR. KLINE: All right. Let's talk a
15 minute about cameras. You've been at the
16 establishment, how long did you say?

17 MR. EPPS: For nine years.

18 MR. KLINE: Nine. And has there
19 always been a camera system in place?

20 MR. EPPS: Yes, sir.

21 MR. KLINE: Have there been instances
22 where footage has been requested?

23 MR. EPPS: Yes.

24 MR. KLINE: BY MPD or ABRA?

25 MR. EPPS: That's correct.

1 MR. KLINE: All right. And in all of
2 those instances, were you able to provide
3 footage?

4 MR. EPPS: Yes, sir.

5 MR. KLINE: Is this the first time
6 there was any issue --

7 MR. EPPS: Yes, sir.

8 MR. KLINE: -- with providing footage?

9 MR. EPPS: Yes, sir, to my knowledge.
10 Yes.

11 MR. KLINE: All right. But you did
12 provide some footage, right?

13 MR. EPPS: That's correct.

14 MR. KLINE: And to your knowledge, the
15 security plan is complete and contains what it
16 needs to contain for your security personnel to
17 follow to make the establishment safe?

18 MR. EPPS: Yes, sir.

19 MR. KLINE: Have you looked at it
20 again in light of this incident?

21 MR. EPPS: Yes, sir.

22 MR. KLINE: That's all the questions
23 I have of Mr. Epps. I can either make him
24 available to the Board at this point or move on
25 to Mr. Marmaras, who can speak more to the

1 cameras.

2 CHAIRPERSON ANDERSON: No, I have --
3 we have some questions, and I have some questions
4 first. Let me ask them.

5 Mr. Epps, so, you said you are chief
6 of security. Is that correct?

7 MR. EPPS: Head of security. Yes,
8 sir.

9 CHAIRPERSON ANDERSON: Head of
10 security. So, what does that mean, you're head
11 of security, please?

12 MR. EPPS: I make the schedule, do the
13 payroll. I'm in charge of certain trainings that
14 we do, in charge of reviewing the plans, in
15 charge of going over those with the security.

16 CHAIRPERSON ANDERSON: All right, so,
17 how often, so how many security officers
18 typically are there on a -- what day of the week
19 was this? I'm sorry, I'm not sure what day of
20 the week this is. What day of the week was this?

21 MR. EPPS: It was a Friday night, sir.
22 Friday night, Saturday morning.

23 CHAIRPERSON ANDERSON: So, how many
24 security officers usually work on a Friday, on
25 Friday nights?

1 MR. EPPS: Average 20 to 23.

2 CHAIRPERSON ANDERSON: So, what is the
3 procedure up front. entering the club, the
4 establishment?

5 MR. EPPS: As I show it, we have a
6 line that starts next door. We have an
7 establishment, restaurant. So, when we first
8 open that establishment, it's open. So, as a
9 courtesy, we do not block that establishment with
10 our line. People are Id'd in a line that
11 proceeds at their establishment.

12 Then, security greets them to our
13 line, where they are searched with a wand, as
14 well as a pat down. Obviously, the females are
15 not physically searched by my male security. But
16 we do search their jackets and their bags, with
17 flashlights. And at that point, If they pass
18 that check point, they go on into the
19 establishment.

20 CHAIRPERSON ANDERSON: So, what's the
21 club's, I'm sorry, what the establishment policy
22 on weapons?

23 MR. EPPS: As far as weapons, If a
24 weapon is discovered during a pat down, we give
25 the weapon back to the person and notify the

1 authorities.

2 CHAIRPERSON ANDERSON: So, what type
3 of training, related to weapons, does the staff
4 receive?

5 MR. EPPS: Well, majority of my staff
6 has taken the class that I took with Robert
7 Smith. I also employ a buddy system, within my
8 staff, just because -- we do that every two
9 years, I believe. The last time we took that
10 class was September 2021. Once we got our roster
11 settled from coming back from the COVID
12 regulations.

13 And so, we would be due to do that
14 again, I believe that certification lasts for two
15 years as well. And I employ a buddy system, so
16 the new guys who come on, have a mentor within my
17 roster, and they kind of learn from them as well
18 as myself, with the training that I give, twice a
19 month. Every other week, I do training. Short
20 sessions.

21 CHAIRPERSON ANDERSON: Now, do you
22 have access to the camera system?

23 MR. EPPS: Yes, I do, sir.

24 CHAIRPERSON ANDERSON: Now, did you
25 review the camera -- I think one of the things

1 that you mentioned was that, what brought this
2 individual to security's attention, was that he
3 was, I guess you stated, that he was frequently
4 touching his waist. I think you had said. Did
5 you view any camera to look at this, to see what
6 was transpiring with this individual?

7 MR. EPPS: Yes, sir. Yes, sir. So,
8 that night, when I went home, I was able to find
9 the time when the gentleman was entered, had
10 entered the club. But I was unable to find, it
11 just takes a long time, as you may know. And at
12 that time of night, I was unable.

13 But I really wasn't concerned, because
14 we're usually able to retrieve it, once we're in
15 the office. So, I was able to find it on my
16 phone, just being curious to look. I was able to
17 find when he entered the club.

18 But, I didn't, you know at that point
19 in the night, it was, you know, very very early
20 in the morning, I couldn't find where he was
21 walking through the crowd. And so, I called it a
22 night. And when I came back to check the
23 cameras, we had the issue.

24 CHAIRPERSON ANDERSON: Any other
25 questions by any other Board Members?

1 CHAIRPERSON ANDERSON: Go ahead, Mr.
2 Short.

3 MEMBER SHORT: Thank you. Good
4 afternoon, Mr. Epps.

5 MR. EPPS: Good afternoon, sir.

6 MEMBER SHORT: Can you tell us
7 approximately what time, through your
8 investigation, did this person enter the club?

9 MR. EPPS: I believe the time period
10 was early, about 11:07 p.m. that Friday night. I
11 believe that was the time stamp that I located.

12 MEMBER SHORT: So, from 11:00, the
13 time that you saw that, how much time had he been
14 in the club, before the gun was discovered, and
15 he was taken outside, 11:00 to what time?

16 MR. EPPS: I believe the gun was
17 discovered at 1:00 a.m. So, around two hours,
18 sir.

19 MEMBER SHORT: So, he was in the club
20 with the pistol, for two hours?

21 MR. EPPS: If, he brought it in at
22 that time?

23 MEMBER SHORT: How else do you think
24 he could have got it in?

25 MR. EPPS: Well, we do allow reentry,

1 sir.

2 MEMBER SHORT: So, he could go out to
3 his car, and come back in? Would they pat him
4 down, when he comes back in?

5 MR. EPPS: Yes, sir. Our reentry line
6 has the same procedures.

7 MEMBER SHORT: And you say with the
8 females, you don't go through their purses? So,
9 you don't wand their purses? You just look in
10 their purses with a flashlight?

11 MR. EPPS: Well, we wand them, their
12 purses, their jackets. And we, look through
13 their purses. My recommendation to my security
14 is to see all corners of the purse, with your
15 flashlights. So, If females have any clothing,
16 shoes, If you cannot see everything inside the
17 purse, I don't care how much is in the purse,
18 tell them to take it out until you can see the
19 bottom?

20 MEMBER SHORT: Are you familiar that
21 the District of Columbia, Metropolitan Police
22 Department is now offering and helping, help out
23 with security guards If they work in the District
24 of Columbia?

25 MR. EPPS: I have seen some things

1 posted, yes, sir.

2 MEMBER SHORT: And can you tell us
3 what you saw posted?

4 MR. EPPS: What I've seen was a
5 terrorist, I believe they were giving training on
6 terrorists. What to do in the event of a
7 terrorist. But I was very encouraged that the
8 city was doing those things.

9 MEMBER SHORT: Thank you. So, would
10 you consider someone running around in a club,
11 with 11 bullets in a clip, nine-millimeter, for
12 two hours, do they have to be a terrorist that
13 would cause a problem? Or would you think that
14 your security should deal with it just like it's
15 a terrorist?

16 MR. EPPS: Oh, yes, sir. Yes, sir, I
17 agree.

18 MEMBER SHORT: Lastly, what
19 difference, what changes have you made since this
20 incident?

21 MR. EPPS: I've employed additional
22 female security outside the club. Just as a
23 precautionary, so that if in the event we do feel
24 suspect of a female carrying something, that if
25 our wand catches, we can feel comfortable going

1 on, on our hands.

2 We had a female security, but I've
3 employed additional security outside of the club,
4 male and female to secure the security check
5 points. I've also gone over with my staff, the
6 entire staff, our pat down, and wand procedures
7 as we enter the club. And our emergency
8 procedures that are notated in our manual.

9 MEMBER SHORT: Okay, now. You say you
10 been with the club, how many years?

11 MR. EPPS: Nine years, total, sir.

12 MEMBER SHORT: Nine years total. And
13 in those nine years, can you tell me, or tell us,
14 how many weapons have been found, since you've
15 been in charge of security at this club?

16 MR. EPPS: No firearms, sir. No
17 firearms.

18 MEMBER SHORT: I said weapons, that
19 means any weapons --

20 MR. EPPS: Weapons, maybe three to my
21 knowledge. Three, maybe a couple of knives.

22 MEMBER SHORT: Were they found inside
23 of the club on a person? Or, before they came
24 in? Or how were they discovered?

25 MR. EPPS: Well, we discovered, we

1 discover knives, you know, every month, coming
2 into the club.

3 MEMBER SHORT: Every month, you going
4 to get a knife, someone says this is my work
5 knife. Or, this is, you know. Every month,
6 you're going to get a least one. But, you know,
7 as I said, we just take it to the authorities and
8 most of the times, they just confiscate.

9 MEMBER SHORT: Is there anything that
10 you can do to make clubs safer since this
11 incident? Anything you, as the head of security,
12 can do to make the club safer and make sure that
13 -- let's just say myself or anyone else would
14 decide to come down on a Friday night, and be
15 assured that they don't have to bump into
16 somebody who has a nine-millimeter on them?

17 MR. EPPS: I believe the steps that
18 I've taken, past this incident, would, should
19 suffice.

20 MEMBER SHORT: Thank you, Mr. Epps.
21 That's all I have, Mr. Chair.

22 MR. EPPS: Thank you, Mr. Short.

23 CHAIRPERSON ANDERSON: All right.
24 Thank you, any other questions by any other Board
25 Member of Mr. Epps?

1 Mr. Kline, If you want to tell us.

2 MR. KLINE: Just in response to that,
3 this matter, If anybody's got additional ideas,
4 they're welcome. I mean this is an -- and we'll
5 talk to Mr. Marmaras here in a minute. But, If
6 there are additional ideas that MPD has, that
7 ABRA Investigators have, that the Board Members
8 have, please bring them on.

9 I mean this handgun problem is, you
10 know, certainly as we've seen even in the last 24
11 hours, on the West Coast, we're all concerned
12 about it. It's a big problem. And this
13 establishment is not resistant to entertaining
14 and employing anything that might be effective in
15 preventing this from happening. I mean, let me
16 make that crystal clear.

17 And Mr. Marmaras will say it, and
18 we'll say it to you, again. This establishment
19 is not resistant or has been, to employ anything
20 that might prevent such a thing from happening.
21 Just want to be very clear. I mean, we've been
22 around for 17 years, and have a very good track
23 record. And I think you see from Mr. Epps, this
24 is all taken very seriously.

25 Mr. Marmaras, let's talk about cameras

1 and the failure that we had. What went on? What
2 happened?

3 MR. MARMARAS: Well, I got an email
4 from the investigator, but prior to that, we were
5 having issues with the camera. We didn't know
6 what was going on. I was trying to contact the
7 owner of MasTec then. I was calling him. I was
8 reaching out to him, I was getting no response.

9 I found out that he was out of the
10 country at that time. He notified me that he
11 would be coming in on the 8th. I spoke with the
12 ABRA Investigator, I believe on the 7th, I
13 believe. And I told her that I have the company
14 coming in on the 8th.

15 When the gentleman from, the owner
16 actually from MasTec came in there. He looked at
17 the whole system. The cameras were working. But
18 he said one of the servers died. We had another
19 server, that was working. We had two servers.
20 One of the servers died, the other server,
21 because the other one died, and it couldn't hold
22 video longer than a few days.

23 I asked him what we can do to fix this
24 ASAP. He ordered more servers, replaced one
25 server, added an additional two servers, added, I

1 believe, he said, eight hard drives on there. We
2 also got a recommendation from the ABRA
3 Investigator, adding more cameras, another camera
4 outside.

5 We added additional cameras outside,
6 I believe two additional cameras. So, now we
7 have three cameras outside. And we also added
8 some more cameras inside while we were doing all
9 this, just to try to find any blind spots that
10 were in there. We added some more cameras in
11 there as well.

12 MR. KLINE: When did you up the --

13 MR. MARMARAS: He came on the 8th, and
14 we started, I believe that Sunday. I believe it
15 was the 10th, I believe December 10th.
16 Everything was done by the 16th, up and running.
17 I did have him come on that weekend as well, to
18 do diagnostics on there. To make sure
19 everything, because I wanted to make sure
20 everything was working fine. And everything
21 since then has been working fine.

22 And now, I've pretty much every day
23 now, I check that server to make sure it's
24 working now. I wasn't aware that that server was
25 down. If I was aware, I would have fixed it

1 immediately. We became aware when they required
2 footage, and we couldn't access that footage.

3 MR. KLINE: Right. Now, you talked
4 about every day, but you do, you've instituted a
5 program where you're testing --

6 (Simultaneous speaking.)

7 MR. MARMARAS: Oh, yes.

8 MR. KLINE: -- once a week. Is that
9 right?

10 MR. MARMARAS: Oh, yes. At 100
11 percent, yes.

12 MR. KLINE: That the cameras are
13 functioning?

14 MR. MARMARAS: Yes.

15 MR. KLINE: And how much did you spend
16 for all this camera work, all these camera
17 upgrades?

18 MR. MARMARAS: A little bit over
19 \$17,000. That included the new servers, the new
20 hard drives, the new monitors, the new cameras.
21 We upgraded some cameras as well, to have a
22 better resolution. And the install part as well,
23 it was all included.

24 MR. KLINE: Mr. Chairman, I had
25 emailed to Board Counsel, I have it here. I can

1 put it up, I just thought it was easier just to
2 email.

3 CHAIRPERSON ANDERSON: Well, you know,
4 Mr. Kline, I enjoy watching you and your
5 technology challenges. Therefore, I'm going to
6 ask my IT person, to give you, the opportunity to
7 upload your screen.

8 MR. KLINE: Oh, thank you, so much.

9 CHAIRPERSON ANDERSON: But, we do have
10 it. But I enjoy your challenges, so.

11 MR. KLINE: You know, when I sent it
12 to the Board's Counsel, is that, that's exactly
13 the point. That's why I emailed it. But I'll
14 pull it up. We'll --

15 CHAIRPERSON ANDERSON: If you're
16 unable to do that Mr. Kline, we can find it, but
17 you, at least try, please, okay.

18 MR. KLINE: Okay, I will try it.

19 (Pause.)

20 CHAIRPERSON ANDERSON: But I know that
21 it was -- all my stuff, I'd have to go find it.

22 Mr. Orellana, can you -- okay great,
23 all right, all right.

24 You see, Mr. Kline, you see it? All
25 right.

1 MR. KLINE: Well, you can see here
2 what was done. Mr. Marmaras, this invoice is
3 dated 12-20. When was the work done?

4 MR. MARMARAS: The work was done, they
5 started on the 10th, I believe. The work was
6 completely done by the 16th. But they were
7 coming in on the 17th/18th, to run diagnostics,
8 to be there, just in case anything happened. To
9 show us the new, you know, the monitors and to
10 train us on that.

11 So, I had the owner there as well,
12 those days. And he was just there, just to make
13 sure everything was running in order.

14 MR. KLINE: All right. And you have
15 also created a new camera diagram to attach to
16 your security plan?

17 MR. MARMARAS: Yes.

18 MR. KLINE: Mr. Chairman, we will file
19 that with the Board.

20 CHAIRPERSON ANDERSON: I'm sorry --

21 MR. KLINE: And update the security
22 plan with --

23 CHAIRPERSON ANDERSON: I'm sorry, you
24 said you have a new security plan you're going to
25 file with the Board?

1 MR. KLINE: No, we're going to file a
2 new camera diagram.

3 CHAIRPERSON ANDERSON: A new camera
4 diagram. Okay. And now, I want to ask some
5 other questions.

6 (Simultaneous speaking.)

7 MR. KLINE: -- reflects the --

8 CHAIRPERSON ANDERSON: Yes, go ahead.

9 MR. KLINE: -- which reflects the
10 placement of the new cameras. We will do that.
11 I sent that for the Counsel as well. It's
12 several pages, so I'm not going to pull it up,
13 but it's just diagrams.

14 But I wanted the Board to know that
15 that's been done, and we will file it so that it
16 is made part of the security plan that's on file.

17 And we invite the investigator to come
18 back and let us know If she thinks there are any
19 holes. Or If the Board has a specific
20 investigator -- I know at one time, we had an
21 investigator that was particularly skilled at
22 looking at a security systems. We invite that.
23 We're happy to have that looked at.

24 As I said, Mr. Marmaras, I was right
25 in what I said, correct? About the seriousness

1 with which you take this situation?

2 MR. MARMARAS: Absolutely.

3 MR. KLINE: And you're prepared to do
4 whatever --

5 MR. MARMARAS: Whatever. Whatever
6 needs to get done.

7 MR. KLINE: Whatever needs to get
8 done.

9 MR. MARMARAS: Whatever needs to get
10 done.

11 MR. KLINE: So, let me be clear about
12 that. And if we haven't thought about it, and
13 there are ideas, they're welcome, as I said, from
14 MPD, from ABRA Investigators, or from Board
15 Members, what this case may take.

16 This is serious. This is not
17 something that is not taken seriously by this
18 establishment. It very much is, and I think that
19 you've seen that staff is trained. Many of you
20 know the program that Mr. Robert Smith runs.
21 It's the best one I've seen in many years of
22 doing this, in terms of security training, and
23 they've been diligent about making sure that they
24 keep up with that.

25 And upon finding flaws in the security

1 camera system, for the first time in 17 years.
2 Having been successful in turning over footage
3 previous times, steps were taken to upgrade as
4 soon as it could practically be done. And a fair
5 amount of money was spent, as you can see from
6 the invoice in doing that.

7 So, we are unhappy that we have to be
8 here, that this occurred. But on the other hand,
9 happy that the Board is looking at this. And
10 this establishment wants to work with you and
11 work with the Agency and with MPD, to do whatever
12 can be done to prevent things like this from
13 happening. I make no bones about that. And I
14 want to be very clear on that point.

15 That's all I have. Mr. Marmaras is
16 available obviously. Mr. Epps is available for
17 any other questions that people might have.

18 CHAIRPERSON ANDERSON: And I have
19 another question, a couple questions for Mr.
20 Marmaras. Mr. Marmaras, now, you're saying that
21 now -- tell me what is your plan to ensure that
22 the camera system remains operational? And the
23 reason I'm, and I say this and it's not directed
24 at you, at you, sir, but I've had too many in
25 these hearings, when an incident occurs, there's

1 a problem with the camera.

2 The camera system is not for ABRA as
3 a, catch you, it's not like, got you. It is for
4 your protection. Because it is, If when you have
5 a camera system that covers everything, then it
6 will show that, you know, this is someone who was
7 patted and wanded, he entered and, he hid the
8 gun, I mean, as was alleged. He could have hid
9 the gun in his crouch area. It was alleged, I
10 think by Mr. Epps.

11 But what I'm saying is that, there's
12 too many times that we have these hearings, it's
13 like there's always a glitch in the camera
14 system. So, what is it that you're going to do
15 to ensure that your cameras system is always
16 operational? Because it is to protect you. It
17 is not for ABRA to say, got you, so, we're going
18 to look for violations to catch you.

19 MR. MARMARAS: Well, the camera was
20 working, the issue that we had was the hard
21 drive, and with this learning experience, what
22 I'm doing now is, every day, I'm checking that
23 hard drive, to make sure it's recording. And
24 those are brand new hard drives.

25 And also, I've ordered another hard

1 drive -- I'm sorry, not hard drive, server. I've
2 also ordered another server to be a backup, just
3 in case something happens, and we have another
4 server in stock, in the house, all ready. Where
5 we can swap it out immediately.

6 CHAIRPERSON ANDERSON: Now, regarding
7 your camera system, and I know you can't cover
8 the bathroom, so -- the interior of the bathroom,
9 that you can't do.

10 MR. MARMARAS: No.

11 CHAIRPERSON ANDERSON: But is your
12 camera system, in your view, is your camera
13 system, does it cover all areas that the public
14 has access to?

15 MR. MARMARAS: I believe now, with the
16 additional cameras that we installed, and
17 upgrading some older cameras that are --
18 incredible resolution right now, the resolution
19 on the new cameras -- I think we are. But to be
20 100 percent sure, I'd like to invite an ABRA
21 Investigator there, to come and do a walk through
22 with us.

23 And show us, give us a new set of eyes
24 to see if we're not seeing it correctly? If
25 there's an angle, or if there's somewhere that we

1 may need to cover. I'm more than happy to
2 install as many cameras as I need to, to make
3 sure that, you know, we can cover every aspect in
4 that place.

5 CHAIRPERSON ANDERSON: Thank you very
6 much, Mr. Marmaras for that offer, and we will
7 ensure that that occurs. And this is something
8 that I want to ask you and both Mr. Kline.

9 The security plan that you have, you
10 said eight years, Mr. Kline. We're in 2023, Mr.
11 Kline, that's not eight years, that's 10 years,
12 okay. So, the security plan, it appears was
13 filed with the Agency over 10 years ago.

14 There's been a lot of changes in the
15 law. And what's required. So, is your client
16 willing, would your client volunteer to update
17 your security plan pursuant to the laws, current
18 laws and regulation and provide an updated
19 security plan to us within the next 30 days?

20 MR. KLINE: Absolutely. I mean
21 there's no question about that. I mean, we have,
22 you heard me ask Mr. Epps. We've looked at it.
23 But we'll look at it again. You know, they want
24 to be in compliance.

25 And just to comment on your, your

1 comment about cameras. Yes, we wish we had the
2 camera footage for him that evening. Because we
3 think what was, what needed to be done, was done.
4 So, we're disappointed, as you pointed out. The
5 camera system can be a savior.

6 As I think Mr. Epps, said previously,
7 they've been asked many times for camera footage.
8 And always turned it over. It's never been an
9 issue. This is the first time that there's been
10 an issue.

11 So, you know, I want the Board to know
12 that this is not a situation where, oh, suddenly
13 the cameras don't work. And that's, you know,
14 just because we're here. This establishment has
15 had experience with providing the footage, as
16 required, and as requested to MPD and ABRA. And
17 will continue to do so.

18 You've heard Mr. Marmaras say that
19 he's going to check it, and make sure that
20 everything is working. So, we understand what
21 you're saying, and we take that seriously as
22 well.

23 CHAIRPERSON ANDERSON: All right.
24 Thank you for that. And just a question, I mean,
25 and do you know how long the camera system, how

1 long before it's recorded over? Is it 30 days,
2 or I mean, how long is it, that it will maintain
3 footage, do you know?

4 MR. MARMARAS: From what I'm told now,
5 it could do over 30 days now. I believe it can
6 do about 35 days.

7 CHAIRPERSON ANDERSON: Right, all
8 right.

9 MR. MARMARAS: Literal.

10 CHAIRPERSON ANDERSON: All right,
11 okay. Any other questions by anyone of any of
12 the parties?

13 All right. Thank you everyone, for
14 their participation here today. This is what we,
15 the licensee has agreed to do. Provide us an
16 updated security plan, but review to see if it is
17 legally compliant within the next 30 days. They
18 will also allow ABRA, and I will stay within the
19 next 30 days, to conduct a walk-through the
20 establishment to ensure that there are no blind
21 spots that are not covered by the security
22 system.

23 As I stated before, this is Fact-
24 Finding Hearing. The Board will take this matter
25 under advisement, and we will make a

1 determination what next steps are. The next
2 steps are no further action, or we might refer
3 this to the Office of the Attorney General, If we
4 determine that there's some violation.

5 But the Board has not made any
6 determination regarding that. So, with that
7 said, Officer Beck, thank you for your appearance
8 today.

9 MR. KLINE: Thank you.

10 CHAIRPERSON ANDERSON: And thank
11 everyone for being here today. This matter is
12 taken under advisement. Have a great day. Thank
13 you very much.

14 (Whereupon, the above-entitled matter
15 went off the record at 2:44 p.m.)
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This is to certify that the foregoing transcript

In the matter of: Ultrabar

Before: DC ABRA

Date: 01-25-23

Place: teleconference

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