

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

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IN THE MATTER OF:                     :  
   :  
The McKenzie Group, LLC,           :  
t/a Ocean Lounge                     :  
1220 H Street NE                    : Fact Finding  
Retailer CT - ANC 6A                : Hearing  
License #114106                     :  
Case #21-251-00037                 :  
   :  
(Chief of Police Hearing            :  
Request)                               :  
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Wednesday  
January 26, 2022

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:

SARAH FASHBAUGH, DC ABRA Staff  
PAMELA MCKENZIE, Licensee  
KEVIN PUENTE, DC ABRA Investigator

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

2 12:20 p.m.

3 CHAIRPERSON ANDERSON: All right. The  
4 next case on our calendar is Case Number 21-251-  
5 00037, Ocean Lounge, License Number 114106.

6 And Ms. Fashbaugh, can you elevate the  
7 rights of the parties in this case?

8 MS. MCKENZIE: Good afternoon.

9 CHAIRPERSON ANDERSON: Hold on one  
10 minute, please? All right. So Mr. Puente, can  
11 you please identify yourself for the record,  
12 please?

13 INVESTIGATOR PUENTE: Yes. Kevin  
14 Puente, K-E-V-I-N, P-U-E-N-T-E.

15 CHAIRPERSON ANDERSON: Your  
16 relationship, please?

17 INVESTIGATOR PUENTE: Investigator  
18 with ABRA.

19 CHAIRPERSON ANDERSON: All right.  
20 Thank you. I'm sorry, ma'am. Can you please  
21 spell and state your name for the record and your  
22 relationship?

23 MS. MCKENZIE: Good morning. It's  
24 Pamela McKenzie. The spelling is P-A-M-E-L-A,  
25 McKenzie is spelled M-C-K-E-N-Z-I-E, and I'm the

1 owner of Ocean Lounge.

2 CHAIRPERSON ANDERSON: All right.  
3 Good afternoon, ma'am. This is again -- this is  
4 a fact-finding hearing. This is a -- this  
5 hearing stems from a request from the Chief of  
6 Police regarding shots fired and a victim was  
7 found with wounds, was shot outside Ocean Lounge.  
8 So the Chief of Police had requested that we do a  
9 fact-finding hearing.

10 Ms. McKenzie, this is a fact-finding  
11 hearing. The parties are not under oath. The  
12 Board is just investigating, gathering facts  
13 regarding this matter. During a fact-finding  
14 hearing, because it's more informal, the Board  
15 cannot order you to take any specific action.  
16 The Board, however, can -- we could ask and if  
17 you volunteer to take action, that's appropriate,  
18 but the Board cannot order you to take any  
19 specific action because this is a fact-finding  
20 hearing.

21 At the end of this hearing, the Board  
22 will make a determination whether or not we will  
23 take no further action or whether or not we  
24 believe that a violation has occurred, and then  
25 we -- if the Board believes that a violation has

1 occurred, then we would refer this case to the  
2 Office of Attorney General for them to consider  
3 whether or not they will bring a show cause  
4 matter against your establishment. Is that  
5 clear, ma'am?

6 MS. MCKENZIE: That's clear, Chairman  
7 Anderson.

8 CHAIRPERSON ANDERSON: Do you have any  
9 questions prior to us starting? I'm going to  
10 have Mr. Puente go through his report, and then  
11 you -- we'll ask you questions.

12 MS. MCKENZIE: Okay.

13 CHAIRPERSON ANDERSON: All right. So  
14 Mr. Puente, can you tell us why we're here this  
15 morning -- this afternoon now sir -- please, sir.

16 INVESTIGATOR PUENTE: Yes, sir. So on  
17 Saturday, November 20, 2021, MPD responded to the  
18 sound of gunshots on the 1200 block of 8th  
19 Street, NE. The arriving officers observed  
20 someone limping away from the scene who had been  
21 shot in the leg. The crime scene was located at  
22 1222 8th Street, NE. The victim was  
23 uncooperative with any information about the  
24 suspect who shot him.

25 On Sunday, November 21, 2021, MPD

1 Police Chief Robert Contee sent a fact-finding  
2 letter to ABRA advising that detectives attempted  
3 to look at surveillance footage from inside of  
4 Ocean Lounge and found that the video system was  
5 not connected.

6 On Saturday, November 20, 2021, I  
7 spoke with MPD Officer Martinez, who advised me  
8 he was the arriving officer on scene. He was in  
9 the 1300 block, observed -- heard gunshots, went  
10 running over and saw the victim limping away.  
11 Officer Martinez said that the victim was  
12 uncooperative. He -- detectives attempted to  
13 review surveillance video inside Ocean Lounge,  
14 but the system was not plugged in. Officer  
15 Martinez advised that they contacted the owner of  
16 the upstairs location right above Ocean Lounge,  
17 which was Truth Lounge, to see if he had cameras  
18 outside. They did. The cameras were not working  
19 at the time.

20 On Saturday, November 26, 2021, I  
21 visited the establishment and met with Ms.  
22 McKenzie. Ms. McKenzie advised that her and her  
23 staff were inside the establishment. They were  
24 cleaning up. When they heard gunshots, everyone  
25 froze, and then they saw MPD swarming the area.

1 Ms. McKenzie advised me that they had purchased  
2 the upstairs location for Truth Lounge and was  
3 waiting for DCRA to do their inspections before  
4 they applied to ABRA for the substantial change,  
5 so they did not have access to the camera system  
6 upstairs at that time. Ms. McKenzie stated that  
7 her and her staff were very shaken by the  
8 incident, and she was looking at active shooter  
9 training for her employees.

10 I conducted a regulatory inspection  
11 and found no other violations.

12 Ocean Lounge is a downstairs location.  
13 There's -- you have to go down a step -- stairs.  
14 Right above those stairs is another stairs going  
15 to Truth Lounge. So Ocean Lounge does not have  
16 any outside cameras. All their cameras are  
17 inside the establishment. So I checked that and  
18 that's pretty much it, sir.

19 CHAIRPERSON ANDERSON: So who's Truth  
20 Lounge, if you're aware?

21 INVESTIGATOR PUENTE: Truth Lounge was  
22 an establishment that was opening -- that was  
23 open pre-pandemic. Once the pandemic came, they  
24 closed down and now they're out of business. And  
25 just, I believe this week, Ms. McKenzie, it might

1 be on the Board Agenda today, is getting a  
2 substantial change to move upstairs as well.

3 CHAIRPERSON ANDERSON: Now do you know  
4 whether or not there was any formal or informal  
5 relationship between Ocean Lounge and Truth  
6 Lounge, to the best of your knowledge?

7 INVESTIGATOR PUENTE: No, not to the  
8 best of my knowledge. I know they tried to work  
9 together on an RDL several years ago back in  
10 2019. I think they may have done that. But  
11 since the pandemic happened, they -- Ocean Lounge  
12 -- or Truth Lounge has not been open every time  
13 I've gone by. And Ms. McKenzie confirmed that  
14 since the pandemic, they have not been open  
15 upstairs at all.

16 CHAIRPERSON ANDERSON: And you're  
17 stating that to the best of your knowledge, Ocean  
18 Lounge doesn't have any exterior cameras, is that  
19 what -- was that your statement?

20 INVESTIGATOR PUENTE: Yes, sir.  
21 There's no outside cameras. All the cameras are  
22 inside Ocean Lounge, because the front entrance  
23 is unique, because you have to go down maybe five  
24 steps below ground into the front door.

25 CHAIRPERSON ANDERSON: All right.

1 That's fine. Thank you. Any questions by any  
2 Board members of Mr. Puente?

3 MEMBER SHORT: Yes. I'd like to have  
4 a question for Investigator Puente.

5 CHAIRPERSON ANDERSON: Go ahead, Mr.  
6 Short.

7 MEMBER SHORT: Good afternoon,  
8 Investigator Puente.

9 INVESTIGATOR PUENTE: Good afternoon,  
10 sir.

11 MEMBER SHORT: Can you give, if you  
12 have any knowledge, any history of shootings,  
13 either near or at either one of those pub  
14 locations, Truth or Ocean Lounge?

15 INVESTIGATOR PUENTE: Yes, sir. Prior  
16 to it become Ocean Lounge, when it was called  
17 "Climax Lounge," there was a stabbing, if I  
18 recall correctly, that had occurred but it was  
19 right before Ocean Lounge got their license.

20 MEMBER SHORT: Okay. And pretty much  
21 did they give any reasons why the cameras at  
22 either one of the locations weren't working?

23 INVESTIGATOR PUENTE: Truth Lounge,  
24 the owner, MPD said, he checked, he thought they  
25 were working, but they -- when he checked, they



1 stopped working. And with Ocean Lounge, the  
2 camera was unplugged. I made sure that they  
3 plugged it back in and it was operating.

4 MEMBER SHORT: Either one of those --  
5 well, I guess Ocean Lounge, do they have a  
6 settlement agreement?

7 INVESTIGATOR PUENTE: They do not have  
8 a settlement agreement or a security plan, sir.

9 MEMBER SHORT: Okay. Thank you.  
10 That's all I have, Mr. Chair.

11 CHAIRPERSON ANDERSON: Thank you. Any  
12 other questions by any other Board member?

13 Ms. McKenzie, prior to you giving us  
14 your version, do you have any questions you want  
15 to ask of Mr. Puente?

16 MS. MCKENZIE: No, no questions but  
17 just a comment. Thank you, Investigator, as  
18 well. We do have a security plan and as far as  
19 cameras, as he mentioned, he's correct. We're  
20 like sort of sub a level in terms of our location  
21 and the door entry, so our cameras are kind of  
22 like underground, so to speak, as well. But we  
23 do have them. I just -- I wanted to offer a  
24 little more information about the electrical  
25 system.

1                   CHAIRPERSON ANDERSON: Why don't you  
2 present -- tell us from your perspective what  
3 happened, please?

4                   MS. MCKENZIE: Okay. Yes. So I can  
5 really just echo what the Investigator said --  
6 stated, that once the shootings happened, we were  
7 essentially in the process of cleaning and  
8 closing the doors. I think we were letting out  
9 an employee and the shooting was happened. So  
10 there was panic and a bunch of confusion, and so  
11 the doors were finally closed. And of course,  
12 the workers were so nervous and that, that it  
13 wasn't much -- we didn't really know what to do  
14 quite honestly.

15                   So when Officer Martinez came in, he  
16 started asking questions. He wanted to know  
17 about the unplugged camera, but I had to offer  
18 that that camera that was unplugged really was  
19 associated with our outside camera, yes. But  
20 when the -- and I have to say in quotes,  
21 "vandalizing of the electrical circuits after the  
22 eviction occurred upstairs," a lot of our  
23 electrical systems didn't work. No issue, no  
24 problem but we ended up getting -- we hired  
25 someone to come in, but that was after DCRA

1 provided our certificate of occupancy. We didn't  
2 want to get caught doing anything up there until  
3 we had the right to work up there. So now we  
4 have an operating camera outside in two locations  
5 and even one in the back.

6 CHAIRPERSON ANDERSON: But this  
7 incident occurred -- when is it -- let me see.  
8 This incident occurred --

9 INVESTIGATOR PUENTE: November 20 --

10 CHAIRPERSON ANDERSON: In November, so  
11 on November 21st -- November 20, 2021, who did --  
12 did the cameras belong to your establishment, the  
13 question?

14 MS. MCKENZIE: No. Those cameras  
15 belonged to the Truth previously.

16 CHAIRPERSON ANDERSON: And so you had  
17 no -- is it correct that you had no control over  
18 these cameras?

19 MS. MCKENZIE: No control.

20 CHAIRPERSON ANDERSON: Do you know  
21 whether or not Truth Lounge was in operation  
22 during -- on November 20, 2021?

23 MS. MCKENZIE: No, they were not.

24 CHAIRPERSON ANDERSON: Do you know --  
25 let me ask the question, tell me your -- explain

1 to us where's Truth Lounge, where is Ocean  
2 Lounge, please?

3 MS. MCKENZIE: Okay. It's like a row  
4 home and I think, you know, several, several  
5 years ago, it was probably residential. But it's  
6 the whole -- the whole block is mainly commercial  
7 so essentially, the way we're divided is we had a  
8 basement level and there's a first and second  
9 floor. Ocean Lounge has the basement level,  
10 okay. And then there's floor one and two which  
11 belonged to The Truth prior to October 18th.  
12 They were removed -- official removed on October  
13 18, 2021.

14 CHAIRPERSON ANDERSON: All right. Now  
15 -- so explain to us now that -- it's my  
16 understanding -- so tell us what it is that  
17 you're currently doing with the space, the former  
18 Truth Lounge space, if anything?

19 MS. MCKENZIE: Yes. I'm not doing  
20 anything but awaiting a license stipulation from  
21 ABRA, if possible. I did have a meeting with the  
22 ANC last night, the ABO committee, and we had a  
23 unanimous support for allowing us to essentially  
24 work in a stipulated process -- license process.  
25 But it's -- I'm waiting for the placard. So

1 they've not gotten a placard. So they're  
2 actually waiting for action from ABRA to allow us  
3 to then operate.

4 So once we are able to go in and  
5 operate, then we're prepared to essentially  
6 expand our business. We want to do live  
7 entertainment, and they're aware of that. So  
8 we're going to do a settlement agreement to  
9 include a noise reduction mitigation. We'll do  
10 whatever we need to do ultimately to be able to  
11 operate. But that's the plan --

12 CHAIRPERSON ANDERSON: I can't hear  
13 you, ma'am. You're --

14 MS. MCKENZIE: I had to turn away. My  
15 apologies. I said we're not operating currently  
16 because we're not legally able to operate.

17 CHAIRPERSON ANDERSON: All right,  
18 fine. Now how many cameras are currently -- how  
19 many cameras are in -- are the cameras working?

20 MS. MCKENZIE: Yes. Since we had the  
21 certificate of occupancy approved December 17,  
22 2021, we got cameras as soon as we could. The  
23 outside cameras were installed, though, on  
24 January 17th, because those wires were cut. So  
25 we had to do some extensive expenditures to make

1 sure that was working. So we got cameras now,  
2 though.

3 CHAIRPERSON ANDERSON: So how many  
4 cameras do you have now outside?

5 MS. MCKENZIE: There's almost 16  
6 cameras in there. It's probably too many, but we  
7 got about 16 cameras. It's two out back, one out  
8 front at the higher level of the building, and  
9 then at the lower level at the entrance point and  
10 multiple cameras, of course, over the -- behind  
11 the bar, over the register.

12 CHAIRPERSON ANDERSON: Now you stated  
13 that you have a security plan. What type of  
14 security plan do you have?

15 MS. MCKENZIE: Yes. So the security  
16 plan is basically written to describe how many  
17 security guards we have, who that contact is,  
18 what his credential is; also, the numbers of  
19 camera have only in the basement and the  
20 locations of those cameras and the hierarchy of  
21 order if an incident occurs. It's just basically  
22 -- I think I was required to provide a security  
23 plan when I was applying for a grant, so that was  
24 some time ago so I would have to pull it up to  
25 remember all the extensive points in there, but

1 we do have it.

2 CHAIRPERSON ANDERSON: Yes. But let  
3 me ask you a question. But you have never --  
4 this is not -- you have done a security plan for  
5 ABRA, is that correct?

6 MS. MCKENZIE: Providing it for ABRA,  
7 no -- in terms of providing it to you guys, but  
8 we were requested to actually provide one and put  
9 one together some time ago when I first got a  
10 license in 2019 but we started -- was it May --  
11 no -- it was 2019, right about September when we  
12 got our license. And I think you guys did ask  
13 for -- that we put together a security plan. I  
14 don't know if it was requested that we submit,  
15 but I do remember --

16 CHAIRPERSON ANDERSON: Well, would you  
17 volunteer in the next 30 days to provide you a  
18 security plan for our review?

19 MS. MCKENZIE: I'll send it to you in  
20 the current status. Of course, I have to update  
21 it because I'm going to get the two levels once I  
22 get a stipulation, right, but I'll send you today  
23 the current version, sure.

24 CHAIRPERSON ANDERSON: All right. So  
25 you agree that you'll provide us with a security

1 plan, and so we will review it and share with you  
2 whether or not we think it's legally sufficient.  
3 Okay. So --

4 MS. MCKENZIE: Okay.

5 CHAIRPERSON ANDERSON: -- a security  
6 plan. Can you provide -- Mr. Puente, can you  
7 provide her your -- who's your contact through  
8 ABRA, ma'am? Do you have a contact you have sent  
9 our -- well, can you just send it to ABRA Legal?

10 MS. MCKENZIE: Okay. I can do that.  
11 I typically communicate with Kelly Campbell and  
12 Franklin Carter.

13 CHAIRPERSON ANDERSON: All right. Why  
14 don't you send it to them and ask them to provide  
15 it to Legal then, please, ma'am. And would you  
16 be willing to -- for ABRA to come to your  
17 establishment and do a walkthrough regarding  
18 location or placement of cameras?

19 MS. MCKENZIE: I think we already have  
20 but yes.

21 CHAIRPERSON ANDERSON: All right. So  
22 we'll have -- we'll ensure that the agency works  
23 with you so we'll do a walkthrough and look at  
24 the placement of cameras to see whether or not  
25 they're in obvious blind spots; okay? All right.



1 Do you have any further comment that you want to  
2 make before I bring this hearing to closure?

3 MS. MCKENZIE: No, I mean, I have no  
4 comments. Thank you guys so much for your time.

5 CHAIRPERSON ANDERSON: Okay. All  
6 right. Any -- I'm not sure if I did ask any  
7 Board members if they had any questions.

8 MEMBER SHORT: I just have one  
9 comment, Mr. Chair.

10 CHAIRPERSON ANDERSON: Yes, Mr. Short.

11 MEMBER SHORT: I wanted to thank Ms.  
12 McKenzie for coming in and -- I mean, well,  
13 tuning in to this hearing today. But also, I  
14 wanted to commend her. If the ANC on H Street  
15 has given you their thumbs up, then you must be  
16 doing something right. And I'll just say we look  
17 forward to people working closely with the ANCs.  
18 It makes for a better place for everybody. Thank  
19 you for working with the ANC. That's all I have,  
20 Mr. Chair.

21 CHAIRPERSON ANDERSON: All right.

22 MS. MCKENZIE: We are -- we're excited  
23 about the connection, because we want to also be  
24 part of the solution, because I know there's a  
25 lot of violence and there needs to be something -

1 - everybody should be involved in a reduction.  
2 This is really bad to be quite honest.

3 CHAIRPERSON ANDERSON: All right.  
4 Thank you, ma'am. The Board will take this  
5 matter under advisement. So we'll let you know  
6 whether or not we will take no further action or  
7 whether or not we will send this matter over to  
8 the Office of Attorney General for further  
9 action. Thank you for your -- for being  
10 forthright with us today. Thank you for being  
11 here. Mr. Puente, thank you and have a great  
12 day. Thank you very much.

13 (Whereupon, the above-entitled matter  
14 went off the record at 1:50 p.m.)  
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This is to certify that the foregoing transcript

In the matter of: Ocean Lounge

Before: DCABRA

Date: 01-26-22

Place: teleconference

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**NEAL R. GROSS**

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