

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
:
Cafe Point Group, LLC, :
t/a Moi Moi Restaurant :
1627 K Street NW : Summary Action
Retailer CT - ANC 1E : Hearing
License #120466 :
Case #24-251-00256 :
:
(Homicide, Shooting :
Outside of the :
Establishment, Provided :
False or Misleading :
Information) :
-----=

Thursday
February 1, 2024

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
COLLIN CENCI, DC OAG
ANTHONY P. CELO, DC OAG
HOWSOON CHAM, Licensee
VANESSA PLEITEZ, DC ABCA Investigator
BRENDAN JASPER, MPD

I-N-D-E-X

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Witnesses	Direct	Cross	Redirect	Recross
Brendan Jasper	30	63	83	
Vanessa Pleitez	85	112		
Howsoon Cham	115	136		

E-X-H-I-B-I-T-S

District				
Exhibit Nos.	Document		Mark	Recd
1	Bar angle Surveillance footage		35	39
2	Front door Surveillance footage		39	42
3	Exterior Surveillance footage		43	48
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1 P-R-O-C-E-E-D-I-N-G-S

2 (1:35 p.m.)

3 CHAIRPERSON ANDERSON: And our first  
4 case, and only case this afternoon, is a Summary  
5 Suspension Hearing, Case Number 24-251-00256, Moi  
6 Moi Restaurant, License Number 1200466.

7 Good afternoon, Mr. Orellana, can you  
8 please elevate the rights of the Government, and  
9 the Licensee in this case?

10 MR. ORELLANA: Sure thing. Good  
11 afternoon. Lead Investigator Pleitez, your  
12 access has been elevated. Howsoon Cham, your  
13 access has been elevated. Collin Cenci, your  
14 access has been elevated. Brendan Jasper, your  
15 access has been elevated. And Anthony Celo, your  
16 access has been elevated. That is all, Chair.

17 CHAIRPERSON ANDERSON: Thank you. Mr.  
18 Cham, do you have a camera, you can turn on? All  
19 right, thank you, okay -- no, I'm sorry. Mr.  
20 Cham, can you turn your camera, please?

21 Are you there, Mr. Cham? Do you have  
22 a camera you can turn on, sir?

23 MR. CHAM: I'm trying to see what I  
24 can figure out. Give me a second. That's not  
25 it. I just don't know how to do that, sorry.

1 CHAIRPERSON ANDERSON: Can you, well,  
2 sir. I don't know who you are, sir. I mean  
3 we're having a very important hearing.

4 MR. CHAM: I understand, I'm trying to  
5 --

6 CHAIRPERSON ANDERSON: And so this is  
7 the only case that we have this afternoon, sir.  
8 So we'll take a minute for -- Mr. Orellana, is  
9 there any way you can provide any type of  
10 assistance, maybe by asking him some questions  
11 for us to figure it out to activate his camera,  
12 please?

13 MR. ORELLANA: Yes, Mr. Cham, please  
14 check your chat.

15 MR. CHAM: Chat, okay. Okay, I got  
16 it.

17 Furthest side -- switch to video  
18 setting, camera.

19 Geez. Share your browser, oh, that's  
20 not it.

21 CHAIRPERSON ANDERSON: Well, you're  
22 sharing your documents, so that's -- we're  
23 getting closer.

24 MR. CHAM: Oh, it's coming through?

25 CHAIRPERSON ANDERSON: Was that you?

1 MR. ORELLANA: Try stopping video, and  
2 starting video again.

3 MR. CHAM: Geez. Let's see, restart  
4 it. Settings, is it share content?

5 CHAIRPERSON ANDERSON: No, well, you  
6 shared content. So we're getting closer.

7 MR. ORELLANA: Mr. Cham, do you see a,  
8 stop video button?

9 MR. CHAM: Yes.

10 MR. ORELLANA: Click stop video, and  
11 then start video.

12 MR. CHAM: Stop video, okay. And then  
13 start video. Okay, I did that.

14 MR. ORELLANA: Is there a physical  
15 privacy slide or something obstructing the  
16 camera?

17 MR. CHAM: Where would that be?

18 MR. ORELLANA: Right in front of the  
19 camera. Something to slide or flip up?

20 CHAIRPERSON ANDERSON: But he was able  
21 to share his screen though, would that impact?  
22 Because he was sharing his screen earlier.

23 MR. ORELLANA: No, it doesn't relate  
24 to the camera.

25 CHAIRPERSON ANDERSON: Okay.

1 MR. CHAM: Just show -- oh God, I'm  
2 sorry.

3 MR. ORELLANA: If the laptop lid is  
4 closed, maybe try opening it.

5 MR. CHAM: The laptop, what?

6 MR. ORELLANA: Are you on a laptop?

7 MR. CHAM: Yes, I am.

8 MR. ORELLANA: Open the lid, if it's  
9 closed.

10 MR. CHAM: It is open.

11 MR. ORELLANA: Okay.

12 MR. CHAM: Ughh.

13 MR. ORELLANA: Maybe sign out, sign  
14 back in.

15 MR. CHAM: Okay, I'll try that.

16 Geez, I'm sorry about this.

17 CHAIRPERSON ANDERSON: He didn't --  
18 why don't you leave and sign out?

19 MR. CHAM: Okay.

20 (Pause.)

21 MR. ORELLANA: I'm still waiting for  
22 Mr. Cham to join.

23 CHAIRPERSON ANDERSON: Okay.

24 MR. CHAM: Hello.

25 CHAIRPERSON ANDERSON: Hello. We

1 still don't have -- no, we still can't see you.

2 But all right. That's fine if you --

3 MR. CHAM: Oh God.

4 CHAIRPERSON ANDERSON: If you're  
5 unable to, if you're unable, then we'll move  
6 forward.

7 MR. CHAM: Camera, I'm trying to see  
8 it.

9 CHAIRPERSON ANDERSON: All right.  
10 Where are you? Now, he's gone?

11 MR. CHAM: No, I'm here.

12 CHAIRPERSON ANDERSON: All right. One  
13 of the reasons I prefer to see you is because  
14 I'll always know that you're online. But if  
15 you're unable to get on camera, we'll just move  
16 on, okay.

17 MR. CHAM: I'm trying, I'm still  
18 trying to do this.

19 CHAIRPERSON ANDERSON: All right.  
20 Well, unfortunately, there's not much we can do  
21 from this end. I know our IT person provided you  
22 some guidance. But if you're unable to turn, to  
23 access your camera, then it's, then we'll just  
24 have to move forward without that.

25 And yes, without that, because as I

1 said before, I prefer when you're on camera, then  
2 I can know if you're not online. But if we lose  
3 you for some reason, I won't know. All right.

4 All right. Good afternoon again. So  
5 let me have the parties identify themselves. For  
6 the record let's start with the Government.

7 MR. CENCI: Chairman Anderson, Collin  
8 Cenci, C-O-L-L-I-N C-E-N-C-I, Assistant  
9 Attorney General with the Office of Attorney  
10 General for the District of Columbia. I'm joined  
11 by my Co-counsel, Anthony Celo.

12 CHAIRPERSON ANDERSON: Good afternoon,  
13 sir.

14 MR. CELO: Good afternoon, Mr. Chair.  
15 Assistant Attorney General, Anthony Celo, A-N-T-  
16 H-O-N-Y C-E-L-O.

17 CHAIRPERSON ANDERSON: Good afternoon,  
18 Mr. Celo.

19 Mr. Cham, can you identify yourself  
20 for the record, please?

21 MR. CHAM: Yes, Howsoon Cham, I'm the  
22 chef and owner of Moi Moi Restaurant.

23 CHAIRPERSON ANDERSON: Can you please  
24 spell your name, sir.

25 MR. CHAM: First name H-O-W-S-O-O-N,



1 last name, C-H-A-M, as in Mary.

2 CHAIRPERSON ANDERSON: All right,  
3 thank you. All right, the Board has before it  
4 today, a summary suspension hearing, involving  
5 Cafe Point Group, LLC, trade name, Moi Moi  
6 Restaurant, a Retailer CT, located at 1627 K  
7 Street NW. This is Case Number 24-251-00256.

8 On January 10th, 2024, the Alcohol  
9 Beverage Control Board, reviewed Investigator  
10 Report Number 24-251-00256, which contained  
11 allegations that the Respondent presented an  
12 imminent danger to the health and safety of the  
13 public due to its non-compliance with DC statutes  
14 and regulations, its own security plan, and Board  
15 Order Number 2022-308.

16 As a result of the Respondent's non-  
17 compliance, which resulted in a homicide, the  
18 Board voted 3 to nothing, (3 to 0), on January  
19 10th, 2024, to refer this case to the Office of  
20 the Attorney General for consideration of a  
21 summary suspension of the establishment's  
22 license.

23 The Respondent was served notice in  
24 this matter by personal service on January 17th,  
25 2024, by Supervisor Investigator Earl Jones, as

1 well as by electronic mail service, which is  
2 permitted under 23 DCMR, Section 1703.

3 The Respondent requested a hearing on  
4 January 17th, 2024, under DC Code Section 25-  
5 A26(c). Today the Board will be hearing  
6 testimony from the Office of the Attorney  
7 General, the Respondent, and the respective  
8 witnesses, if any.

9 The purpose of the hearing is so that  
10 the Board can determine whether, under DC Code  
11 Section 25a-26, whether the operations of the  
12 Respondent continued to present an imminent  
13 danger to the health and safety of the public.  
14 To that end, the Board asks that the parties  
15 stick to the matters, the facts and issues  
16 related to the incident.

17 The facts and issues are those  
18 outlined in the Summary Suspension Notice, dated  
19 January 12th, 2024. And the Investigator's  
20 Report for Case Number 24-251-00256. The Board  
21 is only interested in hearing about these matters  
22 that can be used to establish whether this  
23 establishment is an imminent danger to the health  
24 and safety of the public.

25 The Board will begin this case by

1 hearing the opening statement from the  
2 Government, represented by Assistant Attorney  
3 General Collin Cenci and Anthony Celo, followed  
4 by the opening statement of you, Mr. Cham, on  
5 behalf of your establishment.

6 Before we begin with opening  
7 statements. Are there any procedural matters the  
8 parties would like to bring to the Board's  
9 attention? Mr. Cenci.

10 MR. CENCI: Yes, there are a few  
11 preliminary matters from the Government, we would  
12 like to address before we get started.

13 CHAIRPERSON ANDERSON: What are they,  
14 sir?

15 MR. CENCI: First, we would like for  
16 this Board to take a few matters under  
17 administrative notice, before we begin the  
18 hearing. First, we would like the Board to take  
19 administrative notice of the fact, that in the  
20 first 10 days of this year, 2024, the Board voted  
21 in favor of summary suspension of three ABC  
22 licenses. And in each case, the alleged  
23 underlying facts concerned assault with a deadly  
24 weapon, the destruction of evidence, and  
25 interference in an investigation.

1 (Pause.)

2 CHAIRPERSON ANDERSON: And are you  
3 waiting for a response from me, sir?

4 (Simultaneous speaking.)

5 MR. CENCI: -- Chairperson, I'm sorry.

6 CHAIRPERSON ANDERSON: What, I mean  
7 what's the relevancy of this issue? I mean I  
8 know that as is stated, that is the third summary  
9 suspension hearing, that we've had this, well,  
10 this is the third summary suspension. I'm not  
11 quite sure why you want the Board to take  
12 administrative notice of that matter. I don't  
13 see why that is relevant to this case today?

14 MR. CENCI: Yes, Chairperson,  
15 Anderson. We believe that this is relevant.  
16 Within less than two weeks three different  
17 establishments, under similar circumstances were  
18 summarily suspended.

19 CHAIRPERSON ANDERSON: Okay.

20 MR. CENCI: This is becoming a  
21 pervasive issue with ABC licensed establishments  
22 in the District of Columbia. And we plan to  
23 speak about these issues in opening and closing  
24 statements.

25 CHAIRPERSON ANDERSON: Oh, that's

1 fine.

2 MR. CENCI: Okay, thank you. Next, we  
3 would like the Board to take administrative  
4 notice that this establishment, Moi Moi  
5 Restaurant, had its ABC license summarily  
6 suspended in June of 2022. In that case, the  
7 alleged underlying facts were that a fight  
8 started in the establishment, which led to  
9 gunfire outside. A trail of blood was left in  
10 front of the establishment as a result.

11 And the establishment, then locked the  
12 front door, so MPD and ABRA Investigators could  
13 not enter, which impeded subsequent  
14 investigations. The Board voted 4 to 2, in the  
15 favor of an, offer in compromise, to resolve that  
16 suspension. Mr. Short and Ms. Hansen voted  
17 against.

18 We would like to have the transcript  
19 of the hearing, where the Board voted on the,  
20 offer in compromise, admitted into evidence and  
21 marked as Exhibit 4 for identification purposes.

22 And we would like Court Order 2022-308  
23 to prove the, offer in compromise, admitted into  
24 evidence and marked as Exhibit 5 for  
25 identification purposes.

1 CHAIRPERSON ANDERSON: They're a part  
2 of the Board's records, so, so moved.

3 (Whereupon, the above-referred to  
4 documents were marked as District Exhibits No. 4  
5 and 5 for identification and received into  
6 evidence.)

7 MR. CENCI: Thank you, and with that,  
8 that is the end of preliminary matters for the  
9 Government, and we're ready to proceed with  
10 opening statements.

11 CHAIRPERSON ANDERSON: I don't believe  
12 that, Mr. Cham --

13 MR. CHAM: Yes, sir.

14 CHAIRPERSON ANDERSON: All right.  
15 That's the problem I'm having. I could not find  
16 you on the screen. All right. Do you have any  
17 preliminary matters, meaning that this is not  
18 necessarily substantive, but any preliminary,  
19 like any issues that you have and that I need to  
20 know before we move forward?

21 MR. CHAM: Any issues?

22 CHAIRPERSON ANDERSON: Yes.

23 MR. CHAM: Such as?

24 CHAIRPERSON ANDERSON: Well, I guess  
25 you don't have any issues. So you're ready to

1 present your case when your time is, when it's  
2 time to present your case, then. Okay.

3 All right. This is the way the  
4 process will work. Both parties will have an  
5 opportunity to do opening statements. An opening  
6 statement is basically, you're going to say to  
7 us, this is what happened. These are the  
8 witnesses that you're going to call. And what it  
9 is that the party, either the Government or you,  
10 Mr. Cham, will prove. So you'll have, both sides  
11 will have an opportunity to do an opening  
12 statement.

13 Once the opening statements are  
14 completed, the Government goes first. The  
15 Government will call its first witness, will call  
16 whatever witnesses that it has. Once the  
17 Government has called its witness, you will have  
18 an opportunity to, Mr. Cham, to cross examine the  
19 witness.

20 Once you've cross examined the  
21 witness, the Board might have questions of the  
22 witness. If the Board has questions of the  
23 witness, then you would be given another  
24 opportunity to ask questions of those witnesses.  
25 And then once you're done, the Government will

1 have an opportunity to redirect its witness.

2 So once the Government has presented  
3 its witnesses, then you can present your case.  
4 And now, Mr. Cenci, are there -- how many  
5 witnesses that you have in this case, you're  
6 calling in this case?

7 MR. CENCI: There will be two  
8 witnesses today, Chairperson, Anderson.

9 CHAIRPERSON ANDERSON: Mr. Cham, are  
10 you, do you plan to call any witnesses outside of  
11 yourself, today, sir?

12 MR. CHAM: No, sir.

13 CHAIRPERSON ANDERSON: All right. So  
14 who's the Government's first witness -- I'm  
15 sorry, I'm sorry. We're going to do opening  
16 statement. I apologize. Go ahead, sir.

17 OPENING STATEMENTS

18 MR. CENCI: May it please the Board.  
19 Gentlemen, this establishment is known to the  
20 Board. In 2022, the Board approved a summary  
21 action case against Moi Moi, where allegedly a  
22 fight took place in the establishment, alleged  
23 with a gun being shot just outside. The Board  
24 resolved that matter with an, offer in comprise,  
25 on June 29th, 2022.



1                   Now, that OIC was not approved  
2                   unanimously. In fact, Mr. Short voted against  
3                   it. And in voting against it, it was Mr. Short  
4                   who spoke to these prophetic words. Quote, and I  
5                   don't think anything I've heard today has assured  
6                   me that this is not going to happen again -- and  
7                   the next time, we might not be so lucky, somebody  
8                   may be killed. This is life and death. Unquote.

9                   We will prove that on the morning of  
10                  January 9th, 2024, a fight started inside of Moi  
11                  Moi that led to a gun being shot just outside.  
12                  You will learn that this time, we weren't so  
13                  lucky. This time, somebody was killed.

14                  We are here today, in a summary action  
15                  matter of Caf, Point Group, LLC, trade name is  
16                  Moi Moi Restaurant, located at 1627 K Street NW,  
17                  Washington D.C. This case is about an  
18                  establishment that not only failed to follow the  
19                  terms of an OIC, that resulted from a previous  
20                  summary suspension, but also repeatedly impeded  
21                  ABCA's and MPD's investigations of the incident.

22                  Today, you'll hear that on January  
23                  9th, a special police officer working as security  
24                  at Moi Moi, was not in uniform when he approached  
25                  a patron from behind, and attempted to force the

1 patron out of the establishment. You'll hear how  
2 that attempted ejection devolved into a brawl  
3 between security and two patrons.

4 We'll prove that in this fight, a  
5 security guard drew and fired his gun, striking  
6 Mr. Ananye Morago Onoha (phonetic). You'll hear  
7 how Mr. Onoha attempted to flee, before crashing  
8 his car a block away and being taken to the  
9 hospital, where he died from his injuries.

10 As for the security guard, we'll show  
11 you with video evidence that after shooting Mr.  
12 Onoha, he stood back up, picked up his phone that  
13 he dropped, and just walked right back into Moi.  
14 And that video will show that 42 seconds after  
15 that, Moi Moi's owner, Mr. Howsoon Cham, walked  
16 right out of that same door, got down on his  
17 hands and knees, and scrubbed up the blood that  
18 has spilled from Mr. Onoha's gunshot wound.

19 The summary suspension notice that's  
20 issued in this matter, concerns obligations that  
21 the Licensee: One, allowed Moi Moi to be used  
22 for an unlawful purpose. Two, violated the terms  
23 of its security plan by failing to engage in  
24 conflict resolution or de-escalation, before  
25 removing a patron. Three, violated the terms of

1 its security plan and Board Order 2022-308, by  
2 failing to report a violent incident to MPD.

3 Four, violated that Board Order by  
4 allowing employees to bring weapons into the  
5 establishment. Five, violated the Board Order by  
6 allowing a patron to bring a weapon into the  
7 establishment. Six, violated the Board Order by  
8 failing to preserve the scene of a crime. Seven,  
9 violated the Board Order by failing to maintain  
10 security cameras in good working order.

11 Eight, violated the Board Order by  
12 failing to cooperate with an ABCA and MPD  
13 investigation, by providing false and misleading  
14 statements with the intention of influencing,  
15 impeding, or obstructing the investigation.  
16 Nine, served alcohol outside of approved hours.  
17 Ten, hired an armed security guard, not appointed  
18 by the mayor as a special police officer, or  
19 registered as a security officer with MPD's  
20 Security Officers Management Branch.

21 Eleven, caused a firearm to illegally  
22 be in the establishment. Twelve, interfered in  
23 an MPD investigation, by failing to allow MPD to  
24 enter and inspect without delay. And thirteen,  
25 interfered with an ongoing ABCA and MPD

1 investigation, by concealing and destroying  
2 evidence.

3 Now, the District bears the burden of  
4 proving this case. We must show you that the  
5 Respondent presents an imminent danger to the  
6 health and safety of the public by substantial  
7 evidence in the record. We accept our burden,  
8 and we're going to meet it today through the  
9 testimony of two witnesses, MPD Detective Brendan  
10 Jasper, and ABCA Investigator Vanessa Pleitez.

11 Detective Jasper is going to testify  
12 that shortly after 4:30 a.m. on January 9th, an  
13 eyewitness to the shooting outside Moi Moi,  
14 called MPD to request police assistance. He'll  
15 tell you that he arrived shortly thereafter, to  
16 the establishment, where the front door was  
17 locked. He and fellow MPD members knocked on the  
18 door, not once, twice, or even three times.  
19 They'll tell you how MPD knocked and announced  
20 themselves on a cold January morning, for over an  
21 hour and a half, before they finally forced the  
22 door to Moi Moi, open.

23 They'll tell you how Mr. Cham was  
24 misleading and untruthful once MPD was able to  
25 speak with him. How he identified multiple

1 individuals working for the establishment, who  
2 are carrying firearms, inside. And how they  
3 reviewed security footage, which was labeled with  
4 the incorrect date and time, frustrating MPD's  
5 investigation.

6 And then you'll hear from Investigator  
7 Pleitez. She'll tell you that she investigated  
8 the establishment with MPD, and how Mr. Cham was  
9 equally difficult with her investigation. She'll  
10 describe how Mr. Cham only assisted with  
11 providing security footage, once she told him  
12 that not doing so would result in an ABC license  
13 violation.

14 She'll tell you how she saw Mr. Cham  
15 on that footage, take less than a minute to  
16 destroy evidence of the shooting. She'll also  
17 walk you through the establishment's security  
18 plan, and the 2022 OIC Board Order, and show you  
19 how Moi Moi violated both, repeatedly.

20 The Board is familiar with this  
21 establishment. And that is not a good sign. In  
22 the 2022 incident that led to the summary  
23 suspension of Moi Moi's license, a fight led to  
24 gunfire and a trail of blood leading out of the  
25 establishment. Afterwards, the establishment

1 locked the front door, leading to delay in  
2 investigations.

3 We will prove that on January 9th,  
4 2024, a fight led to gunfire, blood leading out  
5 of the establishment, and a locked front door.  
6 But we will show you, two big differences between  
7 these incidents. One, now Mr. Chan made sure to  
8 clean up the blood in front of the establishment.  
9 Two, that this time, somebody, Mr. Onoha, was  
10 killed.

11 On June 29th, 2022, one would prompt  
12 this Board, that it would take certain measures  
13 to prevent another incident like that from ever  
14 happening again. We will prove to you that on  
15 January 9th, Moi Moi broke those promises.

16 That's why at the end of today's  
17 hearing, my Co-counsel Anthony Celo will ask that  
18 you find in favor of the District of Columbia,  
19 and summarily revoke Moi Moi's ABC license.

20 Thank you.

21 CHAIRPERSON ANDERSON: Thank you. Mr.  
22 Cham do you wish to make an opening statement, or  
23 you defer until you're ready to defend your, to  
24 put your case on. What is your option, what is  
25 it that you want to do, sir?

1 MR. CHAM: I have an opening  
2 statement.

3 CHAIRPERSON ANDERSON: Go ahead, sir.

4 MR. CHAM: Okay. With all due  
5 respect, what happened the other day, is not  
6 exactly what was just narrated. But I'm going to  
7 say my version of everything.

8 CHAIRPERSON ANDERSON: But remember,  
9 your opening statement is just you're going to  
10 tell it, as you went through the case. Later on,  
11 when you're going to testify, I will swear you in  
12 so you can testify. I just want to make sure  
13 that you're not presenting your case now. You're  
14 just giving us an overview, okay? But go ahead.

15 MR. CHAM: This is really what  
16 happened was, I did have patrons just came in the  
17 restaurant. They were from another establishment  
18 around the corner. So there was about eight of  
19 them, three gentlemen, and five ladies, something  
20 like that. Eight of them. So they came in, they  
21 had their own disagreements. But like I say,  
22 when we had security at the door, everybody was  
23 pat down. They came in, they ordered the food.  
24 They were eating. It was about 2:30.

25 They were eating the food, and it was

1 only like 12 people in the, 12 or 15 people in  
2 the building, in the restaurant. So one of the  
3 gentlemen had a disagreement with one of the  
4 ladies. And he was very aggravated, yelling and  
5 screaming. And left for like, five minutes, and  
6 then came back. But when he was, before he came  
7 in, I told the security, check that guy when he  
8 comes back. Security said, okay.

9 So when he came back in, security  
10 checked him out. And then he started his  
11 argument again, with one of the females. So  
12 security heard that, and asked the guy that he  
13 has to leave the building. You know, I have  
14 videos of everything that happened myself.

15 So the security guard escorted him  
16 outside. So he went outside. Security guard is  
17 coming in. A friend of the guy who was kicked  
18 out, was inside. So the minute that he saw that  
19 his friend was kicked out, he ran outside. And  
20 while he was running outside, the security was  
21 coming inside. So what did he do, he just kicked  
22 the security in the face.

23 The video will show all that. He  
24 kicked the security guard in the face, and then  
25 started beating him up. So now he's like three



1 people outside. Security, the guy that was  
2 kicked out, and the guy that was inside. So the  
3 guy that was kicked out, came back and attacked  
4 the security guard. So now it's like two people  
5 beating up the security guard.

6 So I'll call him, the guy who was  
7 inside the restaurant has a white shirt on. And  
8 the guy who was outside had a black shirt on. So  
9 the guy who was inside, keep beating up the  
10 security, outside. And literally dragged the  
11 security to the alley, so they can beat him up  
12 better.

13 So the guy who was kicked out had run  
14 to his car and grabbed a gun. The gun was not in  
15 the restaurant. You will see that all on the  
16 video. The guy who ran to the car and grab a  
17 gun, and now it's like three people out. So they  
18 were brawling, they were fighting. You can see  
19 in the video, where his gun fell off on the  
20 street. While the other guy was on top, the guy  
21 with the white jacket was on top of the security  
22 beating him up. This other guy, picked up his  
23 gun and pistol whip security.

24 Now, mind you, when he kicked the  
25 security's face at the front of the door. This

1 is literally, front of the door. He's kicking  
2 his face and was stomping his face on the ground.  
3 So the whole door was all bloody, the front door.  
4 And I had people there who was about to leave.  
5 So I told them they have to wait. So the whole  
6 door was bloody, from stomping the security guard  
7 with his foot on his face, on the ground, on the  
8 concrete, that is in front of the door.

9 Now, they drag the security to the  
10 side. Where they started, continued beating up  
11 the security. Again, the other guy pistol whip  
12 security, and the security was down. So the guy  
13 in the white shirt was on top of the security and  
14 was kicking him.

15 MR. CENCI: Chairman Anderson, I'm  
16 going to have to object. This is getting into  
17 just narrative and not an opening statement.

18 CHAIRPERSON ANDERSON: So hold on,  
19 hold on. I'm aware, and again he's not an  
20 attorney. This is -- he's not sworn in. So, and  
21 that's why I made the clarification. So go  
22 ahead, sir.

23 MR. CHAM: And so anyway, they push  
24 him in the alley, beating him up. So now the guy  
25 with the white shirt is on top. Okay, so let

1 security go to the bottom, the while guy, that  
2 was inside with the white jacket was on top.  
3 Punching the security's face, right. While the  
4 other guy after he pistol whip him, security was  
5 underneath. There's two men beating him up. And  
6 then what security did was, he had a gun on his  
7 pocket. He took it out and shot the gun on his  
8 stomach.

9           So the guy ran. He ran to his car.  
10 And the other guy, oh, shit. He shot me. Excuse  
11 my language. Oh, shoot, he shot me. So he ran  
12 to his car. And the other guy who was kicked out  
13 with the black jacket, who had the gun, followed  
14 him. So they got in their car. I don't even  
15 know who was driving. But when they left, I  
16 heard later on that they had crashed somewhere  
17 around the corner. And then they got them to the  
18 hospital. So when they got to the hospital, I  
19 heard three hours later, that's when the guy  
20 passes away.

21           So the story goes, the guy was getting  
22 beat up, and security shot him. It's not like  
23 security was sitting down, or standing around and  
24 took his gun and shot somebody. No, even the  
25 detective, if I could put his name, when he saw

1 the video, he told me, I was a security guard in  
2 a club. If this was happening to me, I would  
3 have done the same thing. That's two gentlemen,  
4 beating up one guy. And one with a pistol. So  
5 the security guard had a pistol, and this guy on  
6 top of him. He shot him on the stomach.

7 So it's not like he said previously,  
8 that the guy was running and he shot him. That  
9 was not true. So when they left, the guy got up.  
10 His phone was on the ground. That's what he  
11 picked up. After he was beat up and bloody all  
12 in the front of the door. He got up, and pick up  
13 his phone, not his gun. He got up and pick up  
14 his phone and came back inside.

15 CHAIRPERSON ANDERSON: Mr. Cham,  
16 you're going through the whole case, and that's  
17 not what we're doing here.

18 MR. CHAM: Okay. I'll stop there.

19 CHAIRPERSON ANDERSON: It's just  
20 you're supposed to give us the highlights and I  
21 believe when you present your case, then I think  
22 you said you have videos. And then you will,  
23 I'll swear you in, and then you can go through  
24 more detail, in trying to defend the action of  
25 one of your employees. So that's what we'll do.

1 But if you'll stop, not here, but I'm just saying  
2 is that I'm just trying to get a highlight, a  
3 roadmap of where the case is going. And you were  
4 getting a little bit too much in detail, so.

5 MR. CHAM: I'm sorry.

6 CHAIRPERSON ANDERSON: All right,  
7 that's fine. All right.

8 So now we'll have the Government will  
9 call its first witness. And once the Government  
10 has done direct examination of his witness, then  
11 you'll have an opportunity to cross examine that  
12 person, okay?

13 MR. CHAM: Okay, thank you.

14 CHAIRPERSON ANDERSON: Who's the  
15 Government's first witness?

16 MR. CENCI: The Government calls  
17 Detective Jasper to the stand.

18 CHAIRPERSON ANDERSON: And Mr. --  
19 Detective Jasper, can you raise your right hand,  
20 please? Do you swear or affirm to tell the truth  
21 and nothing but the truth?

22 (Simultaneous speaking.)

23 DET. JASPER: Yes.

24 CHAIRPERSON ANDERSON: I'm sorry, I  
25 want to make sure that I can hear you clearly,

1       okay.

2                     DET. JASPER: Can you hear me?

3                     CHAIRPERSON ANDERSON: Yes, I can, all  
4 right. Fine. Your witness, Mr. Celo.

5                             DIRECT EXAMINATION

6                     MR. CELO: Thank you. Detective  
7 Jasper, for the record, please state and spell  
8 your full name.

9                     DET. JASPER: I'm Detective Brendan  
10 Jasper, B-R-E-N-D-A-N J-A-S-P-E-R.

11                    MR. CELO: And what is your job?

12                    DET. JASPER: I'm a detective with the  
13 Metropolitan Police Department, Homicide Branch.

14                    MR. CELO: How long have you been with  
15 MPD?

16                    DET. JASPER: With MPD, a little over  
17 10 years.

18                    MR. CELO: And how long have you been  
19 a detective?

20                    DET. JASPER: Been a detective for  
21 over five years.

22                    MR. CELO: And can you give us just a  
23 brief overview of your education and training to  
24 become a detective?

25                    DET. JASPER: I did five years in

1 patrol, then go to detective school from -- you  
2 take the detective class. I was assigned to the  
3 Seventh District, Detective's Office for three  
4 years. And then the last two years, I've been in  
5 Homicide Branch.

6 MR. CELO: Thank you. And are you  
7 familiar with a shooting at Moi Moi Restaurant,  
8 that has been discussed so far in opening  
9 arguments today?

10 DET. JASPER: Yes, I am.

11 MR. CELO: Did you investigate that  
12 shooting?

13 DET. JASPER: Yes, I was the lead  
14 detective.

15 MR. CELO: Can you tell us how MPD was  
16 notified of the shooting?

17 DET. JASPER: Yes. So MPD received  
18 multiple calls. One call from a witness that  
19 observed what happened in front of Moi Moi. And  
20 then additional witnesses that observed the  
21 vehicle crash involving the decedent, about a  
22 block away. As well as a call from the hospital  
23 that the decedent arrived in, shortly after the  
24 crash.

25 MR. CELO: So MPD received multiple

1 phone calls of this incident when it occurred?

2 DET. JASPER: Yes.

3 MR. CELO: And what time were those  
4 phone calls?

5 DET. JASPER: There were a little  
6 after 4:30, I believe.

7 MR. CELO: Okay. And that's 4:30 in  
8 the morning to be clear.

9 DET. JASPER: 4:30 a.m., yes.

10 MR. CELO: And it is MPD's conclusion  
11 that the shooting happened around 4:30 a.m.?

12 DET. JASPER: We believe the shoot  
13 happened around 4:26 a.m.

14 MR. CELO: Thank you. Now, you said  
15 that MPD received multiple phone calls. Were any  
16 of those phone calls from Moi Moi Restaurant or  
17 any of the employees or staff of Moi Moi  
18 Restaurant?

19 DET. JASPER: No.

20 MR. CELO: Can you give us a brief  
21 overview of the facts of the incident? The  
22 fight, and the shooting, what actually occurred  
23 in overview terms?

24 DET. JASPER: So the witness who was  
25 in the area of Moi Moi, observed the physical



1       altercation that occurred in front of Moi Moi.  
2       He heard a loud bang, which he believed to be a  
3       gunshot. And then observed two subjects run  
4       away. And then vehicles drive away.

5                 Shortly thereafter, additional  
6       witnesses, there was a car crash at the  
7       intersection that involved the decedent's  
8       vehicle. The decedent's vehicle then crashed  
9       into another establishment. The other individual  
10      was able to get the decedent out of the vehicle,  
11      and drove the decedent to a nearby hospital.

12                Also, in that area a weapon was  
13      recovered from that area, believed to be from one  
14      of the subjects. So as we're investigating that,  
15      we rope off the area of Moi Moi from the witness.  
16      Patrol officers and detectives attempt to gain  
17      entry into the restaurant, or the establishment.  
18      But there's no answer at the door at the time.

19                MR. CELO: And we'll get into that.  
20      Just to back track a bit, was the decedent, Mr.  
21      Onoha, as Attorney Cenci stated in opening?

22                DET. JASPER: Yes.

23                MR. CELO: Okay. And you said that  
24      this occurred at 4:26 a.m., does that conflict  
25      with the 2:30 estimate, that was given by Mr.

1 Cham in his opening argument?

2 DET. JASPER: Yes.

3 MR. CELO: Okay. Now, as part of your  
4 investigation, were you able to obtain  
5 surveillance footage showing the incident?

6 DET. JASPER: Yes, we were.

7 MR. CELO: And have you reviewed that  
8 surveillance footage?

9 DET. JASPER: Yes.

10 MR. CELO: If I show it to you, now,  
11 will you be able to recognize it?

12 DET. JASPER: Yes.

13 MR. CELO: Permission to share my  
14 screen.

15 CHAIRPERSON ANDERSON: Mr. Orellana,  
16 can you please allow, Mr. Celso to share his  
17 screen?

18 MR. CELO: Thank you. I'm showing you  
19 what has been marked as District Exhibit 1, the  
20 bar surveillance footage, bar angle surveillance  
21 footage.

22 (Whereupon, the above-referred to  
23 document was marked as District Exhibit No. 1 for  
24 identification.)

25 MR. CELO: Do you recognize this still

1 shot?

2 DET. JASPER: Yes, I do.

3 MR. CELO: And is this one of the  
4 camera angles you have previously reviewed?

5 DET. JASPER: Yes.

6 MR. CELO: For purposes of the record,  
7 I am starting this video at the 3 hour, 54 minute  
8 and 34 second mark, which the Board will note,  
9 occurs at a timestamp in the top left corner of  
10 January 6th, 2024, Saturday, 07:29:26, at that  
11 timestamp.

12 Before we begin, Detective Jasper, is  
13 that timestamp and date stamp. Correct?

14 DET. JASPER: It's not correct to the  
15 time and date of the incident, that was  
16 occurring, no.

17 MR. CELO: Okay. But for the purposes  
18 of walking through the video, I proffer that I  
19 will present three different videos. Are they  
20 all operating on the same incorrect time and date  
21 stamp?

22 DET. JASPER: Yes, I believe so. The  
23 time does jump at some point, I'm not sure what  
24 video we're going to watch. But the incident  
25 involving the shooting does show the Saturday

1 timestamp, yes.

2 MR. CELO: And in this still that we  
3 have, when I hit play, will the security officer  
4 in question be coming from the bottom of the  
5 screen towards the front door of the  
6 establishment?

7 DET. JASPER: I believe the front door  
8 is the bottom of the screen, I believe. So he is  
9 going to come walking, so.

10 MR. CELO: And can you identify, I'll  
11 proffer it is in the top right corner, because I  
12 realize this is a blurry image, can you identify  
13 the patron, who will be removed from the  
14 incident?

15 DET. JASPER: The patron is standing  
16 in that top right area of this video.

17 MR. CELO: I will play this through  
18 once. As I start it, I will pause momentarily.

19 (Video played.)

20 MR. CELO: Could you identify the  
21 individual who just walked into the frame, with a  
22 hoody, with some sort of mouth on the back?

23 DET. JASPER: Yes, that is the  
24 security guard that was working that morning.

25 MR. CELO: Okay.

1 (Video played.)

2 MR. CELO: Now, based on your  
3 investigation, does this accurately depict the  
4 start of the altercation that occurred that  
5 night?

6 DET. JASPER: Yes.

7 MR. CELO: And based on your  
8 investigation, can you explain what caused the  
9 security guard to approach and grab the patron?

10 DET. JASPER: I believe the patron  
11 throughout the morning was having some kind of --  
12 he was known to Moi Moi. And he was not acting  
13 as he normally does. So I believe they asked him  
14 to leave.

15 MR. CELO: Okay. I will track back to  
16 that same timestamp, and cue it up again. Does  
17 the security guard, in your estimation, engage in  
18 any de-escalation techniques, or conflict  
19 resolution techniques? Or does he just  
20 immediately begin to escort the patron out of the  
21 establishment?

22 DET. JASPER: Without having audio, I  
23 can't say for sure. But it doesn't appear so.

24 (Video played.)

25 MR. CELO: And if you can narrate, how

1 does the patron respond to the removal?

2 DET. JASPER: Initially, it seemed  
3 like he was starting to go with the incident, but  
4 then there appears to be an incident next, he  
5 took a few steps away towards the door.

6 MR. CELO: Okay. And would you, I'll  
7 play -- I'll bring it up one more time. Would  
8 you say that the security officer moves him out  
9 of the bar at an aggressive or high rate of  
10 speed?

11 (Video played.)

12 DET. JASPER: Somewhat.

13 MR. CELO: Okay. And is this video a  
14 true and accurate copy of the video you obtained  
15 from Moi Moi Restaurant?

16 DET. JASPER: Yes.

17 MR. CELO: At this time, I offer into  
18 evidence Exhibit 1.

19 CHAIRPERSON ANDERSON: Do you have any  
20 objection, Mr. Cham?

21 MR. CHAM: Yes.

22 CHAIRPERSON ANDERSON: I'm sorry.  
23 What's the nature, I said do you have an  
24 objection for this document to be admitted into  
25 evidence?

1 MR. CHAM: Yes, first, it happened  
2 around 3:30.

3 CHAIRPERSON ANDERSON: Well, you can  
4 -- is this a video of your establishment, sir?

5 MR. CHAM: Yes, sir.

6 CHAIRPERSON ANDERSON: Okay. All  
7 right, so I'm going to admit this into -- you can  
8 later on, you can make whatever clarification  
9 that you want to provide. But I'll admit the  
10 video as Exhibit 1.

11 (Whereupon, the above-referred to  
12 document was received into evidence as District  
13 Exhibit No. 1.)

14 MR. CHAM: Okay.

15 MR. CELO: I'm now going to show you  
16 what has been marked as District Exhibit 2.

17 (Whereupon, the above-referred to  
18 document was marked as District Exhibit No. 2 for  
19 identification.)

20 MR. CELO: Which I proffer is the  
21 surveillance footage of the door, the front door  
22 of the establishment. Do you recognize this  
23 surveillance footage?

24 DET. JASPER: I didn't hear you.

25 MR. CELO: Do you recognize this

1 camera angle and this surveillance footage?

2 DET. JASPER: Yes, I do.

3 MR. CELO: And is this one of the  
4 security camera angles that you reviewed as part  
5 of your investigation?

6 DET. JASPER: Yes, it is.

7 MR. CELO: And is it a true and  
8 accurate copy of the surveillance camera footage  
9 of the door?

10 DET. JASPER: I believe so.

11 MR. CELO: I am going to move the  
12 timestamp to timestamp mark -- or I'm sorry the 2  
13 minute, 30 second and -- or 2 hour, 30 minute,  
14 and 30 second mark, which will be -- sorry.

15 I don't think I got it quite right,  
16 which will be timestamp 7 hours and 29 minutes,  
17 so please forgive me while I find the correct  
18 exact timestamp.

19 (Video played.)

20 MR. CELO: And do we see the security  
21 guard in a very blurry, admittedly form, in the  
22 bottom left of this frame?

23 DET. JASPER: Yes, we do.

24 MR. CELO: And is this immediately  
25 before he approaches the patron?



1 DET. JASPER: Yes.

2 MR. CELO: And for clarification, to  
3 correct my earlier statement, this is actually  
4 the 2 hour, 30 minute, and 6 second mark, which  
5 is timestamp 7 hours, 29 minutes, and 10 seconds.  
6 Is that correct?

7 DET. JASPER: Yes.

8 (Video played.)

9 MR. CELO: And if we play that out,  
10 the security cam, did the security officer just  
11 exit the screen?

12 DET. JASPER: Yes, he did.

13 MR. CELO: Is he about to eject the  
14 patron?

15 DET. JASPER: Yes.

16 (Video played.)

17 MR. CELO: Now at that point,  
18 Detective Jasper, in your experience, is that a  
19 typical way ejecting a patron from an  
20 establishment?

21 DET. JASPER: No.

22 MR. CELO: And before I hit play  
23 again, can you please give the Board a preview of  
24 what is about to occur, with the altercation at  
25 this time?

1                   DET. JASPER: At this time, the  
2 decedent, Mr. Onoha, will be entering the camera  
3 frame in a physical altercation between Mr.  
4 Onoha, the other subject and the security guard  
5 is going to take place in the doorframe.

6                   MR. CELO: Okay.

7                   (Video played.)

8                   MR. CELO: Is that Mr. Onoha in white?

9                   DET. JASPER: Yes.

10                  (Video played.)

11                  MR. CELO: Before we continue to the  
12 remainder of the fight, from a different angle,  
13 is this a true and accurate copy of the video you  
14 obtained from Moi Moi Restaurant during your  
15 investigation?

16                  DET. JASPER: Yes.

17                  MR. CELO: At this time, I submit into  
18 evidence Exhibit 2.

19                  CHAIRPERSON ANDERSON: Any objection,  
20 sir, Mr. Cham.

21                  MR. CHAM: No, sir.

22                  CHAIRPERSON ANDERSON: Without  
23 objection.

24                  (Whereupon, the above-referred to  
25 document was received into evidence as District

1 Exhibit No. 2.)

2 MR. CELO: I am now presenting what  
3 has been marked as Exhibit 3, the exterior  
4 surveillance footage.

5 (Whereupon, the above-referred to  
6 document was marked as District Exhibit No. 3 for  
7 identification.)

8 MR. CELO: Are you familiar with this  
9 camera angle?

10 DET. JASPER: Yes.

11 MR. CELO: And is this an angle that  
12 you reviewed in your investigation?

13 DET. JASPER: Yes, it's the exterior  
14 of Moi Moi, looking out toward the entrance.

15 MR. CELO: And on this camera angle,  
16 I am going to --

17 CHAIRPERSON ANDERSON: Can you hold on  
18 one minute, please. Hold on please. I just did  
19 something. And let me figure out what I did, so  
20 I can -- okay. I'm sorry, go ahead.

21 MR. CELO: Thank you, Mr. Chair. At  
22 this time, I'm going to move to the 5 hour, 14  
23 minute and 42 second mark, which presents as  
24 timestamp 7:29:34.

25 Did I read that correctly? Detective

1 Jasper, did I read that correctly?

2 DET. JASPER: So, yes.

3 MR. CELO: Did I read the timestamp  
4 correctly?

5 DET. JASPER: 7:29:34 seconds.

6 MR. CELO: Thank you. And at this  
7 time, with this angle, will we be able to see the  
8 remainder of the fight, after it spills out of  
9 the front door?

10 DET. JASPER: Yes. The door may be  
11 blocking a portion of the altercation, or the  
12 fight. But most of it, yes.

13 (Video played.)

14 MR. CELO: Now, I'm going to pause the  
15 video here, at what is showing as timestamp  
16 7:30:00. Detective Jasper, an item couldn't be  
17 seen earlier, falling from the waistband of the  
18 patron. I am highlighting it, or circling it  
19 with my cursor. Can you identify what this item  
20 is?

21 DET. JASPER: That appears to be a  
22 handgun.

23 MR. CELO: Now, in Mr. Cham's opening  
24 argument, he claimed that there was no firearm  
25 inside the establishment, but that the patron ran

1 to a car, grabbed a gun and that the gun wasn't  
2 in the restaurant. Based on what we just saw of  
3 this footage, immediately after the patron was  
4 ejected from the restaurant, do you believe that  
5 the gun was in the establishment?

6 DET. JASPER: Yes.

7 MR. CELO: And based on this footage,  
8 did the patron run to a car and grab the gun?

9 DET. JASPER: No.

10 MR. CELO: I will continue the  
11 footage.

12 (Video played.)

13 MR. CELO: And as this fight does go  
14 on, when the fatal shot is fired, are you able to  
15 see the flash of the gun in this camera angle?

16 DET. JASPER: No, I don't believe so.

17 (Video played.)

18 MR. CELO: Can you please identify  
19 what just happened on the camera, before I paused  
20 it? Was that the moment of the shot?

21 DET. JASPER: I'm sorry, I didn't hear  
22 the question.

23 MR. CELO: Was that the moment of the  
24 shot?

25 DET. JASPER: Yes.

1 MR. CELO: And is this individual in  
2 white, Mr. Onoha?

3 DET. JASPER: Yes.

4 MR. CELO: Can you tell us where he is  
5 running towards, and what will happen next in  
6 this frame?

7 DET. JASPER: He's running towards his  
8 vehicle. And you're going to see him enter his  
9 vehicle and he's going to drive north on 17th  
10 street. You're going to see the other individual  
11 run on the other side of the vehicles, and also  
12 get inside of his vehicle. And also drive north  
13 on 17th Street.

14 MR. CELO: And if I hit play.

15 (Video played.)

16 MR. CELO: As you described are we  
17 able to see up in the top of the screen?

18 Is that the second assailant? Where  
19 I'm also circling?

20 DET. JASPER: Yes.

21 MR. CELO: Okay. And is this the  
22 security guard at the bottom of the screen?

23 DET. JASPER: Yes.

24 (Video played.)

25 MR. CELO: Now as he enters the

1 establishment, and the door closes, we are at the  
2 7 hour, 30 minute, 30 second mark. Is that  
3 correct according to this?

4 DET. JASPER: Yes.

5 MR. CELO: And can you tell us who is  
6 going to come out of this establishment in  
7 exactly 43 seconds?

8 DET. JASPER: Mr. Cham, the owner of  
9 Moi Moi.

10 MR. CELO: And what is Mr. Cham going  
11 to do, when he exits the establishment?

12 DET. JASPER: He's going to clean the  
13 blood that is on the ground.

14 MR. CELO: And is that blood here,  
15 where I'm circling with my cursor?

16 DET. JASPER: Yes.

17 MR. CELO: Okay.

18 (Video played.)

19 MR. CELO: And I'll let this play out  
20 until the 7 hour, 31 minute, 12 second mark.

21 There the door is opening. And is  
22 that Mr. Cham?

23 DET. JASPER: Yes.

24 MR. CELO: And does, what does he  
25 appear to have in his hands?

1 DET. JASPER: Cleaning supplies.

2 (Video played.)

3 MR. CELO: Based on this video, is it  
4 fair to conclude that 42 seconds after the  
5 security officer returned to the establishment,  
6 after fatally shooting an individual, he was  
7 outside cleaning up the blood?

8 DET. JASPER: Yes.

9 (Video played.)

10 MR. CELO: Detective Jasper, is this  
11 a true and accurate copy of the video that you  
12 obtained as part of your investigation from the  
13 exterior camera angle?

14 DET. JASPER: Yes.

15 MR. CELO: At this time, I move into  
16 evidence Exhibit 3.

17 CHAIRPERSON ANDERSON: Mr. Cham, any  
18 objection?

19 MR. CHAM: No, sir.

20 CHAIRPERSON ANDERSON: Without  
21 objection.

22 (Whereupon, the above-referred to  
23 document was received into evidence as District  
24 Exhibit No. 3.)

25 MR. CELO: And at this time, I will



1       cease sharing my screen.

2                     Detective Jasper, after the two  
3 patrons got into their cars, you testified that  
4 they eventually made their way to a hospital?

5                     DET. JASPER: Yes.

6                     MR. CELO: And what happened to Mr.  
7 Onoha at that time?

8                     DET. JASPER: He, as things proceeded,  
9 he died at the hospital.

10                    MR. CELO: At approximately what time  
11 did MPD arrive on the scene?

12                    DET. JASPER: I'm not sure the exact  
13 time, but it was within several minutes.

14                    MR. CELO: Okay. Was MPD able to  
15 enter the establishment at that time?

16                    DET. JASPER: No.

17                    MR. CELO: Please explain what  
18 happened.

19                    DET. JASPER: I believe the area  
20 around Moi Moi was -- crime scene tape was put up  
21 around the area. Because we had information that  
22 the incident started there. But there was no  
23 answer at the establishment of Moi Moi.

24                    So the investigation went to the area  
25 of the car crash. And then it returned back to

1       Moi Moi, where we again tried to knock on the  
2       door, trying to, you know, see if there was  
3       anybody inside. Because we wanted to look at the  
4       camera footage.

5               I believe we made efforts with the  
6       landlord to try to send somebody in there to get  
7       a key, so we could make entry. While we're  
8       figuring the -- waiting for a key, we observed  
9       what we believed to be blood, outside of the door  
10      of the establishment. And then at that point, we  
11      made entry in the establishment.

12             MR. CELO: And approximately how long  
13      were you outside the establishment trying to get  
14      in?

15             DET. JASPER: I believe we made entry  
16      at 708 hours.

17             MR. CELO: So is it fair to say that  
18      you were there for a little over a half, an hour  
19      and a half?

20             DET. JASPER: I'd say, almost two and  
21      a half hours.

22             MR. CELO: Almost two and a half  
23      hours. And during that time, were you just  
24      standing there waiting for the landlord? Did you  
25      knock repeatedly? Did you knock audibly?

1           DET. JASPER: Yes, there was multiple  
2           knocks as well as us announcing the police, yes.

3           MR. CELO: And for two and a half  
4           hours, no one let you in?

5           DET. JASPER: I'm not sure exactly  
6           long officers and dispatchers were knocking for,  
7           but no one let us in.

8           MR. CELO: And when you did force your  
9           way in, what did you find?

10          DET. JASPER: We found, I believe five  
11          individuals inside of Moi Moi.

12          MR. CELO: And who were the  
13          individuals?

14          DET. JASPER: Mr. Cham, two security  
15          guards, an additional employee of Moi Moi, as  
16          well as a patron.

17          MR. CELO: What excuse was given for  
18          why the door was not opened?

19          DET. JASPER: We got multiple reasons  
20          from different people --

21          MR. CELO: And what were --  
22          (Simultaneous speaking.)

23          DET. JASPER: -- wasn't open. I'm  
24          sorry.

25          One individual said that they didn't

1 hear the door being knocked on.

2 MR. CELO: Based on, you being outside  
3 knocking on the door, do you believe that was  
4 credible?

5 DET. JASPER: No.

6 MR. CELO: When you announced MPD, and  
7 when you knocked on the door, was it loud enough  
8 that it should have been audible inside the  
9 establishment?

10 DET. JASPER: Yes.

11 MR. CELO: And what was the other  
12 explanation that was given?

13 DET. JASPER: One individual said that  
14 they were told not to answer the door and that it  
15 was going to be handled.

16 MR. CELO: And who instructed them not  
17 to answer the door?

18 DET. JASPER: I believe it was one of  
19 the security guards, or the owner. I'm not -- I  
20 don't recall exactly which person it was.

21 MR. CELO: But it was somebody with  
22 authority in security, either one of the security  
23 officers, or the owner?

24 DET. JASPER: Yes.

25 MR. CELO: Okay. Did anyone give any

1 other excuses, or any other things that they  
2 thought were occurring with the noise outside?

3 DET. JASPER: Someone may have said,  
4 they thought they were being robbed. But I  
5 didn't, we didn't believe that that was  
6 reasonable either.

7 MR. CELO: And did the person who said  
8 they thought they were being robbed, call MPD to  
9 report the robbery?

10 DET. JASPER: No.

11 MR. CELO: Okay. When you went in,  
12 who did you start interviewing first?

13 DET. JASPER: I believe I interviewed  
14 Mr. Cham first.

15 MR. CELO: What did Mr. Cham tell you  
16 about this incident?

17 DET. JASPER: I don't recall exactly  
18 what was said. I know it was recorded on a body  
19 worn camera. But I know initially, he was not  
20 completely forthcoming, so. And I think we also  
21 made the determination that we were going to  
22 interview more thoroughly, back at the office.

23 MR. CELO: Did you ask him why he did  
24 not call MPD about his security guard shooting an  
25 individual?

1                   DET. JASPER: I believe he said that  
2 he did not know that there was a gunshot. Or  
3 that there was a shooting.

4                   MR. CELO: Okay. And did you ask him  
5 at any point, why he cleaned up the blood?

6                   DET. JASPER: At that point, I don't  
7 think we knew that he'd cleaned up the blood.  
8 But he was asked later on. Yes, and, you know,  
9 said that he didn't want the blood in front of  
10 the establishment.

11                  MR. CELO: Is cleaning up blood from  
12 a crime scene, something that can impede a  
13 criminal investigation?

14                  DET. JASPER: Yes.

15                  MR. CELO: Did you ask Mr. Cham about  
16 seeing surveillance footage?

17                  DET. JASPER: Yes.

18                  MR. CELO: What occurred?

19                  DET. JASPER: Initially he allowed us  
20 access to the camera room, or let another  
21 employee assist us with getting into the camera  
22 room and viewing the footage. We were not having  
23 success locating the time that the incident  
24 occurred, because the timing was off.

25                  MR. CELO: On the footage?

1 DET. JASPER: I'm sorry.

2 MR. CELO: Was the footage at the  
3 correct date and time?

4 DET. JASPER: No.

5 MR. CELO: What did you think at that  
6 point?

7 DET. JASPER: We thought that the  
8 system was -- there was something wrong with the  
9 system. Or that it may have been tampered with.  
10 We weren't sure of the time. So we called our  
11 electronic team to assist us with getting to the  
12 video.

13 MR. CELO: And did it initially appear  
14 to you that the video had been deleted, or never  
15 recorded in the first place?

16 DET. JASPER: Initially, I'm not an  
17 expert on the matter, but it did look like  
18 something may have happened with the video,  
19 initially.

20 MR. CELO: At some point, did ABCA  
21 come and assist with the video?

22 DET. JASPER: Yes.

23 MR. CELO: And what occurred then?

24 DET. JASPER: We were also having an  
25 issue locating exactly the incident. Mr. Cham,

1 ABRA called Mr. Cham into the room where the  
2 video is, to assist us. And he was able to  
3 locate the offense and time of the incident. Now  
4 the video has the Saturday morning time.

5 MR. CELO: Now, before ABCA arrived,  
6 had you asked Mr. Cham for assistance locating  
7 the video?

8 DET. JASPER: I believe so, I believe  
9 he had another employee assist us.

10 MR. CELO: Did he make a statement  
11 about being unable to assist you with the video?

12 DET. JASPER: I don't recall.

13 MR. CELO: Okay. But once, ABCA  
14 arrived, how quickly was he able to pull it up?

15 DET. JASPER: When he was working the  
16 video camera footage, he was able to locate it  
17 pretty quickly.

18 MR. CELO: And how long did you try to  
19 find the video, before ABCA arrived and  
20 instructed him to assist?

21 DET. JASPER: We were there for  
22 several minutes, maybe half an hour.

23 MR. CELO: Once you did locate the  
24 video, at that point, other than the incorrect  
25 date and time, were there any issues with the



1 video?

2 DET. JASPER: During the time of the  
3 offense, no. Looking at the video, there does  
4 appear that there's -- the video appears to go  
5 from continual recording to either motion or  
6 there's sometimes stops or gaps in the video  
7 footage.

8 MR. CELO: And was any explanation for  
9 those gaps ever provided?

10 DET. JASPER: No.

11 MR. CELO: Now, were the security  
12 officers, you said there were two on scene, were  
13 they in it?

14 DET. JASPER: Yes.

15 MR. CELO: And the security officer at  
16 the front door, the one involved in the shooting,  
17 did he provide a statement about the interactions  
18 with the person he was removing?

19 DET. JASPER: Yes.

20 MR. CELO: What did he say about the  
21 person's comings and goings into the restaurant  
22 that night?

23 DET. JASPER: I believe the person  
24 left, and entered the restaurant multiple times.

25 MR. CELO: And was he searched every

1 single re-entry?

2 DET. JASPER: That, I don't believe  
3 so.

4 MR. CELO: And would you agree that,  
5 that conflicts with the statement made in opening  
6 argument, that he left one time for five minutes?

7 DET. JASPER: Yes.

8 MR. CELO: The head of security was  
9 also interviewed. Correct?

10 DET. JASPER: Yes.

11 MR. CELO: And in distinguishing these  
12 two security guards, did you ultimately determine  
13 whether or not the security guard at the front of  
14 the establishment, was a special police officer,  
15 or SPO?

16 DET. JASPER: Yes.

17 MR. CELO: And was he?

18 DET. JASPER: Yes.

19 MR. CELO: And is an SPO authorized to  
20 carry a firearm when working as security for an  
21 alcohol distributing establishment?

22 DET. JASPER: That I'm not sure. The  
23 police are allowed to carry a weapon.

24 MR. CELO: And are they also required  
25 to dress in uniform, and have their weapon not be

1       concealed?

2                   DET. JASPER: I'm not sure exactly  
3       what the rules and regulations are for SPOs.

4                   MR. CELO: Would you agree that the  
5       SPO, in this case was not wearing a uniform, and  
6       had his firearm concealed?

7                   DET. JASPER: Yes.

8                   MR. CELO: The other security officer,  
9       the head of security, were you able to determine  
10      whether or not he was an SPO?

11                  DET. JASPER: Yes, I don't believe he  
12      was a registered SPO.

13                  MR. CELO: And would you agree that  
14      someone who is not an SPO, is not allowed to  
15      bring a firearm into an alcoholic distributing  
16      establishment?

17                  DET. JASPER: Yes.

18                  MR. CELO: Did the head of security,  
19      have a firearm when he was being interviewed?

20                  DET. JASPER: Yes. Well, yes. We, I  
21      removed the firearm off of him at some point, I'm  
22      not sure. I don't if it was before or after the  
23      interview. But when we made entry into the  
24      establishment, yes.

25                  MR. CELO: And was he truthful with

1 MPD, when he was asked if he had a firearm?

2 DET. JASPER: Initially, no.

3 MR. CELO: What did he say?

4 DET. JASPER: I'm not sure exactly  
5 what he said initially. But I do believe  
6 everybody was asked if there was any guns, or if  
7 anybody was armed when police first made entry  
8 into the establishment. And he did not disclose  
9 that he was armed.

10 MR. CELO: And at some time, later, he  
11 did disclose that he was armed. And you said  
12 that his weapon was removed at that time?

13 DET. JASPER: Yes.

14 MR. CELO: Okay. Now, you watched --  
15 or let me rephrase it. Did you watch through the  
16 surveillance footage for large portions of this  
17 evening?

18 DET. JASPER: I mainly focus on the  
19 incident involving the homicide.

20 MR. CELO: Did other MPD officers in  
21 the investigation you were leading, watch through  
22 greater sections of these videos?

23 DET. JASPER: I believe so.

24 MR. CELO: Were you able to track the  
25 patron, throughout the entire night, or were some

1 of his comings and goings part of the gaps in the  
2 video?

3 DET. JASPER: That I don't recall.

4 MR. CELO: Did you ever see the  
5 security officer wandering anyone as they entered  
6 the establishment on the video?

7 DET. JASPER: I did not.

8 MR. CELO: Did the video show patrons  
9 drinking after hours throughout the night?

10 DET. JASPER: I did not focus on what  
11 they were drinking. I do recall alcohol at some  
12 point being poured, that I viewed on the camera.

13 MR. CELO: Okay. Now Mr. Cham's  
14 statement to you was that he did not know a  
15 shooting occurred. Is that correct?

16 DET. JASPER: Yes.

17 MR. CELO: So he's claiming that the  
18 security officer never told him, hey, I  
19 discharged my firearm?

20 DET. JASPER: I believe when I spoke  
21 to him, when he was there, he said he did not  
22 know that there was a shooting.

23 MR. CELO: Okay. During Mr. Cham's  
24 opening argument, he said that the person who was  
25 shot, said, oh, shit. He shot me. Does that

1 statement conflict with what he told you?

2 DET. JASPER: Yes.

3 MR. CELO: And did Mr. Cham tell you  
4 that he watched the incident occur from the  
5 window of the establishment?

6 DET. JASPER: Yes.

7 MR. CELO: At that distance, is it  
8 believable that he would not hear a gunshot?

9 DET. JASPER: I don't think so.

10 MR. CELO: Detective Jasper, in your  
11 opinion, could the shooting have been prevented  
12 if there were more security on hand?

13 DET. JASPER: Possibly, yes.

14 MR. CELO: Could the shooting have  
15 been prevented if de-escalation techniques had  
16 been used?

17 DET. JASPER: Possibly, yes.

18 MR. CELO: Could the shooting have  
19 been prevented if patrons weren't drinking  
20 alcohol after hours?

21 DET. JASPER: Possibly.

22 MR. CELO: Now, as has been admitted  
23 into evidence, there was a Board order in place,  
24 that said this establishment would not allow any  
25 staff, employees, or patrons to bring a firearm

1 into the establishment at any time.

2 If this establishment had not allowed  
3 employees or patrons to have a firearm in the  
4 establishment, would the shooting have been  
5 prevented?

6 DET. JASPER: Yes.

7 MR. CELO: No further questions at  
8 this time.

9 CHAIRPERSON ANDERSON: Mr. Cham, do  
10 you have any questions you want to ask the  
11 Detective?

12 MR. CHAM: Yes.

13 CHAIRPERSON ANDERSON: Basically, go  
14 ahead, sir.

15 CROSS EXAMINATION

16 MR. CHAM: I'll start with, when he  
17 said, that when the guy was being stomped in  
18 front of the door, you didn't mention that the  
19 blood, the guy was being stomped in front of the  
20 door. We saw Mr. Onoha stomping him in front of  
21 the door. So there was blood all on front door.

22 MR. CELO: Objection, this isn't a  
23 question, this is testimony.

24 CHAIRPERSON ANDERSON: Go ahead, I  
25 don't know yet, Mr. Celo. I'm going to give him

1 some leeway, to try to formulate a question. So  
2 I'm going to overrule the objection at the  
3 moment. But, Mr. Cham, you're -- please ask a  
4 question. And all right, go ahead, sir.

5 Mr. Cham?

6 MR. CHAM: Yes.

7 CHAIRPERSON ANDERSON: Do you have a  
8 question you want to ask the Detective, sir?

9 MR. CHAM: The first thing was, when  
10 they came, when they arrived there at, I think  
11 they arrived there at 4:00 something. What you  
12 said, the door was not open. Which door were you  
13 banging, that when you said, nobody opened the  
14 door?

15 Was it the door in front of the  
16 restaurant? Was it the door in the back of the  
17 alley? Or was it the door, in the building, in  
18 the back? So there's three entrances to get into  
19 this building? Front door, alley and outside on  
20 the street outside, and inside, from the building  
21 inside. So which door were you talking about you  
22 were knocking, but nobody answered the door?

23 DET. JASPER: I know I personally was  
24 knocking on the inside door.

25 MR. CHAM: So how did you get in the



1 building from the alley?

2 DET. JASPER: I believe we actually  
3 forced our entry.

4 MR. CHAM: Okay. So you force your  
5 entry. So that means we didn't let you, we  
6 didn't even let you from the outside in the  
7 street, in the building. You forced your entry  
8 and then we were, and then if we were in the  
9 kitchen, with this guy with all his wounds, we  
10 were helping him wipe his face and give him  
11 bandage and stuff. So how would we hear, how  
12 would we just stop what we're doing and hear  
13 somebody banging, that we never open the front  
14 door, or the alley door?

15 So I mean maybe that's why somebody  
16 say, get robbed, because if something like this  
17 happened, and you hear somebody banging the door,  
18 without saying anything. I don't know, why would  
19 they open the door? Because I didn't even hear  
20 you, because we were in the kitchen, helping --

21 MR. CELO: Objection.

22 (Simultaneous speaking.)

23 MR. CHAM: -- him with his wounds.

24 CHAIRPERSON ANDERSON: Mr. Cham,  
25 you're asking a question, sir. So please ask him

1 a question.

2 MR. CHAM: Okay. How did you get in  
3 the street, from the building, from the street?  
4 That's what I want to know, because we never  
5 opened the door.

6 MR. CELO: Asked and answered.

7 MR. CHAM: Excuse me.

8 CHAIRPERSON ANDERSON: Hold on Mr. --  
9 hold on Mr. Cham. I'm going to overrule the  
10 objection. Remember, Mr. Cham is not an  
11 attorney. So, right. Is there a question that  
12 you're asking Mr. Cham?

13 MR. CHAM: Yes, I said how did he get  
14 in the door from the street, to get in the  
15 building? Because that door was locked.

16 CHAIRPERSON ANDERSON: Mr. Cham,  
17 you're asking him a question, so don't provide an  
18 answer. Just let him answer the question to the  
19 best of his ability, sir.

20 MR. CHAM: Okay. I just want to know  
21 how he got in the building from the street?

22 DET. JASPER: I'm not sure which door  
23 you're referring to, when you say from the  
24 street.

25 MR. CHAM: Well, how did you get in

1 the building?

2 DET. JASPER: The door that we made  
3 entry with, we had to force our entry through the  
4 door.

5 MR. CHAM: Okay. So it's not like, so  
6 would you say that you didn't knock that door  
7 from the outside, and we in the building we heard  
8 you, and ignored you. Is that correct?

9 DET. JASPER: I'm sorry, what's your  
10 question?

11 MR. CHAM: Okay. Earlier you said you  
12 were ignored. So if you're on the street, we're  
13 in the building, and you're banging from the  
14 street. But you claim that we ignored you. Is  
15 that what you said, that we ignored you, because  
16 you are banging from the street?

17 DET. JASPER: I'm sorry, I don't  
18 understand the question.

19 MR. CHAM: Okay. You said, you forced  
20 your way in. But earlier you said, you were  
21 banging the door, but we ignored you. So I'm  
22 saying if you're on the street, banging the door  
23 from the street, and we in the building, how  
24 would you say we ignored you?

25 DET. JASPER: When you say the street,

1 where are you referring to, sir?

2 MR. CHAM: Okay. You just said you  
3 got in the building, forced entry from the  
4 street. Right?

5 DET. JASPER: I'm not sure what door,  
6 we --

7 MR. CHAM: How did you get in the  
8 building?

9 DET. JASPER: I believe it was from  
10 the main building door.

11 MR. CHAM: The main building door is  
12 the front door. That door was not open. Camera  
13 shows nobody came through that door. So how did  
14 you get in the building?

15 MR. CELO: Objection, assumes facts  
16 not in evidence. Move to strike.

17 CHAIRPERSON ANDERSON: I'm sustaining  
18 the objection. Mr. Cham, you just, just ask him  
19 the question. The question you'd asked was how  
20 did you get in the building? If he says he  
21 doesn't know, he's not clear. Then you ask him,  
22 you more define the question.

23 So don't ask him a question, and say  
24 the door was closed. So ask him how did he get  
25 in the building? And if he says, because he's

1 asking you that he's not sure. You said, from  
2 the street he doesn't understand. Maybe you need  
3 to rephrase the question to ensure that the  
4 witness clearly understands what you're asking,  
5 sir. All right. So do you have a question that  
6 you need to ask him?

7 MR. CHAM: Yes, I just want to know  
8 how did you get in the building from the street?

9 DET. JASPER: I'm not sure if we came  
10 in from the street. But I believe it was from  
11 the hallway. There was a hallway that we, there  
12 was a door to your establishment from a hallway.  
13 I believe that's the door we made entry.

14 MR. CHAM: Okay. Again, I'm asking  
15 questions. How did you get in the building, in  
16 the hallway? All doors are locked. I just, it's  
17 a question. How did you get in the building?

18 DET. JASPER: So we use a breaching  
19 kit to breach the door.

20 MR. CHAM: Okay. So you broke the  
21 door, nobody heard you from the street, then you  
22 broke the door and entered the building. Is that  
23 correct?

24 DET. JASPER: So can you repeat the  
25 question.

1 MR. CHAM: You just said you broke the  
2 door and entered the building. The question is,  
3 you said, the question is so, nobody let you in  
4 the building, you just broke the door and entered  
5 the building. But earlier you said, you knocked,  
6 nobody answered you. So, again, how did you get  
7 in the building?

8 DET. JASPER: So I'm not sure if the  
9 door was broken or not, but the door was locked.  
10 And we used a breaching kit to make our entry  
11 through the locked door.

12 CHAIRPERSON ANDERSON: Do you have  
13 another question, sir?

14 MR. CHAM: Yes. When you look at the  
15 Exhibit Number 2, when you said, that was me  
16 wiping the blood. Did you notice there was blood  
17 in front of the restaurant door, on the video,  
18 while the patron was coming out? The first guy  
19 of the maybe 10 more people that were leaving?  
20 Did you notice the blood in front door of the  
21 restaurant, after the gunshot?

22 DET. JASPER: The blood that was on  
23 the sidewalk?

24 MR. CHAM: No, that's not what I said.  
25 I said did you notice the blood that was in front

1 of the door, the blood was on the sidewalk on the  
2 left side of the door. Now, did you notice the  
3 blood that was in front of the door, when Mr.  
4 Onoha was stomping the security guard on his  
5 head, on the ground, on the front door?

6 DET. JASPER: Are you asking if I  
7 noticed the blood from the video camera, from the  
8 surveillance footage?

9 MR. CHAM: Yes.

10 DET. JASPER: I did not, no. Not on  
11 the door, no.

12 MR. CHAM: Okay. So you just saw the  
13 blood on the sidewalk, right. Yes, no?

14 DET. JASPER: I'm sorry, what was the  
15 question?

16 MR. CHAM: I said you just saw the  
17 blood on the sidewalk, on the left side, going  
18 outside, where the --

19 DET. JASPER: Blood on the  
20 surveillance footage, yes, on the sidewalk.

21 MR. CHAM: Okay. That's the only  
22 blood you saw. You saw the one that was being  
23 stomped on the floor, on the ground in front when  
24 security was being stomped by Mr. Onoha with his  
25 feet? You didn't see that blood. Right?

1                   DET. JASPER: I'm not sure what blood  
2 you're referring to, right there. But we did  
3 observe other suspected blood in that hallway, in  
4 front of that door that we actually forced our  
5 entry into as well.

6                   MR. CHAM: Okay. Did you notice the  
7 gentleman that was leaving after the incident  
8 outside? Did you notice the gentleman that was  
9 leaving, on that video?

10                   (Simultaneous speaking.)

11                   DET. JASPER: Should I --

12                   MR. CELO: Objection, vague question.  
13 I don't know who that gentleman refers to.

14                   MR. CHAM: The gentleman on the video,  
15 he was leaving, with a red shirt. That's the  
16 first guy that left after the incident, when we  
17 were letting people out. Did you notice him?  
18 Did you, on the video?

19                   DET. JASPER: I believe so.

20                   MR. CHAM: Okay, so if the guy was  
21 stomped, he was being stomped in front of the  
22 restaurant, bleeding, all his blood in front of  
23 the door. So would you say if the blood was  
24 there and the gentleman is walking, he wants to  
25 step on that blood in front of the building?



1 Would you agree to that, for him to leave the  
2 door?

3 MR. CELO: Objection, speculation.  
4 Detective Jasper --

5 (Simultaneous speaking.)

6 MR. CELO: -- simply be asked to  
7 anticipate unnamed, unidentified individual,  
8 thought when he was exiting the establishment,  
9 regarding blood that we have not seen evidence  
10 of.

11 CHAIRPERSON ANDERSON: All right.  
12 I'll sustain the objection. Do you have another  
13 question that you wish to ask, Mr. Cham?

14 MR. CHAM: Okay. I'll go to the  
15 camera.

16 He said there was gaps in the camera  
17 recording and running. Let me ask you this. If  
18 a video is being recorded, and is running, if you  
19 could tell me how would a gap come on a video  
20 that's recorded? Let's say I get my phone and  
21 I'm recording a video. Is that possible for gaps  
22 to happen on a video that's recorded? Is that  
23 possible, yes or no?

24 DET. JASPER: I'm not an expert in the  
25 video.

1 MR. CHAM: Well, I'll ask the question  
2 again, if I take my camera and I'm recording  
3 somebody sitting here, would there be a gap in  
4 that video, yes or no? Because you claimed there  
5 was gaps.

6 DET. JASPER: Yes, yes there was.

7 MR. CHAM: Okay, so, answer. So if  
8 I'm recording a video, there's possibility  
9 chances there would have gaps on a video that's  
10 recorded. Is that what you're saying, yes or no?

11 DET. JASPER: I'm not exactly sure  
12 what you're asking. But if he --

13 (Simultaneous speaking.)

14 MR. CHAM: What I'm asking is this.  
15 If I'm recording a video --

16 DET. JASPER: -- stop the --

17 MR. CHAM: If I'm recording a video,  
18 right. Let's say we are recording the Redskins  
19 playing. If I'm recording on my phone, is that  
20 possibility there would be gaps on that video.  
21 Is that yes or no?

22 DET. JASPER: If you stop the video  
23 and then start it again.

24 MR. CHAM: I'm not stopping it, I'm  
25 recording a video. I'm recording a 10-minute

1 video. Right, somebody playing basketball.  
2 Would there be, is that possibility, there's gaps  
3 in that video, yes or no?

4 DET. JASPER: Again, I'm not exactly  
5 sure what your question is.

6 MR. CHAM: Okay. Thank you. Second,  
7 you mentioned that when you came in, when you  
8 interviewed me, I said to you, I did not see or  
9 hear a gunshot wound. Because when that  
10 happened, the door was closed. And I was not  
11 even there, at the door. You can see the video,  
12 I was not at the door. The lady was at the door.  
13 I was at the door when the guy was stomping the  
14 security. I'm telling him, stop. I did not want  
15 to interfere on that fight. So when they went  
16 out, I went inside.

17 MR. CELO: Objection, narrative --  
18 (Simultaneous speaking.)

19 MR. CHAM: You stated, you stated that  
20 --

21 MR. CELO: -- question, testifying  
22 again.

23 CHAIRPERSON ANDERSON: Mr. Cham,  
24 what's the question you're asking, sir?

25 MR. CHAM: Yes. The question I'm

1 asking is when you interviewed me, I told you  
2 that I didn't see a gunshot. I was not there.  
3 Did I say that or not? Because you said it's on  
4 webcam.

5 DET. JASPER: I'm sorry, can you  
6 repeat the question?

7 MR. CHAM: You said when you  
8 interviewed me, I didn't give you the right  
9 information that I was -- I didn't hear or see a  
10 gunshot wound, a gunshot, whatever, but when you  
11 interviewed me, I told you that I did not, but  
12 you claim that I was standing there. Did you see  
13 me standing on the video camera on the window  
14 during the fight? Did you see me on camera in  
15 the window during the fight? Watching them  
16 fight. Did you see me on camera?

17 DET. JASPER: I believe you were by  
18 the window, yes.

19 MR. CHAM: I was by the door.

20 MR. CENCI: Objection, it's not a  
21 question.

22 CHAIRPERSON ANDERSON: Remember, Mr.  
23 Cham, you're asking the witness a question on  
24 cross examination so he just testified and so  
25 you're asking him the questions to support your

1 case. You can't say I was here or you weren't  
2 there. You need to ask him questions or  
3 formulate the questions to ask him what is it  
4 that he saw, where he saw it.

5 MR. CHAM: Okay, I'll move on to  
6 another one, to the camera issue. Earlier you  
7 stated that you thought it was deleted, but after  
8 going through the camera system, you realized it  
9 wasn't. Does it appear to you now that it was  
10 deleted?

11 DET. JASPER: No, we don't believe the  
12 footage of the shooting was deleted.

13 MR. CHAM: Okay. Thank you. Now, you  
14 also stated that the gentleman with the blood  
15 jacket when he came back in he wasn't checked.  
16 Would you say he wasn't checked? Based on the  
17 video footage that you have.

18 DET. JASPER: Based on the camera  
19 footage we have, was he checked for a firearm?

20 MR. CHAM: He was checked for  
21 anything.

22 DET. JASPER: What was the question?  
23 I'm sorry.

24 MR. CHAM: I rest my case, Mr.  
25 Chairperson, sorry.

1 CHAIRPERSON ANDERSON: You said you  
2 rest?

3 (Simultaneous speaking.)

4 MR. CHAM: I'm done with the  
5 questions. I'm done with that.

6 CHAIRPERSON ANDERSON: All right,  
7 thank you. Any questions by any board members of  
8 the -- yes, Mr. Short.

9 MEMBER SHORT: Thank you, Chairman.  
10 Good afternoon, detective. Thank you for your  
11 service to the Metropolitan Police Department and  
12 the citizens and visitors to the District of  
13 Columbia.

14 DET. JASPER: Thank you, sir.

15 MEMBER SHORT: You arrived on the  
16 scene after being requested at what time?  
17 Approximately.

18 DET. JASPER: I don't recall the exact  
19 time. We arrived on the scene, but it was after  
20 five o'clock, I believe.

21 MEMBER SHORT: Would you consider  
22 you're being there a crime scene or investigating  
23 a crime?

24 DET. JASPER: Yes.

25 MEMBER SHORT: Was there any evidence

1 of a crime found after you got there?

2 DET. JASPER: Yes.

3 MEMBER SHORT: Can you testify to what  
4 crimes you might have seen or discovered after  
5 being there on your investigation?

6 DET. JASPER: Yes. I mean we located  
7 a firearm in the area that the decedent's vehicle  
8 was crashed in. We believed that belonged to one  
9 of the subjects from the altercation in front of  
10 Moi Moi. Also, inside of Moi Moi that is where  
11 the shooting occurred and took place. I don't  
12 want to talk about the specific crimes because I  
13 know the U.S. Attorney's Office is still  
14 reviewing it.

15 MEMBER SHORT: Not a problem, we can  
16 go further than that at another time.

17 DET. JASPER: Okay.

18 MEMBER SHORT: But at any rate, you  
19 mentioned that the door had to be breached in  
20 order to get inside to continue your  
21 investigation. Was there any other manner you  
22 could have gotten inside other than breaching the  
23 door at that time?

24 DET. JASPER: So initially we  
25 requested the property management bring us the

1 key to get us inside of the establishment. While  
2 we were waiting for the key, we did observe that  
3 there was blood, what we suspected to be blood,  
4 outside of the door. Then we made the  
5 determination that we were going to force our  
6 entry because we didn't know if there was anybody  
7 injured inside of the establishment.

8 MEMBER SHORT: And if you had not done  
9 so, then you would have been negligent in your  
10 duties as an investigator on an on-scene crime  
11 that you were called to investigate. Is that  
12 correct?

13 DET. JASPER: Yes, so we needed to get  
14 inside obviously to -- we wanted to get inside to  
15 see what exactly happened inside of and outside  
16 of Moi Moi, but also at that point we thought  
17 there may have been somebody injured inside,  
18 that's kind of why we had to --

19 MEMBER SHORT: Which is very urgent  
20 because you could've saved another life had  
21 someone been inside there, correct?

22 DET. JASPER: Yes.

23 MEMBER SHORT: Now, as a part of your  
24 investigation, once you were inside, would you  
25 consider Moi Moi having been cooperative or what



1 would you consider their mood have been after you  
2 breached the door and got inside?

3 DET. JASPER: Initially, not  
4 cooperative, but then later on throughout the  
5 investigation they started to cooperate.

6 MEMBER SHORT: Would someone not  
7 cooperating in a murder or a homicide  
8 investigation be considered as committing a  
9 criminal act?

10 DET. JASPER: I'm sorry, can you  
11 repeat the question?

12 MEMBER SHORT: Okay, you were there to  
13 investigate a criminal act, upon your entry did  
14 you determine there was or was not a criminal  
15 act?

16 DET. JASPER: There was, yes.

17 MEMBER SHORT: Again? I didn't hear  
18 you.

19 DET. JASPER: There was, yes.

20 MEMBER SHORT: There was a criminal  
21 act? And through your criminal investigation you  
22 said there was noncompliance or persons did not  
23 cooperate with you as they should have to help  
24 your investigation. Is that correct?

25 DET. JASPER: Correct.

1                   MEMBER SHORT: We thank you again for  
2 your service and all that you've done in this  
3 investigation. I'm sorry that we lost a person,  
4 homicide, and thank you for your testimony and  
5 thank you for your service in the District of  
6 Columbia. That's all I have, Mr. Chair.

7                   CHAIRPERSON ANDERSON: Thank you, Mr.  
8 Short. Any other questions by any other board  
9 member? Thank you. Mr. Cham?

10                  MR. CHAM: Yes, sir.

11                  CHAIRPERSON ANDERSON: Do you have a  
12 question for the detective based on the questions  
13 that Mr. Short just asked? So if you have any  
14 follow-up questions, it would be based strictly  
15 on the questions Mr. Short just asked.

16                  MR. CHAM: I just want to know what he  
17 meant by I wasn't cooperating beginning after I  
18 was fully cooperative. Because if I recall --

19                  CHAIRPERSON ANDERSON: Hold on, hold  
20 on, Mr. Cham. So the question that you're asking  
21 him is for him to explain what he meant by you  
22 were no cooperative?

23                  MR. CHAM: Yes.

24                  CHAIRPERSON ANDERSON: Detective?

25                  DET. JASPER: I believe the question

1 was more Moi Moi in general and the security  
2 guards were also not cooperative initially about  
3 exactly what happened as well involved to the  
4 incident as well as, you know, nobody calling 911  
5 when it happened and explaining what happened at  
6 the restaurant or (audio interference). When  
7 they were interviewed later on, they were more  
8 forthcoming.

9 CHAIRPERSON ANDERSON: Do you have  
10 another question, Mr. Cham?

11 MR. CHAM: No, sir.

12 CHAIRPERSON ANDERSON: Okay, thank  
13 you. Mr. Celo, do you have any redirect?

14 REDIRECT EXAMINATION

15 MR. CENCI: Briefly, yes, Mr. Chair.  
16 You were asked quite a bit about whether gaps  
17 could appear in a video that was taken  
18 consistently on cross examination. If a video  
19 were altered or manipulated after the fact, could  
20 that explain the creation of gaps similar to the  
21 ones that you witnessed?

22 DET. JASPER: I'm not an expert in  
23 that field, but from looking at the video, it did  
24 appear for the days leading up, that there was  
25 just kind of continuous 24-hour footage and then

1 around the incident time, that is when we started  
2 to notice gaps in the footage. I'm not sure what  
3 caused it exactly why, but that is what we  
4 observed, yes.

5 MR. CELO: And just to clarify, you  
6 testified that you knocked on the door for a  
7 couple of hours at least. Is it believable that  
8 nobody inside the establishment heard MPD  
9 knocking and announcing?

10 DET. JASPER: No.

11 MR. CELO: And did at least one  
12 employee state that they did hear you and were  
13 instructed not to answer the door?

14 DET. JASPER: Yes.

15 MR. CELO: No further questions at  
16 this time.

17 CHAIRPERSON ANDERSON: Thank you.

18 MR. CELO: I ask that the detective be  
19 excused.

20 CHAIRPERSON ANDERSON: Detective  
21 Jasper, thank you very much for your testimony  
22 today. You are free to go. Thank you.

23 DET. JASPER: Thank you.

24 CHAIRPERSON ANDERSON: Does the  
25 government wish to call another witness?

1 MR. CENCI: Yes, Mr. Chairperson, at  
2 this time the government calls Vanessa Pleitez.

3 CHAIRPERSON ANDERSON: Ms. Pleitez,  
4 can you raise your right hand, please? Do you  
5 swear or affirm to tell the truth and nothing but  
6 the truth?

7 MS. PLEITEZ: Yes.

8 CHAIRPERSON ANDERSON: Your witness.

9 DIRECT EXAMINATION

10 MR. CENCI: Thank you. Ms. Pleitez,  
11 could you please state and spell your first and  
12 last name for the record?

13 MS. PLEITEZ: Vanessa Pleitez, V-A-N-  
14 E-S-S-A last name P-L-E-I-T-E-Z.

15 MR. CENCI: Where do you work?

16 MS. PLEITEZ: At the Alcoholic  
17 Beverage and Cannabis Administration.

18 MR. CENCI: What's your position with  
19 ABCA?

20 MS. PLEITEZ: I'm an investigator.

21 MR. CENCI: How long have you been an  
22 investigator?

23 MS. PLEITEZ: Approximately eight  
24 years.

25 MR. CENCI: What are some of your

1 duties and responsibilities in your role?

2 MS. PLEITEZ: I conduct investigations  
3 and inspections within the District of Columbia  
4 for ABC licensed establishments.

5 MR. CENCI: Are you familiar with an  
6 establishment located at 1627 K Street NW,  
7 Washington, DC 20036 called Moi Moi?

8 MS. PLEITEZ: Yes.

9 MR. CENCI: How are you familiar with  
10 Moi Moi?

11 MS. PLEITEZ: I drafted the report in  
12 reference to this hearing.

13 MR. CENCI: Was the report concerning  
14 an incident that took place on January 9, 2024?

15 MS. PLEITEZ: Yes.

16 MR. CENCI: And did you visit Moi Moi  
17 that morning?

18 MS. PLEITEZ: Yes.

19 MR. CENCI: Why did you visit Moi Moi?

20 MS. PLEITEZ: I received a call  
21 stating that there was a shooting, so I visited  
22 the establishment to conduct an investigation.

23 MR. CENCI: When did you arrive at Moi  
24 Moi to conduct your investigation?

25 MS. PLEITEZ: I arrived at

1 approximately 6:50 a.m.

2 MR. CENCI: And what did you do once  
3 you arrived there?

4 MS. PLEITEZ: Once I arrived, I made  
5 contact with the detectives and throughout the  
6 morning, I interviewed Mr. Cham.

7 MR. CENCI: Who is Mr. Cham?

8 MS. PLEITEZ: The owner of the  
9 establishment.

10 MR. CENCI: You said that you  
11 interviewed Mr. Cham. How did he describe the  
12 incident that you were there to investigate?

13 MS. PLEITEZ: Well, he stated that at  
14 approximately 2:30 a.m., three male and five  
15 female patrons were eating at the establishment.  
16 One of the female patrons began speaking with  
17 another male patron. One of the male patrons --  
18 she began speaking to another patron and he  
19 became upset, became aggressive towards the  
20 female patron and stating that he had spent a lot  
21 of money at the establishment that they had come  
22 from. At that time, security escorted the male  
23 patron out of the establishment. Once by the  
24 front door, the male patron began fighting with  
25 security. Another male patron jumped in and both

1 patrons began punching and kicking security. Mr.  
2 Cham stated that security ran back into the  
3 establishment and locked the door behind him.

4 I asked Mr. Cham if he intervened when  
5 security was being assaulted and Mr. Cham stated  
6 he did not exit the establishment. Mr. Cham  
7 chuckled and stated that he was not going to get  
8 involved and get assaulted too. So he watched  
9 from the window. I asked him since he was  
10 watching from --

11 MR. CENCI: Investigator --

12 MS. PLEITEZ: The window --

13 MR. CENCI: Investigator, hold on.

14 MS. PLEITEZ: Yeah?

15 MR. CENCI: Hold on, hold on. That's  
16 all right.

17 MS. PLEITEZ: Okay.

18 MR. CENCI: I just want to make sure  
19 we're staying on the same page here.

20 MS. PLEITEZ: Okay.

21 MR. CENCI: Did Mr. Cham tell you how  
22 he knew so much about what happened?

23 MS. PLEITEZ: He stated that he was at  
24 the window, oh, in the establishment.

25 MR. CENCI: You said you had asked him



1 if he intervened in the fight. Did you ask him  
2 any other follow-up questions?

3 MS. PLEITEZ: Yes. I asked him if he  
4 intervened, oh, go ahead. Sorry.

5 MR. CENCI: Did you ask him if he  
6 heard any gunfire from the fight?

7 MS. PLEITEZ: I did.

8 MR. CENCI: What did he say?

9 MS. PLEITEZ: He stated that he did  
10 not hear anything.

11 MR. CENCI: Did you ask him if he had  
12 contacted MPD after the fight was over?

13 MS. PLEITEZ: I did.

14 MR. CENCI: And what did he say to  
15 that?

16 MS. PLEITEZ: He stated that he  
17 didn't, he wasn't going to call MPD for a street  
18 fight.

19 MR. CENCI: What did you do after you  
20 finished interviewing Mr. Cham?

21 MS. PLEITEZ: I spoke to the  
22 detectives and told them what he stated.

23 MR. CENCI: Did you discuss anything  
24 else with the detectives?

25 MS. PLEITEZ: Well, they advised me

1 that they thought the camera footage had been  
2 deleted.

3 MR. CENCI: What did you do after the  
4 detectives told you they thought the security  
5 footage for the establishment had been deleted?

6 MS. PLEITEZ: I asked them if I could  
7 have Mr. Cham show me the system since he's the  
8 owner of the establishment, he would -- it would  
9 be better suited for him to show me the footage.

10 MR. CENCI: Did you go to view that  
11 camera footage?

12 MS. PLEITEZ: I did.

13 MR. CENCI: Where did you go?

14 MS. PLEITEZ: Into the office where  
15 the cameras were located.

16 MR. CENCI: Who all entered the office  
17 to view the security camera footage?

18 MS. PLEITEZ: It was me, Mr. Cham,  
19 Detective Jasper and a police officer that was  
20 just standing there.

21 MR. CENCI: What did Mr. Cham do after  
22 all of you entered the office?

23 MS. PLEITEZ: So I asked him if he  
24 could show the video and he pointed at the police  
25 officer and the detective and he stated, I told

1 these guys that I'm not good with computers. So  
2 then I told him that it appeared -- that the  
3 detective stated that the video may have been  
4 deleted and that he knew that that was a  
5 violation, so Mr. Cham grabbed the mouse of the  
6 computer and started going back on the video and  
7 he went back to January 6th. At that time, me  
8 and the detective were like this is -- the dates  
9 aren't coinciding, but we saw when he was going  
10 back on the TV, we saw the altercation.

11 MR. CENCI: Did it appear that the  
12 footage that was stamped with January 6th that  
13 that was the footage from that night of the  
14 incident?

15 MS. PLEITEZ: Yes.

16 MR. CENCI: Did you point that  
17 discrepancy out to Mr. Cham between the actual  
18 time and the time on the video?

19 MS. PLEITEZ: I did.

20 MR. CENCI: What was his explanation  
21 for why there was a discrepancy?

22 MS. PLEITEZ: Mr. Cham stated that a  
23 few days prior there was a power outage and that  
24 the cameras hadn't been updated.

25 MR. CENCI: I want us to take a look

1 at that footage. Would you recognize it if we  
2 were to look at it together now?

3 MS. PLEITEZ: Yes.

4 MR. CENCI: Chairperson Anderson,  
5 permission to share my screen with what is in  
6 evidence as Exhibit 1?

7 CHAIRPERSON ANDERSON: Mr. Orellana?  
8 Do you have that ability? Yes, I thought yes.

9 MR. ORELLANA: Granted.

10 MR. CENCI: All right, before we  
11 start, Investigator, is the time stamp in the  
12 upper left hand corner of this video the date and  
13 time that the video actually depicts?

14 MS. PLEITEZ: Yes.

15 MR. CENCI: Let me ask that question  
16 another way. Is the time stamp that is up in the  
17 corner, is that the correct date and time of the  
18 events captured in it?

19 MS. PLEITEZ: No.

20 MR. CENCI: The date and time stamp  
21 that we see here, is that the issue that you were  
22 mentioning earlier?

23 MS. PLEITEZ: Yes.

24 MR. CENCI: I'm going to start playing  
25 this video beginning at the onscreen time stamp

1 of 7:02:58. Please watch it silently, paying  
2 attention to the bar area and then I'm going to  
3 ask you some questions about it. Okay?

4 MS. PLEITEZ: Okay.

5 (Video played.)

6 MR. CENCI: Investigator, were you  
7 able to see the woman behind the bar in that  
8 video?

9 MS. PLEITEZ: Yes.

10 MR. CENCI: What did it appear that  
11 she was doing in that footage?

12 MS. PLEITEZ: Pouring alcohol into a  
13 cup from a bottle.

14 MR. CENCI: And did it appear that she  
15 was serving that alcohol?

16 MS. PLEITEZ: Yes.

17 MR. CENCI: As part of your  
18 investigation, did you learn Moi Moi's hours for  
19 sale, service and consumption of alcoholic  
20 beverages?

21 MS. PLEITEZ: Yes.

22 MR. CENCI: Did this video clip, which  
23 shows the service of an alcoholic beverage take  
24 place after Moi Moi's hours for service that  
25 morning?

1 MS. PLEITEZ: Yes.

2 MR. CENCI: Thank you, Investigator.  
3 I'm going to restart the video. Please bear with  
4 me as we get to it at the time stamp of 7:06  
5 (audio interference). Please just bear with me  
6 as it is a little difficult to get it. There we  
7 go. So please just watch it the same way as we  
8 did last time.

9 (Video played.)

10 MR. CENCI: Investigator, were you  
11 able to see the woman behind the bar in that  
12 clip?

13 MS. PLEITEZ: Yeah.

14 MR. CENCI: What did it appear that  
15 she was doing this time?

16 MS. PLEITEZ: She grabbed something  
17 from the refrigerator and walking towards the  
18 table.

19 MR. CENCI: Did it appear that this  
20 was an alcoholic beverage that she was taking out  
21 from behind the bar?

22 MS. PLEITEZ: I'm not sure.

23 MR. CENCI: Did this clip also take  
24 place after Moi Moi's licensed hours of sale?

25 MS. PLEITEZ: Yes.

1 MR. CENCI: Is it your understanding  
2 generally that beverages kept behind the bar in  
3 an establishment tend to be alcoholic beverages?

4 MS. PLEITEZ: Yes.

5 MR. CENCI: I'm going to start the  
6 video again with the on-screen time stamp of  
7 7:13:50. Please bear with me. That's going to  
8 be as close as we're going to get. Please watch  
9 this clip the same way you did the other two.

10 (Video played.)

11 MR. CENCI: Investigator, were you  
12 able to see the woman behind the bar in this clip  
13 as well?

14 MS. PLEITEZ: Yes.

15 MR. CENCI: What did it appear she was  
16 doing in this clip?

17 MS. PLEITEZ: She grabbed something  
18 from the bar, a bottle it appeared like from the  
19 bar.

20 MR. CENCI: And did she provide that  
21 to a customer?

22 MS. PLEITEZ: Yes.

23 MR. CENCI: Does this clip also take  
24 place after Moi Moi's licensed hours of sale?

25 MS. PLEITEZ: Yes.

1 MR. CENCI: Let's turn our attention  
2 now to the incident that brought you to Moi Moi  
3 on January 9th. I'm going to play the video  
4 beginning at the on-screen time of 7:29:26. It's  
5 as close as we're going to get. Please go ahead  
6 and watch this silently.

7 (Video played.)

8 MR. CENCI: Investigator, who was that  
9 man in the black hoodie?

10 MS. PLEITEZ: Security.

11 MR. CENCI: Who was the person that he  
12 was pushing?

13 MS. PLEITEZ: A patron.

14 MR. CENCI: Based on what you saw, did  
15 it appear that the security guard engaged in any  
16 sort of de-escalation techniques before  
17 attempting to eject this patron?

18 MS. PLEITEZ: I believe not.

19 MR. CENCI: And based on what you just  
20 saw in the video, does it look like the man in  
21 the black hoodie attempted to communicate with  
22 the patron in any way before attempting to eject  
23 him?

24 MS. PLEITEZ: Without audio, I can't  
25 say for sure, but I don't think so.



1 MR. CENCI: All right. Thanks,  
2 Investigator. Let's look at another video now.  
3 Chairperson Anderson, permission to share my  
4 screen with what's already in evidence as Exhibit  
5 3?

6 CHAIRPERSON ANDERSON: You should  
7 still have the ability to share your screen.

8 MR. CENCI: All right, I'm just going  
9 to start sharing for just a moment. Board's  
10 indulgence. All right, Investigator, I'm sharing  
11 my screen now with what's in evidence as Exhibit  
12 3. I'm going to play, starting at the on-screen  
13 time stamp of 7:30:00. Please watch it silently  
14 and then I'll ask you questions about it.

15 (Video played.)

16 MR. CENCI: Investigator, who was the  
17 man in the black hoodie, who walked back into the  
18 establishment?

19 MS. PLEITEZ: Mr. Cham, the owner of  
20 the establishment.

21 MR. CENCI: Let me ask my question  
22 again. Who is the man in the black hoodie, who  
23 walked back into the establishment?

24 MS. PLEITEZ: Oh, that was the  
25 security guard.

1 MR. CENCI: Forty-two seconds after  
2 the security guard walks into the establishment,  
3 a man in a red sweater walks out of the  
4 establishment. Who is that man?

5 MS. PLEITEZ: That's the owner of the  
6 establishment.

7 MR. CENCI: Mr. Cham?

8 MS. PLEITEZ: Yes.

9 MR. CENCI: Forty two seconds after  
10 the security guard walked back into Moi Moi, what  
11 does Mr. Cham do in this video?

12 MS. PLEITEZ: He's cleaning up the  
13 blood that's on the sidewalk.

14 MR. CENCI: Does it appear that Mr.  
15 Cham cleans up all of the blood there before he  
16 reenters Moi Moi?

17 MS. PLEITEZ: Looking at the video, it  
18 seems like it.

19 MR. CENCI: Thank you very much,  
20 Investigator. I'm going to stop sharing my  
21 screen. Investigator Pleitez, were you able to  
22 review the ABCA records that were on file for Moi  
23 Moi?

24 MS. PLEITEZ: Yes.

25 MR. CENCI: What did you find in your

1 records review?

2 MS. PLEITEZ: That the establishment  
3 had a security plan and a Board order.

4 MR. CENCI: Let's go through those one  
5 at a time. Would you recognize a copy of the  
6 Board order if you were to look at it today?

7 MS. PLEITEZ: Yes.

8 MR. CENCI: Mr. Chairperson,  
9 permission to share my screen with what is in  
10 evidence as Exhibit 5?

11 CHAIRPERSON ANDERSON: Mr. Orellana,  
12 please allow him to share his screen.

13 MR. ORELLANA: Granted.

14 MR. CENCI: Investigator Pleitez, does  
15 this appear to be part of that Board order that  
16 we were just discussing?

17 MS. PLEITEZ: I don't see anything on  
18 the screen.

19 MR. CENCI: Oh, you're not able to see  
20 anything?

21 CHAIRPERSON ANDERSON: No.

22 MS. PLEITEZ: No.

23 MR. CENCI: One moment, please.

24 CHAIRPERSON ANDERSON: Yes.

25 MR. CENCI: There we go. Investigator

1 Pleitez, does this appear to be the Board order  
2 that we were just discussing?

3 MS. PLEITEZ: Yes.

4 MR. CENCI: Starting with number three  
5 on this Board order, could you please read the  
6 first sentence of that term for the board?

7 MS. PLEITEZ: Yeah, Weapons, Abatement  
8 Screenings. Respondent shall not allow patrons,  
9 employees or anyone else to bring weapons into  
10 the establishment.

11 MR. CENCI: In your investigation, did  
12 you find any evidence that the establishment was  
13 screening patrons for weapons before allowing  
14 them to enter?

15 MS. PLEITEZ: No.

16 MR. CENCI: Did you find any evidence  
17 that the establishment was utilizing a wand  
18 device to screen patrons before allowing them to  
19 enter?

20 MS. PLEITEZ: No.

21 MR. CENCI: Based on what you found in  
22 your investigation, did the establishment allow  
23 patrons to bring weapons into the establishment?

24 MS. PLEITEZ: Yes.

25 MR. CENCI: What patrons?

1 MS. PLEITEZ: The patrons that were  
2 involved in the shooting.

3 MR. CENCI: Did the establishment  
4 allow employees to bring weapons into the  
5 establishment?

6 MS. PLEITEZ: Yes.

7 MR. CENCI: What employees?

8 MS. PLEITEZ: The security guard.

9 MR. CENCI: Are you saying your  
10 investigation that anyone else working at Moi Moi  
11 have a weapon on them in the establishment?

12 MS. PLEITEZ: To my understanding, the  
13 head of security also had a weapon.

14 MR. CENCI: Let's move forward to  
15 number five on this Board order. Could you read  
16 the sentence in this paragraph that is on page  
17 three that starts with the word immediately and  
18 the one sentence that's after that one.

19 MS. PLEITEZ: Okay. Immediately after  
20 a violating event occurs, the respondent shall  
21 report the incident to MPD and preserve the crime  
22 scene or scene of a violent incident. All  
23 respondent staff will cooperate with MPD and  
24 ABRA.

25 MR. CENCI: Based on your

1 investigation, did a violent event take place at  
2 the establishment on January 9th?

3 MS. PLEITEZ: Yes.

4 MR. CENCI: Did the establishment  
5 immediately report that violent event to MPD and  
6 to ABCA?

7 MS. PLEITEZ: No.

8 MR. CENCI: What did the establishment  
9 do instead of immediately reporting the violent  
10 incident?

11 MS. PLEITEZ: They cleaned up the  
12 crime scene.

13 MR. CENCI: Brings me to my next  
14 question, did the establishment preserve the  
15 crime scene?

16 MS. PLEITEZ: No.

17 MR. CENCI: And what did they do  
18 instead of preserving it?

19 MS. PLEITEZ: They cleaned it up.

20 MR. CENCI: Did the establishment  
21 cooperate with MPD and ABCA in your  
22 investigations?

23 MS. PLEITEZ: They did not fully  
24 cooperate.

25 MR. CENCI: How did they not

1 cooperate?

2 MS. PLEITEZ: Well, according to MPD,  
3 it took them a little less than two hours to  
4 enter the establishment and they did clean up the  
5 crime scene.

6 MR. CENCI: Let's take a look now at  
7 number six on this Board order. Please read the  
8 first sentence of this term for the board.

9 MS. PLEITEZ: Camera? Security  
10 cameras. The respondent shall maintain in good  
11 working order at all times security cameras that  
12 entirely cover all of the areas inside of the  
13 premises, the front of the property and the rear  
14 of the property.

15 MR. CENCI: Did the establishment  
16 maintain its security cameras in good working  
17 order?

18 MS. PLEITEZ: I don't believe so.

19 MR. CENCI: How were the cameras not  
20 in good working order?

21 MS. PLEITEZ: The date stamp was off  
22 egregiously by three days.

23 MR. CENCI: You said earlier that Mr.  
24 Cham said that a power outage had caused the date  
25 stamp to be incorrect. Would it be ABCA's

1 expectation that within several days that error  
2 would have been corrected?

3 MS. PLEITEZ: Yes.

4 MR. CENCI: Let's look now at number  
5 nine. Can you please read this entire term for  
6 the board?

7 MS. PLEITEZ: Preserving a Crime  
8 Scene. In the event that a crime takes place  
9 within the establishment, personnel shall make  
10 best efforts to keep the crime scene clear of  
11 patrons and/or pedestrians until MPD arrives to  
12 quarter out their area. (Coughing.) I'm sorry.

13 MR. CENCI: That's all right,  
14 Investigator, I understand. Did the  
15 establishment make any efforts to keep the crime  
16 scene clear of patrons and pedestrians?

17 MS. PLEITEZ: No.

18 MR. CENCI: Investigator, were you  
19 here to hear the cross examination of Detective  
20 Jasper just now?

21 MS. PLEITEZ: Yes.

22 MR. CENCI: Did you hear Mr. Cham ask  
23 some questions about an unknown individual who  
24 walked out of the establishment after the  
25 shooting had taken place?



1 MS. PLEITEZ: Yes.

2 MR. CENCI: Did the establishment do  
3 anything to stop that individual from interfering  
4 with the crime scene?

5 MS. PLEITEZ: No.

6 MR. CENCI: Thank you, Investigator.  
7 I'm going to take down the Board order now.  
8 Let's turn to the Security Plan. Would you  
9 recognize a copy of that if I were to show it to  
10 you?

11 MS. PLEITEZ: Yes.

12 MR. CENCI: Mr. Chairperson, before I  
13 do so, I just would like to confirm that the  
14 entirety of the investigative report for this  
15 matter is in evidence and if so, have it marked  
16 for the record as Exhibit 6.

17 CHAIRPERSON ANDERSON: So moved.

18 MR. CENCI: One moment. I'm sharing  
19 my screen with Exhibit 6. Investigator, let's  
20 take a look here at page one. I'm going to zoom  
21 in a little bit so we can all see it better.

22 MS. PLEITEZ: Thank you.

23 MR. CENCI: Can you read the sentence  
24 that is under heading 3(a)(1)?

25 MS. PLEITEZ: Conflict Resolution.

1 When you find yourself in a disagreement and  
2 confronted with conflict, here are a few best  
3 practices to remember.

4 MR. CENCI: Can you read subheading  
5 (a) that's right after that?

6 MS. PLEITEZ: Yeah. Communicate  
7 effectively. Deal with the issue in a timely  
8 manner, but wait until you can express yourself  
9 productively. Don't forget to listen and allow  
10 others -- the other person to express themselves.  
11 Your goal is to diffuse the situation, not be the  
12 right or make a point.

13 MR. CENCI: I'm going to scroll ahead  
14 under this same heading to 2. Can you read the  
15 first sentence under 2 here?

16 MS. PLEITEZ: The first sentence under  
17 what?

18 MR. CENCI: Under 2 --

19 MS. PLEITEZ: Oh, number 2. De-  
20 escalation of Threats of Violence. In the event  
21 you witness a verbal altercation or overhear  
22 threats of violence, here are some best practices  
23 to remember.

24 MR. CENCI: And now can you please  
25 read 2(a)?

1 MS. PLEITEZ: Yes. Employee. The  
2 strategies set forth in the section above dealing  
3 with conflict resolution.

4 MR. CENCI: Based on your  
5 investigation, did it appear that the  
6 establishment utilized effective communication  
7 skills to resolve the conflict with the patron?

8 MS. PLEITEZ: I don't believe so,  
9 although there was no audio.

10 MR. CENCI: Going back to the security  
11 plan, could you please read the first sentence  
12 that is under 2(b) for the record now?

13 MS. PLEITEZ: Identify the party or  
14 parties involved. Speak with them calmly and  
15 attempt to ascertain the nature of the issue and  
16 how you might assist in resolving it. Notify  
17 manager of the issue as soon as is reasonably  
18 possible under the circumstances.

19 MR. CENCI: Did it appear that the  
20 establishment attempted to speak calmly with the  
21 patron?

22 MS. PLEITEZ: No.

23 MR. CENCI: Now, let's look at the  
24 first sentence under 2 . Can you read that  
25 aloud, please?

1 MS. PLEITEZ: If the issue cannot be  
2 immediately and safely resolved and the party or  
3 parties are acting in a manner that may  
4 jeopardize safety, escort the party or parties to  
5 a quiet area in the venue.

6 MR. CENCI: Did it appear the  
7 establishment attempted to escort the patron to a  
8 quiet area in the venue?

9 MS. PLEITEZ: No.

10 MR. CENCI: What did the establishment  
11 do?

12 MS. PLEITEZ: They escorted him out of  
13 the establishment.

14 MR. CENCI: Let's move on to page  
15 three now. Can you please read the first  
16 sentence under -- I'm trying to find the right  
17 spot, here it is, that is under heading 3(b)(5)  
18 that I have highlighted here? Just the first.

19 MS. PLEITEZ: You said the first  
20 sentence? Okay. In the event of a serious  
21 injury or incident of serious physical violence,  
22 example a fistfight or other physical  
23 altercations beyond mere words and minor pushes  
24 and shoving, attempt to notify MPD for FEMS  
25 immediately.

1 MR. CENCI: Based on your  
2 investigation was what took place the morning of  
3 January 9th an incident of serious physical  
4 violence?

5 MS. PLEITEZ: Yes.

6 MR. CENCI: Was there any evidence  
7 that the establishment followed this provision of  
8 its security plan?

9 MS. PLEITEZ: No.

10 MR. CENCI: Thank you, Investigator.  
11 I'm going to stop sharing my screen now.

12 Earlier, we discussed if there were any employees  
13 that had guns in the establishment.

14 Investigator, are you familiar with the statute  
15 situations that govern the carrying of firearms  
16 in the District?

17 MS. PLEITEZ: Yes.

18 MR. CENCI: Are you yourself licensed  
19 to carry a firearm in the District?

20 MS. PLEITEZ: Yes.

21 MR. CENCI: So putting the Board order  
22 that we discussed, can you carry a firearm in an  
23 establishment that is licensed to sell alcohol?

24 MS. PLEITEZ: Absolutely not.

25 MR. CENCI: Investigator, did Moi Moi

1 interfere with your investigation of the January  
2 9, 2024, killing?

3 MS. PLEITEZ: Me personally, not my  
4 investigation.

5 MR. CENCI: Based on your  
6 investigation, did it appear that Moi Moi  
7 interfered with MPD's investigation?

8 MS. PLEITEZ: Yes.

9 MR. CENCI: How did Moi Moi interfere  
10 with the MPD?

11 MS. PLEITEZ: By delaying entry and  
12 cleaning up the crime scene.

13 MR. CENCI: You said that Moi Moi  
14 didn't interfere in your investigation, but did  
15 you find in your investigation that Mr. Cham made  
16 false statements to you?

17 MS. PLEITEZ: At the time, yes, he  
18 did.

19 MR. CENCI: What were those false  
20 statements?

21 MS. PLEITEZ: He stated that he did  
22 not hear a gunshot.

23 MR. CENCI: Is that it?

24 MS. PLEITEZ: That's, yeah, all I can  
25 recall at this moment.

1 MR. CENCI: In your investigation did  
2 Mr. Cham make misleading statements to you?

3 MS. PLEITEZ: I can't recall at this  
4 moment.

5 MR. CENCI: Did Mr. Cham tell you that  
6 the fight that led to this incident took place at  
7 2:30 a.m.?

8 MS. PLEITEZ: Oh yes.

9 MR. CENCI: Did you find that to be  
10 the actual time that the event took place?

11 MS. PLEITEZ: No.

12 MR. CENCI: We also talked about the  
13 security footage. Was there any interference  
14 that was related to the security footage?

15 MS. PLEITEZ: It was later advised to  
16 me by MPD that the footage may have been tampered  
17 with.

18 MR. CENCI: So based on this, do you  
19 think that Mr. Cham interfered in your  
20 investigation to at least some degree?

21 MS. PLEITEZ: Yes.

22 MR. CENCI: Did it appear to you that  
23 he was trying to impede your investigation?

24 MS. PLEITEZ: At the time, no, but  
25 after reviewing all the facts, reviewing the

1 videos, I believe so, yes.

2 MR. CENCI: And, Investigator, did Moi  
3 Moi destroy evidence of a crime?

4 MS. PLEITEZ: Yes.

5 MR. CENCI: What evidence did Moi  
6 Moi's owner destroy?

7 MS. PLEITEZ: He cleaned up the blood  
8 in front of the establishment.

9 MR. CENCI: Thank you very much,  
10 Investigator Pleitez, I don't have any further  
11 questions at this time, Chairperson.

12 CHAIRPERSON ANDERSON: Thank you. Mr.  
13 Cham, do you have any questions of the  
14 investigator?

15 CROSS EXAMINATION

16 MR. CHAM: Yes. Just maybe two or  
17 three. The first one is when you stated that the  
18 information was deleted, but the detective just  
19 stated that he thought it was deleted, but when I  
20 asked him, he said no. So I'm asking her again,  
21 was it deleted? Or does she feel like it was  
22 deleted?

23 MS. PLEITEZ: The video was not  
24 deleted.

25 MR. CHAM: Okay, thank you.



1 CHAIRPERSON ANDERSON: Do you have any  
2 other questions for her, sir?

3 MR. CHAM: No, sir. Thank you.

4 CHAIRPERSON ANDERSON: Okay. Any  
5 questions by any board members? All right, Ms.  
6 Pleitez, thank you very much for your testimony.  
7 All right, Mr. Cenci or Mr. Celo, does the  
8 government rest or do they have another witness?

9 MR. CENCI: Just first, is  
10 Investigator Pleitez excused barring any --

11 CHAIRPERSON ANDERSON: Yes.

12 MR. CENCI: Rebuttal?

13 CHAIRPERSON ANDERSON: Yes.

14 MR. CENCI: Thank you. At this time,  
15 the District rests case-in-chief, reserving time  
16 for rebuttal.

17 CHAIRPERSON ANDERSON: All right,  
18 fine. Mr. Cham, I'm going to take a break and so  
19 when we come back from break, then you can put  
20 your case on. It's 3:52, I'm going to take a 10-  
21 minute break, so we'll come back on the record at  
22 4:02. Maybe you can try again while we're off  
23 the record, Mr. Cham, to see if you can get your  
24 video to work, but we're going to be off the  
25 record. So basically what we're going to do,

1 we're going to turn our videos off and we're  
2 going to mute our lines and we'll come back  
3 online at 4:02 and do your presentation. Okay?

4 MR. CHAM: All right, thank you.

5 CHAIRPERSON ANDERSON: All right,  
6 thanks.

7 (Whereupon, the above-entitled matter  
8 went off the record at 3:52 p.m. and resumed at  
9 4:03 p.m.)

10 CHAIRPERSON ANDERSON: We're back on  
11 the record. Are you here, Mr. Cham?

12 MR. CHAM: Yes, sir.

13 CHAIRPERSON ANDERSON: All right, you  
14 didn't try to see if your video would work, no?

15 (Simultaneous speaking.)

16 CHAIRPERSON ANDERSON: All right.

17 MR. CHAM: I tried, but this computer  
18 is an older one in origin, it doesn't have a  
19 camera to do.

20 CHAIRPERSON ANDERSON: Okay, all  
21 right, that's fine. All right, are you ready to  
22 present your case, sir?

23 MR. CHAM: Yes, sir.

24 CHAIRPERSON ANDERSON: Can you raise  
25 your right hand, please?

1 MR. CHAM: Yes, sir.

2 CHAIRPERSON ANDERSON: Do you swear or  
3 affirm to tell the truth and nothing but the  
4 truth?

5 MR. CHAM: Yes, sir

6 CHAIRPERSON ANDERSON: All right, and  
7 so you can present your case. Once you're done,  
8 the government will have an opportunity to cross  
9 examine you and the Board might also ask you some  
10 questions, too, okay?

11 MR. CHAM: Yes, sir.

12 CHAIRPERSON ANDERSON: All right, then  
13 go ahead, sir.

14 DIRECT EXAMINATION

15 MR. CHAM: Like I stated earlier,  
16 there was eight of them, three gentlemen and five  
17 ladies. Like I stated earlier, if you look at  
18 the video carefully, the security guard there was  
19 10-15 seconds where he was talking to the  
20 gentleman who was kicked out. Then it comes to  
21 the topic of de-escalation, he tried, he gave  
22 him, because I don't know what the video looked  
23 like, the guy was literally, after he finished  
24 yelling at the ladies, he came to me, he was  
25 attacking me. There was no audio to verify that,

1 yes, I agree, but if you look at it, he was right  
2 in my face. We can go back and look at it. The  
3 guy was literally -- he came attacking me. The  
4 security guard came like within 10-15 seconds  
5 where he told him, you need to calm down. Like  
6 10-15 seconds, that's all the de-escalation part.  
7 It wasn't -- maybe totally I will agree he didn't  
8 do a great job, according to the order where he  
9 could have took him aside or in the back or on  
10 the side, he just gave him literally 15 seconds  
11 and when the guy was resistant to go out, that's  
12 when he forced him out. It shows that on the  
13 video.

14           When he forced him out, that's when  
15 the other guy was stomping the guy on the ground  
16 on the front door. Now, we saw the video where  
17 the guy literally took him and went around on the  
18 left side, when he literally dragging the  
19 security guard like a dog to the left side and  
20 continued beating him up. Now, earlier I said  
21 the guy came in and out, in and out and back in  
22 and went out and I told the security guy, the way  
23 this guy left, I don't think it's good. I said  
24 check him when you come back.

25           So maybe again, the security guard

1 didn't do a good job or thoroughly checking him  
2 out if he had a weapon or not because he went  
3 outside maybe twice. The gun could have been  
4 anywhere in that guy's body or shoes or hat or  
5 hood or whatever, who knows. That's why when he  
6 got kicked out, that's when we saw a pistol on  
7 the ground. Where the pistol came from, that's  
8 still yet to be decided because I don't even know  
9 because he didn't come in the establishment with  
10 it prior. The guy probably didn't check him,  
11 like I said, thoroughly maybe he had it when he  
12 came back the second or third time. I don't  
13 know, at least I don't know. I can't vouch for  
14 when he had the gun in there, but he was checked  
15 every time he came.

16           When they started fighting outside  
17 that's when we saw the gun then he picked it up  
18 while the other guy was beating the security  
19 guard. We saw him pick up the gun and pistol  
20 whip the security and on the corner there where  
21 the blood was, security was bleeding all over the  
22 place. Now, when the guy was shot, he went to  
23 the right side. You can see on the video, I  
24 never went on that side. If the guy was shot and  
25 he was bleeding, the blood would have been on the

1 right side where he was running, but all the  
2 blood that I -- that was at the front door, which  
3 I cleaned in the front door, the main door, where  
4 the detective said he saw a spot of blood, so  
5 maybe I didn't do a good job cleaning inside of  
6 the blood, because when people were leaving, I  
7 even asked another attorney, he said, yeah, you  
8 cannot let people step on blood in front door  
9 while they're going out. So that's what I  
10 cleaned up, but then when I saw the security  
11 guard where he was getting beat on the left side,  
12 his blood was all over there when he got up, when  
13 he stood up. That's the blood that I cleaned up  
14 because I didn't want people to step on it going  
15 outside.

16           Maybe I was wrong, maybe so, but I  
17 didn't want people to step on the blood, because  
18 people were inside the establishment, we all saw  
19 that. After that, we let everybody out, but we  
20 didn't want anybody to step on the blood, that  
21 was the reason why after that I let everybody  
22 out, so nobody would be stepping on the blood  
23 going out. Okay?

24           When the security guard came back in,  
25 he was still bleeding in the restaurant so I

1 cleaned inside the establishment right then when  
2 everybody was leaving and he was in the bathroom  
3 in the back. We were helping him clean up and  
4 then when he came in that's when he actually told  
5 me, I shot the guy. I said, what? He said,  
6 yeah, so but then when I looked outside, there  
7 was no blood on the guy that was shot running.  
8 So that means he wasn't bleeding.

9           Okay, now when MPD came, like the guy  
10 said, there's three entrances. One in the front  
11 door, one outside the street in the alley and one  
12 in the building, but I couldn't comprehend how he  
13 got in the building because he wasn't clear with  
14 it, when he said they forced their way in so, of  
15 course, if you on the street banging the door and  
16 we're in the kitchen in the restaurant, we're not  
17 going to hear that. But then he said they forced  
18 their way in and they came through the side door  
19 inside the building, which was open and they just  
20 came in. They said you guys didn't hear us  
21 knock? I said, no. I didn't hear anybody knock.  
22 Then the other guy said, I hear bang, bang on the  
23 street, so if we hear somebody bang banging the  
24 door on the street, we don't know who it is,  
25 we're in the kitchen. At that time, we were

1 helping the security wipe his -- clean up his  
2 face. Like his face was totally messed up, you  
3 know, I mean imagine getting struck on a concrete  
4 floor with your leg and then somebody pistol  
5 whipping, beating you up. Of course that guy's  
6 blood is all over the place, but the guy that got  
7 shot again, he went on the right side. We could  
8 see there was -- the security got up and picked  
9 up his phone and came back inside.

10 But going back to MPD, so when they  
11 came in, we were in the kitchen. The security  
12 guard was even in the kitchen cleaning his wounds  
13 that's when they arrested him, checked his stuff  
14 and in a couple of hours, honestly the detective  
15 said, your license -- your weapon is licensed or  
16 whatever and they let him go. Actually they took  
17 him to the station, interviewed him and he came  
18 back. He told me he said, I'm fine. This was --  
19 my gun was registered and they let him go so.

20 (Simultaneous speaking.)

21 MR. CENCI: Objection, relevance and  
22 hearsay.

23 CHAIRPERSON ANDERSON: I muted myself  
24 for a moment. You'll have an opportunity, sir,  
25 to cross examine him, okay? So I'm going to



1 allow him to speak his peace and during cross  
2 examination, you'll have an opportunity to do  
3 that.

4 MR. CENCI: Yes, Mr. Chairperson.

5 MR. CHAM: Okay, so when they came in,  
6 they asked me, I said, no, we were in the kitchen  
7 cleaning up this guy, cleaning up his wounds. So  
8 they sat down with me and asked me what happened  
9 and I told him everything I just explained. He  
10 said, okay. Then, a little while the  
11 investigator from ABCA showed up and she asked me  
12 what happened and I told her exactly the same  
13 thing. So she said she wanted to see the  
14 cameras, but I had the female employee who was  
15 there with us, was helping the security help the  
16 MPD to find, to look at the video cameras.

17 So they looked through all of it.  
18 They said okay, fine. Then the investigator for  
19 ABCA came then she said, I want you to show me.  
20 I said, I'm not very good at computers, but I can  
21 help you open it up. I helped her open it up and  
22 then asked me to leave the room with the  
23 detective and police officer, that's exactly what  
24 I did. She said, oh here, we're fine, we've got  
25 everything. She left, came back and said let me

1 get my phone let me take a video footage of this  
2 on my phone. I said, fine, everything is here  
3 because there is no way in a two-hour span or  
4 one-hour I could delete, I don't even know how to  
5 turn the computer system on, not to mention  
6 deleting it.

7 So it took me maybe five minutes to  
8 figure it out and I called on the phone and  
9 somebody helped me then I opened it for her and  
10 then she asked me to leave the room and I left  
11 the room. At the end of the day, the detective  
12 wanted me to go the station, but I was hesitant  
13 because I didn't speak to an attorney, but then  
14 the investigator from ABCA told me, sir, you have  
15 to go with them because if you don't go that  
16 means you're impeding the investigation. Right  
17 there, I told Investigator Singleton okay,  
18 actually she called her and told her that on the  
19 phone, on speaker phone, that I said I'm not  
20 going to the officer's station, so on speaker  
21 phone she told me, Howsoon, you have to go.  
22 Right there I told Singleton let me get my coat,  
23 let's go. That's when I left with them to the  
24 station. They interviewed me, I told them the  
25 same story and I came back. Then I was gone. I

1 was there maybe for 10 minutes at the MPD station  
2 over there in Southwest after the interview.

3           Actually when I got there, the  
4 security guard was there to get an interview and  
5 with a doctor or a nurse whatever that was  
6 helping again with his wounds. So I left; he  
7 said I'm about to leave too. They said I'm free  
8 to go. I left here, went all the way to  
9 Southwest to meet the Detective Singleton, I  
10 think that was his name and he interviewed me 10  
11 minutes, asked me the same questions again, I  
12 answered and then he said, okay, you're free to  
13 go and I left.

14           So I was cooperative with all of them.  
15 Now, I'm going to say this, this is my maybe  
16 seventh restaurant in the District. I had a  
17 restaurant in Georgetown, restaurant in Capitol  
18 Hill, restaurant on H Street. I had two  
19 restaurants on U Street. I have never seen what  
20 I'm seeing today because I've never had like a  
21 night club where you have all this going on.  
22 That's not what I do. I'm a chef by trade, so I  
23 opened fine dining restaurants.

24           It happened to be that we were serving  
25 food and people come here to eat late at night,

1 just like the police officer told me, in this  
2 area there's nowhere to eat at night, except the  
3 taco place off Connecticut Avenue. So I said,  
4 well, I'm starting to do late night so people can  
5 order food, they can sit down and eat. We're not  
6 serving alcohol. They can sit down and eat and  
7 we've been doing it for maybe two months and we  
8 always close 2 o'clock on weekdays, 3 o'clock on  
9 weekends, which is when we're not supposed to  
10 have alcohol.

11 Now, the lady at the bar if you come  
12 to the bar right now where she was standing is  
13 the two computer systems. Next to it, is two Red  
14 Bull stands, where the people drink because even  
15 on the menu we have the price of the Red Bull,  
16 the Coke, Sprite and everything that's what we  
17 serve. So just because somebody is at the bar,  
18 doesn't mean they're pouring alcohol unless you  
19 can show me specifically that they're pouring  
20 alcohol because they were not pouring alcohol.

21 After that, the ABCA investigator did  
22 talk to me again one more time and then just to  
23 brief the other questions and then she said okay,  
24 that's all I needed to know and then she left.

25 Now, going back to the cameras, the

1 reason why it's off, like I said, you can call  
2 the landlord. Our power goes off -- our alarm  
3 goes off frequently, so it's like at home when  
4 the power goes off, your microwave you've got to  
5 reset your timer that happened maybe four days  
6 ago. Well, maybe yes, I'm wrong I should've did  
7 it within two hours maybe or even 30 minutes  
8 after the power went out, but yes, I did not do  
9 that. I'm admitting that I did not call because  
10 I myself am not an IT guy. I don't know nothing  
11 about computers. I'm a chef. I don't do that  
12 stuff. So maybe yes I could've called or  
13 should've called an IT guy to come and reset the  
14 timer. You know, on my side, I'll say maybe yes,  
15 I take responsibility for not moving swiftly on  
16 that level, but the footage, everything was there  
17 because the investigator told me I got it from  
18 here. Everything looks good. That's what they  
19 could get all. If I deleted anything I would've  
20 deleted mostly the whole thing. Why would I --  
21 because everything that's happened, it's on  
22 camera, nothing was deleted, nothing whatsoever  
23 was deleted. Definitely not by me because I  
24 don't even know how to turn it on.

25 When the investigators were done, they

1 checked the whole cameras in the whole buildings  
2 and they told me by 3 o'clock we should be done  
3 and you're free to go. They even offered me that  
4 they would lock the door for me and I can leave  
5 because I was there for 19 hours, literally I was  
6 there for 19 hours. I come to work at 2 p.m., I  
7 don't leave until 6 a.m. every day, seven days a  
8 week that's what I do. I come to work at 2 p.m.,  
9 I leave at 6 a.m. because we have a late night  
10 menu that we are serving people food and we have  
11 to clean up then I go home and sleep.

12 Like I said, this is something new to  
13 me. This has never happened to me. This  
14 location is just different. This location for me  
15 is just a learning curve and a learning  
16 experience because I have never had this kind of  
17 situation. You can check my record in  
18 Georgetown. I was there for seven years. You  
19 don't even know me. I was in Capitol Hill for  
20 three years. I had a wine bar in Capitol Hill,  
21 you don't even know me. Residents love me. I  
22 was on H Street for two years, you don't even  
23 know me. The minute I came here, everybody know  
24 my name. Is it because I'm downtown or is it  
25 because the DC crime scene is just outrageous

1 like that? I don't know, but for me, this is  
2 something new.

3 This kind of, even the clientele I  
4 have here is different from what I'm used to. I  
5 have never seen these people, the way they act, I  
6 have experienced it. It's something new to me.  
7 Some things, I'm not in a club or late night  
8 partying drinking scene. I don't do that so  
9 these things are just something new to me. Is it  
10 a learning experience for me? Yes, definitely it  
11 is a learning experience for me because this is  
12 just something totally new.

13 When I hired this security team, the  
14 guy told me they work in a lot of restaurants and  
15 clubs, mainly clubs in the city and it's the same  
16 people, I think they're working in at least four  
17 different clubs or four different mixture of  
18 clubs and restaurants and the guy always said,  
19 hey, we carry our weapon here. We work here, we  
20 work here, we work here. When I checked their  
21 resume, I did my due diligence, I did a reference  
22 check and I hired them.

23 For the record, I fired them the  
24 following week and I hired a new company, a new  
25 team who is there and we are working with MPD

1 right now to have police officers, they already  
2 come in anyway. They already come in every day  
3 and sit outside with two securities, four  
4 securities on the weekends. I get two security  
5 weekdays and four on the weekends. The reason  
6 for that is this is a fine dining, white  
7 tablecloth restaurant.

8 This is not some carry out, hole in  
9 the wall, you know what I mean? Because when you  
10 walk in there, you wouldn't even believe that,  
11 when people come in they're like is this the  
12 place this happened? Because this is not that  
13 kind of place. But because you open your doors  
14 to the public at that time of night, the people  
15 that come here are the patrons that go to what 11  
16 bars and clubs around me with only one place that  
17 sells food, which is south side, that's the only  
18 place that sells food in an 11-block or 8-block  
19 radius. So, of course, if you go to south side  
20 even on a Friday at 2:30, you're going to stand  
21 in line for hours to get food, so now what do I  
22 get? I get all those people now coming here to  
23 eat, that's the reason why I have four  
24 securities, because most of the time some of them  
25 are intoxicated, some of them are not. Maybe out



1 of four, you might have one or two intoxicated,  
2 but like I said, we've been doing this all summer  
3 and we never had a problem.

4 I might add the guy who got kicked  
5 out, he's a regular here like the detective said  
6 and everybody was surprised that it was him,  
7 everybody was surprised that it was him because  
8 he's never been like that. He always comes,  
9 eats, pays his tab and leaves. I don't know that  
10 day what he was on or what happened, whatever  
11 happened we he came from, but he came with a  
12 different mindset, different attitude that even  
13 myself, I couldn't control him.

14 That's why if you look at the video,  
15 he was yelling and screaming at me. I know it's  
16 unfortunate, I wish I could play the audio and  
17 I'm telling him, bro, it's me you're talking to.  
18 I'm your guy, why are you doing this? You're  
19 talking to me, relax. What's wrong? Then he  
20 started yelling, yelling and that's when the  
21 security guard came 10-15 seconds, that's all he  
22 gave him. Yeah, he could have done a better job  
23 that's true, but he gave him 10-15 seconds and he  
24 was resistant, like we saw on the video. He  
25 kicked him out.

1                   Now, when this guy ran out again on  
2 the video, stomping the guy's head on the ground,  
3 I was standing next to him. I'm like, bro, stop,  
4 you cannot do this. The guy's head is bleeding  
5 on the floor. Then he started yelling, I don't  
6 care, I don't care, I'm going to kill him, I'm  
7 going to kill him and then I said, no, you can't  
8 do that and then he's like, you know what, I'm  
9 going to drag him around the corner. That's how  
10 they dragged him around the corner, beating the  
11 guy up. Singleton is the one that even told me  
12 that was a security guard at a club and if he had  
13 two guys beating him up like that and one pistol  
14 whipped him --

15                   MR. CELO: Objection, hearsay.  
16 Objection, relevance.

17                   MR. CHAM: If he had one beating up  
18 like that and he had a gun --

19                   (Simultaneous speaking.)

20                   MR. CELO: Mr. Chair, objection.

21                   (Simultaneous speaking.)

22                   MR. CHAM: I would do the same thing.

23                   CHAIRPERSON ANDERSON: All right, hold  
24 on.

25                   MR. CHAM: I would do the same thing.

1 CHAIRPERSON ANDERSON: Hold up. Mr.  
2 Cham, hold on, hold on.

3 MR. CHAM: Yes, sir.

4 CHAIRPERSON ANDERSON: I'm going to  
5 overrule the objection, sir. Go ahead.

6 MR. CELO: Understood.

7 MR. CHAM: All right, okay.

8 Investigator Singleton told me I was a security  
9 guard in a club in New York and if something like  
10 this happened to me, where I put somebody out and  
11 I'm coming in and another guy attacked me and two  
12 of them beating me and one had a gun. The gun  
13 fell off and he pistol whipped me on my head and  
14 I'm bleeding and I had a gun on me, I would open  
15 it, I would use it.

16 I talked to a lot of attorneys. They  
17 look at it like I would do the same thing because  
18 it's obvious that these people, these two  
19 gentlemen wanted to kill this security. They  
20 really wanted to kill him because if you had seen  
21 the blood in the front door when he was stomping  
22 the guy's head on the ground, if you had seen the  
23 pool of blood in the restaurant, stomping on the  
24 rug, you'd be like wow. Nobody could believe  
25 what was going on.

1 I mean I'm not going to sit here and  
2 say we didn't do -- we did everything right, no  
3 we did not. We made mistakes, it's a fact and  
4 I'm not going to sit here, lie about it or defend  
5 myself about that note because yes, there are  
6 some things we could have done better. There's  
7 some things the security could have done better.  
8 The 10-15 second de-escalation, that was not  
9 enough, but, you know they work in night clubs on  
10 H Street and U Street and maybe these are the  
11 kind of people they deal with. These are the  
12 kind of situations they deal with, you know what  
13 I mean? So for them when they came here and  
14 doing the same thing, and I said even we all  
15 agree, they even agree that they could have done  
16 a better job with the de-escalation, but who  
17 knows where these people work. They work all  
18 these dangerous places maybe and when they see  
19 these things, this is how they react. I don't  
20 know, I can't speak for them, but that's just  
21 what happened here. But this is not that kind of  
22 place. This is not that kind of establishment  
23 and like I said, this is my seventh or ninth  
24 restaurant in the city, I've never seen anything  
25 like this. I even got car jacked in front of the

1 building with a gun myself. My friend's car got  
2 stolen in front of the building. Patrons come  
3 here, they park in front of the building, all  
4 their windows are getting smashed. I've never  
5 experienced this so it's something new to me.  
6 Again, we could have done a better job with this,  
7 but it's a learning process.

8 I'm not perfect. I mean I'm a law  
9 abiding citizen. I don't run around opening  
10 places that people have guns and fights and  
11 stuff. I don't do that. It's not what I do, but  
12 this is a different situation and I just have to  
13 face it and just learn from it. With all due  
14 respect.

15 Even when I had my place at U Street,  
16 I never had these problems, but this was 15 years  
17 ago. I had two restaurants on U Street. I don't  
18 do night clubs. I don't even do security guards  
19 because I'm used to restaurants. I'm not used to  
20 lounge, a bar, a club none of that. Again, this  
21 is a fine dining restaurant. People come and sit  
22 down at 4 a.m. at a white tablecloth eating food  
23 after going to the club. I have club owners  
24 coming in. I have MPD coming in. I have Secret  
25 Service coming in. They all come and we take

1 care of them.

2 One time, MPD and Secret Service were  
3 here. There was an argument in the restaurant,  
4 they didn't even move because they're like  
5 they'll be fine. After that, the security walked  
6 them out and it was over. I could tell you at 3  
7 a.m., 4 a.m., MPD be sitting in the restaurant  
8 eating food because they tell me, we can't eat  
9 tacos every day because the only thing open  
10 around here is a taco joint. You're going to  
11 have to go to Chinatown. They're like we can't  
12 leave here to go to Chinatown and eat so we're  
13 going to come to you and eat all the time. I got  
14 MPD calling me every day, how you doing? How you  
15 holding up? Now we can't even come and eat no  
16 more. I've been closed since what the ninth,  
17 this business been closed, like we are closed.  
18 You know what I mean? We are on K Street, we all  
19 know the rent is not the same as Georgia Avenue  
20 or U Street or H Street or wherever. We're on K  
21 Street. The rent is very high. Why am I working  
22 from 2 a.m. to 6 a.m. every day? Because I have  
23 obligations that I have to meet. But if I had a  
24 choice, I would close at 2 o'clock and 3 o'clock  
25 and go home, but business is slow. I have two

1 friends who just closed their businesses. They  
2 had restaurants, one had a club. Everything  
3 closed down because they're not making any money,  
4 but I decided to work until 6 a.m. every day so I  
5 can pay my landlord.

6 I got rent due today. I don't even  
7 have it. I've been closed for three weeks, I've  
8 been closed. I told my landlord I don't have the  
9 money and I don't because I have taxes, I have  
10 payroll. I have all this other stuff that I have  
11 to pay and for me to be getting four securities  
12 on a weekend, of course that means I don't want  
13 no problems. I'm not looking for no problems.  
14 It's not a night club, but the thing is I get the  
15 people from the night club, comedy bars those are  
16 the people I entertain. It's not like the club  
17 owner who they come there all sober and they're  
18 good to go. I get them when they finished  
19 partying, but they're hungry.

20 Now this doesn't happen every day.  
21 We were here through the summer. We were doing  
22 this all the way through the summer, we never had  
23 one incident and if you look at it, this happened  
24 not on a Friday, not on a Saturday, this happened  
25 on a Monday night. On a Monday night, with 15,

1 18 people in the restaurant, but it was one bad  
2 tomato in the box that created all this.

3 I'm done, Mr. Donovan.

4 CHAIRPERSON ANDERSON: All right,  
5 thank you, Mr. Cham. Any cross examination?  
6 Who's going to do the cross examination?

7 MR. CENCI: I will.

8 CHAIRPERSON ANDERSON: Mr. Cenci?

9 MR. CENCI: Yes.

10 CHAIRPERSON ANDERSON: All right, do  
11 you have any questions?

12 MR. CENCI: I do.

13 CHAIRPERSON ANDERSON: Go ahead, sir.

14 CROSS EXAMINATION

15 MR. CENCI: Mr. Cham, you said  
16 multiple times during your statement just now  
17 that you never had anything like this happen to  
18 you before, right?

19 MR. CHAM: On my other restaurants,  
20 yes.

21 MR. CENCI: But for this restaurant,  
22 this has happened before hasn't it?

23 MR. CHAM: No, no, no. What you said  
24 never. Can you repeat your question because you  
25 asked me, I said, yes, but not on my other



1 restaurants. This one? Yes, I told you earlier  
2 that this is a learning curve for me. It's an  
3 experience. I don't even deal with clients with  
4 this. I don't have clients like this. I never  
5 entertained clients like this. I said that  
6 earlier.

7 MR. CENCI: Bringing you back to my  
8 question, Mr. Cham, this restaurant, something  
9 like this has happened before, right?

10 MR. CHAM: This restaurant something  
11 of this nature happened, but not like this, yes.

12 MR. CENCI: In 2022, there was a fight  
13 that started in your establishment, right?

14 MR. CHAM: Okay.

15 MR. CENCI: Right? Yes?

16 MR. CHAM: Right.

17 MR. CENCI: There were gunshots  
18 outside of your restaurant?

19 MR. CHAM: Yep, uh-uh, that's not  
20 true. That gunshot was found three blocks away,  
21 even the police officers came and told me we  
22 found casings three blocks away, three blocks  
23 away. The MPD has said that, they found gun  
24 casings three blocks away, but they assume the  
25 gunshot was from here.

1 MR. CENCI: So it's your testimony  
2 that there were no gunshots in that 2022  
3 incident, right?

4 MR. CHAM: If this happened three  
5 blocks away why would I take that responsibility?  
6 Why would I admit that it's my restaurant? I  
7 will not admit that. I refuse to. Three blocks  
8 away and I should say it's me? No, I'm not.

9 MR. CENCI: But there were --  
10 (Simultaneous speaking.)

11 MR. CHAM: I say --  
12 (Simultaneous speaking.)

13 MR. CENCI: Mr. Cham?

14 MR. CHAM: Say it again.

15 MR. CENCI: If you're finished?  
16 (Simultaneous speaking.)

17 MR. CENCI: All right, I've got to ask  
18 my next question, okay?

19 MR. CHAM: Yes, sir.

20 MR. CENCI: You say that there were no  
21 shots outside your establishment but there was a  
22 trail of blood that led right to your front door  
23 in 2022, wasn't there?

24 MR. CHAM: It was a trail of blood  
25 from the guy who was fighting, leaving the

1 establishment going home, yes and it states right  
2 there, the guy was bleeding leaving and I never  
3 wiped that blood. He was leaving. I have  
4 nothing to do with if he got in a fight. He  
5 left. MPD came later on they said we found gun  
6 casings three blocks away, I said I have no idea  
7 what that could be from or what is that. I  
8 cannot tell you that anything that happened on  
9 this block is my responsibility. I'm not going  
10 to say that.

11 MR. CENCI: Mr. Cham, I'm going to be  
12 asking you yes or no questions. I'm going to  
13 need me to give me yes or no answers, all right?

14 MR. CHAM: Okay.

15 MR. CENCI: So as a result of that  
16 previous incident where you said you didn't wipe  
17 up the blood, your license was summarily  
18 suspended in 2022 wasn't it?

19 MR. CHAM: Yes it was, but there's a  
20 reason why.

21 MR. CENCI: There was a reason why.  
22 The reason why is based on the investigation that  
23 ABCA conducted --

24 MR. CHAM: And they found out the gun  
25 casings were three blocks away, yes.

1 MR. CENCI: And this Board voted to  
2 uphold that summary suspension that was initiated  
3 in 2022, right?

4 MR. CHAM: Yes based on the facts, it  
5 didn't happen here. The blood was on -- the guy  
6 was fighting here, they left, right? They found  
7 gun casings three blocks away. With all due  
8 respect and to be fair to me, I was closed down  
9 for a couple of days, but afterwards, yes, I was  
10 allowed to open back up because MPD told them  
11 they found the gun casings three blocks away. I  
12 can't sit here anything happened in this  
13 neighborhood, it's my responsibility. I have a  
14 club behind me, somebody got shot two days ago.  
15 Is that my responsibility?

16 MR. CENCI: Mr. Cham, I'm going to be  
17 asking yes or no questions and I need yes or no  
18 answers. All right? Do you understand?

19 MR. CHAM: I do, but I'm just saying  
20 if I have to explain for them to understand, I  
21 want to have the opportunity to explain.

22 MR. CENCI: Mr. Cham? Mr. Cham?

23 CHAIRPERSON ANDERSON: Hold on.

24 (Simultaneous speaking.)

25 CHAIRPERSON ANDERSON: Hold on, Mr.

1 Cham. Mr. Cham, this is cross examination. He's  
2 going to ask you a question, I need you to answer  
3 the question, sir. Once he's done, I will give  
4 you an opportunity if you need to explain  
5 anything, but he's going to ask you a question  
6 and I need you to answer the question directly.  
7 At the end, I will ask you if you need to clarify  
8 anything and then at that point, you can get an  
9 opportunity to clarify any statement that you've  
10 made. Okay, sir?

11 MR. CHAM: Yes, sir.

12 CHAIRPERSON ANDERSON: All right.

13 Okay, go ahead, sir.

14 MR. CENCI: So you'd agree that that  
15 incident in 2022 that one is like this one,  
16 right?

17 MR. CHAM: No.

18 MR. CENCI: Okay, but let's look at  
19 this incident that took place. Chairperson  
20 Anderson, permission to share my screen with what  
21 is in evidence as Exhibit 1?

22 CHAIRPERSON ANDERSON: I assume that  
23 you still have it, if not, Mr. Orellana will give  
24 the ability. Thank you.

25 MR. CENCI: Mr. Cham, do you see this

1 video?

2 MR. CHAM: Yes.

3 MR. CENCI: You watched this video  
4 earlier with us, right?

5 MR. CHAM: Yes.

6 MR. CENCI: I'm going to play it  
7 starting at the time stamp of 7:29:29.

8 MR. CHAM: Say that again.

9 (Video played.)

10 MR. CENCI: Mr. Cham, is that man  
11 who's in the black hoodie your security guard?

12 MR. CHAM: Yes.

13 MR. CENCI: Do you see that he gets  
14 the patron in the back there at the time stamp at  
15 the top 7:29:34, right?

16 MR. CHAM: That time is not correct.

17 MR. CENCI: That's the time that's on  
18 this video though, right?

19 MR. CHAM: Yeah, that's the time on  
20 the video, yes.

21 MR. CENCI: And at that time stamp,  
22 you see that's when the security guard gets to  
23 that patron, right?

24 MR. CHAM: Yes.

25 MR. CENCI: You say that's where that

1 patron, he was yelling at you, right?

2 MR. CHAM: Yes.

3 MR. CENCI: I'm going to keep playing  
4 it from where I paused it at 7:29:34.

5 (Video played.)

6 MR. CENCI: Your security guard starts  
7 to escort him out by the time stamp at the top  
8 here 7:29:37, right?

9 MR. CHAM: Okay.

10 MR. CENCI: Is that right?

11 MR. CHAM: Yeah.

12 MR. CENCI: And during your statement  
13 just now you said that the security guard was  
14 trying to talk to him for 10-15 seconds, didn't  
15 you?

16 MR. CHAM: Yes, if you reverse it back  
17 and take it back to where it was, you will see  
18 the guy was standing there, the security guard is  
19 standing there literally talking to him. Why  
20 won't you go back and show that part? You just  
21 showed the part where he's being escorted. Can  
22 you please go back and show where the security  
23 guard approached him and see that 10-15 seconds  
24 he tried to talk to him. Why won't you go back  
25 and show me that, please? If you don't mind.

1 MR. CENCI: Mr. Cham, I'll go ahead  
2 and start it at 7:29:25 so that way we can get a  
3 little bit earlier. Okay?

4 MR. CHAM: Thank you.

5 MR. CENCI: Because I started it when  
6 the security guard is already in frame. We'll  
7 start here, 7:29:20.

8 (Video played.)

9 MR. CENCI: I'm pausing it at 7:29:30.  
10 Mr. Cham, is that man in the black hoodie your  
11 security guard?

12 MR. CHAM: Yes, walking towards the  
13 patron, yes.

14 MR. CENCI: Yes. Resuming.

15 (Video played.)

16 MR. CENCI: I'm pausing at 7:29:30.

17 MR. CHAM: Yeah, so now they're  
18 talking, right there, they're talking.

19 MR. CENCI: He gets to him at 7:29:34,  
20 is that right?

21 MR. CHAM: Yeah, they're talking,  
22 yeah.

23 MR. CENCI: All right. I'm going to  
24 resume.

25 (Video played.)



1 MR. CHAM: They're talking right  
2 there. See? They're still talking. But he  
3 resisted to go out. At that point, he will not  
4 leave.

5 MR. CENCI: So, Mr. Cham, he begins to  
6 escort him out at 7:29:38 the patron begins to  
7 resist?

8 MR. CHAM: Yes.

9 MR. CENCI: So you're saying that the  
10 time between 7:29 and 34 seconds and 7:29 and 38  
11 seconds is 10-15 seconds?

12 MR. CHAM: Well, I was not looking at  
13 the clock but I gave you 10-15 seconds --

14 (Simultaneous speaking.)

15 MR. CENCI: Mr. Cham? Mr. Cham? It's  
16 a yes or no question. Are you saying that the  
17 time between 7:29:34 seconds and 7:29:38 seconds  
18 is 10-15 seconds? Yes or no.

19 MR. CHAM: No, it's not.

20 MR. CENCI: Thank you. I'm going to  
21 stop sharing my screen. Now, Mr. Cham, you saw  
22 the fight that took place between that security  
23 guard and those patrons, right?

24 MR. CHAM: Yes, sir.

25 MR. CENCI: You saw the security guard

1 approach the patrons, right?

2 MR. CHAM: Yes, sir.

3 MR. CENCI: And you watched while they  
4 fought from the back of the establishment to the  
5 front door?

6 MR. CHAM: They were not fighting. He  
7 was taking him out.

8 MR. CENCI: I'm going to share my  
9 screen again, with what's been marked as Exhibit  
10 1, it's in evidence as Exhibit 1. I'm going to  
11 resume from where we just stopped at 7:29:38.

12 (Video played.)

13 MR. CENCI: Mr. Cham, you do not  
14 describe what we just watched on screen as  
15 fighting?

16 MR. CHAM: No, it's not a fight. He  
17 was escorting him out physically because he asked  
18 him to leave. He said, I'm not leaving and stood  
19 there, so he's like no, you have to leave. So he  
20 escorted him with force. Yes.

21 MR. CENCI: So that's a no to my  
22 question.

23 MR. CHAM: Yes, it's a no.

24 (Simultaneous speaking.)

25 MR. CHAM: No, that was not a fight.

1 MR. CENCI: You did not describe what  
2 took place at that mark as a fight?

3 MR. CHAM: The question is no, it's  
4 not a fight.

5 MR. CENCI: Okay.

6 MR. CHAM: The answer, sorry, is no,  
7 that's not a fight.

8 MR. CENCI: Thank you. Stop sharing  
9 my screen. You saw when they got to the front  
10 door, would you describe it as a fight then?

11 MR. CHAM: When the gentleman attacked  
12 the security? Yes, that's a fight because  
13 security was coming in and he kicked him in his  
14 face and started stomping his head on the ground.  
15 Yes, that's a fight.

16 MR. CENCI: You saw that fight go out  
17 the front door of your establishment, didn't you?

18 MR. CHAM: He dragged the security  
19 outside, yes.

20 MR. CENCI: You told Investigator  
21 Pleitez, when you spoke with her, that you  
22 weren't going to get involved in the fight  
23 though, right?

24 MR. CHAM: Yes, I was not going to go  
25 outside and join the fight. Yes, I said that.

1 MR. CENCI: But after it was outside,  
2 you did run up to the front door, didn't you?

3 MR. CHAM: No, I run up to the front  
4 door when the security guy came in the building.  
5 I didn't go outside at that point.

6 MR. CENCI: Let me ask the question to  
7 be clear, while the fight was happening, you ran  
8 up to the front door. I'm not saying you left,  
9 that you just ran up to the front door. Is that  
10 right?

11 MR. CHAM: Yes, I was telling the guy  
12 to stop kicking the security, yes, and I stood  
13 there talking to him.

14 MR. CENCI: And the fight then spilled  
15 out of the establishment while you were there by  
16 the front door, right?

17 MR. CHAM: Yes, but then at that time  
18 on camera like it shows, I closed my door and I  
19 told the servers that we're not going outside to  
20 fight out there. I'm not fighting.

21 MR. CENCI: But while you were there,  
22 you did move a curtain aside to look out the  
23 window to see what was happening right?

24 MR. CHAM: Yes.

25 MR. CENCI: And when you spoke to

1 ABCA, Investigator Pleitez asked you if you had  
2 heard a gunshot, didn't she?

3 MR. CHAM: Yes.

4 MR. CENCI: You told her you didn't  
5 even hear one.

6 MR. CHAM: Yes, that's true because  
7 when I looked outside, they were just fighting,  
8 fist fight and I walked inside, told the servers  
9 start closing your tabs, we got to close, we got  
10 to go.

11 MR. CENCI: When --  
12 (Simultaneous speaking.)

13 MR. CHAM: What's that?

14 MR. CENCI: Go ahead.

15 MR. CHAM: Okay, then I walked back --  
16 when the security officer fight -- that was a  
17 fight, I agree that was a fight outside. There's  
18 two people beating one guy up. So I came inside,  
19 I told the staff start closing all these tabs,  
20 take all your food away or get it in boxes. We  
21 have to go. Then a couple of minutes later, the  
22 security walked in the door, blood all over his  
23 face and said to me, I shot him, that's how I  
24 found out that that gentleman was shot.

25 MR. CENCI: Mr. Cham, you were

1 standing by that window the whole time the fight  
2 was taking place, weren't you?

3 MR. CHAM: That's not true. That's  
4 not true. Show it to me on video where I was  
5 there all night long standing. Show it to me.

6 MR. CENCI: Mr. Cham, my question was  
7 not if you were there all night long. My  
8 question for you was that while that fight was  
9 taking place, you were standing right by the  
10 window. Is that right?

11 MR. CHAM: That's not true.

12 MR. CENCI: All right, Mr. Cham, I'm  
13 going to share my screen with what's in evidence  
14 as Exhibit 2. Assuming I have the Board's  
15 permission?

16 CHAIRPERSON ANDERSON: Yes, sir.

17 MR. CENCI: I'm going to start playing  
18 from the time stamp 7:29:52. Mr. Cham, you said  
19 while this fight was happening at the front door,  
20 you were standing next to the gentlemen that were  
21 in the fight. Is that right?

22 MR. CHAM: Yes. Telling him to stop  
23 kicking the guy, yes.

24 MR. CENCI: This man with the shaved  
25 head, is this you in the video?

1 MR. CHAM: I was standing on the right  
2 side of the screen, yes.

3 MR. CENCI: So that is you?

4 MR. CHAM: Yes, that's me at the door.

5 MR. CENCI: I'm going to play the  
6 video from 7:29:52.

7 (Video played.)

8 MR. CHAM: That's me telling him to  
9 stop.

10 MR. CENCI: Mr. Cham, is that you who  
11 moves the curtain just then?

12 MR. CHAM: Yes. I close the door and  
13 watch them beating the guy, then right there, I  
14 called the other head security, I said you need  
15 to hurry up over here. As the video flow  
16 (phonetic), I walk away.

17 MR. CENCI: I'm going to resume it  
18 from where we stopped at 7:30:11.

19 (Video played.)

20 MR. CENCI: Mr. Cham, behind you, or  
21 in front of you, the window is open, right, or  
22 the curtain is open so you can see through the  
23 window. Is that right?

24 MR. CHAM: Yes. While they were  
25 fighting, yes.

1 MR. CENCI: The movement that's on the  
2 other side of that window, that's the fight,  
3 isn't it?

4 MR. CHAM: Yes.

5 MR. CENCI: All right. I'm going to  
6 keep playing it, 7:30:13.

7 (Video played.)

8 MR. CENCI: I stopped it at 7:30:29.  
9 Mr. Cham, did you see yourself in that video move  
10 away from the window before the security guard  
11 walked back into the establishment?

12 MR. CHAM: Yes.

13 MR. CENCI: You saw yourself walk away  
14 before he came back in?

15 MR. CHAM: Yes. I was standing by the  
16 table by the window, yes.

17 MR. CENCI: I'm going to bring you  
18 back to what my question was, Mr. Cham. Did you  
19 walk away from the window before the security  
20 guard came back in or did you stand there the  
21 entire time while the security was outside by the  
22 window?

23 MR. CHAM: I was going -- I was going  
24 roundabout.

25 MR. CENCI: I'm going to rewind for



1 just a few seconds, back at 7:29:59.

2 (Video played.)

3 MR. CENCI: Mr. Cham, there are four  
4 people in this still image here at 7:30:28. Is  
5 that right?

6 MR. CHAM: There's three people. I  
7 was in the back on the corner.

8 MR. CENCI: So you are the person who  
9 is in the leftmost position in this still image  
10 right here?

11 MR. CHAM: I was in the back, yes,  
12 behind the curtain on the back with three people  
13 who were standing in front of me.

14 MR. CENCI: And this is when the  
15 security guard comes back inside. Is that right?

16 MR. CHAM: Yes. When I heard the door  
17 open, I walked towards the door, yes.

18 MR. CENCI: Mr. Cham, I'm going to  
19 rewind briefly one more time. We're going to  
20 watch it again. Starting at 7:30:10.

21 (Video played.)

22 MR. CENCI: I'm going to pause at  
23 7:30:14. Mr. Cham, when the moment happens in  
24 the video that you step away from the window, I  
25 want you to point it out to me, okay?

1 MR. CHAM: Okay. Right there. I'm  
2 stepping in the back. I'm stepping slowly in the  
3 back. Right there. I'm stepping slowly in the  
4 back because there was a hostess stand and  
5 there's a lot of people that were standing there  
6 eating. I was telling them you got to get out of  
7 here. We got to go.

8 MR. CENCI: So it's your testimony  
9 that at this moment in the video, marked 7:30:22,  
10 you're stepping away from the window. Is that  
11 right?

12 MR. CHAM: It's not away. I was two  
13 steps behind. There's a table behind the window  
14 right there, so the people who were sitting  
15 there, I was telling them we got to go. The  
16 minute I said guys, we have to go, then I came  
17 back to the door.

18 MR. CENCI: Mr. Cham, that's a  
19 different answer now, and I'm trying to get the  
20 right answer out of you that's the truth. You  
21 said now that you weren't stepping away from the  
22 window. That you were just taking two steps  
23 back.

24 MR. CHAM: That's what I did.  
25 According to the video, yes.

1 MR. CENCI: Mr. Cham, you got to let  
2 me finish my question, okay?

3 MR. CHAM: Okay.

4 MR. CENCI: Did you or did you not  
5 step away from the window before the security  
6 guard came back into the establishment?

7 MR. CHAM: I did step away before he  
8 came in, yes. Two steps back, yes.

9 MR. CENCI: So you took two steps away  
10 from the window?

11 MR. CHAM: Because there's a table on  
12 the window right there, and I was talking to the  
13 patron that was sitting there.

14 MR. CENCI: And you went no further  
15 than two steps away from the window?

16 MR. CHAM: No. I was standing right  
17 there, and then I moved forward to open the door  
18 for the security to get back in because, from the  
19 window, I see him bleeding all over the floor.

20 MR. CENCI: So when you were watching  
21 this fight from inside the restaurant, you were  
22 watching it through that window. Is that right?

23 MR. CHAM: Yes.

24 MR. CENCI: That glass window was what  
25 was between you and the fight?

1 MR. CHAM: Yes.

2 MR. CENCI: But even with that window  
3 there, because we can see in the video, you are  
4 actually only a few feet away from where the  
5 fight was taking place, right?

6 MR. CHAM: I was inside, yes.

7 MR. CENCI: Right. On the other side  
8 of the window?

9 MR. CHAM: Yes.

10 MR. CENCI: Now, despite being only a  
11 few feet away from that fight you were watching,  
12 you still claim today that you did not hear a  
13 single gunshot?

14 MR. CHAM: No, I did not. I did not.  
15 And I will never change that. I did not hear a  
16 gunshot.

17 MR. CENCI: While you were standing by  
18 that window --

19 MR. CHAM: Yes.

20 MR. CENCI: -- when Mr. Onoha grabbed  
21 his --

22 (Simultaneous speaking.)

23 MR. CHAM: When I took two steps back,  
24 talked to these people that was sitting here,  
25 that's when the security walked in, and I stepped

1 to the door to open the door for him. We walk in  
2 -- he told me I shot him. I'm like what.

3 But then I couldn't believe it because  
4 when he said I shot him, I came back to look at  
5 the window, there was no blood where the guy was  
6 shot going through the right side of the door,  
7 but the left side where they were beating the  
8 guy, it was all blood, but the guy who got shot  
9 was going away. There's not one single drop of  
10 blood, so that's why I didn't believe him.

11 MR. CENCI: So it's your testimony  
12 that taking those two steps away from the window,  
13 that was far enough that you couldn't hear the  
14 gunshot. Is that right?

15 MR. CHAM: Yes. I'm saying that I did  
16 not hear a gunshot.

17 MR. CENCI: All right.

18 MR. CHAM: I'm not going to change  
19 that.

20 MR. CENCI: I'm going to stop sharing  
21 my screen. Mr. Cham, after Mr. Onoha and the  
22 other patron fled the establishment, your  
23 security guard walked back inside one way, didn't  
24 he?

25 MR. CHAM: Yes. After he picked up

1 his cell phone, he walked in bleeding, yes.

2 MR. CENCI: You knew when he came back  
3 in that that was a bad fight, right?

4 MR. CHAM: When I see him bleeding,  
5 yes. They beat him up bad, yes.

6 MR. CENCI: And you knew that you had  
7 to do something about it right away?

8 MR. CHAM: Something about what? The  
9 guy getting beat? No, I'm not going to do  
10 nothing. What would I do if the guy got beat?  
11 I'm not going to go out and look for those  
12 people. What do you mean I had to do something?  
13 I don't understand the question.

14 MR. CENCI: Well, you did do something  
15 after the fight was over, didn't you?

16 MR. CHAM: When the guy walked in, we  
17 helped him to clean his face up, yes. That's  
18 what I did.

19 MR. CENCI: You did something else  
20 before that, though, right?

21 MR. CHAM: What? What did I do?

22 MR. CENCI: Well, you went back into  
23 your establishment, then you turned on the  
24 lights.

25 MR. CHAM: Yes.

1 MR. CENCI: You grab some towels.

2 MR. CHAM: Yes.

3 MR. CENCI: Got the bucket of cleaner.

4 MR. CHAM: It was soap and water. It  
5 wasn't a bucket of cleaner. It was just soap and  
6 water, yes.

7 MR. CENCI: You grabbed the bucket of  
8 soap and water.

9 MR. CHAM: Yes.

10 MR. CENCI: You ran out that same  
11 front door that your security guard --

12 MR. CHAM: When he left, yes.

13 MR. CENCI: -- just came through,  
14 right?

15 MR. CHAM: First, I cleaned up the  
16 blood that was in the front door where they were  
17 stopping there, and then when I looked up where  
18 the guy was getting beat on the corner, the blood  
19 was there.

20 MR. CENCI: Mr. Cham, let's get to  
21 these things one at a time. My question was that  
22 you saw that there was blood on the sidewalk in  
23 front of your restaurant, right?

24 MR. CHAM: Yes.

25 MR. CENCI: So you got to work

1 cleaning that up, didn't you?

2 MR. CHAM: Yes. The security guard's  
3 blood that was bleeding, yes.

4 MR. CENCI: You used the towels and  
5 the soap and water to clean up the blood that you  
6 saw there, right?

7 MR. CHAM: Yes. From the security  
8 guard, yes.

9 MR. CENCI: You scrubbed up that blood  
10 within a minute of when you had started to clean  
11 it?

12 MR. CHAM: Yes, because he just got a  
13 couple of spots in there. I just wiped it off  
14 from his wound.

15 MR. CENCI: And after you finished  
16 cleaning up that blood, you walked right back  
17 into Moi Moi through that front door, didn't you?

18 MR. CHAM: Yes, I did.

19 MR. CENCI: And then you locked that  
20 front door behind you?

21 MR. CHAM: Yes, I did.

22 MR. CENCI: So let's go back to the  
23 fight between the patrons and the security guard.  
24 You would agree that that fight was pretty  
25 violent, yes?



1 MR. CHAM: You already said that, and  
2 I agreed to it, yes.

3 MR. CENCI: You told Investigator  
4 Pleitez you didn't want to get involved because  
5 you didn't want to get assaulted. Is that right?

6 MR. CHAM: That's true.

7 MR. CENCI: When you saw such a  
8 violent fight taking place, you thought to call  
9 MPD, right?

10 MR. CHAM: Yes, but somebody else did.

11 MR. CENCI: It's your testimony that  
12 somebody else called MPD?

13 MR. CHAM: Yes. I told him -- I said  
14 I did not do it. What is it called? A patron  
15 called them that was outside. I told him I did  
16 not call. Somebody who was there called.

17 MR. CENCI: You didn't call MPD?

18 MR. CHAM: No. No, I did not.

19 MR. CENCI: You didn't --

20 MR. CHAM: I did not call MPD.

21 MR. CENCI: You didn't instruct any  
22 member of your staff to contact MPD?

23 MR. CHAM: I just told you a patron  
24 inside called, so -- and I heard her calling 911  
25 talking to them. I said okay, let me focus on

1 something else at that point.

2 MR. CENCI: You say now that you  
3 didn't call MPD because someone else called. You  
4 say --

5 MR. CHAM: Yes.

6 (Simultaneous speaking.)

7 MR. CENCI: -- to call MPD, but on the  
8 night of the incident, you told Investigator  
9 Pleitez that you wouldn't call MPD over a street  
10 fight, right?

11 MR. CHAM: Correct.

12 MR. CENCI: Even if that fight started  
13 in your establishment?

14 MR. CHAM: I didn't call because  
15 somebody else called.

16 MR. CENCI: That wasn't my question,  
17 Mr. Cham. My question is you wouldn't call MPD  
18 over a street fight even if the fight started in  
19 your establishment. Is that right or wrong?

20 MR. CHAM: That's wrong. I would have  
21 called MPD, yes. If nobody called, I would have  
22 called, yes.

23 MR. CENCI: But that's not what you  
24 told Investigator Pleitez, was it?

25 MR. CHAM: No. I told her I did not

1 call, somebody called. That's all I said.

2 MR. CENCI: Mr. Cham, now you're  
3 contradicting what you said earlier, so I got to  
4 ask you again.

5 MR. CHAM: I just told you what I  
6 said. I told her I did not call, somebody else  
7 called.

8 MR. CENCI: Mr. Cham, what I asked you  
9 before, what I asked you before was, you told  
10 Investigator Pleitez that you wouldn't call MPD  
11 over a street fight. Is that what you told her  
12 or no?

13 MR. CHAM: That's true.

14 MR. CENCI: You didn't call even  
15 though there was a Board order for your  
16 restaurant that told you had to do so, right?

17 MR. CHAM: But I just told you, I  
18 didn't call because somebody else called, right.

19 MR. CENCI: My question isn't about  
20 you didn't call because. My question is you  
21 didn't call even though there was a Board order  
22 that told you, you had to do so. Is that right  
23 or wrong?

24 MR. CHAM: Well, I'm going to say it's  
25 wrong because if I have somebody in here that

1 walks here or in here that calls MPD, I consider  
2 the same as, same team, so there was no need me  
3 calling when somebody else called already.

4 That's how I looked at it.

5 MR. CENCI: Mr. Cham, I'm going to  
6 share my screen with what is in evidence as  
7 Exhibit 5. I'm going to zoom out so you can see  
8 it. I'm going to scroll through so you can see  
9 the document.

10 Mr. Cham, is this the Board order that  
11 lifted the summary suspension of your restaurant  
12 in 2022?

13 MR. CHAM: It was irrelevant.

14 MR. CENCI: Mr. Cham, that was not my  
15 question. My question is, is this the Board  
16 order that lifted the summary suspension of your  
17 license for Moi Moi Restaurant in 2022?

18 MR. CHAM: Okay. Yes.

19 MR. CENCI: It is?

20 MR. CHAM: Yes.

21 MR. CENCI: I'm going to zoom in on  
22 term five. Please read along silently as I read  
23 this out loud. Immediately after a violent event  
24 occurs, the respondent shall report the incident  
25 to MPD. Did I read that correctly?

1 MR. CHAM: Yes.

2 MR. CENCI: Do you consider patrons  
3 the respondent part of your restaurant?

4 MR. CHAM: If you're being technical  
5 with it, no, but it's the same -- to me that  
6 we're all in here once again.

7 MR. CENCI: So that doesn't answer my  
8 question --

9 MR. CHAM: I'm not a nightclub guy.  
10 I don't, you know, I mean, I can do the best I  
11 can, which is what I tried to do, so you can  
12 check this, bring this and say respondent.  
13 Respondent could mean anybody in here.

14 MR. CENCI: Mr. Cham, you are the  
15 owner of Moi Moi Restaurant, aren't you?

16 MR. CHAM: That's correct.

17 MR. CENCI: In this previous case  
18 where you had a summary suspension, you were  
19 presented by an attorney, weren't you?

20 MR. CHAM: Yes, I was.

21 MR. CENCI: You and that attorney  
22 negotiated with lawyers from the government to  
23 come up with an offer in compromise that would  
24 lift the summary suspension. Is that what  
25 happened?

1 MR. CHAM: The attorney was hired to  
2 do his job, and he did a great job.

3 MR. CENCI: But you gave him the  
4 authority to approve the terms that were in the  
5 offer in compromise, didn't you?

6 MR. CHAM: Yes, sir.

7 MR. CENCI: That includes the term  
8 that I just read?

9 MR. CHAM: What? Respondent?

10 MR. CENCI: The term that I just read  
11 that included that term. That was what was  
12 approved in the offer in compromise, wasn't it?

13 MR. CHAM: Okay.

14 MR. CENCI: In that summary  
15 suspension, Moi Moi Restaurant was the  
16 respondent, wasn't it?

17 MR. CHAM: Yes.

18 MR. CENCI: I'm going to stop sharing  
19 my screen. Mr. Cham, today you still claim you  
20 didn't hear a gunshot.

21 MR. CHAM: I'm not going to change  
22 that.

23 MR. CENCI: I understand, but when the  
24 security guard walked back into Moi Moi after the  
25 shooting, you heard someone involved in that

1 fight had a gun, didn't you?

2 MR. CHAM: I just told you. He said  
3 to me he shot him. That's what I told you.

4 MR. CENCI: You heard from the  
5 security guard, he told you that he -- these are  
6 your words, he shot the guy. Is that right?

7 MR. CHAM: Yes. Yes.

8 MR. CENCI: But when he told you that,  
9 you didn't call MPD, did you?

10 MR. CHAM: Because I didn't believe  
11 it. Because earlier I explained to you that I  
12 walked outside to see where is the guy that he  
13 said he shot. Where he run, there was not even  
14 one drop of blood, so, of course, I'm not just  
15 going to jump and call MPD and say this guy shot  
16 somebody. What proof do I have?

17 MR. CENCI: You're not going to jump  
18 to call MPD when --

19 MR. CHAM: I didn't say that. I said  
20 --

21 MR. CENCI: Mr. Cham, just answer my  
22 question. Mr. Cham, --

23 MR. CHAM: That's not what you asked  
24 me though.

25 MR. CENCI: No, it's not.

1                   CHAIRPERSON ANDERSON: Gentlemen, hold  
2 on. Hold on.

3                   Mr. Cham, the attorney will ask you a  
4 question. You answer the question. Both of you  
5 can't talk over each other. I will give you an  
6 opportunity, sir, at the end to do any  
7 explanation that you need to do, sir, so please  
8 answer the question, and at the end, I will give  
9 you if you -- when he asks you a yes or no, and  
10 if you believe you need an explanation, I will  
11 give you an opportunity once we've gone through  
12 this cross-examination to elaborate on any  
13 answers that you have provided, okay?

14                  MR. CHAM: Okay.

15                  CHAIRPERSON ANDERSON: All right.

16                  MR. CENCI: Mr. Cham, what you just  
17 told me is you wouldn't jump to call MPD. You  
18 wouldn't jump to call MPD when a member of your  
19 staff confessed to you that they shot someone out  
20 front of your establishment?

21                  MR. CHAM: That's not what I said  
22 because you cut me off when I was talking.

23                  MR. CENCI: Mr. Cham, was it not your  
24 testimony that you wouldn't jump to call MPD?

25                  MR. CHAM: Again, that's not what I



1 said because you cut me off, and I was finishing.  
2 What I said was, when the guy told me he shot  
3 someone, I had to go and verify it, but MPD was  
4 already called. At that point, MPD was already  
5 called, so when he told me that --

6 (Simultaneous speaking.)

7 MR. CHAM: Can I finish? You asked me  
8 a question.

9 MR. CENCI: Mr. Cham, if you're  
10 pausing, I'm not going to know if you're finished  
11 or not. You're not on video. I can't see you.  
12 All right? So I apologize I'm cutting you off,  
13 but I'm going to ask you questions, I need you to  
14 answer them, okay?

15 Okay?

16 MR. CHAM: Go ahead.

17 MR. CENCI: So you're saying that you  
18 didn't call after someone told you that they had  
19 shot someone because you thought MPD had already  
20 been called, right?

21 MR. CHAM: I know MPD was called  
22 already. And when he told me that, since MPD was  
23 called already, and I know for a fact they were  
24 called already, what I did was I went back again,  
25 look outside to see that the guy that he shot

1 whether there was any form of blood or anything,  
2 I didn't see anything.

3 MR. CENCI: But not called by a member  
4 of your establishment?

5 MR. CHAM: But somebody had already  
6 called MPD at that point.

7 MR. CENCI: But not a member of your  
8 establishment, right?

9 MR. CHAM: Yes.

10 MR. CENCI: So after you locked the  
11 door to the establishment, MPD started knocking  
12 on the door, didn't they?

13 MR. CHAM: No, that's not true. That  
14 is not true. MPD showed up around 5:00 in the  
15 morning, 4:35 a.m., so that incident happened way  
16 before that.

17 MR. CENCI: It's your testimony that  
18 this incident took place at 2:30. Is that right?

19 MR. CHAM: I said they started  
20 fighting and arguing at the table at 2:30 after  
21 they already ate.

22 MR. CENCI: Now, your testimony is  
23 that the shooting took place at 2:30?

24 MR. CHAM: I don't know that. I was  
25 not outside.

1 MR. CENCI: Mr. Cham, you said, and we  
2 just looked at the video, that you were right  
3 there watching as it happened.

4 MR. CHAM: But I told you I didn't see  
5 a gunshot.

6 MR. CENCI: Do you know what time that  
7 the fight took place at?

8 MR. CHAM: No, I don't know exactly  
9 what time. I saw the fight. You asked me the  
10 gunshot. You didn't ask me about the fight. You  
11 asked me when the gunshot take place. Now,  
12 you're asking me a different question.

13 MR. CENCI: Mr. Cham, do you know when  
14 the fight took place or not?

15 MR. CHAM: It took place probably  
16 around 3:00, 3:30.

17 MR. CENCI: So it's your testimony  
18 that it was sometime between 3:00 and 3:30?

19 MR. CHAM: I would say that, yes.

20 MR. CENCI: But on your statement just  
21 earlier, you said you didn't hear MPD. They  
22 didn't start knocking till about five, but you  
23 did say that you heard a bang-bang knocking from  
24 the street. Did I get that right?

25 MR. CHAM: Well, I want to know

1 whether you're finished with the question about  
2 outside because you just jumped to another  
3 question without acknowledging what I just said.  
4 Are we done with that question?

5 This is the issue. We keep going  
6 around in circles, and I'm getting confused. You  
7 just asked me about the gunshot. Now you're  
8 asking me about security door. Are we done with  
9 that topic with the gunshot? You're moving all  
10 over.

11 MR. CENCI: Mr. Cham, I'm asking the  
12 questions here. And the question right now is  
13 you say that MPD, you didn't hear them knocking,  
14 but you did hear a bang-bang knocking from the  
15 street. Is that your testimony or not?

16 MR. CHAM: I did not -- I just told  
17 you -- well, I'm going to say no.

18 MR. CENCI: So that's not your  
19 testimony? You did not just say that in your  
20 statement to the Board?

21 MR. CHAM: Should I tell you what I  
22 said or no?

23 MR. CENCI: I'm asking you is that  
24 what you said or not, Mr. Cham?

25 MR. CHAM: I told MPD that if they

1 were outside banging on the street and we're in  
2 the kitchen, possibility we're not going to hear  
3 anybody banging on the street.

4 MR. CENCI: Mr. Cham, my question  
5 isn't what you told MPD. My question is what you  
6 just said to this Board when you were giving your  
7 statement. And in that statement, you said that  
8 you heard a bang-bang knocking coming from the  
9 street. Is that not what you said?

10 MR. CHAM: I didn't say I heard a  
11 bang-bang knocking. The police officer told me  
12 they were banging the door from the street.  
13 That's what I said. I didn't say I -- the  
14 detective said that.

15 MR. CENCI: So it's your testimony  
16 that you did not just say to the Board on your --

17 MR. CHAM: I don't recall saying that.  
18 What I recall the detective telling me that they  
19 were banging the door outside.

20 MR. CENCI: Okay. But at no point did  
21 you open the door for anyone trying to enter your  
22 establishment after the fight was over, did you?

23 MR. CHAM: No, because I didn't hear  
24 no door that was open. Again, if the door is on  
25 the street, I can, hey, I'm inside the building

1 in the kitchen.

2 MR. CENCI: You said that you were in  
3 the kitchen, and you were helping to tend to the  
4 security guard's injuries. Is that right?

5 MR. CHAM: Correct.

6 MR. CENCI: You said that the fight  
7 you believe it took place between 3:00 and 3:30,  
8 which is when the security guard would have  
9 gotten those injuries, yes?

10 MR. CHAM: Correct.

11 MR. CENCI: You say MPD, your belief,  
12 is that they arrived between 4:30 and 5:00, yes?

13 MR. CHAM: Yes.

14 MR. CENCI: Now, you were here when  
15 Detective Jasper was testifying, right?

16 MR. CHAM: Yes.

17 MR. CENCI: You heard him say that  
18 they gained entrance to your establishment  
19 sometime after seven a.m.

20 MR. CHAM: I don't know because he  
21 said he was outside. That's why I was asking him  
22 how he got in the building, and he couldn't  
23 answer that question, so I cannot answer what you  
24 just asked me.

25 MR. CENCI: Mr. Cham, what -- did you

1 hear Mr. -- did hear Detective Jasper testify to  
2 that or not? Did you hear him testify that they  
3 gained entrance to your establishment around  
4 seven a.m.?

5 MR. CHAM: Yes. He said forcefully  
6 from the back on the street, yes, he said that.

7 MR. CENCI: Right. So you were in the  
8 kitchen with the security guard. Was anybody  
9 else there with you?

10 MR. CHAM: There was a lady who was  
11 here that was working and -- yes, it was, like,  
12 three of us.

13 MR. CENCI: Were there other people  
14 still in the establishment who weren't in the  
15 kitchen?

16 MR. CHAM: No. Everybody was in the  
17 kitchen.

18 MR. CENCI: So everybody who was still  
19 in the establishment at that time was in the  
20 kitchen with you?

21 MR. CHAM: Yes.

22 MR. CENCI: And you're saying that  
23 from three a.m. to seven a.m., you were wiping up  
24 your security guard's face?

25 MR. CHAM: I never said that. You

1 asked me was everyone in the kitchen. I said  
2 yes. If you asked me what I was doing, it's a  
3 different answer.

4 MR. CENCI: So you were wiping up the  
5 security guard's face for less time than all  
6 those four hours?

7 MR. CHAM: I was not wiping the  
8 security for four hours? No, I was not if that's  
9 your question.

10 MR. CENCI: And after you were done  
11 wiping the security guard's face in there, you  
12 remained in the kitchen. Is that right?

13 MR. CHAM: No, I did not. I never  
14 said that. I was in the office.

15 MR. CENCI: So you went into the  
16 office, a different room in the back of the  
17 establishment?

18 MR. CHAM: It was in the kitchen.  
19 There's an office -- we have three offices. One  
20 in the kitchen, one in the dining room, and one  
21 in the back.

22 MR. CENCI: So you were in the kitchen  
23 office?

24 MR. CHAM: Yes, the one in the back.

25 MR. CENCI: And you stayed back there



1 for four hours. Is that right?

2 MR. CHAM: That's not right. I never  
3 said that. I was in the kitchen with the -- I  
4 was in the kitchen with the security guard for a  
5 while. Maybe I would say 45 minutes or so an  
6 hour. And after that, I was so exhausted, I went  
7 and sat on my chair in the office, sit down,  
8 relaxed my head, yes.

9 MR. CENCI: You relaxed your head for,  
10 that was 45 minutes in the kitchen, 3 hours and  
11 15 minutes?

12 MR. CHAM: So we were all just sitting  
13 there.

14 MR. CENCI: For 3 hours and 15  
15 minutes, yes?

16 MR. CHAM: Yes.

17 MR. CENCI: You heard the testimony of  
18 Detective Jasper who said that MPD was knocking  
19 for about two hours, right?

20 MR. CHAM: Knocking where? Yes.

21 MR. CENCI: In that whole time, you  
22 never heard any knocking throughout Moi Moi?

23 MR. CHAM: No, I did not because he  
24 was knocking from the building in the street,  
25 from the door in the street. Again, I'm inside

1 the building in the kitchen, so if somebody is  
2 knocking on the door from the street outside and  
3 that door is the back of the building, I'm not  
4 going to hear that.

5 MR. CENCI: You were there for 3 hours  
6 and 15 minutes despite the fact, and as you were  
7 saying, you knew that someone called MPD?

8 MR. CHAM: Yes.

9 MR. CENCI: At no point did you leave  
10 the kitchen to see if MPD had arrived on the  
11 scene, did you?

12 MR. CHAM: I did not leave the kitchen  
13 to come outside or look outside whether MPD  
14 arrived, but at that time, when I left the --

15 MR. CENCI: That's all right. Mr.  
16 Cham, that's all right. I don't have any more  
17 questions for you.

18 MR. CHAM: All right. Thank you.

19 MR. CENCI: I'm going to let the  
20 Board, let the Board ask you questions now, okay?

21 MR. CHAM: Thank you.

22 CHAIRPERSON ANDERSON: Any questions  
23 by any Board Members? Go ahead, Mr. Grant.

24 MEMBER GRANT: First, thank you to  
25 everyone involved in the hearing today. I want

1 to ask Mr. Cham. Following the OIC that was  
2 instituted in 2022, can you speak to your efforts  
3 to ensure that your staff was aware of the OIC  
4 and the implementation of each element of that  
5 document?

6 MR. CHAM: Yes. After the incident,  
7 that's when I went hired this gentleman with the  
8 security team that I vetted because, like I said  
9 earlier, they're working at least six different  
10 bars and clubs in the city, so I vetted him.

11 And we sat down, meeting, and I  
12 explained to him what previously occurred, and he  
13 told me that they're used to these kinds of  
14 incidents and stuff like that, they're  
15 experienced in this, and said, actually, your  
16 friend who owns a place, blah, blah, and I did  
17 all that.

18 And he was well recommended. And  
19 that's when I hired them at that time. It was a  
20 brand-new security team. And like I said,  
21 they've been here for a year and half. We never  
22 had an incident.

23 MEMBER GRANT: I want to ask you a  
24 couple of follow-up questions that are specific  
25 to the allegation that there were people on your

1 staff that were not cooperative initially. You  
2 stated that you were cooperative, but I believe I  
3 heard that there's a possibility that there were  
4 staff members that were not cooperative. Did you  
5 hear the same thing?

6 MR. CHAM: Well, I'm going to say  
7 this. When the detectives were interviewing  
8 everybody, everybody was individually on a  
9 separate room.

10 MEMBER GRANT: Okay.

11 MR. CHAM: Like for me and the guy who  
12 got shot, we had to go to southwest, so then I  
13 asked the detective, I have three people left  
14 here. He told me we're going to interview them  
15 individually, separately. So whatever  
16 information they got it, it was not shared with  
17 me.

18 MEMBER GRANT: Okay. I just have two  
19 more questions, Mr. Chair.

20 CHAIRPERSON ANDERSON: Okay.

21 MEMBER GRANT: The first of the two,  
22 Mr. Cham, is to be even more specific about the  
23 cooperation of the staff. Following the OIC that  
24 was instituted in 2022, can you speak  
25 specifically to any training or any discussions

1 with staff about how they should be cooperative  
2 with MPD or ABCA or both upon the beginning of  
3 investigations?

4 MR. CHAM: Yes, sir. That's what I  
5 stated earlier. I said after the incident  
6 happened in 2022, the security staff that I had  
7 over here was let go. That's when I called this  
8 team.

9 I had an interview with him. I  
10 explained to him what happened, that I don't want  
11 something like this to happen again. That's when  
12 he stated to me I'm running six clubs and  
13 restaurants in the city, and this is what I do.  
14 I'm experienced in this. I have a team. This is  
15 what we do. You don't have to worry about  
16 nothing else. We know what we're doing.

17 And then I called two, three places  
18 about references about him, they said yes, he's a  
19 great guy, no problems. That's when I went with  
20 him.

21 MEMBER GRANT: Okay. My final  
22 question is a two-part question. The first part  
23 is I heard you state that there is some  
24 accountability that you should take from this  
25 incident. Am I correct in that assumption?

1                   MR. CHAM: Absolutely. And I repeat  
2 it. I made some bad decisions, yes.

3                   MEMBER GRANT: Okay. With that being  
4 stated, understanding that there was a homicide  
5 that took place outside of your establishment, as  
6 a member of this hearing, as a party in this  
7 hearing I should state, could you give me your  
8 thoughts on what you think you should have to  
9 incur in terms of punitive damages or any sort of  
10 responsibility with respect to the situation?

11                   Do you believe that there should not  
12 be anything held against you or what's your  
13 general thought around your responsibility and  
14 how to respond to this?

15                   MR. CHAM: Okay. Like I said, I took  
16 responsibility. I opened my mouth right here and  
17 said it. I said the things that we could have  
18 done better, the things that we should have done.  
19 I said a couple of things. Yes, taking  
20 responsibility.

21                   Now, I'm not saying that I should be,  
22 like, free, like, nothing happened. No.  
23 Somebody lost his life. And guess what? I  
24 didn't even know the guy who lost his life is my  
25 best friend's friend. I didn't even know that.

1           So, of course, because of that, with  
2     respect to them and everything that happened, we  
3     closed the establishment that day. Till today,  
4     we are closed. Just showing respect till I was  
5     done with the Board and whatever, you know,  
6     happened with the situation.

7           I said with all due respect, we will  
8     not even open the establishment. So we were  
9     closed since that day, which was what, the 7th,  
10    the 8th, with all due respect on that note. But  
11    then, I said what could I have done?

12           I already told you what the security  
13    could have done better. I mean, I told you my  
14    mistakes. I took some responsibility. And, I  
15    mean, I'm not going to say everything is peaches  
16    and cream. No, it's not. No, it's not. Again,  
17    somebody lost his life, unfortunately. That  
18    could have been prevented.

19           MEMBER GRANT: So it's safe to say  
20    that based on your response that the closure  
21    between January 9th and today, February 1st, is  
22    sufficient of a punishment for what took place?

23           MR. CHAM: I mean, think about it.  
24    Restaurants are struggling in the city. Crime is  
25    high. I don't even have a car because my car was

1 taken literally and damaged, so I got people  
2 who's breaking in their cars in front of the  
3 restaurant every night. I got a guy who they  
4 stole his car right in front of the building.

5 I mean, it's just unfortunate that  
6 D.C. is going through this right now. Hoping it  
7 will end soon, but it's just the nature of where  
8 we're at right now. I wish I could help, stop  
9 what's going on outside, but it's not my  
10 jurisdiction.

11 MEMBER GRANT: No further questions,  
12 Mr. Chair.

13 CHAIRPERSON ANDERSON: Thank you. Any  
14 other questions from any other Board Members?

15 Mr. Cenci, do you have any questions  
16 based on the questions that were asked by the  
17 Board?

18 MR. CENCI: I do.

19 CHAIRPERSON ANDERSON: Go ahead, sir.

20 MR. CENCI: Mr. Cham, you just said to  
21 Mr. Grant that January 9th to today out of  
22 respect for Mr. Onoha. Is that right?

23 MR. CHAM: Yes, sir.

24 MR. CENCI: But you didn't close it  
25 down just out of respect, did you?



1 MR. CHAM: I closed it down out of  
2 respect. Like I said earlier, the guy that  
3 passed away is my best friend's friend. And he  
4 even advised me I think you should close it, and  
5 also you should get rid of the security team,  
6 which is exactly what I did.

7 MR. CENCI: So after someone who you  
8 know who knew the victim --

9 MR. CHAM: Yes.

10 MR. CENCI: -- advised you to shut it  
11 down, you didn't actually shut it down, did you?

12 MR. CHAM: We're not serving alcohol.  
13 We're not making any money. Yes, it is shut  
14 down.

15 MR. CENCI: Well, that's a different  
16 question. Mr. Cham, isn't that a different  
17 question? Is your establishment closed or is  
18 your establishment just not serving alcohol?

19 MR. CHAM: It's closed, yes. We're  
20 not -- like you come in the morning, I'm not  
21 open. I might open for two hours a day just to  
22 see what I can get gas money out of this. I  
23 mean, even the menu, if you come right now, the  
24 menu only has three items.

25 MR. CENCI: So the --

1 MR. CHAM: We have a 26-item menu.  
2 Right now, we're doing three items. Nobody is  
3 coming here because everybody is scared.

4 MR. CENCI: So Moi Moi is open. It's  
5 just not serving alcohol?

6 MR. CHAM: We're not serving alcohol.  
7 We're open two days a week. Yes, we are. We're  
8 open Friday and Saturday.

9 MR. CENCI: So when you say --

10 MR. CHAM: Can I finish?

11 MR. CENCI: Go ahead.

12 MR. CHAM: Because we had prior  
13 reservations that we honor, that we have to  
14 honor, so on the weekend reservations, this  
15 Saturday, we had a party of 25. They came. They  
16 were upset because they couldn't drink alcohol,  
17 but guess what? They stayed and ate and left,  
18 so, yes, I'm going to open it on the days that I  
19 have reservations so I can honor them, yes.

20 MR. CENCI: So, Mr. Cham --

21 MR. CHAM: Monday and Tuesday, the  
22 door was not even open at all.

23 MR. CENCI: Mr. Cham, when you just  
24 now said to a member of this Board that you  
25 closed the establishment from the 9th to today

1 out of respect for a dead man's memory, you lied,  
2 right?

3 MR. CHAM: No, I did not, because I  
4 said -- I just told you, I just told you, I --  
5 when I have big reservations, I open the door to  
6 honor those reservations.

7 You want to be technical saying just  
8 because I didn't -- I honor those big party  
9 reservations on a Friday and Saturday night when  
10 we're normally busy because it was made prior  
11 ahead, you want to be technical, like, I'm  
12 closed?

13 Well, you can put it any way you want,  
14 sir, but I'm telling you what's going on. You  
15 can define it any way you want. All due respect,  
16 I'm telling you what I'm doing, so you can turn  
17 it, twist it, say how you want it, but I'm  
18 telling you what I'm doing, still up (phonetic).

19 MR. CENCI: No further questions, Mr.  
20 Chair. Thank you.

21 CHAIRPERSON ANDERSON: Thank you. All  
22 right. Mr. Cham, this is your opportunity if you  
23 need to clarify -- I know that Mr. Cenci in  
24 asking questions, he had asked you yes or no, and  
25 certain times, you wanted to explain, so I'm not

1 going to have you go on forever and ever, but is  
2 there anything, any clarification that you want  
3 to put in the record based on some of the yes and  
4 no questions that were asked by you under cross-  
5 examination, sir?

6 MR. CHAM: No, sir.

7 CHAIRPERSON ANDERSON: I just want to  
8 make the record reflect I did give you an  
9 opportunity to provide clarification to any of  
10 the questions that were asked to you under  
11 direct. All right.

12 Do you now rest? Meaning that you  
13 have rested your case?

14 MR. CHAM: Yes, sir.

15 CHAIRPERSON ANDERSON: All right. All  
16 right. So the record is now closed.

17 Does the government wish to close or  
18 does the government -- or was the government  
19 thinking about calling any rebuttal witnesses?

20 MR. CELO: No more witnesses, Mr.  
21 Chair. The government is prepared to move to  
22 closing argument.

23 CHAIRPERSON ANDERSON: All right. So  
24 we're going to have closing, and so what I want  
25 the government to clearly articulate what to set.

1 I know that in opening that the government had  
2 told us what the recommendation is, so I want the  
3 government to clearly articulate what it is that  
4 they want us to do.

5 Mr. Cham, in your closing, sir, I also  
6 need you to be clear what action you are now  
7 closed -- I'm sorry. You're not closed. You're  
8 prevented from serving, selling, and serving  
9 alcohol, so your business remains open. You just  
10 can't sell or serve alcohol.

11 So I need you when you do closing, the  
12 government is going to go first because they have  
13 the burden, and then you'll go second. I need  
14 you to be very specific what is it that, what  
15 action, if any, do you want the Board, or what  
16 punishment, if any, do you want the Board to take  
17 against your establishment based on the incident.  
18 Are you clear, sir?

19 MR. CHAM: Yes, sir.

20 CHAIRPERSON ANDERSON: All right.  
21 Fine. So let the government move forward with  
22 its closing.

23 MR. CELO: Before I begin, Mr. Chair,  
24 I reserve time for rebuttal?

25 CHAIRPERSON ANDERSON: That's fine,

1           sir.

2           CLOSING ARGUMENT BY MR. ANTHONY CELO

3           ON BEHALF OF THE GOVERNMENT

4                       MR. CELO: Gentlemen of the Board, may  
5           it please the Board? A man is dead. Mr. Onoha  
6           is dead, and he should not be. Mr. Onoha is dead  
7           because Moi Moi and Mr. Cham did not do what they  
8           were supposed to do on January 9, 2024.

9                       Mr. Onoha is dead because Mr. Cham did  
10          not learn from last time. The last time, there  
11          was a shooting involved in a fight in his  
12          establishment. He did not follow the Board order  
13          that stemmed from that incident or his security  
14          plan or the laws of the District of Columbia.

15                      He welcomed guns into the  
16          establishment. He hired armed security guards,  
17          including his head of security guard who was not  
18          licensed or legally allowed to carry a gun into  
19          his establishment. And he allowed a patron to  
20          bring a gun into his establishment.

21                      Mr. Onoha is dead because Mr. Cham did  
22          not learn and did not follow the rules, and he  
23          still hasn't learned. We know this because after  
24          another shooting occurred in his establishment,  
25          Mr. Cham didn't show that he learned. He didn't

1 aid the investigation. He didn't call MPD. He  
2 covered it up, and he lied.

3 He stands here today and says this is  
4 part of a learning process. No. A human life is  
5 not part of a learning process. If there were a  
6 learning process, it was in 2022, the last time  
7 this Board reluctantly allowed him to open with  
8 conditions. Conditions he didn't learn from, he  
9 didn't enforce, and he did not follow.

10 Forty-two seconds. Forty-two seconds  
11 after his security guard entered the  
12 establishment after shooting and killing a man,  
13 he was out there cleaning up the blood.

14 He pleaded with you today, if you  
15 could only see the blood, you would understand  
16 why I did what I did. If only you could see how  
17 much blood was there. Well, guess what? The  
18 reason we cannot see it, the reason there are no  
19 MPD photos, the reason MPD's investigation  
20 couldn't examine the blood is because he cleaned  
21 it up.

22 He didn't call MPD. He locked the  
23 door for over two hours until they forced the  
24 door open. He tried to hide the video. He lied  
25 and said he couldn't work the video. He lied and

1 said he couldn't hear the gunshot, although  
2 supposedly he could hear a patron outside calling  
3 MPD on their cell phone, but he couldn't hear the  
4 gunshot from just feet away.

5 When he was asked by MPD and  
6 Investigator Pleitez, why didn't you call MPD for  
7 this, he didn't say oh, somebody else did. No.  
8 He said I wouldn't call them for a street fight.  
9 And they said well, what about the gunshot? Why  
10 didn't you call for a gunshot? He said I didn't  
11 hear a gunshot. I had no idea.

12 But today, he admits immediately on  
13 entering the establishment, security told him I  
14 shot someone. He's not on camera for you to  
15 assess his credibility today, but you can judge  
16 him by the lies he told MPD and ABCA, and you can  
17 judge him by the lies he told you today.

18 He has offered -- he cannot be  
19 trusted. Heck, even now, even at this hearing,  
20 he hasn't learned. He said still of course, I  
21 wouldn't call MPD, of course not. Why would I  
22 call MPD because my security guard told me he  
23 shot someone? I had to go verify and there was a  
24 lot of blood there, but it sure didn't look like  
25 the blood from the person that was supposedly



1 shot, so how could I possibly know? He still  
2 wouldn't have called MPD. He would lie. He  
3 would cover up.

4 Mr. Onoha is dead because Mr. Cham's  
5 operations of Moi Moi posed a direct harm to the  
6 citizens of the District. As Mr. Short was  
7 afraid of last time, nothing has changed. The  
8 operations have not changed.

9 The incident that happened in 2022  
10 could and did happen again. And because of this,  
11 any continued operations of Moi Moi present an  
12 imminent risk of harm to the citizens of the  
13 District, to the public of D.C., and to their  
14 health and safety. Therefore, the only action  
15 that this Board can safely take is to revoke this  
16 license. Thank you. I reserve my time.

17 CHAIRPERSON ANDERSON: Thank you. Mr.  
18 Cham, what is it that you want us to discern?  
19 Now, this is your opportunity to close and tell  
20 the Board what is it that you want us to do.

21 CLOSING ARGUMENT BY HOWSOON CHAM,

22 ON BEHALF OF THE APPLICANT

23 MR. CHAM: Again, like I stated  
24 earlier, this is my seventh, ninth restaurant. I  
25 have never experienced this, nor experienced this

1 kind of clientele, nor experienced this situation  
2 or whatever happened.

3 Yes, somebody was shot. Somebody was  
4 killed. And shooting was not in the  
5 establishment prior and wasn't in the  
6 establishment today, but, yes, it happened here.

7 Now, he stated that the security was  
8 not licensed, but I stated that earlier in front  
9 of detective that they interviewed him and let  
10 him go because he was licensed. Now, he's saying  
11 I don't follow the rules. I do follow the rules.  
12 That's why I'm in business since -- how far can I  
13 go -- since 2002. Okay. Twenty years, I mean,  
14 this city with different restaurants.

15 Never -- like I said earlier, nobody  
16 knows me. Never heard of me until I came here.  
17 And, again, the times are different from 20 years  
18 ago, 10 years ago to today. We all know that.  
19 D.C. is not what D.C. was. When I started  
20 opening restaurants, I never had this kind of  
21 problem.

22 Yes, this gentleman did not have to  
23 die. If he had sat down on his chair or instead  
24 of sat down on this chair coming out kicking this  
25 guy, stumping on his head, I'll say -- like I

1 told his friend, the best thing he should have  
2 done tell his friend, bro, you got kicked out,  
3 let's just go, let's just leave.

4 And they all agreed that, yes, that's  
5 the best thing he should have done, but he got  
6 out of his chair, came to the front door,  
7 stumping the security guard in his head. It's  
8 unfortunate he died, but it could have been  
9 prevented by him as well.

10 Now, the people who were in here  
11 eating, at that time, and it was a lot going on,  
12 music was playing, even though it's background  
13 music, music was playing, so, of course, you  
14 could say yes, you probably couldn't hear  
15 anything. I'm inside the building.

16 But the fact that I'm being labeled as  
17 that thuggish guy that open places where it's all  
18 gunshots and people is getting killed and stuff,  
19 that's not me. I'm not that thug. You don't  
20 know me, but you could Google me and see me. I'm  
21 not that thug.

22 I've been in business for 23 years.  
23 I never had this situation until I came to this  
24 place, until I came to this area, downtown D.C.  
25 And this is not the end of the world for me or

1 I'm not just going to run away and hide. I have  
2 family to feed. I have bills to pay. I have  
3 high rent to deal with.

4 I've been closed. Yes, I've been  
5 closed. I don't open Monday, Tuesday. This  
6 week, I didn't open Sunday, Monday, Tuesday. I  
7 did not open. I open on Friday and Saturday  
8 because I had reservations that were made prior.  
9 Other than that, yes, it's closed, but if I have  
10 a big party reservation that was booked months  
11 ago or weeks ago, you know, I have a  
12 responsibility to go and open the door for them.

13 I have 17-member staff. They all lost  
14 their jobs. No one's making money. Everybody is  
15 crying. It's the end of the month. There's no  
16 job. There's no money. I owe a lot of money. I  
17 don't have it because, yes, I was closed. I'm  
18 not making any money.

19 I was supposed to be making or I used  
20 to make it. What difference is it going to make  
21 when I open on Friday, only Saturday night, and I  
22 have a party of 20 people and close the door?

23 That's not enough to pay my bills.  
24 That's not enough to pay the D.C. government  
25 taxes I owe this month. I owe D.C. government

1           \$42,000 this month. Where is that money coming  
2           from? I have a responsibility too.

3                       I did what I had to do. I hired a  
4           security staff. I have my staff members working.  
5           I have people working. And we all saw what  
6           happened.

7                       The guy is yelling at me. I'm not  
8           going to hit him. I'm not going to hit him or  
9           get into a fight and do all this stuff. I let  
10          people that I pay for to do that. Security cost  
11          me \$500 a day each, so when I have four  
12          securities, that's \$2,000.

13                      I don't -- it's not like I sell  
14          nothing else other than food. It's -- I'm in a  
15          tough location. I'm in a tough situation and a  
16          tough place.

17                      You know, closing a place downtown  
18          like this from the 7th till today, opening two  
19          days a week maybe for two, three tables, I think  
20          I suffered enough.

21                      I have a 17-member staff. Nobody has  
22          a job now. I just went to a meeting two weeks  
23          ago with the mayor when they came here and  
24          offered me a certificate of excellence from the  
25          mayor's office, and then this happened that same,

1 the following week.

2 So it's unfortunate, yes, somebody  
3 passed away. Not that I'm happy about it, but we  
4 know that moving forward things will be  
5 different. That's why I stated earlier I hired a  
6 new security staff.

7 We're talking to -- we got MPD already  
8 coming every day now parking out front. We have  
9 metal detectors coming in, but at the end of the  
10 day, I just decided I don't even want to open  
11 late at night and sell food anymore.

12 I'll just be a restaurant open from  
13 five, just five to two a.m., that's it. Let them  
14 go somewhere else because this neighborhood or  
15 this area is not built for my type of place or my  
16 type of cuisine or my type of food.

17 I remember when one of the elderly  
18 ladies came prior to this incident, and she told  
19 me Howsoon, what is all these people standing in  
20 line to eat? Your food must be really good. I  
21 said that's what they come here for. This place  
22 was packed. Everybody was eating, drinking  
23 water, and they were in here standing watching  
24 them eat.

25 So it's not that kind of place. And

1 I hate being labeled like a thug. Like, this is  
2 what I do. This is not what I do. It's  
3 unfortunate -- this incident is very unfortunate.

4 You know, with all due respect, yes,  
5 I think I suffered enough, but not to say I will  
6 not accept any other punishment because, again,  
7 somebody lost their life.

8 And I'm not here to -- I don't run a  
9 thuggish establishment. That's not what I do.  
10 I'm a chef. I make great food. Google me. I  
11 got reviews from everywhere.

12 Thank you, Mr. Anderson.

13 CHAIRPERSON ANDERSON: You're welcome,  
14 sir. Mr. Celso?

15 REBUTTAL CLOSING ARGUMENT BY ANTHONY CELO

16 ON BEHALF OF THE GOVERNMENT

17 MR. CELO: May it please the Board?  
18 This is not the end of the world for me. Mr.  
19 Cham just said those words. It is the end of the  
20 world for Mr. Onoha. For his family, for his  
21 friends, it is.

22 I have never experienced this kind of  
23 clientele, he just told you. Well, one of the  
24 patrons in that fight was a regular. I have  
25 never experienced this kind of incident. Yes, he

1 did two years ago when he was suspended before  
2 this Board again.

3 He said we know moving forward, things  
4 will be different, but the government has proven  
5 to you today that that is not the case.

6 In the first ten days of this year,  
7 there were three summary suspensions involving  
8 assault with a deadly weapon and a cover-up. Moi  
9 Moi got a second chance back in 2022. And if  
10 they hadn't, Mr. Onoha would still be alive.

11 They had their learning experience.  
12 They had their second chance, and they have  
13 proven to you that they cannot be trusted.

14 Gentlemen of the Board, the only  
15 possible resolution that will keep the District  
16 safe is revoking Moi Moi's license, and that is  
17 what I ask you to do. Thank you.

18 CHAIRPERSON ANDERSON: Thank you.

19 All right. The record is now closed.

20 As chairperson of the Alcoholic  
21 Beverage and Cannabis Board for the District of  
22 Columbia and accordance with D.C. Official Code  
23 Section 2575 of the Open Meetings Act, I move  
24 that ABC Board hold a closed meeting for the  
25 purpose of seeking legal advice from our counsel



1 on Case No. 24-251-00256, Moi Moi Restaurant,  
2 pursuant to D.C. Official Code Section 25-75B4A  
3 of the Open Meetings Act and deliberate upon Case  
4 No. 24-251-00256, Moi Moi Restaurant, for the  
5 reasons cited in D.C. Official Code Section 25-  
6 75B13 of the Open Meetings Act.

7 Is there a second?

8 MEMBER SHORT: Mr. Short, I second.

9 CHAIRPERSON ANDERSON: Mr. Short has  
10 seconded the motion. We'll now have a roll call  
11 vote. Mr. Short?

12 MEMBER SHORT: Mr. Short, I agree.

13 CHAIRPERSON ANDERSON: Mr. Grant?

14 (No audible response.)

15 CHAIRPERSON ANDERSON: And Mr.  
16 Anderson, I agree.

17 As it appears that the motion has  
18 passed 3-0, I hereby give notice that the ABC  
19 Board will recess this proceeding to hold a  
20 closed meeting pursuant to Section 2575 of the  
21 Open Meetings Act.

22 I would like to thank everyone for  
23 their participation today. I believe that -- I'm  
24 not quite sure what the time line is for us to  
25 issue a decision, but the Board will issue a

1 decision shortly on this application.

2 I know that -- I just want to state  
3 that currently, the restaurant can remain open.  
4 They just can't serve alcohol, okay. So that's  
5 all we can do. We can prevent -- I'm talking  
6 about currently.

7 I know that there was conversations  
8 about whether or not the restaurant is closed or  
9 not. The powers that the Board did is that we  
10 took away the ability of the establishment to  
11 sell and serve alcohol during the period of  
12 closure.

13 If the business has been closed, that  
14 was something that was done by the licensee  
15 itself because the ABC Board, maybe the chief of  
16 police in the first 96 hours had closed the  
17 business, but all that the Board can do, and what  
18 we had ordered over the last period of time is  
19 that they did not have the ability to sell and  
20 serve alcohol. All right.

21 All right. So thank you very much.  
22 And we will -- thank you very much. Have a great  
23 day.

24 Let me close the record for -- let me  
25 close the record for the day. Thank you very

1 much. Have a great day. All right.

2 As chairperson of the Alcoholic  
3 Beverage and Cannabis Board for the District of  
4 Columbia and accordance with Title 3, Chapter 4  
5 or 5, Office of Open Government, I move that ABC  
6 Board hold a closed meeting on February the 7th  
7 for the purpose of discussing and hearing reports  
8 concerning ongoing or planned investigations of  
9 alleged criminal or civil misconduct or  
10 violations of law or regulation and seek legal  
11 advice from our legal counsel on the Board's  
12 investigative agenda, legal agenda, and licensing  
13 agenda for February 7th as published in the D.C.  
14 Register on February 2nd.

15 Is there a second?

16 MEMBER GRANT: Mr. Grant, I second the  
17 motion.

18 CHAIRPERSON ANDERSON: I will now take  
19 a roll call vote on the motion and has been  
20 properly seconded by Mr. Grant.

21 Mr. Short?

22 (No audible response.)

23 CHAIRPERSON ANDERSON: Mr. Grant?

24 MEMBER GRANT: Mr. Grant, I agree.

25 CHAIRPERSON ANDERSON: Mr. Anderson,

1 I agree.

2 As it appears that the motion has  
3 passed, I hereby give notice that the ABC Board  
4 will hold this closed meeting pursuant to the  
5 Open Meetings Act. Notice will also be posted on  
6 the ABC Board Hearing Room bulletin board, placed  
7 on electronic calendar, and on ABCA's website,  
8 and published in D.C. Register in a timely manner  
9 as practical.

10 We're now adjourned for the day. I  
11 would like to thank all the members of the public  
12 who participated in our hearings today. I now  
13 direct all Board Members to return to executive  
14 committee, our executive committee for further  
15 development. Thank you. Have a great day.

16 (Whereupon, the above-entitled matter  
17 went off the record at 5:43 p.m.)  
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Before: DC ABCA

Date: 02-01-24

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Court Reporter

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