

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

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 IN THE MATTER OF: :
 :
 Focus DC, LLC :
 t/a Focus DC :
 1348 H Street NE : Fact Finding
 Retailer CR - ANC 6A : Hearing
 License No. 118015 :
 Case #21-251-00041 :
 :
 (Chief of Police Hearing :
 Request) :
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Wednesday
 March 23, 2022

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

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

ALSO PRESENT:

SARAH FASHBAUGH, DC ABRA Staff
 NEBIU ALI, Applicant
 SIDON YOHANNES, Applicant Counsel
 ERIN PETERSON, DC OAG
 LIEUTENANT SETH ANDERSON

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

2 10:57 a.m.

3 CHAIRPERSON ANDERSON: So, the next on
4 my calendar is Case No. 21-251-00041, Focus DC,
5 License No. 118015. And Ms. Fasbbaugh, can you
6 please elevate the rights of the parties in this
7 case, please.

8 MS. FASHBAUGH: Please standby. Nebiu
9 Ali, your rights have been elevated. Seth
10 Anderson, your rights have been elevated. And
11 Erin Peterson, your rights have been elevated.
12 That is all, Mr. Chair.

13 CHAIRPERSON ANDERSON: Thank you.

14 MR. ALI: Good morning, everyone.

15 CHAIRPERSON ANDERSON: Good morning.
16 Hold on. All right, okay. All right, so let's
17 have, let's have the parties identify themselves
18 for the record. I'll start with the
19 Investigator.

20 Ms. Peterson, can you please spell and
21 state your name for the record, please?

22 Ms. Peterson, can you please spell and
23 state your name for the record, please?

24 MS. PETERSON: Sorry, Mr. Chairman, I
25 was off. My name is Erin, E-R-I-N. My last name

1 is Peterson, P-E-T-E-R-S-O-N.

2 CHAIRPERSON ANDERSON: Thank you.

3 Ms. Yohannes, can you please spell and
4 state your name for the record, please, and who
5 you represent?

6 MS. YOHANNES: Sidon Yohannes, on
7 behalf of the licensee. S-I-D-O-N Y-O-H-A-N-N-
8 E-S.

9 CHAIRPERSON ANDERSON: All right.

10 Mr. Ali, can you please spell and
11 state your name for the record, and your
12 relationship to this case, please?

13 MR. ALI: Sure. My name is Nebiu Ali,
14 N-E-B, as in boy, I-U. Last is Ali, A-L-I. And
15 I'm President of Focus DC.

16 CHAIRPERSON ANDERSON: And Officer
17 Anderson can you please spell and state your name
18 for the record, and your relationship with this
19 case, please?

20 LIEUTENANT ANDERSON: Yes, good
21 morning. My name is Seth Anderson, A-N-D-E-R-S-
22 O-N, the last name. I'm a Lieutenant with
23 Metropolitan Police Department and I supervise
24 the area of PSA-104, which contains within it,
25 the Focus DC club.

1 CHAIRPERSON ANDERSON: Thank you.

2 Good morning. All right, this is a
3 Fact Finding Hearing. And the Fact Finding
4 Hearing that was requested by the government --
5 I'm sorry, by the Chief of Police based on a
6 matter that occurred at closing time, I think, on
7 December 19th, 2021.

8 And so, I'll ask Ms. Peterson, can you
9 just bring us -- all right, and let me just
10 inform the parties.

11 This is a Fact Finding Hearing, and
12 the Board has not made a -- it was a request for
13 a Fact Finding Hearing by the Chief of Police.
14 The Board at this juncture, is just to conduct
15 this investigation just to get some background
16 information regarding this matter.

17 The Board, however, during a Fact
18 Finding Hearing, none of the witnesses are sworn
19 in, we're just gathering information. The Board
20 cannot order the parties to do any specific
21 action. The party however, can volunteer. And
22 the party however, can volunteer if the Board
23 asks. But the Board in effect on a hearing
24 cannot order the site to take any specific
25 action. And as I stated before, this is, we're

1 just gathering information.

2 And at the end of this hearing, the
3 Board will either take this matter under
4 advisement, or we'll, we can make it, we can say
5 no further action. Or the Board can refer this
6 matter to the Attorney General's Office for
7 further development, to see if enough information
8 was generated here, to file, for the government
9 to file any type of specific charge against this
10 entity. Has everyone understood where we are?

11 (No audible response.)

12 CHAIRPERSON ANDERSON: Okay. And so,
13 what we'll do, I'll have the Investigator, we'll
14 have the Investigator bring us up to speed, where
15 we are, why we're here. I would ask Lieutenant
16 Anderson if there's any supplement that he can
17 provide us, as far as the Chief of Police, why a
18 request was made for this Fact Finding Hearing.

19 Then. Ms. Yohannes, on behalf of your
20 client, you can chose to state a position of the
21 agency -- I'm sorry, on the Applicant, where we
22 are. Okay.

23 All right, so we'll then start with
24 the Investigator, where the Investigator can just
25 bring us, give us a summary of why we're here

1 this morning, please?

2 MS. PETERSON: Yes, sir.

3 On Sunday, December 19, 2021,
4 approximately 3:09 a.m., an assault with a
5 dangerous weapon occurred outside of Focus DC,
6 which is located at 1348 H Street NE, Washington
7 DC. Specifically, two male patrons were seen
8 existing the establishment, and they became
9 involved in an altercation, outside of the
10 location.

11 It ended up with one male, who was
12 shot, and was wounded. The victim departed from
13 the scene, but was later located at an area
14 hospital suffering from a non-life-threatening
15 injury. MPD, Metropolitan Police Department
16 officers nearby immediately responded to the
17 scene. But they were unable to locate the
18 suspect and effect an arrest.

19 No violations of ABRA regulations were
20 sustained -- substantiated, I'm sorry. This
21 determination was based upon my investigation,
22 and review of the establishment security footage,
23 and interviews, and also interviews with MPD
24 officers and detectives of the Metropolitan
25 Police Department.

1 CHAIRPERSON ANDERSON: All right.
2 Lieutenant Anderson, from your
3 perspective, and again, this is, a Fact Finding
4 Hearing was requested on behalf of the Chief of
5 Police. Can you just elaborate a little on why
6 the Chief of Police thought that it was important
7 for us to have a Fact Finding Hearing on this
8 matter?

9 LIEUTENANT ANDERSON: Yes. And what
10 Ms. Peterson, Investigator Peterson said is
11 correct. All those facts are correct. One issue
12 that initiated the fact-finding letter from the
13 Chief of Police was the fact that when the
14 officers were investigating the initial scene,
15 they responded over to the club, to try to get
16 that security footage.

17 While they initially got cooperation,
18 they also then, a few minutes later, after
19 hearing the owner was en route, we're told that
20 the owner would not be en route. And would be
21 responding in the day, and they could obtain the
22 footage then.

23 As far as an ongoing investigation, or
24 a fresh investigation, that proved to be a hurdle
25 to finding our other suspect lookout, or a victim

1 lookout, who did later turn up at the hospital.
2 But that did prove to be a problem in the initial
3 investigation of the incident.

4 CHAIRPERSON ANDERSON: All right.
5 Thank you, Lieutenant.

6 Ms. Yohannes, anything, any question
7 that you -- sorry, what is that you have to say,
8 if anything, on behalf of your client?

9 MS. YOHANNES: Sure. I will just say,
10 on behalf of my client that, you know, Focus has
11 been in operation for about eight months now.
12 Regarding the security footage, I'll just get to
13 the specifics of it, because the one statement
14 that was made, or the one reason for why we're
15 having this hearing that I just heard, is that
16 the footage wasn't provided, I guess the night
17 of.

18 This is a CT licensee -- or, I'm
19 sorry, a CR license and we're not required to
20 have security cameras. But we have security
21 cameras. The camera footage, actually records
22 for eight days, and Mr. Ali was the only
23 individual at the time, who had, who had access
24 to that, who could provide that.

25 I want to ask Mr. Ali to speak on

1 this. And I will have, I can question him, or I
2 can have him elaborate regarding the details of
3 what happened that evening. But I will say, he
4 left at 2:30 in the morning, around that time
5 period. I think there was some miscommunication
6 as to whether he was going to circle back and
7 come right back to the establishment.

8 But he immediately, later that
9 evening, because the shooting happened December
10 19, at around 3:10, 3:09 a.m., later that
11 afternoon, evening, footage was provided to MPD,
12 and thereafter was also provided to ABRA, upon
13 ABRA's request, when ABRA requested it.

14 So, I will also say, and I can, if you
15 want to question my client, you can. But efforts
16 have also been made to ensure that a manager on
17 duty can now access that footage immediately.
18 And efforts have been made to change their
19 process to where they can access footage, or they
20 can, the recordings will be longer than the eight
21 days it initially was for.

22 So, that problem won't exist anymore.
23 They will be able to provide footage immediately.
24 In fact, I believe about a week or so ago, they
25 provided footage to MPD that helped in a murder

1 investigation. And they were able to assist in
2 that, and they did so. And that was, had nothing
3 to do with their establishment.

4 CHAIRPERSON ANDERSON: You -- does Mr.
5 Ali have anything that he needs, he wants to say?
6 I have some questions I want to ask him. But if
7 you have, you said, that he could speak on this
8 matter.

9 MS. YOHANNES: Sure. Nebiu --

10 MR. ALI: Nebiu Ali, thank you for
11 giving me the opportunity to speak. I mean,
12 Sidon, you kind of hit it on the nail.
13 Basically, you know, experience is the best
14 teacher. I found out that, you know, I needed to
15 have my management have access to my videos. I
16 was the only one with access to it as far as like
17 manipulating, when it comes to like, rewinding
18 and doing all that stuff. I was the only one
19 that could do that.

20 My managers could still look at the
21 video, but they couldn't really go in depth.
22 After that day, now, you know, more than one of
23 my managers are able to do that. So, if anything
24 was ever to happen, you know, we wouldn't have
25 the issue of we've got to wait until the owner

1 comes back, which I did the next day. And, you
2 know, cooperated to the full extent.

3 We're known to be actually, a venue
4 that cooperates a lot. Anything, you know,
5 anything happens around that area, we, cameras
6 are good. We do have, you know, MPD come and ask
7 us for footage. And we have provided, as she
8 said. You know, we want to obviously comply with
9 all the rules. We want to be a great addition to
10 the community and not hinder any law enforcement
11 from doing what they need to do to keep us safe.

12 I mean we know we're not in the best
13 location in DC, so we definitely want to work
14 hand-in-hand with the police department to make
15 sure that, you know, our area is safe, really.

16 CHAIRPERSON ANDERSON: All right, Mr.
17 Ali, I just have a couple of questions I want to
18 ask you. Now, as was stated on the record that
19 you've just been, you have been in operation for
20 eight months prior to this incident. Is that
21 correct?

22 MR. ALI: Yes, sir.

23 CHAIRPERSON ANDERSON: Now, and it
24 stated that you are a CR, meaning that you have a
25 license to operate as a restaurant. Tell us,

1 just describe your business model, and what are
2 your hours of operation, please?

3 MR. ALI: Our hours of operation right
4 now, so, what I guess, if you can give me five to
5 ten minutes, I can kind of elaborate what our,
6 what we're doing now. And what we plan to do.

7 CHAIRPERSON ANDERSON: I, you, five to
8 ten minutes, I asked you one question. It
9 shouldn't take you five to ten minutes to answer
10 a question.

11 MR. ALI: But I'm --

12 CHAIRPERSON ANDERSON: But I'm asking
13 you to let you to let us know your business
14 model, so maybe you can go ahead.

15 MR. ALI: So, our business model when
16 we started, you know, we had to put it on hold
17 due to COVID, because we weren't getting any
18 customers coming in, early on.

19 But our business model is to open up
20 at 11:00 in the morning. Operate more of like as
21 an internet cafe/restaurant, select like coffee,
22 like a coffee spot where, you know, the young
23 generation can come in. Do their work, study,
24 hold meetings, things of that nature.

25 And then break into the brunch, the

1 lunch time where, you know, we were open for the
2 community as a place where they can come and eat
3 lunch. We do have three floors. So, we're able
4 to accommodate different ideas on each floor.

5 We did open up as that, and I mean,
6 we've just lost so much money. Not a lot of
7 people are coming into, you know, whether it be
8 to study, or to eat as much as, you know, we
9 would like. So now, we're doing more of like a
10 dinner establishment.

11 Where, you know, we open at 4:00 or
12 5:00 p.m. People will come in and do a happy
13 hour, do dinner, and then go into the late night.
14 Where after dinner, we'll have music and kind of
15 like, we try to attract customers to kind of stay
16 and hang out, and have fun.

17 CHAIRPERSON ANDERSON: So, what time
18 are your, what time, so, what time are you
19 scheduled to close?

20 MR. ALI: We close at 2:00 on
21 Thursdays. Friday and Saturday we go until 3:00.
22 Sunday we close around like 11:00, 12:00,
23 depending on, it kind of dies out around like
24 10:00 p.m., 9:00 p.m. But, you know, we try to
25 milk it as much as we can. But, you know, we're

1 hoping that, you know, things get better soon.

2 CHAIRPERSON ANDERSON: Well, I guess
3 what I'm trying to find out, what happens late
4 night? I mean is this a, are you serving food?
5 What, I mean --

6 MR. ALI: Of course.

7 CHAIRPERSON ANDERSON: Are you serving
8 food, and what kind of food are you serving, late
9 night?

10 MR. ALI: So, we serve, we do have a
11 brick oven pizza, which is the main attraction in
12 that place. Before I became the owner of that
13 place, you know, the place was known as Red
14 Rocks, as the pizza joint. So, you know, we did
15 kind of stick with that vibe.

16 So, a lot of people do come, even
17 from, you know, H Street, walking in, and just
18 order pizza. Sit down and eat pizza, drink and
19 listen to music, and have fun.

20 CHAIRPERSON ANDERSON: So, what else
21 is on your menu, you're a restaurant? So, what
22 else is on your menu?

23 MR. ALI: We do have quesadillas. We
24 do have salmon. We do have wings. I mean I
25 fought a lot to keep wings off the menu because

1 chicken has become so expensive. But I mean the
2 people want it, so, you know, the profit is not
3 all that, but we provide it.

4 We do have pizzas. We do have steak,
5 quesadillas, chicken quesadillas. I mean all our
6 stuff is on our menu. I could go through it. We
7 do --

8 MS. YOHANNES: Yes, I believe, there's
9 a menu that was, you did -- that menu that you
10 provided, or we provided to ABRA when the
11 application was, initially was approved. It's
12 the same menu you're currently using, right?

13 MR. ALI: Correct.

14 CHAIRPERSON ANDERSON: Well, I'm
15 curious, I mean, because this is a -- typically
16 restaurants are not open until 2:30, 3 o'clock in
17 the morning. And so, if a restaurant has been
18 resold, if it's a restaurant, the kitchen needs
19 to be operational --

20 MR. ALI: A hundred percent.

21 CHAIRPERSON ANDERSON: -- operational
22 almost up through closing. I mean, is that --
23 so, is the kitchen -- what time, if you're open
24 until, your hours are, if you're open to 2:00
25 a.m. or 3:00 p.m., what time is your restaurant

1 operational to?

2 MR. ALI: Until we close. I mean, we
3 have people that do pizza carry out. And at the
4 end of the night, you know, take their pizza and
5 go home.

6 CHAIRPERSON ANDERSON: Now, I guess
7 what I'm trying to find out is that, does your
8 establishment have an entertainment endorsement?

9 MR. ALI: We do have an entertainment
10 endorsement. Meaning like are we able to --

11 MS. YOHANNES: Yes.

12 MR. ALI: -- do DJs? Yes, we do.

13 CHAIRPERSON ANDERSON: All right. So,
14 and what time do the, did this incident occur?
15 Do you recall? What time, what day of the week,
16 and what time did it occur?

17 MR. ALI: I would have to look at the
18 calendar. I believe it was a Saturday night,
19 December 19th. It was a --

20 CHAIRPERSON ANDERSON: So, December
21 19th at approximately -- I'm looking at, do you
22 recall what time, what time the incident
23 occurred?

24 MR. ALI: 3:10 from what I'm
25 understanding, right, 3:09.

1 CHAIRPERSON ANDERSON: Yes.

2 LIEUTENANT ANDERSON: That's correct,
3 it was a 309 hours on, on the 19th.

4 MR. ALI: This is after the let out is
5 when the incident happened.

6 CHAIRPERSON ANDERSON: All right. And
7 one other thing that we, I'm trying to establish,
8 I know that because you have an entertainment
9 endorsement, it appears that you might have late
10 night entertainment.

11 And so, because you might have late
12 night entertainment, or there might be -- that
13 I'm not, whoa. Because there might be late night
14 entertainment, and late-night activities, it
15 might not, people might not necessarily be
16 sitting down at 2:00 a.m. in the morning, or 3:00
17 a.m. in the morning having pizza.

18 There might be others going on there
19 so, there might be other activities going on
20 there, that we need to make sure that, as a new
21 license holder that you're protecting yourself,
22 and protecting your clientele.

23 So, during late night, or say after
24 10:00, can people just walk through? Or is there
25 some type of security procedures that lets

1 someone to enter the establishment? Is this
2 occurring, or -- I'm just trying to find out?

3 MS. YOHANNES: If I may, can I have
4 Mr. Ali speak about security procedures in place?
5 If there is, there is entertainment. There is
6 sort of night life activities, in that it, you
7 know, it sort of goes from -- you know, it's not
8 a sit down as you're saying. From the sit-down
9 establishment to something else, or sort of
10 dancing, or whatever it is, entertainment, right.
11 So, do you want to know about security
12 procedures?

13 CHAIRPERSON ANDERSON: Yes.

14 MS. YOHANNES: I think there's
15 adequate security, and he can tell you about the
16 type of security there is. I think even in this
17 report, ABRA Investigator, Peterson, has
18 indicated when interviewing the MPD officer from
19 across the street, even, you know, said to this
20 Investigator that, Focus usually does have
21 adequate security from what they witnessed.

22 And there's also RDO, that's usually,
23 that he has. And they were not available on this
24 night, or they were not there on this night due
25 to some payment issues. However, RDO is there

1 regularly, and they are there regularly now.

2 (Simultaneous speaking.)

3 CHAIRPERSON ANDERSON: So, I mean, I
4 can just --

5 MS. YOHANNES: So, like do you want him
6 to speak on that? Do you want him to speak on
7 security?

8 CHAIRPERSON ANDERSON: Yes, let's talk
9 about security, and just let me get some -- now
10 do they voluntarily have RDO?

11 MS. YOHANNES: Voluntarily.

12 CHAIRPERSON ANDERSON: Or are they to
13 have RDO?

14 MS. YOHANNES: It's voluntary.

15 MR. ALI: No, voluntarily. Our
16 security kills me, but I, you know, I've been in
17 the promoting business for about, you know, 10 or
18 11 years. And I've worked in all the, you know,
19 clubs in the city. And one thing I've learned is
20 that it must be safe.

21 And that's one thing I don't take
22 lightly. I mean my security expense, you know,
23 it, I get into argument with my wife all the
24 time. Baby, why do we need all of this, all of
25 these securities? Nothing ever happens here.

1 And my argument to her is, Baby, all
2 it takes is for one thing to happen. One day and
3 we put everything we worked hard for at risk.
4 So, I do have 14, 15 securities. That night,
5 actually, we ended up having, when we counted, I
6 think maybe 17. But I do have 14, 15 securities
7 on weekends, just to make sure, because I know
8 we're not in the safest neighborhood in DC.

9 Couple blocks down from we're at, you
10 know, things go down all the time. So, I try to
11 make my clients feel comfortable and safe by, you
12 know, making sure that we have three, four
13 securities at the door. Usually pat them down,
14 checking IDs, everyone gets patted down to come
15 in, everyone.

16 MS. YOHANNES: Those are your entry
17 procedures, correct?

18 MR. ALI: Yes, everyone. It doesn't
19 matter who you are. You can be, you know,
20 someone that's kin to the owner. You can be
21 someone that's best friends with one of the
22 employees in the establishment. It does not
23 matter. I'll tell them, everybody's got to get
24 patted down.

25 So, as far as security, we do

1 extremely well. We do have again, the police
2 officers come. And I appreciate you guys for,
3 you know, covering half of our costs as well.

4 Just in, it deteriorates a lot of people
5 from wanting to do wrong things when they see an
6 officer at the door. I understand that from
7 being in the business for a while. So, with
8 security, we don't play.

9 MS. YOHANNES: So, you have security
10 that you've hired. You have RDO, and you have
11 cameras. That's correct?

12 MR. ALI: Yes, ma'am.

13 CHAIRPERSON ANDERSON: But, all right,
14 but one of the things you said, you currently,
15 you stated the cameras, I don't record for eight
16 days. So, has that been changed? Or is it put
17 off for a longer period of time?

18 MR. ALI: We've ordered service that
19 allows us to record for 28 or 30 days, or more
20 than that. So, we, our cameras used to record
21 for about like two and a half weeks, two weeks.
22 But what I did was, I added the sound options to
23 it. So, I can actually like hear some, you know,
24 conversations.

25 And that took up so much space. So,

1 now, you know, I told them, I said, I don't care
2 about the sound anymore. I just need, you know,
3 the footages. So, we're going to be able to do,
4 you know, 30 days very soon.

5 MS. YOHANNES: And so --

6 CHAIRPERSON ANDERSON: Go ahead, sir.

7 MS. YOHANNES: How many cameras do you
8 have?

9 MR. ALI: We have 30 cameras.

10 CHAIRPERSON ANDERSON: I'm sorry. And
11 let me, this is -- and again, Ms. Yohannes, this
12 is, I'm hearing about security. And I'm hearing
13 about cameras. And I'm hearing about RDO. And
14 this is a CR license. So, it's --

15 MS. YOHANNES: Correct.

16 CHAIRPERSON ANDERSON: It's not the
17 typical operation, at least in my view of a CR
18 license. So, based on what I'm hearing, would
19 your client agree to file a security plan?

20 MS. YOHANNES: We can discuss one,
21 however, it seems that we are abiding by all
22 requirements of what a security plan would even
23 entail.

24 CHAIRPERSON ANDERSON: But if, you're,
25 and you're saying you're abiding by it. Why not

1 file a security plan with the Agency? I'm just -
2 - the reason, I'm not -- as I've stated before,
3 you can say, yes. You can say, no. But you're
4 saying -- what I'm hearing from you. We're doing
5 everything that a security plan would ask.

6 So, if you're doing it, what's wrong
7 with filing one with the Agency?

8 MS. YOHANNES: Well, it's not just my
9 client. And I'll say, my client and I can
10 discuss that.

11 CHAIRPERSON ANDERSON: All right,
12 fine. Thank you. All right. Any questions by
13 anyone, by the Investigator, Lieutenant Anderson,
14 or any Board Members of the licensee?

15 MEMBER SHORT: Mr. Chair.

16 CHAIRPERSON ANDERSON: Yes, Mr. Short.

17 MEMBER SHORT: Thank you, for allowing
18 me to speak.

19 Mr. Ali.

20 MR. ALI: Yes.

21 MEMBER SHORT: Good morning, sir.

22 MR. ALI: Good morning, sir.

23 MEMBER SHORT: Okay. Now, you say
24 you've been in the entertainment business in
25 Washington DC for a while, which makes you kind

1 of savvy about what goes on when you have
2 incidents and investigations and all those other
3 things that occur when something happens in or
4 around an ABC establishment. Is that correct?

5 MR. ALI: Yes, sir.

6 MEMBER SHORT: So, were you working
7 that night, or were you at the club that night?

8 MR. ALI: No, I had just left home.

9 MEMBER SHORT: So, you weren't there
10 at all that, on the night? You weren't there at
11 all?

12 MR. ALI: I was there. I had just
13 left maybe, you know, 30 minutes before the
14 incident happened, or whatever the case was. But
15 I was not there when this incident happened. But
16 I was there that day for about 13, 14 hours.
17 From open to literally, almost closed. So, that
18 day I left early to come back in the morning and
19 open for brunch.

20 MEMBER SHORT: Are you also aware,
21 even though it wasn't required of you to have a
22 camera system, if you have cameras they must
23 work, correct?

24 MR. ALI: Yes, sir.

25 MEMBER SHORT: And you, if you've been

1 around, how long, how many years in the business?

2 MR. ALI: I've been in the business,
3 I've in the promoting business, you know. I've
4 always worked for restaurant owners and club
5 owners in my life. So, you know, I'm kind of new
6 to the, to being an owner. You know, which I'm
7 thankful for having the opportunity to get here.
8 But, you know, I am, I have been in the business
9 for about 11, 12 years.

10 MEMBER SHORT: Okay. Well, Mr. Ali,
11 don't you realize that some of the protective,
12 cameras can protect and ward off some very
13 serious lawsuits? If you have working cameras,
14 and someone comes to sue you, or accuse your
15 club, or one of your employees of doing
16 something, if the cameras are working well, it
17 would help you?

18 MR. ALI: A hundred percent.

19 MEMBER SHORT: So, you've invested a
20 lot of money in the cameras, correct?

21 MR. ALI: Yes, sir.

22 MEMBER SHORT: But you were the only
23 person in your business that could provide what
24 the law requires you to give when there's an
25 incident.

1 MR. ALI: Yes, sir.

2 MEMBER SHORT: I mean, I'm a private
3 citizen. I have cameras in my home. And if the
4 police would come and ask me. I would be able to
5 provide any footage they needed, anytime, because
6 I realize it protects myself as well as my
7 neighbors or any visitors in the community,
8 around my home.

9 MR. ALI: And that's our plans.

10 MEMBER SHORT: You feel that same way
11 too, correct?

12 MR. ALI: A hundred percent.

13 MEMBER SHORT: And so, you are the
14 only one who can provide footage, right now, if
15 something happened? You would be the only one
16 who could provide footage to the city?

17 MR. ALI: Not any more. I noticed
18 that that was a mistake as of that day. But you
19 have to understand, you know, we've been
20 operating for seven, eight months. I've been
21 there every day working 14, 15 hours on weekends.
22 And has never been a situation where I was never
23 there. And we had to provide these things.

24 So, it just happened to be that day
25 that I was not there. And things happened. And

1 moving forward, if that ever happens, and you're
2 right, people will have the footages right away.
3 You know, there was nothing that we were trying
4 to hide. We, I came and gave the --

5 MS. YOHANNES: Mr. Ali, who currently
6 has access to your footage?

7 MR. ALI: My managers and assistant
8 manager, two people have access right now.

9 MEMBER SHORT: Thank you. Sounds like
10 you're being quite cooperative and you're heading
11 in the right direction.

12 MR. ALI: Thank you.

13 MEMBER SHORT: Now, your security
14 persons that you have there, you say, 17 some
15 nights or more or less, are any of those persons
16 registered with the District of Columbia, that
17 they've been trained in security?

18 MR. ALI: I can confirm with Byrd and
19 get back to you guys through email if you'd like.
20 I don't want to answer and it be wrong or right.

21 MEMBER SHORT: Well, this is just for
22 your information. The DC City Council has
23 considered, or it's considering, or may have, be
24 passing soon, that security guards in the
25 District of Columbia must be registered with the

1 MPD. That way, they have the proper training and
2 that way they -- it protects you also as the
3 owner. Because we've had incidents where people
4 have got involved with security, and security was
5 proven not to be able to handle the situation.

6 But anyway, we hope that we never see
7 you again, for anything like this, but you might
8 want to check and see if, even, all of the
9 security people you have are appropriately
10 trained and can handle any situation.

11 MR. ALI: Okay.

12 MEMBER SHORT: Does anybody on your
13 staff know first aid or CPR, or any of those
14 other things, should something happen inside of
15 your club, I mean inside of your restaurant?

16 MR. ALI: I have one of my bartenders,
17 who is a, her main job is nursing. So, I've
18 never had this conversation with her, but I'm
19 pretty sure, you know, she's a nurse and she
20 would know.

21 MEMBER SHORT: Okay. Well, I can tell
22 you from my experience in life. There's a little
23 different between operating, or working on
24 someone inside of a hospital, a very sterile
25 condition and working in a place outside of a

1 hospital, where you have emergency medicine.
2 There's a big difference between emergency
3 medicine when someone is stabbed or shot and
4 working inside of a regular emergency room. So,
5 you might want to consider that also.

6 But any rate, I thank you for your
7 testimony. And again, you were there that day,
8 but you just happened to leave before closing
9 time. Is that correct?

10 MR. ALI: Yes, sir. I was tired. I
11 had to be back again a few hours later. So, I
12 was just trying to get home and get some rest.

13 MEMBER SHORT: Okay. Thank you, Mr.
14 Ali.

15 Thank you, Mr. Chairman, that's all
16 that I have at this time.

17 CHAIRPERSON ANDERSON: Thank you, Mr.
18 Short.

19 Any questions by anyone else?

20 MEMBER GRANDIS: Mr. Chairman.

21 CHAIRPERSON ANDERSON: Yes, Mr.
22 Grandis.

23 MEMBER GRANDIS: Thank you.

24 Investigator, Peterson. Hi, thank you
25 for your --

1 MS. PETERSON: Hi, sir.

2 MEMBER GRANDIS: Thank you for your
3 information today. I have a couple questions
4 that maybe you may have information on. If not,
5 perhaps the Lieutenant may.

6 My understanding from reading the
7 letter and hearing the testimony today, is that
8 the request was made for the footage almost at
9 the time of when the police arrived. And they,
10 and if I've read correctly, you all were told
11 that the owner would be sending that footage in a
12 few minutes or something like that?

13 Was there any understanding that the
14 footage would be available that night?

15 MS. PETERSON: So, from my
16 understanding as the Investigator, I was told
17 that MPD, and I was told by Detective Naples,
18 that before he arrived, Detective McLachlan
19 arrived and he requested the footage. He spoke
20 to the ABC manager, Ms. Tolver, and she proceeded
21 as if she would assist them. And as she started
22 to go up the steps, she was stopped. And said,
23 no, no, no. He's not here. You know, we don't
24 have access to the footage.

25 But the officers were under the

1 impression that they would get the footage that
2 night. So, I'm told that they called the owner,
3 Mr. Ali, to say, hey, MPD's here. You know, we
4 have a situation. We need you to come back. And
5 he said, which is what I'm told, is that he said,
6 okay. I'm on my way.

7 And then he called back about five
8 minutes later, and told them that he could not
9 come back.

10 MEMBER GRANDIS: Okay.

11 MS. PETERSON: However, he did provide
12 them with the footage later on, that day.

13 Officers did tell me that. And so, did Mr. Ali.

14 MEMBER GRANDIS: Did you observe the
15 footage?

16 MS. PETERSON: I did.

17 MEMBER GRANDIS: Mr. Ali, I understand
18 you may want to respond, but I'm fine with the
19 situation that you went home.

20 So, you did observe the footage?

21 MS. PETERSON: I did.

22 MEMBER GRANDIS: And Lieutenant, did
23 you observe the footage?

24 LIEUTENANT ANDERSON: I've not
25 observed the footage from inside the

1 establishment. I've seen the body worn camera
2 from the video, or from the officers that
3 responded. But I've not seen the internal
4 footage from the club.

5 MS. PETERSON: I have it.

6 MEMBER GRANDIS: I'm sorry.

7 MS. PETERSON: I have it, if you want
8 to view it.

9 MEMBER GRANDIS: Okay. So, what did
10 you observe? Did you observe anything regarding
11 the subject in the footage you saw?

12 MS. PETERSON: So, what I'm told, and
13 I got from detectives, first of all, they sent me
14 a still picture. So, I would know who the
15 possible suspect was, and who the victim was.

16 I saw them exiting the establishment.
17 I saw them heading westbound. They go out of
18 sight, out of the camera footage once they go
19 outside. I can no longer see that.

20 So, once the shooting occurs, I do --
21 it's kind of like a delay. I don't know if
22 people were like, they didn't believe the shots.
23 Or maybe it was a little further down, but
24 everyone is kind of like standing there for
25 about, I don't know, maybe like 10 seconds after

1 the shooting happens. And then everyone takes
2 off running, and they get on the ground.

3 Again, at this point, I still don't
4 see the suspect. I can't see the victim. I only
5 see patrons who were hanging out in front of the
6 door. Because they have a camera, you know,
7 facing down, right at the front door.

8 MEMBER GRANDIS: Right, so, let me
9 make sure. I think I heard you say, that there
10 was some footage from inside that showed the
11 picture that you believe was the subject, inside
12 the establishment?

13 MS. PETERSON: Correct.

14 MEMBER GRANDIS: Okay. Mr. Ali --
15 thank you.

16 Mr. Ali.

17 MR. ALI: Yes, sir.

18 MEMBER GRANDIS: I want to thank you
19 for being here today, to speak on behalf as the
20 owner. It's very helpful.

21 MR. ALI: Thank you.

22 MEMBER GRANDIS: And if I heard you
23 correctly, no one enters that establishment
24 without being patted down.

25 MR. ALI: Correct.

1 MEMBER GRANDIS: Well, we just heard
2 the Investigator saying that there is footage
3 from that evening, that show the suspect inside.
4 Did you, have you seen that footage?

5 MR. ALI: Have I seen the footage of
6 the suspect being inside?

7 MEMBER GRANDIS: Yes.

8 MR. ALI: I saw the part, the suspect
9 and the person that supposedly got shot, talking
10 and walking outside, from the --

11 MEMBER GRANDIS: Yes, the footage she,
12 if I understood, the Investigator, she obtained
13 footage from your establishment --

14 MR. ALI: Yes.

15 MEMBER GRANDIS: Patrons inside and
16 she was able to recognize from a photograph, if I
17 understood her correctly, of the potential
18 subject being inside. Did you see, have you seen
19 that footage?

20 MR. ALI: No, you mean the potential
21 subject, as in a gun? Is that what you're
22 saying?

23 MEMBER GRANDIS: The person --

24 MS. YOHANNES: The person, who shot?

25 MR. ALI: Yes.

1 MS. YOHANNES: The person who shot the
2 victim.

3 MR. ALI: So, what I understood from
4 the detectives, the person that got shot and the
5 shooter, are supposedly friends.

6 MEMBER GRANDIS: I'm asking, did you
7 see the footage of your own camera?

8 MR. ALI: Yes, I saw them two walking
9 out. Yes, sir.

10 MEMBER GRANDIS: Okay. But you also
11 testified that no one gets in without being
12 patted down.

13 MR. ALI: Yes.

14 MEMBER GRANDIS: So, I'm having a
15 problem understanding how you had a patron with a
16 gun, inside the establishment.

17 MR. ALI: He was not inside the
18 establishment with a gun.

19 MEMBER GRANDIS: We don't know, how --
20 okay, how soon after they, these people exited,
21 because you saw them exit, did the shooting
22 occur?

23 MR. ALI: The shooting occurred ten
24 minutes after we were closed.

25 MEMBER GRANDIS: So, you don't, you

1 don't believe that this individual had the gun
2 inside the establishment.

3 MR. ALI: One thousand percent.

4 MS. YOHANNES: That is correct.

5 MEMBER GRANDIS: Well, Ms. Yohannes --

6 MS. YOHANNES: We also have the, we
7 also have the Investigator here, and MPD. But my
8 understanding is that I believe from one of the
9 officers, that they stated that as well. I mean
10 the position is they understand that the
11 individuals were inside. And there are other
12 vehicles outside of the establishment.

13 But that, the weapon was never, was
14 never obtained. And they don't believe that the
15 weapon was actually inside of Focus.

16 MR. ALI: With some cars --

17 (Simultaneous speaking.)

18 MEMBER GRANDIS: Lieutenant, is that
19 your understanding from the police? That they
20 don't believe the suspect who was seen walking
21 out with the victim, did not a gun inside?

22 MS. PETERSON: Yes, sir. That is my
23 understanding.

24 MEMBER GRANDIS: No, I'm sorry. I was
25 talking to -- thank you.

1 MS. PETERSON: Okay.

2 MEMBER GRANDIS: But I was talking to
3 the Lieutenant. Thank you.

4 Lieutenant.

5 LIEUTENANT ANDERSON: I'm sorry, Mr.
6 Grandis. Could you ask the question again,
7 please?

8 MEMBER GRANDIS: Before, I asked the
9 question about whether the subject was inside,
10 and you had footage of it? I was concerned that
11 maybe this incident wasn't really related to the
12 establishment. But we're being told now, that
13 the suspect and the victim are seen inside the
14 establishment, on the footage that the
15 Investigator just talked about.

16 So, if it's agreed that this so-called
17 subject is the one who, outside, shot the victim,
18 has the police made any determination on whether
19 or not they believe the suspect had the gun
20 inside the establishment as well? Or is the
21 information the police have, that the suspect
22 went to a car or went somewhere outside and got
23 the gun after leaving the establishment?

24 LIEUTENANT ANDERSON: A lot of that is
25 inconclusive. There were officers that were,

1 Officer Martinez was patrolling the H Street
2 corridor, and was about 100 to 150 feet away from
3 the crowd that had exited, when the shots were
4 fired.

5 In his report, and in the follow-up
6 and what I've been able to see in the body-worn
7 camera video, he states that people were standing
8 outside. That he did not, he did not see anybody
9 go to a car at the location, to grab anything,
10 other than, people exiting the club.

11 MEMBER GRANDIS: So, it's
12 inconclusive?

13 LIEUTENANT ANDERSON: It's
14 inconclusive. I've not asked him that specific
15 question. But his report is fairly detailed, and
16 he doesn't not indicate that anybody went to
17 another location, prior to the shooting, from
18 where he observed them exiting the club.

19 MEMBER GRANDIS: Thank you, Officer.
20 So, I go back to Mr. Ali.

21 MS. YOHANNES: Can we go back to the
22 Investigator, and detective, or maybe, I'm sorry
23 -- MPD. Detective Naples, stated that MPD does
24 not believe that the suspect carried the gun
25 inside of Focus DC. And this in the report.

1 MEMBER GRANDIS: I'm sorry, who's
2 report is this?

3 MS. YOHANNES: This is the
4 Investigator's report.

5 MS. PETERSON: Yes, that was what was
6 stated to me by Detective Naples.

7 MEMBER GRANDIS: Which seems to be
8 possibly inconsistent with what we were just
9 being told by the Lieutenant.

10 MS. YOHANNES: Right.

11 MS. PETERSON: Correct.

12 LIEUTENANT ANDERSON: Well, with
13 Officer Martinez's report, would be the initial
14 report. Detective Naples would have done the
15 follow-up investigation. And so, he may have a
16 more finely tuned bit of information to that
17 regard. So, I, his is the further-est, furthest
18 along investigation.

19 MEMBER GRANDIS: And back to the
20 Investigator. In seeing this footage of the
21 suspect and the victim inside, did it look like
22 there was any altercation in communication? The
23 body language, any kind of tension between the
24 two, or at least from the footage? Was, did it
25 look like that they just knew each other, or were

1 part of the same group?

2 MS. PETERSON: They absolutely looked
3 like they knew each other. The possible suspect,
4 once they are seen exiting, there one, probably a
5 few centimeters behind one another. And the
6 possible suspect is seen at the door, once they
7 get to the door to exit, like wrapping his arm
8 around the victim. So, it looks as if they knew
9 each other to me. Like they were friends, so.

10 MEMBER GRANDIS: Okay. So, get back
11 to Mr. Ali. Mr. Ali, so you have the
12 understanding that the gun was not inside your
13 establishment?

14 MR. ALI: I mean, based on the
15 tightness of our security, I find it impossible.
16 I can never tell you 100 percent, of my
17 establishment. Because we go through, we really
18 do pat downs, because we understand the nature,
19 the location of our venue, being so close to the
20 hood. So, it's impossible for that gun to be
21 inside.

22 MEMBER GRANDIS: I belabor this point,
23 because I'm concerned always that if there's
24 incident outside of an establishment, it's not
25 always the blame of the licensee. You know, the

1 licensee can only be in control of what's inside.
2 So, that's why I'm belaboring this issue of
3 whether the gun was seen inside, or was -- and I
4 appreciate the information that you all have
5 given me on that problem.

6 So, thank you very much. Oh, one last
7 thing. Investigator, did you look at what -- I
8 understand there's an entertainment endorsement.
9 Did you look at what the endorsement allows?

10 MS. PETERSON: No, not exactly, sir.
11 I mean the, everything that -- is from Red, a lot
12 of things are from Red Rocks. It's kind of like
13 blurred, the typing. I could barely read it. My
14 supervisor could barely read it. I'm sure if I
15 showed you guys, you can barely read the
16 information located on the form.

17 MEMBER GRANDIS: Let me ask, Ms.
18 Yohannes, have you looked at the license of this
19 establishment?

20 MS. YOHANNES: I have looked at
21 license. I don't have it in front of me. I
22 believe there's an entertainment endorsement that
23 includes -- it could also include both other
24 endorsements, dancing and cover charges.

25 MEMBER GRANDIS: So you -- okay so,

1 you --

2 MS. YOHANNES: But I don't have the
3 license in front of me.

4 MEMBER GRANDIS: But they, but their
5 license may allow a cover charge?

6 MS. YOHANNES: It may. But I don't
7 believe that they do cover charges.

8 MR. ALI: We don't charge anything for
9 entry.

10 MEMBER GRANDIS: Okay.

11 MS. PETERSON: Yes, on their license,
12 they only have entertainment, and they have the
13 holiday extension. They don't have cover charge.

14 MEMBER GRANDIS: Entertainment, under
15 a CR, would be a DJ, I would imagine.

16 MS. YOHANNES: A DJ.

17 MR. ALI: Yes, we DJ, but we don't
18 charge anything at the door.

19 MEMBER GRANDIS: Do you have a dance
20 floor?

21 MR. ALI: Uh --

22 MS. YOHANNES: There's not really a --

23 MR. ALI: The space, but --

24 MEMBER GRANDIS: But they allow
25 dancing?

1 MR. ALI: Say that one more time.

2 MEMBER GRANDIS: Do your patrons
3 dance?

4 MR. ALI: I mean these days people
5 don't dance like back in the days.

6 MS. YOHANNES: That's a difficult, you
7 know, there is no dance floor that's over 140
8 square feet, if that's the context.

9 MEMBER GRANDIS: Ms. Yohannes, you hit
10 it on head. You understand where I was heading
11 on that. So, they don't advertise that they have
12 a dance floor.

13 MS. YOHANNES: Correct.

14 MEMBER GRANDIS: Okay. I just really
15 want to thank you for letting me explore whether
16 the gun was seen inside or not, because I believe
17 that's very important, to make that
18 determination. Thank you.

19 MR. ALI: Sir, appreciate it.

20 CHAIRPERSON ANDERSON: Thank you, Mr.
21 Grandis. Any other questions by any other Board
22 Members.

23 MEMBER SHORT: Mr. Chair, I have a
24 question of the Investigator.

25 CHAIRPERSON ANDERSON: Go ahead.

1 MEMBER SHORT: Investigator, Peterson.

2 MS. PETERSON: Yes, sir.

3 MEMBER SHORT: What are the hours of
4 this establish, the CR?

5 MS. PETERSON: For that day, or --

6 MEMBER SHORT: Yes, for any time.

7 What are their hours?

8 MS. PETERSON: So, Sunday through
9 Saturday, they open at 11:00 a.m. Sunday through
10 Friday, they close at 2:00 a.m. And then on
11 Friday and Saturday, they close at 3:00 a.m.

12 MEMBER SHORT: What day of the week
13 was this violation?

14 MS. PETERSON: This actually occurred
15 on Sunday morning as they were leaving from
16 Saturday night.

17 MEMBER SHORT: Okay. So, this would
18 have been a 3:00 p.m. -- 3:00 a.m. closing.

19 MS. PETERSON: Yes, sir. Yes.

20 MEMBER SHORT: Now, on the footage
21 that you observed, where you said people were
22 looking and ducking inside of the club. What
23 time was that?

24 MS. PETERSON: That was ==

25 MEMBER SHORT: Can you tell us?

1 MS. PETERSON: That was around 3:00
2 a.m. I can, 3:10, I can show you the footage.

3 MEMBER SHORT: Okay. Well, before you
4 show me anything. I would just like to ask you
5 this.

6 MS. PETERSON: Okay.

7 MEMBER SHORT: Normally, when a CR or
8 any other place that has an endorsement, isn't
9 the establishment supposed to be clear of patrons
10 and drinks at 3:00 a.m. and not after 3:00 a.m.?

11 MS. PETERSON: Yes, sir. Now, it is
12 shown that security is at the front door, getting
13 the patrons out. I would say at about 3:05.
14 They're, you know, trying to push them out the
15 door. And these patrons are like seen, I don't
16 know if they're waiting on Ubers, or their ride,
17 but they're seen standing in front of the
18 establishment.

19 MR. ALI: Uber.

20 MEMBER SHORT: Okay. But the question
21 I'm trying to ask you, is when you looked at the
22 footage --

23 MS. PETERSON: Yes, sir.

24 MEMBER SHORT: And you testified
25 people were ducking and then eventually they hit

1 the floor.

2 MEMBER SHORT: What time on the camera
3 was that?

4 MS. PETERSON: That was 3:18.

5 MEMBER SHORT: And so, would I be
6 stretching it all, to say it's a violation to
7 have people in your club, after 3:00 a.m. --

8 MR. ALI: That's the thought.

9 MEMBER SHORT: -- that they should
10 have had a last call prior to maybe 2:45 or
11 something, and get all the people out so that
12 they aren't still inside, possibly consuming, or
13 still ordering drinks, after 3:00 a.m.?

14 MS. PETERSON: Correct.

15 MEMBER SHORT: Is that a violation?

16 MS. PETERSON: Yes, sir.

17 MEMBER SHORT: So, you said in your
18 testimony, there was no violations, ABRA
19 violations found. But after looking at the
20 footage, and you said now, that 3:18 people were
21 still inside, ducking and whatever else. And the
22 shooting going on outside. So, that was a
23 violation, correct. Or was it not?

24 MS. PETERSON: Yes, sir. It was a
25 violation, but in my experience, I'm told, that

1 we at least give them a ten-minute grace period
2 to get everyone out. And yes, sir, this is
3 beyond the ten-minute grace period. If so, it
4 would have been at 3:10, right when this
5 occurred.

6 I did see people still standing around
7 at 3:18. However, I did not see them still
8 coming out at 3:18. When the shooting occurred,
9 the door was unlocked, and they were able to kind
10 of like, run back in for coverage. But, yes,
11 that's -- so, yes, sir.

12 MEMBER SHORT: So, the door wasn't
13 locked at 3:18, people were still coming and
14 going at 3:18?

15 MS. PETERSON: So, security, so there
16 was a security guard located outside of the door.
17 And there was a security guard, they had security
18 located inside of the door. So, I can say that
19 the door was probably open, so that the security
20 located outside, was able to get back in once he,
21 you know, was finished outside.

22 However, what I did see, was that
23 after the shooting, people were able to run back
24 inside. They grabbed the door. They were like,
25 you know, crowded by the door trying to run for

1 safety. And a few people were able to actually
2 get back inside, including the security guards,
3 ran back inside.

4 MEMBER SHORT: You say, you have the
5 footage now, correct?

6 MS. PETERSON: Yes, sir.

7 MEMBER SHORT: Could you, did you
8 observe the footage on the inside at 3:18?

9 MS. PETERSON: Hold on one second,
10 sir.

11 MEMBER SHORT: Thank you.

12 MR. ALI: Am I allowed to talk while
13 she's doing it?

14 MS. YOHANNES: Wait.

15 CHAIRPERSON ANDERSON: Hold on, hold
16 on, Mr. Ali.

17 MS. YOHANNES: In a minute.

18 MR. ALI: There is a miscommunication
19 happening.

20 MS. YOHANNES: Mr. Ali, hold on.

21 CHAIRPERSON ANDERSON: Hold on, Mr.
22 Ali. I, I'm going to ask some questions too.
23 But we'll have your attorney, if there's some
24 miscommunication, address that issue.

25 Are you ready Ms. Peterson, to respond

1 to what Mr. Short was asking?

2 MS. PETERSON: Can I get a few
3 moments, just a few moments.

4 CHAIRPERSON ANDERSON: Fine, fine.

5 (Pause.)

6 MS. PETERSON: The latest I see folks
7 walking out is about 3:08, 3:08 a.m.

8 MEMBER SHORT: So, after 3:08, the
9 door was still open, so people could come and go.
10 I mean, you're saying at 3:08 the security person
11 was standing at the door. But the door was not
12 locked.

13 MS. PETERSON: No, people were still
14 walking out at that time. At 3:08, they were
15 still walking out. Yes, sir.

16 MEMBER SHORT: So, do you have any
17 idea when the last person left that venue, that
18 incident, the night of the incident?

19 MS. PETERSON: Hold on, please. It
20 looks like the last person left at about 3:25.

21 MEMBER SHORT: So, even with the grace
22 period, they were in violation.

23 MS. PETERSON: Yes, sir. And to be
24 honest, I can't tell if that was maybe a
25 bartender leaving out. I just know it was

1 someone still leaving out at that time.

2 I know it wasn't security. Because I
3 saw what they were wearing.

4 MEMBER SHORT: So, could I surmise
5 that the grace period, is that citywide, they're
6 given ten, fifteen minutes after closing to still
7 be getting people out? Is that citywide, or is
8 that just this particular event?

9 MS. PETERSON: No, sir. It's
10 citywide. We give them at least ten minutes to
11 get out.

12 MEMBER SHORT: Okay. So, what time is
13 their last call? Did you check?

14 MS. PETERSON: No. It appeared to me,
15 from looking at the camera footage, it looked
16 like their last call was at 3:00 p.m. Because no
17 one is like, people are standing by the bar, but
18 they're not facing the bar. They're actually,
19 you know, leaving out.

20 MEMBER SHORT: I understand that, but
21 as far as you understand the regulations, that
22 say they close at 3:00.

23 MS. PETERSON: Yes, sir.

24 MEMBER SHORT: Even with the grace
25 period --

1 MS. PETERSON: Right

2 MEMBER SHORT: There shouldn't been
3 people there at 3:18.

4 MS. PETERSON: Absolutely, not. I
5 agree.

6 MEMBER SHORT: Do you, or any of the
7 Investigators, enforce that? Or is that
8 something that's unenforceable?

9 MS. PETERSON: No, sir. We enforce
10 it. We do, do after hour checks to make sure.
11 We go around. Of course, you know, I'm on the
12 night shift. We go around and we monitor to make
13 sure these establishments are closing when
14 they're supposed to be.

15 People, we are, you know, making sure
16 we people exiting out of the establishment at the
17 appropriate time. Again, like I said, I was told
18 that we are to at least give them ten-minute
19 grace period of time. But beyond that, no,
20 they're in violation at that point.

21 MEMBER SHORT: Thank you, Ms.
22 Peterson. So, again --

23 MS. PETERSON: You're welcome.

24 MEMBER SHORT: So, if you come before
25 us again, and someone, and you should happen to

1 be an Investigator on duty -- you're on the
2 orange team. Is that correct?

3 MS. PETERSON: Yes, sir.

4 MEMBER SHORT: So, anybody on the
5 orange team that was owed to a location, that had
6 the -- whether they have an endorsement or don't
7 have an endorsement, if their hours, so they are
8 supposed to be shut and closed at 3:00 a.m.

9 So, after 3:10 a.m., I mean you've
10 given them a grace period, and they still have
11 people coming, going, or able to go back in, in
12 case something happens outside. Is that
13 following the rules, or would that just be -- I'm
14 just trying to find out generally, what is your
15 practice?

16 Or what is the orange team's practice,
17 when it comes to last call, and getting people
18 out, and having the door locked and sealed so
19 that the establishment would appear to be closed
20 to anyone on the street, or who had been in the
21 club that evening?

22 MS. PETERSON: Now, what I will say,
23 Mr. Short is that, although we have a grace
24 period of time, we do make sure and check that
25 the door is locked. However, of course I was not

1 there that night that this occurred.

2 But that is one of the procedures, the
3 door must be locked. We, in the grace period of
4 time, people are still coming out, within ten
5 minutes then no one should be able to come back
6 in. And as I expressed before, yes, they were
7 able to go back in, because patrons were able to
8 run back in there for safety. The door was not
9 locked.

10 MEMBER SHORT: Thank you. That's all
11 I have, Mr. Chair. Thank you very much,
12 Investigator. Thank you.

13 MS. PETERSON: You're welcome, sir.

14 CHAIRPERSON ANDERSON: Ms. Yohannes,
15 on behalf of your client is there a response?

16 MS. YOHANNES: There is. And I know,
17 my client wants to speak. And before he does,
18 before I ask the questions of him, I do want to
19 explain. I think most importantly the camera
20 footage. And there is a ten-minute delay in the
21 footage. And I will start by saying, I'll have
22 my client talk about the delay, but there's a ten
23 delay in the footage.

24 And even from hearing from the
25 Investigator, where the Investigators says that

1 at 3:18, she saw people, I think on the floor, if
2 I heard her correctly. If you say, there's that
3 ten-minute delay, that corresponds with the, you
4 know, shooting occurring at 3:09.

5 And so, I think 3:08 is where she
6 indicated the last patron, initially indicated
7 the last patron left the establishment. That
8 would be, that mean that mean it was, you know,
9 it's 2:58 a.m. Additionally, there are people
10 that are coming in and out, or there's people
11 that are going out or in, or by the door, who are
12 actual employees.

13 I will have, if Mr. Ali, can you talk
14 about the ten-minute delay, and explain that to
15 the Board?

16 MR. ALI: Yes. Oh, my God, it was so
17 hard, just --

18 MS. YOHANNES: Just explain the ten-
19 minute delay.

20 MR. ALI: It was so hard hearing
21 everything, because I see questions going the
22 wrong way, and I wanted to say something to save
23 conversation. One thing, yes, there is a ten-
24 minute delay that I wanted to talk about, that
25 police officers can verify. Our cameras are ten

1 minutes in advance.

2 And too, when you guys see the people
3 ducking, they're not ducking --

4 MS. YOHANNES: (Simultaneous speaking)
5 -- within the time delay.

6 MR. ALI: They're not ducking inside
7 the establishment. They're ducking outside the
8 establishment. But because we do have the glass
9 windows, obviously, the inside camera, you can
10 catch it happening from the inside camera, going
11 out.

12 But, Investigator, Ms. Peterson can
13 also verify. These people are ducking outside of
14 the establishment, not inside of the
15 establishment. And from what I understood, the
16 little delay of people ducking after the
17 shooting, went on, is because the shooting did
18 not happen literally, outside of our door. It
19 was kind of like down the street.

20 You know, as she stated, you know,
21 these two people were hugging and walking out.
22 And then whatever happened once they left our
23 camera, the vicinity of the venue, down the
24 street, we, only God knows. And we're glad that
25 the guy's okay. But nobody was saw ducking

1 inside the establishment.

2 Because a lot of our employees even
3 thought that people were joking about the
4 shooting. Because you couldn't hear nothing from
5 within the establishment. So, that's one thing
6 that I'd like to correct. No one was ducking
7 inside our establishment.

8 MS. YOHANNES: Okay. Just to go back,
9 though, to clarify. In terms of your footage
10 being, I think you said MPD was aware of that.
11 That it was ten minutes ahead?

12 MR. ALI: A hundred percent.

13 MS. YOHANNES: Then can you provide
14 information? You could provide information that
15 shows that. Is that correct?

16 MR. ALI: Yes, I mean all we have, I
17 think, Ms. Peterson, I know it's been a while, I
18 don't know if she's forgotten. But our videos
19 are ten minutes behind. But you can talk to
20 everyone that ever came into our establishment to
21 look at the videos and take a copy. Everyone,
22 everyone can verify that our videos are ten
23 minutes advanced.

24 MS. YOHANNES: Thank you.

25 CHAIRPERSON ANDERSON: I'm sorry, can

1 you explain, what do you mean ten minutes
2 advanced? Explain that please.

3 MR. ALI: Meaning on our videos, when
4 it's 3:09, it's really 3 o'clock. When it's 3
5 o'clock, it's really 2:51. We cooperate, we, I
6 mean, we do everything we can to make sure that
7 we comply. And we do comply.

8 And, you know, the conversation that
9 was just had, the past ten minutes and all the
10 questions that were asked, I know this happened
11 three months. And not everyone really remembers
12 exactly how it happened, but we comply.

13 MS. YOHANNES: Thank you.

14 MR. ALI: And our last call is at 2:30
15 on the first floor. We turn the lights on at
16 2:30, because we let people out on the first
17 floor, first. And then we get people out on the
18 second floor, at 2:45. So, by 3:00, we
19 understand that everyone has to be outside of the
20 building.

21 If you do see people leaving later on,
22 it's busboys leaving, because they're done with
23 their shift. It's employees leaving, because
24 they're done. They're cashed out. It's our
25 employees leaving. We do have over 30 employees

1 there at work, any particular day.

2 So, if you guys see people leaving at
3 the end. It's people, it's people literally just
4 cashing out and leaving at the end of their
5 shift. So, by 3 o'clock we get all our customers
6 out. We do, we try to do that as much as
7 possible.

8 MS. YOHANNES: Thank you.

9 CHAIRPERSON ANDERSON: Any other
10 questions from anyone?

11 Ms. Peterson, do you have any final
12 comments you wish to make?

13 MS. PETERSON: No, thank you.

14 CHAIRPERSON ANDERSON: Lieutenant
15 Anderson, any final comments you want to make?

16 LIEUTENANT ANDERSON: Yes, actually.
17 After the initial, and it may have been a
18 communication mishap with the obtaining of video
19 on the initial scene, our detectives did receive
20 full cooperation from the club as far as the
21 investigation, you know, unfolding.

22 And Detective McLachlan also wanted,
23 when I spoke to him about the investigation,
24 indicated that Focus DC has been very, very
25 helpful in other investigations. And cooperative

1 with MPD and has a good relationship with our
2 officers, aside from this one little blip on this
3 particular night, which may have been a
4 communication error, or something else.

5 But overall they, our detectives do
6 appreciate the management of the establishment
7 very much for helping with other events.

8 MR. ALI: Thank you.

9 CHAIRPERSON ANDERSON: Thank you,
10 Lieutenant.

11 Ms. Yohannes, I'm not sure if you want
12 to say anything else, but I think the detective
13 kind of butted it. You have the last word.

14 MS. YOHANNES: That was more than
15 enough. Thank you, Lieutenant. I just ask of
16 the Board, consider all of this, and take no
17 further action.

18 CHAIRPERSON ANDERSON: Thank you.

19 All right. We'll take this matter
20 under advisement. Thank you very much,
21 Lieutenant for your appearance this morning, Ms.
22 Peterson, and Mr. Ali, and Ms. Yohannes.

23 Mr. Ali, one of the things that you
24 stated, that you are a new owner. I'm not sure
25 if you're aware that we do have, the Agency does

1 have training for new owners. And we, would ask
2 that you look into whatever training the Agency
3 offers for new owners. And so, that would bring
4 you up to speed on just, to assist you in the
5 operation of your business, sir. Just something
6 that's available to all new owners. And I would
7 implore you to investigate that, sir.

8 MR. ALI: Would love to, thank you.

9 CHAIRPERSON ANDERSON: Thank you.
10 Have a great day, and thank everyone for their
11 appearance.

12 MS. YOHANNES: Thank you.

13 Thank you.

14 (Whereupon, the above-entitled matter
15 went off the record at 12:02 p.m.)
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