

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

2 11:53 a.m.

3 CHAIRPERSON ANDERSON: All right, our
4 final calendar event for the morning is a fact
5 finding hearing for case number 23-251-00003, Air
6 Restaurant, license number 117404. Mr. Orellana,
7 can you please elevate the rights of the
8 licensee, and the licensee's counsel, which is
9 Andrew Kline, the ABRA investigator, Jeremy
10 Zollarcoffer, and Sergeant Vernick from MPD,
11 amongst others please?

12 MR. ORELLANA: Henock Andargie, your
13 access has been elevated. That appears to be all
14 Chairman.

15 CHAIRPERSON ANDERSON: Thank you. Can
16 everyone please turn their cameras on? I don't
17 see -- okay, Mr. Zollarcoffer -- is there --

18 MR. ZOLLARCOFFER: I'm not sure why
19 it's not showing me. Can you see me? I see the
20 background.

21 CHAIRPERSON ANDERSON: No, I can see
22 the -- are you sitting in front of the camera,
23 sir?

24 MR. ZOLLARCOFFER: Yeah.

25 CHAIRPERSON ANDERSON: Well, if you're

1 sitting in front of the camera, if I see a
2 background, I should see you. I'm seeing your
3 background, so that tells me that you're not
4 sitting in front of the camera.

5 MR. ZOLLARCOFFER: I'm sitting
6 directly in front of the camera, sir, I'm not
7 sure.

8 CHAIRPERSON ANDERSON: Why don't you
9 --

10 MR. ZOLLARCOFFER: Let me stop the
11 video, I'll try, and stop, and then start.

12 CHAIRPERSON ANDERSON: Yeah, why don't
13 -- yeah, I mean if I'm seeing your background, I
14 should see you. So, why don't you log off, and
15 log back on, and maybe you will -- or maybe
16 you're a ghost, that's why we're not seeing you.

17 MR. ZOLLARCOFFER: Not sure where to
18 even find that on the laptop.

19 CHAIRPERSON ANDERSON: So, why don't
20 you log off, and log back on, sir? And Mr.
21 Orellana can elevate your rights again. Are you
22 still there Mr. Zollarcoffer? Because I'm still
23 seeing your --

24 MR. ZOLLARCOFFER: I'm here, sir, I'm
25 just trying to get the video to show. I'm

1 working with Jose right now to see if I can get
2 it to go.

3 CHAIRPERSON ANDERSON: Well, while
4 we're waiting, let's have the parties identify
5 themselves for the record. Let's start with Mr.
6 Kline.

7 MR. KLINE: Yes, good morning. Andrew
8 Kline, A-N-D-R-E-W Kline, K-L-I-N-E, here on
9 behalf of Air.

10 CHAIRPERSON ANDERSON: And is the
11 licensee here?

12 MR. ANDARGIE: Yes, this is Henock
13 Andargie, owner at Air.

14 CHAIRPERSON ANDERSON: Can you spell
15 your name for the record, please sir?

16 MR. ANDARGIE: Yes, Henock, H-E-N-O-C-
17 K, last name is Andargie, A-N-D-A-R-G-I-E.

18 CHAIRPERSON ANDERSON: Good morning,
19 thank you. I see Sergeant Vernick, I don't see
20 you, but I see you're on the screen. Can you
21 please turn your camera on, and identify yourself
22 for the record please? Mr. Orellana, do you know
23 what's going on with Sergeant Vernick?

24 MR. ORELLANA: Sergeant -- okay.

25 MR. VERNICK: Sergeant Vernick,

1 Metropolitan Police Department, sorry about that.

2 CHAIRPERSON ANDERSON: All right, so
3 can you please spell your name, sir?

4 MR. VERNICK: V as in victory E-R-N-I-
5 C-K.

6 CHAIRPERSON ANDERSON: All right,
7 thank you. Mr. Zollarcoffer, now I can see you,
8 can you please identify yourself for the record
9 please?

10 MR. ZOLLARCOFFER: Yes, sir. Good
11 morning Mr. Chairman, members of the boards, my
12 name is Jeremy Zollarcoffer, it's J-E-R-E-M-Y Z-
13 O-L-L-A-R-C-O-F-F-E-R.

14 CHAIRPERSON ANDERSON: All right, good
15 morning sir, good morning. All right, Mr. Kline,
16 this is a fact finding hearing, and as you're
17 aware, at a fact finding hearing, the board is
18 just collecting information about an event that
19 occurred on December 17th, 2022. The board has
20 not made any determination about what our final
21 action is.

22 We're just collecting information. As
23 you are aware, the parties are not under oath,
24 the board cannot order your client to take any
25 specific action, and at the end of this hearing,

1 the options that the board has is to either no
2 further action, or just submit this report to the
3 Office of Attorney General for further action.
4 So, those are where we are.

5 And so, basically the background, on
6 December 17th, 2022 a verbal altercation inside
7 the establishment led to the ejection of a
8 patron. The ejected patron attempted to reenter
9 the premises, but was rejected. The shooter then
10 leaves the establishment, or the alleged shooter
11 then leaves the establishment, and after getting
12 into a fight with the victim, pulls out a gun,
13 and shoots the suspect.

14 The report indicates that another
15 person was shot, and that the shooter brandished
16 the weapon towards a group of people. So, I'll
17 have Mr. Zollarcoffer, he can just update the
18 board on the report that he has written. Then
19 it's my understanding that Sergeant Vernick,
20 you're also from MPD, wanted to be here, so you
21 can do your input.

22 And then Mr. Kline, you can speak on
23 behalf of your clients, and I might have some
24 questions for your client. But we'll see where
25 we are. This is where we are. Any questions

1 before we start?

2 MR. KLINE: No, sir.

3 CHAIRPERSON ANDERSON: Thank you. Mr.
4 Zollarcoffer, can you just bring us up to date
5 why we're here today, sir?

6 MR. ZOLLARCOFFER: Sure. So, on
7 Saturday, December 17th, 2022 at approximately
8 1:15 a.m. Investigator Zollarcoffer was
9 monitoring Adams Morgan, and observed several MPD
10 officers, and Fire Emergency Medical Services
11 responding to a call for service around the 2400
12 block of 18th Street Northwest. The incident
13 became taped off immediately by MPD.

14 Investigator Zollarcoffer met with MPD
15 3D Sergeant Dale Vernick, and other on scene MPD
16 officers. MPD advised Investigator Zollarcoffer
17 that there was a shooting that took place, and
18 the victim was laid out on the sidewalk receiving
19 life saving emergency chest compressions.

20 Investigator Zollarcoffer entered Air Restaurant
21 to assist in gathering any interior, or exterior
22 video surveillance that might have caught the
23 shooting incident on video that took place
24 directly outside of the establishment.

25 Investigator Zollarcoffer made contact

1 with ABC Manager Mohaiw Adeen, and informed him
2 of the shooting incident, and that ABRA, and MPD
3 are trying to locate where these two individuals
4 were prior to the incident. While reviewing, and
5 searching video footage inside of Air Restaurant,
6 Investigator Zollarcoffer spoke with the owner,
7 Mr. Henock Andargie, via telephone.

8 And requested all interior, and
9 exterior video footage of the shooting incident
10 that took place be provided to ABRA within 48
11 hours of request. On Tuesday, December 20th,
12 2022, Investigator Zollarcoffer visited Air
13 Restaurant, and met with owner, Mr. Andargie, who
14 provided all video footage as requested.

15 After review of the video footage,
16 Investigator Zollarcoffer determined that both
17 victim, and suspect were inside of Air Restaurant
18 socializing with each other prior to the shooting
19 incident. Investigator Zollarcoffer also
20 determined that the suspect got through the
21 security pat down search checkpoint, entered Air
22 Restaurant with a loaded handgun, exited the
23 establishment, and committed a homicide directly
24 after walking out the front door of Air
25 Restaurant.

1 I do have some video exhibits to share
2 if I share my screen.

3 CHAIRPERSON ANDERSON: You can share
4 the video rather than you just reading your
5 report verbatim, just summarize what is it that
6 occurred. But you can show us the video just to
7 bring us -- provide some information. So, Mr.
8 Orellana, can you allow Mr. Zollarcoffer to share
9 his screen please?

10 MR. ORELLANA: Okay.

11 CHAIRPERSON ANDERSON: Thank you.

12 MR. ZOLLARCOFFER: One second please.
13 So, the first, I'll show you Exhibit No. 5.
14 Exhibit No. 5 is going to show the victim
15 entering the establishment first. Are you able
16 to see?

17 CHAIRPERSON ANDERSON: Yes, sir.

18 MR. ZOLLARCOFFER: I'll point him out
19 when he comes up. So, that's him coming up right
20 now. Hold on a second. This is the victim
21 walking up the stairs into Air Restaurant, right
22 here at the curb. This just shows him entering.
23 I'm going to show Exhibit No. 6, it shows the
24 suspect entering Air Restaurant. The suspect
25 being this guy right here with the grey sweater,

1 and brown Timberland boots.

2 The suspect appears to handshake the
3 security, and get pat searched briefly coming in.
4 I have another view of that, him coming up the
5 stairs, which I can show. These are the three
6 others that came in with the suspect. Suspect
7 coming in last right here. Entering Air
8 Restaurant. I'll also show Exhibit No. 7,
9 Exhibit No. 7 shows the alleged aggressor, the
10 victim after the verbal altercation.

11 Excuse me, I'm going to go to Exhibit
12 No. 4, I apologize. Exhibit No. 4 shows the
13 victim, and suspect socializing inside of Air
14 Restaurant, and then get into a verbal
15 altercation prior to the shooting. Exhibit No.
16 4. This is the suspect, you'll see the victim
17 walk over here, and kind of join the group here,
18 and get into whatever they're getting into.

19 It appears this person right here had
20 an issue with the victim first?

21 CHAIRPERSON ANDERSON: What person to
22 the --

23 MR. ZOLLARCOFFER: With the cursor,
24 can you see the cursor?

25 CHAIRPERSON ANDERSON: Yes.

1 MR. ZOLLARCOFFER: It appears he got
2 into some type of issue with the victim first,
3 because he kind of, if you can see the body
4 language come. Let me get to the exact point
5 here.

6 CHAIRPERSON ANDERSON: Where was this
7 Mr. Zollarcoffer? Where was this in the
8 establishment?

9 MR. ZOLLARCOFFER: I believe this is
10 on the second floor summer garden, it's an
11 outdoor, kind of a deck summer garden, I believe
12 so. Words are apparently exchanged, his crew
13 kind of gets up. I think this is where security
14 intervenes, and separates the alleged aggressor.
15 So, they sit back down at approximately -- let me
16 get to the point here, I think 2:45.

17 So, at this point they had been
18 separated. You'll see security staff come over,
19 and kind of acknowledge, here they are right
20 here, that he's kind of been kicked out, or I'm
21 not sure what the message was relayed at this
22 point, but they exchange a handshake, and I
23 believe that's when he tells him that the other
24 aggressor has been kicked out.

25 Where was I? So, I'm going to show

1 Exhibit No. 7, shows the alleged aggressor,
2 victim after the verbal altercation being
3 escorted outside of the establishment by security
4 staff. You'll see him come over, and sit down in
5 his chair while he waits for security to make
6 their mind up on whether he's going to be removed
7 from the establishment, or not, I believe.

8 This is just another view of when they
9 were initially separated I believe. He sits down
10 in the chair. Security makes their way over to
11 him, and this is when they remove him from the
12 establishment. I'll show now Exhibit No. 8.

13 Exhibit No. 8 shows the victim attempting to
14 reenter the establishment, but is denied by
15 security at the front door.

16 CHAIRPERSON ANDERSON: So,
17 approximately how long after?

18 MR. ZOLLARCOFFER: That he attempted
19 to try, and come back in?

20 CHAIRPERSON ANDERSON: Yes.

21 MR. ZOLLARCOFFER: I believe it was
22 immediately.

23 CHAIRPERSON ANDERSON: Okay.

24 MR. ZOLLARCOFFER: He was removed from
25 the establishment, and he left his friend, he

1 walked in, I believe with one other. And he was
2 out there by himself trying to get back in after
3 he was just kicked out, and he was denied. So,
4 he kind of sits around here for a few minutes
5 trying to negotiate with the security staff to
6 let him back in, and he's unsuccessful in getting
7 back in.

8 They talk for awhile. He hangs out
9 there for several minutes, and then kind of walks
10 away, but stays in the immediate area right
11 around here. Next I'll show Exhibit No. 9, shows
12 the suspect exiting the establishment
13 approximately ten minutes later. You'll see him
14 walk by, he leaves pretty quickly, and appears to
15 be by himself walking, and leaving.

16 He has a black jacket with a hood on,
17 you'll see him pass, and walk down. That's him
18 right there, leaving. Exhibit No. 10 shows the
19 suspect exit the front door of the establishment,
20 walk directly up to the victim on the sidewalk.
21 The two individuals appear to exchange brief
22 words, and then the victim appears to punch the
23 suspect in the face.

24 The suspect then steps away, reaches
25 into his waistline, pulled out a handgun, and

1 fired approximately nine rounds at the victim.
2 The victim was pronounced dead on the scene by
3 Dr. Robert Holman, medical director from D.C.
4 FEMS at approximately 1:40 a.m. That's him
5 leaving now, they kind of go over to this corner
6 here where the cursor is. That's the victim
7 right there, standing with the black jacket.

8 That's the suspect standing next to
9 him right here. You see the suspect? I'll let
10 you watch. You'll see the suspect flee going
11 northbound on 18th Street. I'll run it back
12 again. The victim is right here, he appears to
13 punch the suspect first, which creates a
14 separation. The suspect then reaches into his
15 waistline, pulls out a gun, and shoots several
16 rounds, I counted approximately nine rounds.

17 CHAIRPERSON ANDERSON: So, let's back
18 up a little bit Mr. Zollarcoffer. Now, the
19 shooter, you're saying that -- was the shooter
20 the person who entered the club, and greeted the
21 security guard, and they did a handshake with
22 security, and then he entered the establishment?
23 Was that the person that we're talking about?

24 MR. ZOLLARCOFFER: That is correct.
25 I can pull that video back up, but the shooter is

1 the same person as the suspect who --

2 CHAIRPERSON ANDERSON: So, when he
3 entered the establishment, he greeted the
4 security by doing a handshake, and then the
5 security did some type of pat down, is that
6 correct?

7 MR. ZOLLARCOFFER: That's correct.

8 CHAIRPERSON ANDERSON: And so, you're
9 saying then that it would appear that -- well,
10 let me ask you a question. Based on the video
11 that you have, when the suspect exited the
12 establishment, did it appear that he went to a
13 car, or did he go directly to the victim?

14 MR. ZOLLARCOFFER: No, he went
15 directly to the victim. You can see him -- this
16 view that you're looking at, Exhibit No. 10 is
17 the front door of the establishment. So, he
18 walks directly out of the front door, he
19 immediately goes over to this little corner,
20 which is to the left of the entrance if you're
21 walking out, and he gets into some type of
22 additional verbal altercation with the same
23 person he had a problem with upstairs.

24 And that's when he pulls out his
25 weapon, and shoots him.

1 CHAIRPERSON ANDERSON: The question I
2 was trying to ask you, does it appear that the
3 suspect had contact with anyone else after he
4 exited the club -- I'm sorry, the restaurant,
5 prior to him interfacing with the victim?

6 MR. ZOLLARCOFFER: Absolutely not, I
7 don't believe that's the case. I believe he had
8 the weapon on him, he walked directly out. I
9 don't see anybody pass off any weapon, or
10 anything like that.

11 CHAIRPERSON ANDERSON: So, you're
12 saying that it would appear that the suspect went
13 in the establishment with a weapon, left with a
14 weapon, and then it would appear that without
15 having any other interaction with anyone else
16 outside, that person utilized the weapon to
17 commit a crime, is that what the video would tend
18 to show?

19 MR. ZOLLARCOFFER: That's correct,
20 sir.

21 CHAIRPERSON ANDERSON: All right, go
22 ahead.

23 MR. ZOLLARCOFFER: So, this is my
24 final exhibit, Exhibit No. 10. This basically
25 shows the shooter, the suspect leave the

1 establishment, re-engage with the person he just
2 had a problem with on the sidewalk directly after
3 walking out the front door. And had -- and
4 committed a shooting, and homicide right out
5 front. So, this is my final exhibit for video
6 exhibits.

7 CHAIRPERSON ANDERSON: You can close
8 your screen, what else do you have to share to
9 summarize your report?

10 MR. ZOLLARCOFFER: That's it, I'm
11 available for any questions, but --

12 CHAIRPERSON ANDERSON: But let me ask
13 you a question, based on the report, did you find
14 any potential violation by the establishment?

15 MR. ZOLLARCOFFER: No, I didn't find
16 any additional violations. They currently have a
17 -- they're a restaurant CR license, they do have
18 a security plan, which is kind of vague. There
19 was a settlement --

20 CHAIRPERSON ANDERSON: What does their
21 security plan speak to regarding pat down, what
22 is it that is supposed to occur when someone
23 approaches the establishment? Is that covered in
24 their security plan?

25 MR. ZOLLARCOFFER: I don't believe so.

1 It focuses more on security training, ID
2 checking, making sure -- front door staff must ID
3 check for anyone who reasonably appears less than
4 21 years old. It goes over procedures for
5 handling intoxicated patrons, conflict
6 resolutions, nothing on the entrance, more on pat
7 searches specific, or any kind of warning, or
8 anything like that.

9 They do have wands that I've seen
10 upstairs when I went up, and they use them
11 periodically, but nothing is written, or required
12 of them to do it. I know after monitoring --
13 after the fact of this incident, I did see the
14 following night that they started using hand
15 wands as extra precaution.

16 CHAIRPERSON ANDERSON: Now, let me ask
17 you a question. You said that the security plan
18 talks about conflict resolution. Conflict
19 resolution for whom?

20 MR. ZOLLARCOFFER: It states right
21 here, if you observe an altercation inside -- I
22 believe this is addressed to their security
23 staff. If you observe an altercation inside of
24 the establishment, you are to attempt to diffuse
25 the situation in a non-aggressive manner, and

1 call additional staff for assistance. If the
2 altercation occurs between two parties, firstly,
3 your goal is to separate the two parties.

4 Then ascertain the aggressor, and
5 escort outside the establishment. If the
6 situation appears to be uncontrollable, security
7 personnel should contact MPD for assistance. I
8 don't believe that they called MPD of any issues,
9 because I don't believe that they were aware that
10 it started in their place, and it happened out on
11 the street.

12 I think the ShotSpotter was the
13 initial notification that there's been a
14 shooting, and it kind of narrowed it into that
15 area, and that's when they found the victim
16 laying on the sidewalk. And then I teamed up, I
17 asked Sergeant Dale Vernick where should we look?
18 So, immediately I saw that Air had video
19 surveillance, so I said let me see if they were
20 able to catch this video, and they did.

21 CHAIRPERSON ANDERSON: So, did you
22 have an opportunity to speak to security of the
23 establishment?

24 MR. ZOLLARCOFFER: No, I didn't. I
25 spoke with ABC manager, I believe there was a

1 head of security up there, who I spoke with
2 briefly, but no, nothing -- I spoke with the
3 owner, and I spoke with the ABC manager.

4 CHAIRPERSON ANDERSON: I guess what
5 I'm trying to find out, were you able to
6 ascertain why did security escort one person out
7 of the establishment?

8 MR. ZOLLARCOFFER: I can't confirm
9 exactly why, but I believe it was because they
10 got into some type of verbal altercation in the
11 summer garden. The victim appeared to be the
12 aggressor, so per their policy, now that I'm
13 reading, they escort the alleged aggressor out of
14 the establishment first.

15 CHAIRPERSON ANDERSON: And so, their
16 security plan just says they escort the person
17 out, and that's all?

18 MR. ZOLLARCOFFER: Yeah.

19 CHAIRPERSON ANDERSON: Is there
20 anything else about what is it that they're -- I
21 guess I'm just trying to find out, in the
22 security plan itself, it doesn't state what
23 procedures should they follow, they just escort
24 the person out, and that's it?

25 MR. ZOLLARCOFFER: Yeah, and if it

1 becomes uncontrollable to notify MPD, that's more
2 specific. They have a note here for security
3 training, so this security that they have is all
4 trained in house. So, all security personnel
5 will be trained in house on procedures to keep
6 staff, and customers safe. Inside security is
7 responsible for maintaining order, and ensuring
8 the safety of our patrons.

9 Outside security is responsible to
10 check Ids, maintaining peace, and order, visibly
11 intoxicated individuals are not to be admitted.
12 Nothing more specific on entrance, or pat downs
13 in the security plan.

14 CHAIRPERSON ANDERSON: Thank you, Mr.
15 Zollarcoffer. I'm going to ask Sergeant Vernick
16 to add, and then after that the board members can
17 ask questions of the investigator, and the
18 sergeant. Sergeant Vernick, do you have a camera
19 you can turn on sir?

20 MR. VERNICK: Can you see me?

21 CHAIRPERSON ANDERSON: No, I can't see
22 you, sir.

23 MR. VERNICK: I don't know why it's
24 not turning the camera on. Let me try that.

25 CHAIRPERSON ANDERSON: Okay, now I can

1 see you. All right, sir, what is it can you add
2 to this report, sir?

3 MR. VERNICK: So Jeremy, great
4 briefing, I think you hit the nail right on the
5 head. I responded to a ShotSpotter response, I
6 believe it actually came up on Belmont Street,
7 Belmont Place, generally right across the street
8 about a block away from Air Restaurant. Never
9 had a problem at Air Restaurant before, but once
10 we started looking, I think there was -- when we
11 started looking, I believe there was another
12 officer that came over the radio with something
13 about Madam's Organ, and gunshots.

14 So, we zeroed in on that area, got
15 there. I saw actually two marines attempting
16 life saving measures on the victim of the
17 shooting. I saw shell casings in the general
18 area. We found an additional female victim who
19 had been shot in the leg, I believe. I believe
20 she is to be a wholly innocent victim of errant
21 gunfire.

22 And also made contact with the owner
23 of Madam's Organ who stated that the shooter had
24 actually threatened him with the gun post the
25 shooting. Like right after the shooting he had

1 pointed the gun towards him, and the crowd at
2 Madam's Organ, and then fled north on 18th
3 Street. While I was there, the security guards,
4 and honestly I can't recall if it was the same
5 guy that's in the video.

6 But they offered no information as to
7 the suspect actually coming out of their club.
8 It was pretty much almost dumb luck that we were
9 able to go to the club, and it wasn't so much me,
10 it was Jeremy, and then it was my supervisors,
11 and the homicide squad that came up. From what I
12 understand, the Air Restaurant was cooperative,
13 and was able to -- I believe they were able to
14 view some video that night.

15 But within 48 hours were able to get
16 the entirety of the video that they had.

17 CHAIRPERSON ANDERSON: On an unrelated
18 matter, has the suspect been apprehended, are you
19 aware?

20 MR. VERNICK: Mr. Anderson, I am not
21 aware of the details of the case. Our violent
22 crimes branch tends to hold most of that
23 information pretty close to themselves. I can't
24 even get into the case files to look on my own.
25 They're very secure files.

1 CHAIRPERSON ANDERSON: All right,
2 thank you. Do you have anything else you want to
3 add, sir?

4 MR. VERNICK: No. I do think the
5 little dap up at the beginning when the suspect
6 entered the club, I think it shows knowledge that
7 he was carrying, and I think just based on body
8 language that maybe the security guard knew he
9 was carrying also, so I'm not really cool with
10 that. But as far as the actual club itself, I
11 don't have a problem with the way they conducted
12 business.

13 I do have a little issue with the
14 security company, and how they handled the
15 situation.

16 CHAIRPERSON ANDERSON: Thank you, sir.
17 All right, any questions by the board members of
18 the investigator, or Sergeant Vernick? Go ahead
19 Mr. Grandis.

20 MEMBER GRANDIS: Investigator, in your
21 presenting documents for us today, one of them,
22 and it's been discussed a couple times, was the
23 video of the suspect entering. Did you -- were
24 you able to find a video of the victim entering?

25 CHAIRPERSON ANDERSON: Yeah, he did

1 show us.

2 MEMBER GRANDIS: Well, I thought I saw
3 the victim on the second floor, I meant of him
4 entering the establishment like you have for the
5 suspect.

6 MR. ZOLLARCOFFER: Yeah, so I wasn't
7 provided the front door of the victim walking in.
8 I was able to locate the victim on that first set
9 of steps leading up showing him enter the
10 establishment, but I don't have the front door
11 entrance like I do the shooter.

12 MEMBER GRANDIS: Thank you. And I
13 think you testified that it's only an opinion
14 that when the suspect left the establishment he
15 seemed to go towards where the victim was, as
16 opposed to going to a car, or another location,
17 and coming back, did I hear that correctly?

18 MR. ZOLLARCOFFER: That's correct. On
19 Exhibit No. 10 you can see the suspect leave
20 directly out of the front door, and walk directly
21 over to the victim.

22 MEMBER GRANDIS: I think the Chairman
23 mentioned, and I just want to highlight, I didn't
24 see any video, and because once again, it's a
25 long night, I'm not asking to see all of it, but

1 it does clearly seem, at least in appearance,
2 that the security guard who patted down the
3 suspect before they did the pat down, they did a
4 handshake.

5 And I wonder if you observe, was that
6 characteristic of the security guard giving most
7 people hand checks as they came in, or you did
8 not really have a chance to observe that on
9 video, or directly?

10 MR. ZOLLARCOFFER: No, I don't believe
11 that to be a common scenario. I believe that
12 either he knew them prior, or some type of --
13 maybe he recognized him in that kind of nature.
14 But no, it seemed to me that the suspect walked
15 up like hey, take it easy on me, we good? And
16 gives him a handshake, and then the security
17 guard goes through with his pat search.

18 MEMBER GRANDIS: So, I would say from
19 what you just stated that you would concur with
20 what the police officer has testified to, that
21 from his knowledge of the scene, that the
22 security guard, and the suspect seemed to
23 acknowledge each other, and also I thought he
24 said that he was concerned about the pat down
25 itself.

1 MR. ZOLLARCOFFER: It appeared to be
2 that way. I'm not sure what the words were
3 exchanged, but I certainly didn't see him get his
4 ID checked like other patrons walking in on the
5 video that was provided me.

6 MEMBER GRANDIS: Thank you for adding
7 that, that's helpful.

8 MR. ZOLLARCOFFER: The video that was
9 provided doesn't show him being IDed as well.

10 MEMBER GRANDIS: Did you have a chance
11 to inquire with the establishment to interview
12 the security guard in question?

13 MR. ZOLLARCOFFER: I think the night
14 of, I did request to speak with him, but by the
15 time we got upstairs, MPD, and others to search
16 the video, when I asked where he was, I don't
17 believe he was there. The head of security was
18 out front, so I think that's what delayed it.
19 And then after the fact I didn't make contact
20 with the security guard to get any further
21 details on what was said, or anything at the
22 front door.

23 MEMBER GRANDIS: Just for clarity, you
24 said that when you were looking with the
25 establishment for some video, that the security

1 guard was not visible to you, and you were told
2 he was doing carding at the front door, or had he
3 left? I was just trying to make sure I
4 understood what you said.

5 MR. ZOLLARCOFFER: I can't confirm
6 either way. I just don't believe that he was
7 available, maybe he had left, I don't recall
8 exactly. I remember him not being able to speak
9 for some reason, maybe he was handling something
10 else. I was more so trying to see whether, or
11 not these two were inside, and what happened at
12 that point. Because at that point we didn't even
13 know if the two parties were inside of Air, and
14 we were trying to establish that first.

15 MEMBER GRANDIS: Prior to you being
16 assigned to do the investigation, had you ever
17 done a visit to that establishment while working?

18 MR. ZOLLARCOFFER: I've never done --
19 I'm familiar with the establishment. I never did
20 an official regulatory inspection of the
21 establishment, but I am familiar with the
22 restaurant, and it being there, and them coming
23 on the scene in 2021, I was familiar with the
24 establishment.

25 MEMBER GRANDIS: And in your report,

1 what did you find regarding past violations?

2 MR. ZOLLARCOFFER: Not many, not many
3 at all. They're fairly new, they had one
4 settlement agreement violation, I believe. Let
5 me double check here. At the time the case was
6 written, they had one violation on February 5th,
7 2022 for failure to follow settlement agreement,
8 and the board requested a warning.

9 MEMBER GRANDIS: Thank you. Mr.
10 Chairman, thank you very much.

11 CHAIRPERSON ANDERSON: Thank you, Mr.
12 Grandis. Any other questions by any other board
13 members? Mr. Kline, anything?

14 MR. KLINE: Thank you, Mr. Chairman.
15 Good afternoon, Investigator Zollarcoffer, I hope
16 I pronounced your name correctly.

17 MR. ZOLLARCOFFER: That's correct.

18 MR. KLINE: So, the security footage
19 also has audio, correct?

20 MR. ZOLLARCOFFER: The one video,
21 Exhibit No. 10 is the only one that was provided
22 with audio, I believe that's their Ring system on
23 the front door, which is separate. So, that was
24 the one that was able to provide video, and why
25 you were able to hear the gunshots.

1 MR. KLINE: So, you don't have any
2 knowledge as to what was exchanged between the
3 security guard who did the pat down, and the
4 suspect, do you?

5 MR. ZOLLARCOFFER: No, I'm not sure.

6 MR. KLINE: It's pure speculation,
7 isn't it?

8 MR. ZOLLARCOFFER: Yeah, I'm not sure.
9 Just off of their body language, on how they kind
10 of initially engaged, but to know exactly what
11 was said, I don't know for sure.

12 MR. KLINE: So, if the two knew each
13 other, and the suspect did not have a weapon, and
14 we'll get to whether he did, or not in a minute,
15 but if they knew each other, would the body
16 language have been any different?

17 MR. ZOLLARCOFFER: I'm not sure, I'm
18 not sure that they do know each other. It just
19 appeared that there was an acknowledgment prior
20 to the pat down, that hey, I don't know what was
21 said. But it appeared that there was some type
22 of communication prior to the pat down, and he
23 went in for his slight pat of the inside of the
24 jacket. Nothing more than that.

25 MR. KLINE: So, I mean I think we can

1 conclude that they probably knew each other from
2 what we saw in the video, right?

3 MR. ZOLLARCOFFER: No.

4 MR. KLINE: No?

5 MR. ZOLLARCOFFER: I mean it's all
6 speculation like you had referred to. There's no
7 way to know whether, or not they knew each other,
8 or not.

9 MR. KLINE: So, if they didn't know
10 each other, what would be your theory as to why
11 it was they related to each other in the way that
12 we saw in the video?

13 MR. ZOLLARCOFFER: Kind of similar to
14 when you enter an establishment, and you don't
15 want the security guard to go overboard on the
16 pat search, because they might find something.

17 MR. KLINE: So, your position is you
18 think that the security guards habitually don't
19 do their job simply because an entering patron
20 suggested they shouldn't?

21 MR. ZOLLARCOFFER: No.

22 MR. KLINE: I'm a little confused then
23 as to what it is that you're saying with respect
24 to what you believe went on between those two
25 people.

1 MR. ZOLLARCOFFER: I'm not exactly
2 sure what went on, I'm just sharing --

3 MR. KLINE: Fact of the matter is you
4 don't know.

5 MR. ZOLLARCOFFER: I'm sharing the
6 video of the entrance of the suspect walking in
7 who doesn't appear to be IDed, and is pat
8 searched very lightly, and there's an exchange of
9 a handshake prior to the pat search, so I'm just
10 adding the three up, and providing this
11 information to the board.

12 MR. KLINE: Now, did the suspect to
13 you look like he was under 21 years of age?

14 MR. ZOLLARCOFFER: Very possibly could
15 have been.

16 MR. KLINE: That wasn't my question,
17 whether he possibly could have been. My question
18 is did he appear to you to look like he was under
19 21 years of age?

20 MR. ZOLLARCOFFER: I can't confirm.
21 But an ID check would have confirmed.

22 MR. KLINE: That's not my question.
23 You've seen the video?

24 MR. ZOLLARCOFFER: Yes.

25 MR. KLINE: Do you have an opinion as

1 to how old you think he is?

2 MR. ZOLLARCOFFER: No, I don't.

3 MR. KLINE: None at all? How long
4 have you been an ABC investigator?

5 MR. ZOLLARCOFFER: Four years.

6 MR. KLINE: What did you do before
7 that?

8 MR. ZOLLARCOFFER: I've been in law
9 enforcement for 15 years.

10 MR. KLINE: For 15 years. You're
11 telling me you've been in law enforcement for 15
12 years, and you have no opinion as to how old you
13 think that person is?

14 MR. ZOLLARCOFFER: Would he be 21?
15 Possibly, very possibly, but you never know,
16 these kids, sometimes 19, they look older Mr.
17 Kline. There's no way you can tell unless you
18 ID, unless they knew each other.

19 MR. KLINE: All right, and if they
20 knew each other, it's quite possible that the
21 security guard knew that he was over 21, correct?

22 MR. ZOLLARCOFFER: If that's the case.

23 MR. KLINE: So, if that were the case,
24 would there be any need to ID him at that point?

25 MR. ZOLLARCOFFER: I think it's good

1 practice to ID people. Especially, so that would
2 mean he knew the woman in front of him, the
3 security knew him, and the person following. He
4 didn't ID any of the group that walked in with
5 him.

6 MR. KLINE: Okay, so in your
7 experience, don't these security guards
8 repeatedly work at the same establishment, or
9 indeed work at establishments around town?

10 MR. ZOLLARCOFFER: That's correct.

11 MR. KLINE: And it wouldn't be unusual
12 for them to get to know people that frequent the
13 particular establishment that they're working, or
14 perhaps other establishments around town that the
15 individuals frequent, that wouldn't be unusual,
16 would it?

17 MR. ZOLLARCOFFER: Sure, that could be
18 common practice. But like when even Sergeant
19 Dale Vernick went to go ask whether, or not he
20 knew this person entering, the head of security
21 who was there denied, or didn't know the person,
22 saying I don't know who.

23 MR. KLINE: Okay, but the head of
24 security was not the person that had the exchange
25 with the suspect, was it?

1 MR. ZOLLARCOFFER: I'm not sure.
2 Maybe Sergeant Vernick can speak to that, but --

3 MR. KLINE: We'll get there in a
4 minute. I'm asking what you know at this point.
5 So, it's reasonable to presume that a security
6 guard who regularly works in front of night life
7 establishments might know some of the patrons,
8 right?

9 MR. ZOLLARCOFFER: Absolutely.

10 MR. KLINE: And if a security guard
11 working in front of this establishment, or who
12 commonly worked in front of other night life
13 establishments saw somebody they knew, then it
14 wouldn't be unusual for them to do a hand check,
15 or handshake, would it?

16 MR. ZOLLARCOFFER: Right, exactly.

17 MR. KLINE: It was a greeting, wasn't
18 it?

19 MR. ZOLLARCOFFER: It appeared that he
20 did know him, yes, and that he was allowing him
21 in.

22 MR. KLINE: Okay, he was allowing them
23 in. But he then proceeds to pat him down,
24 correct?

25 MR. ZOLLARCOFFER: Right.

1 MR. KLINE: And you're saying that
2 there's something different in the way that he
3 was patted down than others that you observed on
4 video entering the establishment, the way they
5 were patted down?

6 MR. ZOLLARCOFFER: Well, he only went
7 for the inside of the jacket. He didn't really
8 go around the back of the waistband, he certainly
9 didn't go down the pant leg, or was there any
10 wand out there. So, to me, it's kind of a
11 generic pat down, along with a handshake, and he
12 was allowed into the establishment.

13 MR. KLINE: Okay. Now, you watched a
14 lot of video with respect to this incident,
15 correct?

16 MR. ZOLLARCOFFER: I watched the video
17 that was provided, and you're able to see as
18 well.

19 MR. KLINE: Okay, and were you
20 provided all the video that you requested?

21 MR. ZOLLARCOFFER: Yes, Mr. Henock --
22 Andargie, sorry sir. Yeah, he gave me -- he knew
23 what I was looking for. He knew that there was a
24 shooting, he knew that somebody had been murdered
25 out front, and he was very helpful in getting me

1 specific video so I can try to see who shot this
2 person, and who was killed, and who was the
3 suspect. So, he gathered it together, and it was
4 very helpful.

5 He included both suspect, and victim
6 entering, exiting, the shooting, the front door,
7 yeah. So, the video you see now is all that's
8 been provided to me.

9 MR. KLINE: Okay, and you didn't see
10 on any of the video, there's no video that shows
11 the suspect with the weapon inside the
12 establishment?

13 MR. ZOLLARCOFFER: No, it was -- no.
14 I mean it was hidden.

15 MR. KLINE: Okay, so based on what you
16 concluded, and based on what we've seen in the
17 video, it appears that the suspect exited the
18 establishment with the weapon, correct?

19 MR. ZOLLARCOFFER: That's right.

20 MR. KLINE: All right, but we don't
21 have any way of knowing whether it may have been
22 transferred to him by someone else within the
23 establishment when he was in there, do we?

24 MR. ZOLLARCOFFER: I mean there's a
25 million scenarios.

1 MR. KLINE: Right, there are, aren't
2 there?

3 MR. ZOLLARCOFFER: But it appears that
4 he came in with a weapon, and exited with a
5 weapon.

6 MR. KLINE: And you say he came in
7 with the weapon because of the video covering the
8 pat down, is that the only evidence of that?

9 MR. ZOLLARCOFFER: I'm just going off
10 the fact that he exited the establishment, walked
11 directly out front. So, somebody entered the
12 establishment, he walked out -- excuse me, he
13 left the establishment, and shot this guy
14 directly after walking out the front door. So, a
15 weapon was passed through.

16 MR. KLINE: Right, but we don't really
17 know how it got into the establishment, correct?

18 MR. ZOLLARCOFFER: It appears that
19 this suspect brought it in with him.

20 MR. KLINE: And the appearance of that
21 is based on what, solely on the pat down video,
22 or was there other evidence of that?

23 MR. ZOLLARCOFFER: Well, the pat down
24 video of him entering, and then him exiting, and
25 shooting, and killing somebody right out front.

1 MR. KLINE: Right, but exiting, and
2 entering are two different acts, right?

3 MR. ZOLLARCOFFER: That's correct.

4 MR. KLINE: If you walk out of a place
5 with something, it doesn't necessarily mean you
6 walked in with it, does it? You said there are a
7 million scenarios as to what might have happened,
8 and how it is that he walked out of that
9 establishment with a weapon, right?

10 MR. ZOLLARCOFFER: Right, so I'm
11 assuming on the information that was given to me
12 that he entered the establishment with a gun.
13 Whether, or not --

14 MR. KLINE: I get that, and I'm trying
15 to get at the basis for your assumption.

16 MR. ZOLLARCOFFER: The video that was
17 provided, that's my basis.

18 MR. KLINE: But there's nothing else,
19 it's just the video that was provided?

20 MR. ZOLLARCOFFER: Right. Do you
21 agree that he left the establishment, and shot
22 somebody on the sidewalk?

23 MR. KLINE: I get to ask the questions
24 today investigator, I apologize, but that's the
25 way this works.

1 MR. ZOLLARCOFFER: No, I understand
2 that, but you're trying to paint the picture that
3 it possibly was passed off, but do you agree that
4 this person walked out, and shot, and killed,
5 somebody is dead?

6 MR. KLINE: Look, I fully appreciate
7 that, and the establishment fully appreciates
8 that, and it's tragic, and it's sad, and there
9 isn't any question about that, let's be clear
10 about that, and I'll get to that when I get an
11 opportunity to address that.

12 MR. ZOLLARCOFFER: Let's be very
13 clear.

14 MR. KLINE: Now, in terms of conflict
15 resolution procedures, we talked a little bit
16 about that when you were talking earlier. The
17 establishment followed their conflict resolution
18 procedures with respect to the exchange between
19 the suspect, and the victim, correct?

20 MR. ZOLLARCOFFER: Yeah, I believe so.
21 Initially, the verbal altercation that happened
22 in the summer garden, the two were separated,
23 security made the decision that he was the
24 aggressor, and they kicked him out. So, per
25 their security agreement, they did follow that

1 part.

2 MR. KLINE: Okay. And you said that
3 you're familiar with this establishment? You may
4 not have been assigned to investigate there
5 previously, but you are familiar with it,
6 correct?

7 MR. ZOLLARCOFFER: Yeah, I know that
8 they came on the scene, their initial license was
9 issued October 27th, 2021.

10 MR. KLINE: Okay, and in your previous
11 knowledge, did you have an opportunity to observe
12 the way that they handle their entrance
13 procedures, and their other security protocols?

14 MR. ZOLLARCOFFER: No. I just know
15 that they had a security presence out front, and
16 they do their pat searches, and sometimes they
17 have a wand, sometimes they don't.

18 MR. KLINE: Okay. Mr. Chairman,
19 that's all the questions I have of the
20 investigator. I have one, or two for Detective
21 Vernick.

22 CHAIRPERSON ANDERSON: If he's still
23 there, you're welcome to go ahead, and ask
24 questions, he should still be there. Sergeant
25 Vernick?

1 MR. KLINE: Sergeant Vernick, good
2 afternoon.

3 MR. VERNICK: How are you doing? Is
4 my video going?

5 CHAIRPERSON ANDERSON: Yes, sir.

6 MR. KLINE: Yes, thank you very much,
7 yes. Good afternoon. Now, you said that it was
8 your impression that the security guard had
9 knowledge that the suspect had a weapon?

10 MR. VERNICK: I would say based off my
11 25 plus years of law enforcement experience in
12 reading body language, that it appeared to me
13 that the security guard, and the suspect of the
14 homicide knew each other, and that an improper
15 pat down search was conducted. Let's call it a
16 pat down search for the camera was conducted. At
17 which point, obviously I don't think either party
18 knew that there was going to be a homicide
19 shortly thereafter.

20 But I do, based off the body language
21 of the two, it does appear that the security
22 guard allowed a firearm into the establishment.

23 MR. KLINE: So, it's your conclusion
24 based on that video, based on body language in
25 that video that that security guard knowingly

1 violated his obligation, and allowed a weapon
2 into the establishment?

3 MR. VERNICK: Obviously I don't have
4 any audio to confirm that, but based off my
5 experience dealing with human interaction, it
6 appears that the security guard absolutely knew
7 that he was allowing contraband into that
8 establishment.

9 MR. KLINE: And you base that upon
10 what, the fact that they seem to know each other?

11 MR. VERNICK: Yeah, and the mediocre
12 at best pat down. I'm the close zone sergeant
13 for the U Street Corridor, I don't necessarily
14 work in the Adams Morgan area, but I do see pat
15 down searches, several hundred a night, and that
16 was one of the worst I have ever seen.

17 MR. KLINE: All right, I have no
18 further questions at this time.

19 CHAIRPERSON ANDERSON: Thank you. I
20 have some questions for the owner, Mr. Kline, is
21 he going to speak?

22 MR. KLINE: Yeah, he will, but I'd
23 like to at least make some sort of opening in
24 terms of where we are, and why we're here before
25 we do that.

1 CHAIRPERSON ANDERSON: Go ahead.

2 MR. KLINE: Yes. I do want to say
3 that two lives are potentially shattered, one has
4 ended, and presumably if the suspect has been
5 apprehended, or is apprehended, he's going to be
6 spending a long time in prison. So, it's -- we
7 share that it is just unbelievably tragic, and
8 horrific that are out on a Saturday night, and
9 this is the result.

10 There isn't any question about that,
11 and I don't want that to get lost here. I know
12 why we're here. But I don't want that to get
13 lost. I mean it's just unbelievable that that's
14 where we are. And it's also unbelievable, as Mr.
15 Grandis indicated in an earlier hearing, that we
16 seem to have incidents like this weekly. Whether
17 they be guns, or knives, or other weapons, and
18 it's just -- I don't know how we got here, but
19 we're here.

20 And people like Mr. Andargie, and
21 other operators have to deal with this, and in
22 those cases do what they can, and do the best
23 that they can to deal with this. When we
24 approach these fact findings, as the board knows,
25 and I've said this many, many times before, we

1 think the goal here, there are a few things that
2 we're doing here. One is what happened? Two is
3 what did we do right?

4 Three is what did we do wrong? And
5 four is how can we do better? And the four is
6 the forward looking, and it's what did we learn,
7 what can we do better. So, in this case I want
8 the board to know unequivocally that going
9 forward, and actually it's already started, that
10 there is wandering for everything other than
11 corporate events closed to the public.

12 The security plan will be amended, and
13 will be submitted to the board, which will
14 contain that change. The only reason we didn't
15 do it previously is that we wanted to be before
16 you, and see if there were other items in the
17 security plan that we may want to address, and
18 strengthen. One of those, from what we've heard,
19 and this will be done, will be to strengthen the
20 section of the security plan that deals with
21 conflict resolution.

22 Because I think that that was focused
23 on, and I think it's appropriate that that be
24 fixed. The wandering is already being done, as I
25 said, we'll submit an amended security plan, but

1 there are a lot of guns, and weapons in this
2 town, and this country now, and it's very, very
3 tragic, and it's unfortunate. As I said, two
4 lives are going to end up being shattered, and
5 one ended as a result of this horrific event.

6 And I make Mr. Andargie available for
7 any questions that you might have.

8 CHAIRPERSON ANDERSON: Thank you, Mr.
9 Kline. I've been on this board for seven, and a
10 half years now, and this is the first time I've
11 actually seen the video, this is just not about
12 the establishment, we've seen the video of two
13 individuals that you know that it's not going to
14 end right, and it's somewhat troubling for me,
15 and this is not about the establishment.

16 So, I'm not blaming the establishment,
17 it's just that watching this video was somewhat
18 traumatic for me, because you now know the
19 ending, and that's somewhat upsetting for me
20 unfortunately.

21 MR. KLINE: I mean, I don't think any
22 of us would be human members of a civilized
23 society if we were not very disturbed by what we
24 witnessed in those videos.

25 CHAIRPERSON ANDERSON: All right, so

1 Mr. Andargie, how many people were working
2 security that night? And before, what security
3 company do you utilize?

4 MR. ANDARGIE: We have in house
5 security.

6 CHAIRPERSON ANDERSON: You have in
7 house security?

8 MR. ANDARGIE: We don't have the
9 security outsourced.

10 CHAIRPERSON ANDERSON: So, are the
11 security employees personal employees of your
12 establishment?

13 MR. ANDARGIE: Yes, sir.

14 CHAIRPERSON ANDERSON: And so,
15 typically how many security officers do you have?
16 This is a Saturday night, so what are your --
17 you're a restaurant, you have a restaurant
18 license, so what are your hours of operation?

19 MR. ANDARGIE: On Friday, 5:00 p.m.
20 until 3:00 a.m., and then on Saturday it's 11:00
21 a.m. until 3:00 a.m., and then on Sunday it's
22 11:00 a.m. until 10:00 p.m.

23 CHAIRPERSON ANDERSON: And your
24 kitchen operates until what time on Friday, and
25 Saturday?

1 MR. ANDARGIE: Friday, and Saturday
2 it's roughly about 11:30 p.m. We have a late
3 night menu that somewhat continues until 1:00
4 a.m. depending on how busy we are.

5 CHAIRPERSON ANDERSON: And so what
6 happens -- so, tell me about what happens in your
7 business model -- tell me about what happens in
8 your establishment say between 11:00 p.m. to
9 closing, tell me what's the environment like?

10 MR. ANDARGIE: 11:00 p.m. until
11 closing, people are still -- it just turns into
12 more of people just having drinks, or meeting,
13 staying after dinner, and just listening to music
14 primarily.

15 CHAIRPERSON ANDERSON: Do you have a
16 dance floor?

17 MR. ANDARGIE: We don't really have a
18 dance floor. We have an area for dancing, but
19 it's not a dance area at all.

20 CHAIRPERSON ANDERSON: Prior to asking
21 -- the investigator, and Sergeant Vernick
22 testified, I asked all board members do they have
23 any questions of the two witnesses. And prior to
24 having Mr. Kline asked questions, I asked all
25 board members if they had questions.

1 MEMBER SHORT: No.

2 CHAIRPERSON ANDERSON: Yes, Mr. Short,
3 I asked questions, and that is why Mr. --

4 MEMBER SHORT: Mr. Chair, if I
5 possibly could, and I think that everything would
6 be born out if you look at the rolls, you may
7 have thought you asked after the sergeant
8 testified. The Attorney Kline made some
9 comments, and then you moved directly to
10 something else. No one was asked from the board
11 to ask questions of Sergeant Vernick, if I'm not
12 mistaken, and I could be.

13 But I believe that I missed -- because
14 I waited for the opportunity to question Sergeant
15 Vernick, which I understand you probably will
16 give us a chance to now, but I don't remember you
17 stating on the record does any board member have
18 questions for Sergeant Vernick. Thank you Mr.
19 Chair.

20 CHAIRPERSON ANDERSON: I specifically
21 stated after I questioned the investigator, and
22 Sergeant Vernick, as I said, that board members
23 may ask specific questions of Mr. Zollarcoffer,
24 and I specifically stated that after Sergeant
25 Vernick testified, board members would have an

1 opportunity to ask questions. And Mr. Grandis
2 asked questions of both. You elected not to.
3 But I'll give you an opportunity, sir. I'll give
4 you an opportunity.

5 MEMBER SHORT: I do thank you, Mr.
6 Chair.

7 CHAIRPERSON ANDERSON: All right, sir,
8 so tell me about -- so, you're saying -- what
9 type of endorsements do you have on your license,
10 sir?

11 MR. ANDARGIE: We have the
12 entertainment endorsement. We have the summer
13 garden endorsement, we have, I believe that's --

14 CHAIRPERSON ANDERSON: Do you have a
15 cover charge?

16 MR. ANDARGIE: No, we don't have a
17 cover charge but we have the permission do that
18 on our license as well.

19 CHAIRPERSON ANDERSON: So, on that
20 night how many people were working security?

21 MR. ANDARGIE: We had nine on that
22 night.

23 CHAIRPERSON ANDERSON: So, tell me the
24 placement of security, so how many people were
25 working in the interior, and how many people were

1 working outside?

2 MR. ANDARGIE: For that night,
3 depending on the time of night, we have at least
4 two to three individuals on the front area, and
5 then we have people on -- there's nobody on -- we
6 don't have the first floor, so it's primarily
7 just the second floor, and then a mezzanine on
8 that second floor that leads to the outdoor
9 summer garden. So, we have --

10 CHAIRPERSON ANDERSON: Okay.

11 MR. ANDARGIE: So, we have three
12 essentially on that exterior front part. And
13 then we have the rest on the main floor, which is
14 the second floor of the space, and then we have
15 additional security on the mezzanine, as well as
16 one on the outdoor portion.

17 CHAIRPERSON ANDERSON: And so what is
18 your occupancy as per your ABC license?

19 MR. ANDARGIE: Let me pull that out,
20 it's 250 I believe.

21 CHAIRPERSON ANDERSON: not your
22 certificate of occupancy, but on your ABC
23 license, your ABC license is 250?

24 MR. ANDARGIE: Yes, I believe it does
25 say 250, I will double check right now. It's

1 actually, our capacity is 300, but our settlement
2 agreement is 250.

3 CHAIRPERSON ANDERSON: All right,
4 thank you. So, what is the admissions process to
5 -- you said you're in late night, so you're a
6 restaurant, so we're now talking about late
7 night, say maybe 10:00, 11:00, what's the
8 admissions process to enter the establishment?

9 MR. ANDARGIE: The process is ID, then
10 followed by a pat down search. This was at that
11 time, now we have added the wandering as well. But
12 that's essentially the intake procedure for when
13 people arrive at the front door. We first check
14 their IDs, then we do a pat down search.

15 CHAIRPERSON ANDERSON: So, how would
16 you describe -- so, who does the training for
17 security?

18 MR. ANDARGIE: The head of security,
19 which is Wolford Perry.

20 CHAIRPERSON ANDERSON: Was that the
21 person who did the pat down in the video?

22 MR. ANDARGIE: No, it's not.

23 CHAIRPERSON ANDERSON: Now, so would
24 you consider the pat down that was done at the
25 front door, was that appropriate?

1 MR. ANDARGIE: It was -- I'm not
2 really a person that is in the security business,
3 so I don't necessarily know what is considered
4 proper, per se. But of course I would like a
5 more thorough search in the future, and that's
6 how we -- and usually how people are searched a
7 little bit more, I guess involved, as far as like
8 -- but he did have a lot of winter clothing on as
9 well.

10 So, there is that. So, I would
11 prefer, of course, a more thorough search, yes.

12 CHAIRPERSON ANDERSON: Now, does this
13 individual, the person who was working the door
14 during the night in question, is this person
15 still employed by the establishment?

16 MR. ANDARGIE: I believe he still is,
17 but not at the front door, intake area.

18 CHAIRPERSON ANDERSON: So, do you know
19 whether, or not the victim, and the shooter, do
20 you know whether, or not they were regular
21 patrons at your establishment, or were they known
22 to your establishment?

23 MR. ANDARGIE: I am not positive as to
24 how regular they were as far as patrons. I
25 believe the one, the suspect was -- has

1 frequented there before.

2 CHAIRPERSON ANDERSON: Now, did you
3 have an opportunity to speak to your security
4 about the -- about what occurred for them to
5 escort one individual out, do you know what
6 happened?

7 MR. ANDARGIE: From my understanding,
8 I believe the person that ended up being the
9 victim was being loud, and they were just
10 essentially being irate about something. But was
11 asked, and he seemed very calm when he was asked
12 to leave the place. And I think in the video it
13 shows that he comes over to the other side of the
14 outdoor area, and he waits as security escorts
15 him out of the space.

16 But he was viewed as the person that
17 was the aggressor at that point.

18 CHAIRPERSON ANDERSON: I don't know
19 what I saw on that video. I saw a bunch of
20 people standing around, and I saw people had
21 money in their hands, and then I saw someone came
22 over, and then -- so, what was going on for your
23 security to determine that this person's the
24 aggressor, for them to escort the person out?
25 Because I'm seeing --

1 MR. ANDARGIE: He was, from my
2 understanding, he was yelling, or his voice was
3 being heard in an aggressive tone, so he was
4 asked to leave at that point. And that's when
5 they -- essentially security saw that something
6 might be bubbling, at which point they separated
7 that individual from that area.

8 CHAIRPERSON ANDERSON: So, what is
9 your procedure for escorting someone out of the
10 property? Tell me from beginning to end, what's
11 the procedure?

12 MR. ANDARGIE: The procedure is, when
13 there's a verbal -- depending on if it's a
14 verbal, or physical altercation, this one was a
15 verbal altercation. So, the parties were
16 separated. One individual was with one security
17 person, that was viewed as the aggressor. They
18 talked to him, he seemed to be compliant, and we
19 waited for another security member to help escort
20 this individual to the bottom floor.

21 And he was followed down the stairs
22 with two security people, and there was one at
23 the top of the stairs.

24 CHAIRPERSON ANDERSON: But, so when
25 someone is escorted out, are they escorted out,

1 and left at the front door, and then turned back,
2 or what happens? That's what I'm trying to find
3 out.

4 MR. ANDARGIE: Yeah, so it was viewed
5 as just a verbal altercation, and the guy just
6 was escorted outside the space. It wasn't
7 necessarily viewed as a very -- it wasn't a
8 physical altercation, it wasn't anything of the
9 sort, where it was something where we had to
10 address, or call police for. It was just an
11 argument that we asked the individual, and they
12 seemed to be familiar with each other, I believe.

13 So, we just asked that individual to
14 be escorted out of the space.

15 CHAIRPERSON ANDERSON: And the video
16 showed that he tried to get back in the space?

17 MR. ANDARGIE: Yes, sir.

18 CHAIRPERSON ANDERSON: And the video
19 also showed that he was not allowed back in the
20 space, but he still was hanging around the front.
21 I mean is this, do we -- I know that it's public
22 space, but is this typically what we do? I mean
23 are you allowed to ask the person to move along
24 from the -- I'm just asking, because in this
25 particular case he tried to get back in, and he

1 was still hanging out at the front of your
2 business.

3 MR. ANDARGIE: From my understanding,
4 I don't believe we have the right to do that, and
5 I think sometimes that might escalate a certain
6 situation, if you tell somebody you're not
7 allowed to be in front of the space, or business.
8 So, sometimes that is something that we don't
9 necessarily have control of.

10 MR. KLINE: If I could jump in here,
11 and I'll defer to Sergeant Vernick, but I mean, I
12 think they can ask that they move along, but
13 after that --

14 CHAIRPERSON ANDERSON: I was just
15 asking what is it that the club normally does.
16 Because here it is that you escort someone out,
17 and that the person attempted to get back in, and
18 so the person's still hanging around. So, I'm
19 just trying to figure out what it is that they
20 do. Because you clearly have an altercation that
21 occurred inside.

22 You place someone outside, and they're
23 trying to get back in, and they're still hanging
24 out there, so there's a potential for something
25 to happen, because the person, this individual

1 didn't just say okay, fine, I'm leaving, and just
2 leave the area. The question I'm asking, and I
3 don't know who, I mean does it appear to you,
4 sir, that a weapon was brought inside based on
5 the video that we've seen?

6 Does it appear to you that a weapon
7 was brought inside of your establishment?

8 MR. ANDARGIE: I'm not sure if there
9 was a weapon brought inside the establishment,
10 but it's certainly possible.

11 CHAIRPERSON ANDERSON: Because the
12 shooter came into your establishment, and the
13 shooter left your establishment, and it doesn't
14 appear that there was any interaction with anyone
15 else outside the establishment before the shooter
16 shot the person. So, it would tend to show that
17 the shooter got access -- if he did not enter the
18 establishment with a gun, that at some point he
19 was able to have, or to get a weapon inside the
20 establishment for him to come out, and shoot
21 someone.

22 I guess what I'm just saying, based on
23 the chain I'd ask whether, or not when the
24 shooter exited the establishment, did he have any
25 interaction with anyone else, did he go to his

1 car? But it would appear that he just came out
2 of your establishment, went to the victim, had
3 some type of contact, and then immediately shot.
4 So, I guess what I'm saying, it would appear that
5 someone got into your establishment with a
6 weapon.

7 MR. ANDARGIE: Yes, it appears.

8 CHAIRPERSON ANDERSON: And I guess
9 moving forward, if you eject someone from the
10 establishment, and they're still hanging around
11 the establishment after the ejection, what is it
12 that you think that your establishment can do?

13 MR. ANDARGIE: As far as what we can
14 do is, I guess trying to tell the individual --
15 to be honest with you, I'm not sure if our staff
16 had told him to move along, or not. But he was
17 denied entry, and he seemed to drift away from
18 the field of view, so I don't know how far
19 necessarily we can ask him to leave the space, or
20 leave the area.

21 Because in some instances there are
22 people that have friends inside, or somebody has
23 significant others, or something along those
24 lines. So, there is some limitations in the
25 practicality of what we can say to them, as far

1 as legally what we can as well. So, I just -- we
2 can just -- I don't know where else we can go
3 with it as soon as they're outside of the space,
4 as far as directing them, or asking them to do
5 certain things.

6 MR. KLINE: Mr. Chair, if I may, I'm
7 going to recommend that we put in the security
8 plan that individuals that are escorted from the
9 establishment be asked to leave the area, and
10 told if they don't leave the area that MPD will
11 be contacted. Now, I'm not saying we're going to
12 contact MPD every single time, because that may
13 not be warranted, and that's a judgement call.

14 But asking them to leave the area, and
15 saying that MPD will be contacted may have the
16 effect of getting most people to move along. And
17 if they don't, then I think a decision has to be
18 made by trained security at that point as to what
19 to do next, in terms of whether it's warranted to
20 call MPD at that point.

21 CHAIRPERSON ANDERSON: Fine, thank
22 you, you know we can't order you to do anything,
23 but you have volunteered to add the security
24 plan, so that a legally sufficient security plan
25 be provided to the agency within 30 days, that it

1 will address wanding, it will address conflict
2 resolution, and as you stated, if someone is
3 escorted outside the establishment, the
4 procedures that the security will follow to
5 advise the person to the extent that they're able
6 to advise them to move along.

7 All right, Mr. Short, you can have an
8 opportunity to ask questions of Sergeant Vernick,
9 and you can also ask questions of the licensee.

10 MEMBER SHORT: Thank you very much,
11 this is for Sergeant Vernick, if he's still with
12 us, Mr. Chair?

13 CHAIRPERSON ANDERSON: He's still on
14 the line, sir.

15 MEMBER SHORT: Hello Sergeant Vernick,
16 thank you for your service to our city. How many
17 years have you served in public safety in MPD?

18 MR. VERNICK: I'm been with MPD coming
19 up on 20 years here in July, and a total of 25
20 years in law enforcement, plus a bachelor's
21 degree in criminal justice.

22 MEMBER SHORT: Thank you so very much
23 for your service, and all you bring to the city.
24 So, your testimony will be very important to me,
25 and to our board regarding this situation. Now,

1 you said something about your responsibilities
2 with night life in the vicinity of that area, or
3 some part of the city, can you briefly explain to
4 us again what that is?

5 MR. VERNICK: Yes, sir. I am a
6 sergeant out of the third district. My primary
7 role is I run the night life unit, which
8 essentially covers the U Street Corridor. U
9 Street one, or two blocks north, or south from
10 14th down to 9th, to include the 1900 block of
11 9th Street, and we even kind of kick that over
12 towards Georgia Avenue, because some newer clubs
13 have moved slightly out of that area.

14 So, I run a team of about 12 officers,
15 and they are highly trained in dealing with
16 everything from violent crime, to bar fights, to
17 helping out some of our regulators with ABRA, and
18 the fire department. Also I deal with a lot of
19 the traffic control officers, DPW, tow cranes,
20 all that for the night life task force.

21 MEMBER SHORT: Okay, that sounds like
22 you've really got your hands full, and that you
23 are quite apt at dealing with it, and giving this
24 board some information that might help us make
25 the appropriate recommendations we're going to

1 make after this hearing. On this particular
2 area, on 18th Street, let's just say on your beat
3 period, in the third district with night life.

4 Has weapons inside of clubs, or inside
5 of the establishments with ABC licenses, how
6 would you describe that now versus five years
7 ago?

8 MR. VERNICK: So, I have only been a
9 night life sergeant for about four years. I will
10 say that since the task force, the task force
11 that I'm part of came into effect back in June
12 with multi government agencies, I want to say
13 just during the hours of our task force while
14 we're working, I think my last count was 59
15 firearms, and that's been in the last, let's call
16 it nine, ten months of working.

17 MEMBER SHORT: So, just firearms
18 alone, 59, how about knives, or other weapons, or
19 what could be considered to be a weapon that
20 could injure a person inside of an ABC
21 establishment? You said 59 guns, what about
22 other weapons, knives, and this is double
23 layered. So, the 59 guns, and whatever you're
24 going to give us about knives, and other
25 offensive weapons.

1 What has been your vision of how we
2 stop this? Thank you.

3 MR. VERNICK: Mr. Short, honestly,
4 thank you for asking. So, honestly, knives are
5 not illegal in the District of Columbia.
6 Generally if someone's trying to enter a club
7 with a knife, it has been my experience that if
8 caught by security, security will either take it,
9 and whether they get it back afterwards, I'm not
10 sure, and, or tell people to return it to their
11 vehicles.

12 I have only had maybe one, or two
13 serious crimes committed with knives. Do get a
14 little pepper spray here, and there that comes
15 into the clubs. But the majority of our violent
16 crimes stems from firearms, and like I said,
17 during the task force hours of operation, since
18 June time frame, we've gotten 59 firearms during
19 our regular tours of duty out of the U Street
20 Corridor.

21 Not necessarily in clubs, but right in
22 that immediate area. So, gun violence
23 particularly, has, I believe picked up
24 dramatically throughout the city. So, what I see
25 in the U Street Corridor is most of the clubs do

1 some kind of wanding procedure. But what then
2 happens is people don't leave their guns at home,
3 they leave them in their cars. Now we deal with
4 a lot of thefts from auto, and then people
5 breaking into cars.

6 Not necessarily looking for money,
7 phones, laptops, whatever, but they're looking
8 strictly for guns, and they're getting them, we
9 get several a week.

10 MEMBER SHORT: Okay, now nationally,
11 as well as locally, which we're talking about
12 today, guns have seemed to be just a terrible
13 problem. This is my better than 8th year with
14 the ABC board, besides my years as public safety
15 with other agencies in the district government,
16 and I am established at the number of guns inside
17 of nightclubs in the District of Columbia within
18 the last eight years, or so.

19 Especially within the last three to
20 four years. Are there any recommendations that
21 you as an MPD sergeant with the task force would
22 say to an owner of any night club, or any ABC
23 establishment in the district that might help
24 situations like the one we are here having the
25 hearing about today?

1 MR. VERNICK: Yeah, Mr. Short, I'd
2 like all the owners, because I know that this is
3 on public record, to know that I'm available. I
4 can be reached via email through my government
5 email system, dale.vernick@dc.gov, at any time,
6 and I would be more than happy to do a one on one
7 with them, and talk to them about security. Talk
8 to them about their security plan, cameras,
9 magnetometers.

10 I think wandling is okay, I think it's
11 a stop gap. I think legit magnetometers like you
12 would see at an airport, I do know that there's a
13 couple clubs that have gone to those, and it
14 really seems to keep the guns out of the club. I
15 do think that even in a situation like the one we
16 had here, the guy running the magnetometer could
17 just turn it off, and still wand the guy, and it
18 would look like he wanded him appropriately.

19 So, I think you need something that's
20 a little bit more error -- so you couldn't defeat
21 it as easily. I mean if you're trying to get a
22 gun, or kill somebody, or do whatever, you're
23 going to do it. But I don't think this was one
24 of those situations, I think this was a situation
25 that just kind of happened.

1 And to the owner, I really, when you
2 were asked the question about the guy, once he
3 was put out of the club, asking him to leave,
4 like your attorney said, maybe the threat of
5 calling the police will help, it's been my
6 experience that it doesn't. But I do say you
7 really don't have the right to tell people to not
8 stand in front of your bar.

9 We even run into that problem as fully
10 dressed officers, so I get it, it's a tough
11 problem in the city right now.

12 MEMBER SHORT: Okay, now another thing
13 that has come to our attention here on the board
14 dealing with public safety is our council has
15 passed, or is in the processing the security
16 guards for these night clubs, restaurants, places
17 that sell alcohol, and anything in the public,
18 that their security be registered, and that their
19 security have some training from MPD. What is
20 your opinion on that?

21 MR. VERNICK: I think it sounds great
22 in theory. I don't know if MPD has the ability
23 to do that. I have actually had several night
24 club owners requesting that through ABRA, there
25 is some kind of training for conflict resolution,

1 whether it's hiring an outside company, but
2 honestly for all the night clubs.

3 Because most things that happen
4 outside the night club, actually happen in the
5 club first, and then they just come outside. So,
6 we don't really go into a lot of night clubs, not
7 until after the fact. Most owners don't want us
8 inside there, and honestly I don't like taking my
9 firearm, and my weapons, and all that stuff into
10 a packed night club, it's too tight, and it gives
11 you a slightly -- it makes things a little bit
12 more dangerous than just waiting outside.

13 So, I do think that there should be
14 some kind of classes, some kind of training. I'm
15 okay with the security officers management branch
16 having the companies all registered, and the
17 security guards registered, maybe background
18 checks, whatever, I'm okay with that process.
19 But I think there really needs to be training,
20 like an industry wide training in the district to
21 help some of these security guards.

22 MEMBER SHORT: Thank you very much.
23 And lastly, maybe you know the answer to this,
24 and maybe you don't. And maybe Investigator
25 Zollarcoffer can help us with this. I'd just

1 like to know after the shooting took place
2 outside, did, or did not this establishment shut
3 down, or did they continue selling, and serving
4 drinks? Either one of you can answer.

5 MR. ZOLLARCOFFER: Go ahead sergeant,
6 if you know.

7 MR. VERNICK: Yeah, Jeremy, I think
8 I'm pretty close on this. I think they stopped
9 allowing people in, I think they started shutting
10 down. I think they were allowing people to close
11 out their tabs, and stuff instead of just
12 emptying out, but I don't think they continued
13 serving. However, I will add that I was dealing
14 with the crime scene, not necessarily Air.

15 MEMBER SHORT: I do understand, and I
16 do thank you very much for your testimony, it's
17 been quite compelling. And I do want to thank on
18 the record, Investigator Zollarcoffer, because
19 investigator, your report was quite up to date,
20 and gives us as a board something to work with.
21 We can ask a lot of questions, and we can have a
22 lot of things answered.

23 But the initial report is very urgent
24 in us making the appropriate decision as whether,
25 or not to take further action. I saw on the

1 video for myself, and thank you for providing
2 that to us, someone enter the club, be patted
3 down, someone leave the club, and shoot someone
4 immediately upon leaving the club. It seems to
5 me that that person had the gun when they came
6 out of the club.

7 And it's not even consequential to my
8 thinking whether he had it when he went in, or
9 not. But he had the pistol, and shot someone
10 immediately coming out of the club, and again,
11 this person was let out of the club, and allowed
12 not to come in, which was a good thing. But then
13 to stand there, and wait for the perpetrator to
14 come out, and shoot him down, and kill him.

15 Shot nine times. This city has got to
16 do a better job, all agencies, including this
17 one, ABRA, and the ABC Board, and MPD, and all
18 agencies involved with the night life, we've got
19 to do a better job of making sure these young
20 people just from going out in the night, having a
21 few drinks. Thank you very much for your
22 testimony, thank you, Mr. Chairman, for allowing
23 me to ask those questions.

24 MR. VERNICK: Thank you, Mr. Short.

25 CHAIRPERSON ANDERSON: Do you have any

1 questions of the owner, Mr. Short?

2 MEMBER SHORT: Nothing of the owner,
3 sir, no.

4 CHAIRPERSON ANDERSON: Okay, I just
5 want it for the record that Air Restaurant is not
6 a club, it's a restaurant, it's a CR restaurant,
7 it's not a club, I just want the record to
8 reflect the license that they have is a CR
9 license, which is a restaurant, and the owner did
10 -- and restaurants are -- their kitchen has to be
11 operational at least two hours before closing.

12 And I believe that the licensee has
13 testified that their kitchen is open at least two
14 hours prior to closing. All right, any other
15 questions by any board members? Go ahead, Mr.
16 Grandis, who are you asking questions of, sir?

17 MEMBER GRANDIS: The owner.

18 CHAIRPERSON ANDERSON: Okay, go ahead,
19 sir.

20 MEMBER GRANDIS: At this point, good
21 afternoon. You are one of the managing members
22 of the LLC that owns the license?

23 MR. ANDARGIE: Yes, sir.

24 MEMBER GRANDIS: And I think from
25 reading the report, you were not present when

1 this altercation occurred, is that correct?

2 MR. ANDARGIE: No, I was not present
3 at that location, no.

4 MEMBER GRANDIS: And when did you
5 first learn about the altercation?

6 MR. ANDARGIE: Roughly, it was later
7 that night, or early in the morning hours. I got
8 a call, and I rushed over.

9 MEMBER GRANDIS: Do you remember who
10 made the call to you?

11 MR. ANDARGIE: My manager, Dean, Mr.
12 Hayne.

13 MEMBER GRANDIS: And was this type of
14 conversation something that would be typical for
15 you to hear from your establishment?

16 MR. ANDARGIE: No.

17 MEMBER GRANDIS: So, were you
18 concerned about what you heard?

19 MR. ANDARGIE: Yes, I was very
20 concerned, yes.

21 MEMBER GRANDIS: Do you think possibly
22 that maybe you should have gone over, and had a
23 meeting with your staff that was present that
24 evening, so you could get clarification yourself?

25 MR. ANDARGIE: I'm sorry, in what --

1 MEMBER GRANDIS: Did you think that
2 perhaps with this type of horrendous incident,
3 which you say is unusual for your establishment,
4 did you think when you were called that perhaps
5 you should have gone over --

6 MR. ANDARGIE: I did go over.

7 MEMBER GRANDIS: You did?

8 MR. ANDARGIE: Yes, I did.

9 MEMBER GRANDIS: I didn't see that in
10 the report, I saw --

11 MR. ANDARGIE: Yes, I came over, I was
12 at that space until the wee hours, until probably
13 6:00 a.m., because I was with the officers at the
14 scene.

15 MEMBER GRANDIS: Okay, thank you. So,
16 during that period when you were over, was there
17 an opportunity to talk to any of your staff?

18 MR. ANDARGIE: I was mainly dealing
19 with the officers, and helping them with the
20 video, and helping them, essentially the
21 technical issues, as far as getting it onto a
22 hard drive.

23 MEMBER GRANDIS: And since the
24 incident was, I think December 17th, if I
25 recollect that from reading, and this is 90 days

1 later, have you had any of your staff go for any
2 type of training that ABRA offers in these last
3 90 days?

4 MR. ANDARGIE: We have -- we did do an
5 additional training, but we have looked into
6 getting additional training for all the staff
7 members. And we had started adding -- we started
8 getting wands, and we also do have SOD on our --
9 when we can get it.

10 CHAIRPERSON ANDERSON: You mean RDO?

11 MEMBER GRANDIS: RDO, yeah.

12 MR. ANDARGIE: Yeah, RDO, I'm sorry.

13 MEMBER GRANDIS: So, you said that
14 there has been some training. For this purpose
15 of our understanding actions that the licensee
16 has taken, what type of training have you had
17 your staff do in the last 90 days?

18 MR. ANDARGIE: The one thing was with
19 searchers, we did have an issue, or at least what
20 we thought could change, we had different
21 searchers that worked at different hours, because
22 there is a level of fatigue if you just have one
23 assigned searcher. So, we do have two searchers
24 that take turns during the course of the night
25 because of fatigue, because it is a laborious job

1 to search an individual one by one.

2 So, we do have to male searches, as
3 well as a female searcher now.

4 MEMBER GRANDIS: And that was internal
5 training, correct?

6 MR. ANDARGIE: Yes, internal,
7 everything was internal.

8 MEMBER GRANDIS: So, have you had any
9 training that's offered by ABRA, or any other
10 entity for a CR, or a CN outside of what you
11 internally have done in the last 90 days?

12 MR. ANDARGIE: No, we have not.

13 MEMBER GRANDIS: Did you interview the
14 security person who was at the top of the stairs,
15 who is the one who was doing the pat down? I'm
16 sure you saw all these videos back then. Did you
17 have a one on one interview with that person?

18 MR. ANDARGIE: With the person that
19 was at the front?

20 MEMBER GRANDIS: No, the one who did
21 the lazy pat down.

22 MR. ANDARGIE: I myself didn't, the
23 security manager did discuss that with that
24 individual.

25 MEMBER GRANDIS: And you didn't have

1 an interest in doing that?

2 MR. ANDARGIE: The security manager
3 was the one that was handling that at that time
4 at least, in that situation. I was dealing with
5 the other situations in regards to dealing with
6 the officers at the scene.

7 MEMBER GRANDIS: So, you -- but you
8 were aware that this security person is the one
9 that had that encounter in the video where it
10 looked like there was some type of
11 acknowledgment, whether it was familiar, or not
12 familiar. But then the pat down itself did not
13 go behind to the back, or down the legs. It was
14 very clear that the pat down was just in the very
15 front of the individual.

16 So, you have not had any concern about
17 that?

18 MR. ANDARGIE: I had concern, but it
19 was addressed by his direct superior, the
20 security manager.

21 MEMBER GRANDIS: Do you know where
22 this person had gotten security training?

23 MR. ANDARGIE: In house, I believe.
24 It was all in house, the security training that
25 that individual has had, from my recollection,

1 and I believe he may have had security training
2 elsewhere as well.

3 MEMBER GRANDIS: Chairman, I believe
4 I've asked what I wanted to of the licensee.
5 Thank you, sir, for being here today, thank you
6 very much.

7 MR. ANDARGIE: No problem.

8 CHAIRPERSON ANDERSON: Thank you, Mr.
9 Grandis. Any questions by anyone else?

10 MR. KLINE: This licensee was asked
11 about ABRA provided training, and I've heard
12 other licensees asked, and forgive me, educate
13 me, because I'm not aware of any ABRA provided
14 security training. And I just went to the
15 website to see if maybe I missed something --

16 CHAIRPERSON ANDERSON: It was just
17 general, I think the question was the general
18 training that we offer, but we do not offer --

19 MR. KLINE: Got it, okay.

20 MEMBER GRANDIS: And I think my
21 statement did say ABRA, or other outside
22 training.

23 MR. KLINE: No, I got it, I just
24 wondered if there was ABRA security training, I
25 want to know about it. If I'm missing something,

1 I want to know. Thank you, yeah.

2 CHAIRPERSON ANDERSON: And I just want
3 to correct the record, it's no longer ABRA, it's
4 ABCA, A-B-C-A.

5 MR. KLINE: As of three days ago, you
6 said, right?

7 CHAIRPERSON ANDERSON: As of the 26th
8 of March.

9 MR. KLINE: It'll take me awhile to
10 get used to that after a lot of years.

11 CHAIRPERSON ANDERSON: ABCA, A-B-C-A.
12 All the backgrounds will change probably in the
13 fall. But if you go on our website, it's the
14 Alcohol Beverage and Cannabis Association, okay?
15 All right, any other questions that any other
16 party has? I want to thank -- this is what we
17 have agreed to today, that the licensee, within
18 the next 30 days will provide a legally
19 sufficient security plan to the agency.

20 And the security plan specifically,
21 outside of the regular procedures for a legally
22 sufficient security plan, it will look at
23 addressing wanding, it will also look at more so
24 address conflict resolution, and at least there's
25 a statement that will be added, which I'm not

1 quite sure if it can be implemented, that the
2 staff will advise folks that they need to move
3 along, if not, they're going to call MPD.

4 That's what they volunteered to do, so
5 we're not going to dissuade them from doing that.
6 So, that's the only thing that we have agreed on
7 today. I would like to thank --

8 MR. KLINE: One more, Mr. Chairman, if
9 I may?

10 CHAIRPERSON ANDERSON: Yes, Mr. Kline.

11 MR. KLINE: Mr. Andargie is going to
12 take Sergeant Vernick up on his offer to confer,
13 and see what else might be done. Because this
14 establishment does not believe that it's done
15 learning today. There are certainly lessons that
16 are learned from this horrific incident, but
17 Sergeant Vernick clearly has a great length, and
18 breadth of experience, and Mr. Andargie is going
19 to take him up on the offer to meet one on one,
20 and talk about what else might be done.

21 CHAIRPERSON ANDERSON: All right,
22 thank you for that representation. I mean that's
23 something outside of us, but as I stated before,
24 I've been in this position for seven, and a half
25 years, and this is actually the first time that

1 I'm watching a video, and knowing that a human
2 person will lose his life at the end of the
3 video, and it did not leave me with a good
4 feeling.

5 So, I am somewhat troubled by that.
6 But this is not something I'm attributing -- I
7 just want the record to reflect I'm not
8 attributing this to the establishment, I'm just
9 stating that as a human being I am impacted by
10 what I just saw. All right. So, I just want to
11 thank everyone for their presentation today.
12 Sergeant Vernick, thank you for being here today.

13 Mr. Andargie, thank you for being
14 here, and being very forthright. Mr. Kline, and
15 lastly, but not least, Mr. Zollarcoffer,
16 excellent report. One of the better reports that
17 I've seen that this agency has provided. And
18 from what I heard, it is your action that -- it's
19 based on your action that you were able to help
20 the MPD toward solving this crime. So, I want to
21 thank you for the extra effort that you did in
22 ensuring that hopefully MPD is closer to solving
23 a crime if it has not been solved at this
24 juncture.

25 So, again, thank you very much for the

1 work that you do on behalf of the residents of
2 the District of Columbia. So, where we are
3 today, the board will determine whether, or not
4 this will be a no further action, if we determine
5 that there are no ABRA violations that have
6 occurred, or if we determine that some violation
7 has occurred, then the board will submit this
8 case to the Office of the Attorney General for
9 them to see if there is a violation for them to
10 prosecute.

11 But that's just what happens at a fact
12 finding hearing, okay? So, thank you very much
13 for your presentation today, have a great day.

14 MR. KLINE: Thank you.

15 CHAIRPERSON ANDERSON: All right, as
16 far as the board is concerned, it is now 1:43,
17 and of course we have run past our 1:30 hearing.
18 I have advised the public that we will come back
19 to a public hearing at 2:15. So, we will come
20 back to a public hearing at 2:15. I will ask all
21 board members to come back to executive session
22 at 2:10, at 2:10. I just want to have maybe a
23 quick five minute executive session at 2:10.

24 But we will rejoin the public hearing
25 at 2:15, so have a great lunch, and I will see

1 board members in executive session at 2:10, and
2 we will come back to the public hearing at 2:15,
3 okay? Thank you.

4 (Whereupon, the above-entitled matter
5 went off the record at 1:42 p.m.)
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This is to certify that the foregoing transcript

In the matter of: Air Restaurant

Before: DC ABRA

Date: 03-29-23

Place: teleconference

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