

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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HEARING

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IN THE MATTER OF: :
 :
Akedo DC, LLC :
t/a AKEDO :
1100 15th Street NW :
Retailer CT - ANC 2C :
License No. 119595 :
Case #24-251-00012 :
 :
(Aggravated Assault) :
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Thursday
April 25, 2024

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

PRESENT:

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

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
ARMAN NAQI, Licensee
ANDREW KLINE, Licensee Counsel
CAMERON MIXON, Licensee Counsel
McHAULEY MURPHY, MPD
INVESTIGATOR GEORGE GARCIA

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

2 10:02 a.m.

3 CHAIRPERSON ANDERSON: We are on the
4 record. Good morning. As chairperson of the
5 Alcoholic Beverage and Cannabis Board for the
6 District of Columbia, and in accordance with D.C.
7 Code Section 2571 et seq, of the Open Meetings
8 Act OMA, I am welcoming you to the regularly
9 scheduled meeting of the Alcoholic Beverage and
10 Cannabis Board. This meeting is being conducted
11 pursuant to guidance made available by the
12 District of Columbia's Office of Open Government
13 regarding electronic meetings held by public
14 bodies. Electronic meetings by the ABC Board are
15 authorized pursuant to section 2577(a) of the
16 D.C. Code.

17 Pursuant to the OMA requirements,
18 notice of today's meeting was provided 48 hours
19 in advance of the meeting on ABCA's website and
20 on the District's central meeting calendar. The
21 notice included the time, date, agenda, and call
22 in or log in information for public
23 participation. This electronic meeting is being
24 hosted by a WebEx account provided by the
25 District of Columbia Government. Please address

1 any questions or complaints to the OOG at
2 opengovoffice@dc.gov. My name is Donovan
3 Anderson; I'm chairperson of the Board. I would
4 like to introduce the other members of the ABC
5 Board who are also participating electronically.
6 Please respond when I announce your names. Mr.
7 James Short.

8 MR. SHORT: Mr. James Short, present.

9 CHAIRPERSON ANDERSON: Mr. Silas
10 Grant.

11 MR. GRANT: Mr. Silas Grant, present.

12 CHAIRPERSON ANDERSON: The Board has
13 three members in attendance for the conduct of
14 business today, and that constitutes a quorum.
15 Before we get underway with today's hearing
16 calendar, I need to make a few instructions very
17 clear so that the conduct of these hearings is
18 understood by everyone. There are two cases
19 scheduled for today. Once your case is called, I
20 will take a moment for IT specialist to elevate
21 the rights for each party to enable their camera
22 and microphone. Then and only then will you have
23 the ability to enable your equipment. If your
24 case is not been heard, you'll remain mute and
25 your camera will be disabled. At the conclusion

1 of each case, the parties will have the option to
2 leave. If the party chooses to stay, all cameras
3 and microphones for the concluded case will be
4 disabled. If you have any questions or require
5 technical assistance during the hearing, please
6 submit them using the question and answer
7 feature. Our first case this morning is a fact-
8 finding hearing, case number 24-251-00012, Akedo,
9 license number 119595. Good morning, Mr.
10 Orellana; can you please elevate the rights of
11 the parties in this case?

12 MR. ORELLANA: Okay then. Good
13 morning everyone, Andrew Kline, your access has
14 been elevated; Lieutenant McHauley Murphy, your
15 access has been elevated; Investigator George
16 Garcia, your access has been elevated; Cameron
17 Mixon, your access has been elevated; and that
18 appears to be all, Chair.

19 CHAIRPERSON ANDERSON: I think we're
20 missing --

21 MR. KLINE: Mr. Arman Naqi is --
22 should be here.

23 MR. ORELLANA: Thank you.

24 MR. NAQI: Arman Naqi; I am present.

25 CHAIRPERSON ANDERSON: Are you

1 present? Do you have a camera so you can turn
2 on? Mr. Kline, mute your line, sir. I'm waiting
3 for everyone to be on camera if they are able to
4 do so. Mr. Naqi, are -- do you have a camera,
5 sir? If not, we can move on.

6 MR. NAQI: Yes, sir, I'm just
7 connecting.

8 CHAIRPERSON ANDERSON: All right,
9 thank you. All right, good morning everyone.
10 Let me have the parties identify themselves for
11 the record. We'll start with you, Mr. Kline.

12 MR. KLINE: Good morning Mr. Chair,
13 members of the Board. Andrew Kline here on
14 behalf of the licensee.

15 CHAIRPERSON ANDERSON: Mr. Mixon?

16 MR. MIXON: Members of the Board,
17 Cameron Mixon with Veritas Law Firm, of counsel
18 to the licensee.

19 CHAIRPERSON ANDERSON: Mr. Naqi, can
20 you please spell and state -- that's what I
21 should have asked everyone to do, but Mr. Naqi,
22 can you please spell and state your name for the
23 record?

24 MR. NAQI: Yes, sir, Arman Naqi, A-R-
25 M-A-N, last name Naqi, N-A-Q-I.

1 CHAIRPERSON ANDERSON: Good morning,
2 sir. Lieutenant McHauley Murphy?

3 MR. MURPHY: Hello, good morning
4 everyone. Can everyone hear me?

5 CHAIRPERSON ANDERSON: Yes, sir.

6 MR. MURPHY: Yes, my name is
7 Lieutenant McHauley Murphy, M-C-H-A-U-L-E-Y,
8 Murphy, M-U-R-P-H-Y.

9 CHAIRPERSON ANDERSON: Investigator
10 Garcia?

11 MR. GARCIA: George, G-E-O-R-G-E,
12 Garcia, G-A-R-C-I-A.

13 CHAIRPERSON ANDERSON: Good morning
14 everyone. All right, this is a fact-finding
15 hearing and let me just put some background. On
16 -- we're having a fact-finding hearing as a
17 result of a request from Chief of Police Pamela
18 A. Smith. On Friday, February 2, 2024 at
19 approximately 2:04 a.m., Metropolitan Police
20 Department officers responded to an unconscious
21 person in front of 1100 15th Street NW. A
22 preliminary investigation revealed that the
23 victim and suspect attended a soft opening event
24 at the location with family and friends.
25 Following the closing, as the victim was leaving

1 the location, he was approached by the suspect.
2 The victim and the suspect had a verbal
3 altercation that became physical; the victim was
4 punched by the suspect and hit his head on the
5 pavement. He then lost consciousness and was
6 transported to the hospital. The suspect fled
7 the location before the arrival of the officers;
8 unfortunately, the victim did not survive his
9 injuries and was pronounced deceased on February
10 8, 2024.

11 As a result of this action, the Chief
12 of Police sent a request to the Board for us to
13 have a fact-finding hearing to investigate
14 whether or not there were any -- what is the
15 response basically from the establishment and
16 whether or not this was a preventable action by
17 the licensee. I just want to set the stage that
18 this is an informal proceeding; the Board cannot
19 order the establishment to take any specific
20 steps. What the Board is doing here is
21 investigating, and we're asking questions. At
22 the end of the hearing, the Board can either
23 determine that there are no further actions
24 necessary, or the Board can send this matter over
25 to the Office of the Attorney General for the

1 Office of the Attorney General to take action to
2 see if a show cause hearing should be held in
3 this case. Again, none of the witnesses who are
4 testifying here today will be sworn in because
5 this is an informal process and the Board is just
6 doing a fact-finding to investigate. Any
7 questions before we start? No?

8 All right. One of the things that I
9 will do, I will start with Lieutenant Murphy,
10 since this is a request that was made to the
11 Board for the Board to further investigate. Good
12 morning, sir.

13 MR. MURPHY: Good morning, good
14 morning everyone. Everyone can hear me?

15 CHAIRPERSON ANDERSON: Yes, sir.

16 MR. MURPHY: My name is Lieutenant
17 McHauley Murphy, Second District, and Mr.
18 Anderson, as you stated in the fact-finding
19 letter, this incident did occur on Friday,
20 February 2, at approximately 0200 hours. I was
21 the watch commander during that tour for
22 midnights; upon arrival on the scene, the victim
23 had already been transported to a nearby
24 hospital, where we provide all lifesaving
25 measures, and the victim was pronounced six days

1 later on February 8 at the hospital. Upon
2 arrival on the scene, the suspect was not there,
3 fled on foot in unknown locations, and that's
4 what we know for right now. This case is
5 currently being investigated by Homicide Branch,
6 and that's what we know for right now; they are
7 conducting a follow up in reference to this case.
8 I'll take any questions if anybody has any
9 questions in reference to this case.

10 CHAIRPERSON ANDERSON: I don't have
11 any questions; I don't know if any of the Board
12 members might have any specific questions of you,
13 sir. Yes, Mr. Short?

14 MR. SHORT: Thank you very much, Mr.
15 Chairman. Good morning Lieutenant McHauley.

16 MR. MURPHY: Good morning, Mr. Short.

17 MR. SHORT: Lieutenant, you said you
18 did go to the scene there?

19 MR. MURPHY: Yes, sir.

20 MR. SHORT: Okay, and this location is
21 1100 15th Street NW, Washington, D.C.?

22 MR. MURPHY: Yes, sir.

23 MR. SHORT: How long have you been in
24 the Second District?

25 MR. MURPHY: I've been in the Second

1 District for about almost two years now; I got
2 promoted as a lieutenant in July of 2021 last
3 year -- I mean I'm sorry, 2022 last year.

4 MR. SHORT: Well before you became a
5 lieutenant through the Metropolitan Police
6 Department, did you have any knowledge at all of
7 this kind of -- this area, 1100 block of 15th
8 Street NW?

9 MR. MURPHY: No, sir.

10 MR. SHORT: You had no idea?

11 MR. MURPHY: No, I did not know the
12 area of Northwest. When I was an officer, I was
13 an officer in the Southeast, Seventh District;
14 got promoted to the Northeast side, and this is
15 my first time here in the Northwest side in the
16 Second District.

17 MR. SHORT: Well, that's fair. And so
18 since you've been there, is this the norm that
19 someone would be struck, knocked down on the
20 street and transported to the hospital and then -
21 - is it true that this person expired? They're
22 gone?

23 MR. MURPHY: No, sir, it is not the
24 norm here in the Northwest side in the Second
25 District. I believed this event occurred as Mr.

1 Anderson stated in the fact-finding letter. They
2 -- both the victim and the suspect attended a
3 gathering; unknown what the reasons were why they
4 got into a physical altercation, and apparently
5 the victim got assaulted and fell down to the
6 ground, hit the pavement, and hit his head, and
7 because of the injury, he sustained life-
8 threatening injuries. This is not the norm here
9 in the Second District, sir.

10 MR. SHORT: Okay, so now this
11 establishment, Akedo, is a CTL, so it's a -- it's
12 not -- describe the business model that you know
13 about this establishment.

14 MR. MURPHY: So basically, I also
15 worked the night life area, in Golden Triangle,
16 Akedo is the first time I ever heard of that
17 location when I first arrived on that scene on
18 that day. Apparently, I believe that was the
19 first night of soft opening, where they just kind
20 of like have like a little private gathering --

21 MR. SHORT: Forgive me for cutting you
22 off. Is this a night club or a tavern, or both?

23 MR. MURPHY: It's not a nightclub,
24 it's --

25 CHAIRPERSON ANDERSON: It's a

1 restaurant. It's a typical restaurant.

2

3 MR. SHORT: Our records -- so okay,
4 Mr. Chairman, thanks for the correction, but I'm
5 seeing that it's CT on the paperwork I have in
6 front of me.

7 CHAIRPERSON ANDERSON: That's your
8 word, Mr. Short. A CT can be a traditional
9 restaurant; this establishment is a restaurant.

10 MR. SHORT: Okay, I'm just -- for the
11 record, it's registered with ABCA as a CT; is
12 that correct, Mr. Chair?

13 CHAIRPERSON ANDERSON: It's my
14 understanding, but it is a restaurant because a
15 restaurant can either be a CR or a CT, and this
16 establish is a restaurant.

17 MR. SHORT: Okay well again, I'll ask
18 questions based on the paperwork that I have in
19 front of me, which says they're registered as a
20 tavern/as you would say, restaurant. So now Mr.
21 -- I mean excuse me, Lieutenant Murphy, can you
22 give us for this -- the Chairman will call it a
23 restaurant, but the paperwork will say a tavern;
24 would you give us what their business model is or
25 what it has been since you've been involved with

1 it as a night life person there in the Second
2 District?

3 MR. MURPHY: After the incident on
4 February 2, we never had any other issue with
5 that particular place. When we -- when I arrived
6 on the scene, the owners was -- I believe the
7 restaurant was in a closing time, it wasn't
8 nobody left inside of the business, but the
9 owners were still there; they were very
10 cooperative. They've given us any information
11 that we require of them, and after the incident,
12 we never had any issue with that place.

13 MR. SHORT: Okay, so what time was
14 that when you got there or when it went on record
15 with MPD?

16 MR. MURPHY: The incident date and
17 time will be like around 0200 hours, and I got
18 notified probably like maybe a couple minutes
19 after, and so I arrived there maybe about 10
20 minutes later, probably like 2:15, 2:20.

21 MR. SHORT: 2:20?

22 MR. MURPHY: Right, somewhere around
23 there.

24 MR. SHORT: And so basically, this was
25 a soft opening; can you explain to us what you

1 know about what's considered to be a soft
2 opening?

3 MR. MURPHY: I cannot like articulate
4 more what a soft opening will be, but according
5 to the owner, it was just like a private
6 gathering which is to invite families and friends
7 to come over; it was not open to the public, just
8 like private gathering. That's what my
9 interpretation of soft opening will be.

10 MR. SHORT: Has the suspect been
11 identified as to who assaulted this person?

12 MR. MURPHY: Our Homicide Branch has
13 identified a person of interest, so they are
14 currently investigating that. As far as if we
15 have an actual suspect, I do not know of that;
16 our Homicide Branch is following up, but we do
17 have a person of interest right now and the case
18 is currently in grand trial

19 MR. SHORT: Was this person of
20 interest identified as a person who -- or patron
21 of Akedo?

22 MR. MURPHY: Yes, I believe both the
23 victim and the suspect were in attendance of the
24 restaurant before he -- after he got assaulted.

25 MR. SHORT: Had anything occurred

1 inside of Akedo that you know of prior to the
2 incident happening on the street where someone
3 was killed?

4 MR. MURPHY: No, sir, nothing happened
5 inside; everything happened on the outside.

6 MR. SHORT: Were there any camera
7 information that you were available to MPD that
8 you know of?

9 MR. MURPHY: Not that I know of; our
10 Homicide Branch detective arrived on the scene,
11 so I'm not sure if they did obtain any video
12 footage, but as far as my knowledge, I do believe
13 there were video cameras in the area, so there
14 should be video footage available as far as I
15 know of; I did not obtain any video myself, but a
16 homicide detective might have.

17 MR. SHORT: This might be speculative,
18 but maybe you can answer it or not. The suspect
19 or person of interest, if they are found to have
20 been the person who assaulted the person who
21 died, will they be charged with murder or
22 homicide?

23 MR. MURPHY: Yes, we believe so. Yes,
24 sir.

25 MR. SHORT: All right, thank you.

1 That's all I have, Mr. Chairman. Thank you very
2 much for your testimony and thank you for your
3 service, Lieutenant Murphy.

4 MR. MURPHY: Thank you.

5 CHAIRPERSON ANDERSON: Any other
6 questions by any other Board members? Mr. Kline,
7 I'm going to do something a bit different this
8 morning. Can you tell us -- describe this
9 establishment? I'm not sure if it's Mr. Kline or
10 Mr. Mixon; whoever is --

11 MR. KLINE: That would be Mr. Mixon
12 this morning; I get to second chair today.

13 CHAIRPERSON ANDERSON: Okay Mr. --
14 just to clarify the record, can you -- what sort
15 of establishment is this? Just describe for the
16 record what type of establishment this is,
17 please?

18 MR. MIXON: Thank you, Mr. Chair and
19 members of the Board. As you address Member
20 Short's questions about the business model,
21 Akedo, while being licensed as a CT, functions --
22 it's like a traditional restaurant with full food
23 service; it's kind of a fast casual concept, an
24 alternative to the more upscale complete dining
25 experience of their neighboring property, Shoto.

1 It kind of features Japanese food with some
2 Western touches, a little Italian and American
3 flavors mixed in. So it's not a club
4 establishment; people will go to drink alongside
5 food.

6 CHAIRPERSON ANDERSON: Mr. Mixon, do
7 you have any questions to ask the Lieutenant?

8 MR. MIXON: And because you -- sorry
9 just for the clarification, I did in fact have a
10 question, but just to address the question of a
11 soft opening, it's an event in which prior to the
12 full launch of the establishment, some invited
13 guests get to meet the staff of the restaurant
14 and try out select items to build brand awareness
15 and report with word of mouth. Normally very
16 successful, casual, fun event unlike the present
17 situation unfortunately. I do have a question in
18 fact for Lieutenant Murphy. Lieutenant Murphy,
19 thank you for being here today and helping us
20 find clarity. I was wondering to you knowledge
21 of the night of this incident and then in any
22 subsequent aspects of the investigation, has the
23 licensee been cooperative?

24 MR. MURPHY: Yes, yes they were very
25 cooperative. When I arrived on the scene and

1 even till current, they are very cooperative with
2 our homicide detective. They were absolutely
3 cooperative; they haven't given us any issues.

4 MR. MIXON: I see. No further
5 questions.

6 CHAIRPERSON ANDERSON: All right,
7 thank you. All right, Mr. Garcia? Good morning
8 Mr. Garcia. Can you tell us are you -- do you
9 have any knowledge of this incident?

10 MR. GARCIA: Some of it, yes I do.

11 CHAIRPERSON ANDERSON: And how is it
12 that you became aware of this incident?

13 MR. GARCIA: I was notified through a
14 request for a fact-finding requested by MPD.

15 CHAIRPERSON ANDERSON: And what action
16 if any did you take?

17 MR. GARCIA: I visited the
18 establishment to get further information about
19 what occurred on the night in question.

20 CHAIRPERSON ANDERSON: Well can you
21 share with us what is it that you were able to
22 find out?

23 MR. GARCIA: So I did speak of all of
24 the security staff that were present, that were
25 working during the soft opening, and all the

1 security staff seem to have the same concept of
2 what occurred. Basically, the security staff
3 weren't made aware of what took place until after
4 it took place, until EMS were arriving on scene.
5 There was a crowd surrounding, and that's
6 typically when the security staff was made aware
7 of an incident that took place in that
8 surrounding area.

9 CHAIRPERSON ANDERSON: So tell us
10 about -- did you write a case report?

11 MR. GARCIA: I did. So the incident
12 didn't -- just for clarification, according to
13 what -- according to a lot of the staff and the
14 different people I spoke to, the incident did not
15 take place in front of Akedo; it took place maybe
16 about 200, 300 meters away from Akedo's, but it's
17 in the same -- it's kind of called -- it was a
18 food court; it's multiple establishments within
19 this vicinity, but they all are accompanied by
20 this particular food court area.

21 CHAIRPERSON ANDERSON: Okay.

22 MR. GARCIA: So I guess these two --
23 three of the security guards who advised me that
24 the only thing they heard was oh, somebody got
25 knocked out, they heard a lot of that going

1 around during the incident that took place. None
2 of the security staff seemed to know who was the
3 suspect or wasn't unable to identify him at all.
4 They didn't have specifics on what took place,
5 they just knew that someone was assaulted in the
6 food court area.

7 CHAIRPERSON ANDERSON: Yes, but as far
8 as your investigation, why is it that none of the
9 security knew the specifics or what took place?

10 MR. GARCIA: Because it happened a
11 short distance away from the front of the
12 establishment. So apparently the establishment
13 has their security staff stationed in front of
14 Akedo's. Akedo's is maybe about I'm going to say
15 about 300 meters from the front of the
16 establishment is where it took place.

17 CHAIRPERSON ANDERSON: Well the
18 question I'm trying to ask you, Mr. Garcia, is
19 that based on your investigation, were the two
20 individuals, were they customers of Akedo?

21 MR. GARCIA: I was able to verify that
22 one was. The victim was in fact inside of the
23 establishment and was a customer of Akedo's.

24 CHAIRPERSON ANDERSON: And based on
25 your investigation, were you able to confirm

1 whether or not this -- the victim was involved in
2 any type of infraction inside of the -- or -- let
3 me ask you, did you get a chance to review camera
4 footage inside the establishment?

5 MR. GARCIA: I did. There was no
6 incidents that took place inside of the
7 establishment.

8 CHAIRPERSON ANDERSON: All right, so
9 you're saying that nothing -- during the -- so
10 you're saying that based on the camera footage,
11 nothing occurred inside the establishment; is
12 that correct?

13 MR. GARCIA: Correct.

14 CHAIRPERSON ANDERSON: So are you --
15 so what is it that you -- in reviewing the camera
16 footage, what is it that you saw inside the
17 establishment? Just explain what is it, the
18 period of time you look at video and what is it
19 that you saw?

20 MR. GARCIA: First thing I did was
21 when I spoke to all of the security guards, one
22 of them were able to identify what the victim had
23 on, and I was able to catch him on the video
24 footage that was provided to me. So throughout
25 the establishment, I tried to follow him as best

1 as I can, and throughout the time of the footage
2 that I was provided, he was in the establishment
3 with no incidents that took place that he was
4 involved in.

5 CHAIRPERSON ANDERSON: And as a result
6 of your investigation, is there anything that you
7 believe that this establishment could have done
8 to prevent this incident?

9 MR. GARCIA: No. The only thing that
10 I would probably recommend is that the
11 establishment re-organize their cameras to get a
12 different angle, a wider view of the vicinity
13 that they're in to combat this issue in the
14 future, but according to the homicide detectives
15 that I spoke to, the establishment did everything
16 that they were required to do. This is something
17 that happened outside of the establishment and
18 beyond their powers.

19 CHAIRPERSON ANDERSON: And based on
20 your investigation, it's your view that whatever
21 happened outside was in no way tied to this
22 establishment, outside of the fact that the
23 victim was a customer?

24 MR. GARCIA: Correct.

25 CHAIRPERSON ANDERSON: And just, as a

1 result of your investigation, did you conclude
2 where there any ABCA violations committed by the
3 establishment?

4 MR. GARCIA: The establishment did not
5 have any violations.

6 CHAIRPERSON ANDERSON: All right,
7 thank you. Any questions by any of the Board
8 members of Mr. Garcia? Go ahead, Mr. Short.

9 MR. SHORT: Good morning, Investigator
10 Garcia. Good morning, Investigator -- or good
11 afternoon or no, good morning. Good morning,
12 Investigator Garcia.

13 MR. GARCIA: Good morning. Can you
14 hear me?

15 MR. SHORT: I hear you now, yes.

16 MR. GARCIA: Okay. Good morning.

17 MR. SHORT: Okay, you said your view
18 of the cameras on the inside in your opinion as
19 an ABCA investigator, and how many years of
20 experience do you have or what is your
21 experience?

22 MR. GARCIA: Five years.

23 MR. SHORT: Five years. And so you
24 testified that in your opinion, the camera
25 footage was not adequate; is that correct?

1 MR. GARCIA: I testified that the
2 video footage outside could be a wider view, but
3 the inside was fine.

4 MR. SHORT: Okay, and that when you
5 talked with security, the security persons, that
6 they told you that the person was inside or you
7 found out after looking at the footage?

8 MR. GARCIA: They advised me that the
9 victim was inside.

10 MR. SHORT: Okay. Now the security
11 persons you talked to, I do know that some of our
12 security persons that work inside of ABC
13 establishments have training; are you aware of
14 any kind of training these persons had, security
15 for this establishment?

16 MR. GARCIA: They all disclosed that
17 they had training offered by the establishment.

18 MR. SHORT: Excuse me?

19 MR. GARCIA: They all advised me that
20 they were provided training by the establishment.

21 MR. SHORT: Okay, that sounds great.
22 Okay. Now again, the victim was inside, and how
23 far from the front door was he assaulted and
24 eventually died from? How many feet from the
25 front door?

1 MR. GARCIA: It was closer to 300; it
2 was by the staircase or the stairwell leading
3 downstairs.

4 MR. SHORT: And the camera footage you
5 said that if it was -- the coverage had been
6 better on the outside, would have picked that up?
7 Is that what you're saying? Might have picked it
8 up? Is that yes or no?

9 MR. GARCIA: Yes, that's correct.

10 MR. SHORT: Okay. Thank you very much
11 for your testimony and thank you for your report.
12 That's all I have, Mr. Chair.

13 CHAIRPERSON ANDERSON: Any other
14 questions -- go ahead, Mr. Grant.

15 MR. GRANT: Good morning Mr. Garcia
16 and thank you for being with us. Just two quick
17 questions for you. One, along those lines of the
18 camera placement and their scope in terms of
19 being able to pick up on activity in a wider
20 range, one, is that going to be an official
21 recommendation from you to the establishment and
22 to the Board? And then secondly, in the event
23 that you make that an official recommendation
24 that the cameras are changed, is it within your
25 purview to review the updated sort of stance or

1 placement of the cameras to ensure that they are
2 sufficient in capturing a wider scope of footage
3 and activity?

4 MR. GARCIA: I certainly can, but to
5 my knowledge, the establishment doesn't have a
6 Board order or any type of order issuing them to
7 have that camera view to capture that specific
8 area, so it is my recommendation, but I'm not
9 sure if we can enforce that without having a
10 Board order or something of that sort in place.

11 MR. GRANT: Thank you. No further
12 questions.

13 CHAIRPERSON ANDERSON: Any questions
14 -- Lieutenant, do you have any questions of the
15 investigator? Mr. Mixon?

16 MR. MIXON: Yes, thank you Mr. Chair.
17 Investigator Garcia, good morning, thank you for
18 being here. In your investigation, has the
19 licensee and any of its staff, have they been
20 cooperative?

21 MR. GARCIA: They have.

22 MR. MIXON: Yes, thank you. In terms
23 of where camera coverage should be for the
24 establishment, do you think that all
25 establishments should be able to view 300 meters

1 in every direction?

2 MR. GARCIA: For the safety of the
3 area and with the circumstances that took place
4 at this establish -- well in the vicinity of this
5 establishment, yes I do.

6 MR. MIXON: Did you speak with any MPD
7 investigators in the course of your
8 investigation?

9 MR. GARCIA: Yes, I did.

10 MR. MIXON: Can you identify who those
11 were?

12 MR. GARCIA: I spoke to one detective,
13 Nicole Howard and her partner, Bryan Adelmeyer.

14 MR. MIXON: Can you tell us what
15 Detective Howard said?

16 MR. GARCIA: I did follow up with an
17 email with her, and she did reply back "Hello,
18 Mr. Garcia, I will be glad to help you in any way
19 that I can. I can tell you off the hand that the
20 club is not responsible for what happened; this
21 was an isolated incident that no one could have
22 foreseen happening. The club manager and staff
23 have been very helpful in providing prompt
24 assistance as soon as the incident occurred; I
25 don't really think that it's anything that they

1 could have done differently that may have changed
2 the outcome of what happened."

3 MR. MIXON: Thank you. I understand
4 that according to the report, there was an
5 additional statement by Detective Howard the next
6 day; can you please tell us what that says?

7 MR. GARCIA: Yes, I did speak with --
8 the previous statement was an email, but the
9 interview that I did with both partners, Bryan
10 and Nicole, Detective Adelmeyer stated that both
11 the victim and suspect were inside at the
12 establishment at one point -- I'm sorry, that
13 both the suspect and the victim were inside of
14 the establishment at one point, but the entire
15 conflict occurred outside of the establishment,
16 that the detective stated that the investigation
17 is still ongoing, and the detective stated that
18 the incident took place a decent amount away from
19 the establishment and far away from where the
20 establishment's security was unable to intervene.

21 The detective also stated that the
22 incident took place nowhere near the
23 establishment; Detective Nicole stated that she
24 does not believe the establishment could have
25 done anything to prevent the incident, as this

1 incident was an isolated incident. It had
2 nothing to do with the parties involved with
3 being overserved by Akedo. She also stated that
4 she believes that the incident isn't something
5 that spilled over from the club.

6 MR. MIXON: Thank you, Investigator.

7 MR. GARCIA: You're welcome.

8 MR. MIXON: Returning to your
9 discussion of possible camera coverage and the
10 distance of the incident from the establishment,
11 you're aware that -- you estimated 200 to 300
12 yards -- I mean sorry, meters. Apologies. 300
13 meters is roughly equivalent to somewhere around
14 300 yards?

15 MR. GARCIA: Yes.

16 MR. MIXON: You're aware that 100
17 yards is the distance of a football field?

18 MR. GARCIA: Yes.

19 MR. MIXON: So we can estimate by
20 using this frame of reference that we're talking
21 about approximately somewhere three football
22 fields away this incident took place from the
23 establishment?

24 MR. GARCIA: That's not accurate.

25 MR. MIXON: If that's not accurate,

1 can we clarify a distance we're describing, then?

2 MR. GARCIA: The distance was
3 approximately like -- you know what? Feet. I'm
4 sorry, correction; feet.

5 MR. MIXON: Understood. Okay. It's
6 more clear. Do you think it's reasonably
7 foreseeable that their -- that that was an area
8 that was outside of the scope of service or
9 entrance to the establishment, that that's
10 somewhere that an incident of this nature might
11 take place?

12 MR. GARCIA: Repeat the question?

13 MR. MIXON: Is it reasonably
14 foreseeable to the licensee that this is
15 somewhere that they would have to cover as if it
16 was a part of their establishment?

17 MR. GARCIA: Are you asking if it's
18 reasonable?

19 MR. MIXON: Could they reasonably
20 expect this act or foresee it?

21 MR. GARCIA: That's not something you
22 prepare for.

23 MR. MIXON: Thank you. No further
24 questions, Mr. Chair.

25 CHAIRPERSON ANDERSON: All right,

1 thank you. All right, that's fine. Mr. Mixon,
2 is there any -- I might have some questions I
3 want to ask the owner, but is there any statement
4 that you want to make on behalf of your client?

5 MR. MIXON: Yes, Mr. Chair.

6 CHAIRPERSON ANDERSON: Sure, go ahead,
7 please.

8 MR. MIXON: Thank you for giving us
9 the opportunity to say our piece. What we have
10 here today is an obviously incredibly tragic
11 event that -- and no one here is oblivious of
12 course to the severity of what transpired. A man
13 died, but his death, as unfortunate as it was,
14 bears no connection to the operations or security
15 protocols of the establishment. Akedo has taken
16 reasonable, prudent measures that every licensed
17 establishment should take, secured itself,
18 installed security cameras, cooperated with MPD
19 and ABCA when asked, and there's nothing to
20 suggest that a random act of violence that just
21 happened to take place somewhere, potentially
22 hundreds of feet away from the establishment has
23 any bearing on the security measures that they
24 have taken.

25 I was speaking earlier about

1 foreseeability, and when you look at all the
2 factors here, this is not a foreseeable event.
3 The two individuals involved in this incident
4 seemed to have dined normally at the
5 establishment with no signs of hostility, no
6 negative interactions inside the establishment,
7 that separately engaged in a -- walked away,
8 essentially outside of the scope of the
9 establishment and its security personnel.
10 Neither entered with a weapon; nothing on the
11 record suggests that they were intoxicated.
12 Ultimately -- and nothing suggests that there was
13 intent on either party to go there with violent
14 intentions in any way that was foreseeable to the
15 licensee. In fact, who I believe was the victim
16 on his way out had a friendly interaction with
17 one of the licensee's employees.

18 This is unfortunately random and
19 outside of the scope of what anybody could be
20 expected to understand. Simply put, it's bad
21 luck. It's not every day that someone gets into
22 a fist fight and happens to fall and wind up
23 dead. If you ask the people who are tasked with
24 understanding what happened on February 2, they
25 unequivocally all say that there's no

1 relationship between the establishment's
2 operations and this event. Two different MPD
3 detectives said that it was so far away that
4 there's really nothing they could have done, it
5 didn't spill over from the club such that they
6 should have been expected to monitor or follow
7 these people in any way; so technically they're
8 on public space, out on the street, beyond the
9 scope of where security personnel would be
10 expected to observe or intervene.

11 Similarly, as we've heard just now,
12 Investigator Garcia doesn't believe that there's
13 anything they could have done and you know, Akedo
14 has been nothing but willing to cooperate with
15 MPD and ABCA, we're here today because we want to
16 answer questions and address the gravity of the
17 situation, but ultimately the record reflects
18 that this is an incident that could have happened
19 across the street as much as it happened in a
20 courtyard hundreds of feet away, unrelated to
21 Akedo and the actions of its staff. Ultimately,
22 I think we're confused; we're not quite sure why
23 we're here, what could be done. If people get
24 into altercations prior to leaving -- I mean, I'm
25 sorry -- after leaving a licensed establishment,

1 and how that has anything to do with what -- how
2 the establishment conducts its business or
3 responds to security incidents. And that's all I
4 have for now.

5 CHAIRPERSON ANDERSON: Mr. Mixon,
6 we're having this hearing today because as I
7 started off the hearing, that the Chief of Police
8 requested an incident, a violent incident
9 occurred within close vicinity to this
10 establishment, and it appears that both the
11 victim and the aggressor were customers of this
12 establishment, and the purpose of this hearing is
13 to see, as you're aware, since you are -- you
14 practice in this area, that a lot of times
15 incidents, we have incidents that have started
16 inside the establishment, and because the
17 security, since they -- if they do not follow
18 proper procedures, these incidents are followed
19 up outside.

20 And so that's one of the reasons why
21 we -- so the Chief of Police requested that we
22 have this fact-finding hearing, and all that
23 we're doing is trying to find out. So maybe you
24 can tell us -- I just want to get some
25 clarification, whether you or your client can

1 respond to this. Is it true that -- were both
2 the victim and the aggressor in the
3 establishment? Because I'm unclear.

4 MR. MIXON: That is our understanding
5 from the record.

6 CHAIRPERSON ANDERSON: What's your
7 understanding, sir?

8 MR. MIXON: That the -- the case
9 report states that they both patronized the
10 establishment.

11 CHAIRPERSON ANDERSON: That's fine.
12 And either you or your client can respond to
13 this, and so just explain to us again what type
14 of event was being held the night in question.

15 MR. MIXON: A soft opening; a
16 promotional early night of operation to introduce
17 the establishment to the community, certain
18 invited guests.

19 CHAIRPERSON ANDERSON: And just for
20 clarification again, either you or your client
21 can respond. Are you -- is your client aware of
22 any dispute or any verbal altercations that
23 occurred inside regarding the victim and the
24 aggressor?

25 MR. MIXON: Not at all.

1 CHAIRPERSON ANDERSON: And this is a
2 question for either yourself or your client can
3 respond; do we know how much alcohol was served
4 to the victim and/or the aggressor?

5 MR. MIXON: It's not known, but
6 nothing in the record suggests that there was.

7 CHAIRPERSON ANDERSON: Well, I know
8 they investigated, but is your client aware? I
9 mean, did they talk to see whether or not -- how
10 much alcohol did either the victim or the
11 aggressor consume?

12 MR. MIXON: During a review of the
13 security footage, I believe this would have been
14 identified, but it's our understanding that they
15 -- it was a soft opening, hardly a wild kind of
16 night, they -- to the best of our knowledge, they
17 dined and maybe had drinks with dinner, but it
18 wasn't their intention to be intoxicated.

19 CHAIRPERSON ANDERSON: Well, it's
20 never -- and I don't believe that it's anyone's
21 intention to be intoxicated, but things happen
22 and so the question, the other question I'm
23 asking, and maybe is one that your client can
24 respond to this, was there any evidence of
25 intoxication or over-service by your client to

1 either the victim or the aggressor?

2 MR. MIXON: I see Mr. Naqi shaking his
3 head no.

4 CHAIRPERSON ANDERSON: Well maybe he
5 can -- I mean, the bottom line Mr. -- I know
6 you're representing Mr. Naqi, this is a fact-
7 finding hearing so I mean his reputation and his
8 business is on trial, so I mean if there's
9 something he wants to say, of course under your
10 guidance, he's welcome to say something in
11 responding to any of the questions that I'm
12 asking.

13 MR. NAQI: Yes, Mr. Chairman, if I
14 may, neither party appeared to be over-served or
15 for that matter, intoxicated.

16 CHAIRPERSON ANDERSON: All right,
17 thank you, sir, and so just another -- what are
18 the establishment's protocols for preventing
19 intoxication or over-service?

20 MR. NAQI: Sir, we have very strict
21 protocols with all our staff, serving staff, that
22 if any individual patron seems to be, you know,
23 in excess or intoxicated, that we immediately
24 inform the patron that we cannot continue with
25 service, and we actually provide water and that's

1 pretty much it.

2 CHAIRPERSON ANDERSON: And just one
3 last question, sir. Are the staff authorized to
4 deny admittance to alcohol or alcohol service to
5 people that appear intoxicated?

6 MR. NAQI: Absolutely. Yes,
7 absolutely, sir.

8 CHAIRPERSON ANDERSON: I don't have
9 any other questions; any Board members have any
10 questions for the owner through Mr. Mixon? Go
11 ahead, Mr. Short.

12 MR. SHORT: This is for the owner of
13 the establish -- the licensee. The question, and
14 I asked it earlier, who trained your security
15 persons on night life or in restaurant business
16 or CT business in the District of Columbia?

17 MR. NAQI: Good morning, good morning,
18 sir. We hold extensive training of our staff
19 through experienced management that is hired by
20 our establishment, and personnel who work in
21 security have participated in a program that we
22 mandate to any incoming new staff members, which
23 is a training course that lasts 120 minutes and
24 includes various topics, but not limited to
25 duties and responsibilities for a security host,

1 you know, screening IDs, conflict resolution, use
2 of force, rules and laws, you know, observance of
3 alcohol and drugs, and power of arrest, etc. It
4 includes peer trainings, testing, and final
5 assessment before people are offered a passing
6 grade, and we take that very seriously.

7 MR. SHORT: Are you aware that there
8 are many establishments in the District of
9 Columbia and our District of Columbia Council
10 passed laws that suggest or mandate for some that
11 their security persons get filed with the
12 Metropolitan Police Department, that reason being
13 that a lot of people who get trained by persons
14 who are untrained themselves have issues about
15 handling the appointed situations that wound up
16 with people being killed. So as the Chair stated
17 at the beginning of the hearing, no one -- this
18 hearing is not about having you to do anything
19 other than what you've been doing, but just a
20 suggestion.

21 If your persons who in charge of your
22 security for your business have not had some
23 serious, professional training, maybe that's an
24 issue that you need to consider. And again, not
25 saying that your persons aren't or are formally

1 trained or aren't trained. So for the record
2 again, who can you name that is a registered
3 business in the District of Columbia that did the
4 training for your staff? Security staff.

5 MR. KLINE: Chair I'm going to jump in
6 here. I'm sorry. I mean, we've been through
7 this, many fact-findings, and if we -- if the
8 Board needs to request an opinion from the
9 Attorney General as to what is required with
10 respect to training, let's do it. But having our
11 clients appear before the Board, and it being
12 suggested that there is a requirement of which
13 I've never seen and am unaware of is simply
14 unfair, and I object to it, there's no such
15 requirement, I'm sorry Mr. Short, I completely
16 disagree with you, and if there's some question
17 about this, let's ask the AG and let's get
18 straight on it, because it really is unfair.

19 CHAIRPERSON ANDERSON: Thank you for
20 -- you've expressed your opinion, Mr. Kline. Do
21 you have another question you want to ask, Mr.
22 Short?

23 MR. SHORT: Yes, Mr. Chairman. This
24 is again for the owner. How long have you been
25 in business in the District of Columbia?

1 MR. NAQI: Mr. Short, we have been --
2 this -- we've been in business since February 1,
3 2024 at this particular establishment. We own
4 another establishment, critically acclaimed
5 restaurant brand. We've been at the same
6 building address that has been in business since
7 February 14, 2022.

8 MR. SHORT: So you have two years of
9 business experience in the night club business or
10 the CT business or restaurant business at night;
11 is that correct?

12 MR. NAQI: Yes, sir. To clarify, not
13 night club experience, we operate restaurant bar
14 and lounges.

15 MR. SHORT: But is it true, yes or no,
16 that your license says that you are a CT, which
17 is a tavern? Is that what your license says?

18 MR. NAQI: Yes, that is correct.

19 MR. SHORT: Okay, so do you know the
20 difference between how a restaurant is run and a
21 tavern is run? Can you explain that to us with
22 your knowledge of business since you've been in
23 business?

24 MR. NAQI: I mean, I understand that
25 the definition of a restaurant versus a tavern

1 has to do with the split in the sales between
2 food and beverage, and a tavern, just like a
3 restaurant, is an establishment that serves both
4 beverage as well as a food offering.

5 MR. SHORT: Okay, that's very fair.
6 Mr. Chairman, that's all I have of this witness.
7 Thank you very much.

8 CHAIRPERSON ANDERSON: Thank you. Mr.
9 -- since you're speaking, Mr. Naqi --

10 MR. NAQI: Yes, sir.

11 CHAIRPERSON ANDERSON: I needed to
12 clarify for the record, what type of
13 establishment do you run? Tell us what type of
14 establishment is -- how do you pronounce -- so
15 for the record, how do you spell and pronounce
16 the name of the establishment, and tell us what
17 type of business is it, sir.

18 MR. NAQI: Yes, Mr. Chairman. The
19 name of the establishment is Akedo, and we run a
20 fast casual, very high end chef-driven restaurant
21 with a themed Japanese-styled bar and lounge
22 area.

23 CHAIRPERSON ANDERSON: What does that
24 mean, sir? Like -- Mr. Naqi --

25 MR. NAQI: Yes, Mr. Chairman?

1 CHAIRPERSON ANDERSON: You are telling
2 the public what type of establishment you run,
3 sir. I'm just asking you, just tell me. I don't
4 mean nothing by it, sir --

5 MR. NAQI: Sure. It's a Japanese --
6 very simply, it's a Japanese-themed cuisine,
7 decor, etc. casual restaurant and bar.

8 CHAIRPERSON ANDERSON: All right, sir.
9 Any other questions by any of the Board members?
10 All right. Any -- thank you. Any final comments
11 before bringing this matter to closure that any
12 party -- so I'll start with Lieutenant McHauley
13 Murphy. Any final comments that you want to make
14 before I bring this hearing to closure?

15 MR. MURPHY: No, I'm sorry to say I do
16 not have any additional comments.

17 CHAIRPERSON ANDERSON: Thank you. Mr.
18 Garcia, any final comments you want to make if
19 you so desire?

20 MR. GARCIA: No.

21 CHAIRPERSON ANDERSON: Mr. Mixon, on
22 behalf of your client, any final comments you
23 want to make, sir?

24 MR. MIXON: Yes, thank you Mr. Chair
25 and members of the Board. We appreciate what's

1 going on here today and we're happy to assist in
2 any way, any time any establishment, any licensee
3 is implicated, even by distant extension, to an
4 unfortunate, violent incident like this. It's
5 exactly the kind of thing that no one wants to
6 have to deal with, but in light of the severity
7 of what happened, Akedo has fully cooperated with
8 investigators, has come here to answer questions
9 to the best of their ability, the best of
10 knowledge. But what -- in the course of today's
11 proceedings, no one has identified a security
12 failing, a real lack of care, an inability to
13 meet its duty of care with respect to the
14 security of its operations. Nothing about the
15 actions of the two parties involved in this
16 violent incident could have led anyone to believe
17 that they were on the cusp of entering into a
18 physical altercation.

19 To repeat, they expressed no hostility
20 to one another or anyone else on the premises;
21 they didn't bring a weapon; there's no suggestion
22 that they were over-served and on the cusp of
23 violence. Something happened outside that was
24 unknown to those of us today, the licensee at the
25 time, probably anyone but the people there. It

1 wasn't even foreseen to them that their night
2 would go that way or that the deceased would end
3 up as such. It's unfortunate bad luck, but the
4 responsibility of licensees is to take prudent,
5 reasonable measures to respond to foreseeable
6 consequences within the scope of the licensed
7 premises. Nothing about what's suggested today
8 says that they didn't do that. Anyone involved
9 in fact-finding investigation prior to today has
10 concluded that they see no relationship between
11 the event that took place and the licensee or its
12 security protocols. I think that that's been
13 only reinforced by our conversation today.

14 To address the suggestion that perhaps
15 there's a responsibility of the establishment to
16 have security cameras so encompassing that
17 something that I believe -- as I said, an
18 incident as much as 300 feet away or the distance
19 of a football field away, that it's expected that
20 they should be able to record that, that is
21 within the scope of foreseeability I think is --
22 stretches far beyond what the law requires,
23 anticipates, or what anyone from a common sense
24 perspective would reasonably expect. If anybody
25 could have done anything to prevent this, I'm

1 absolutely sure that they would have, but the
2 reality is that tragic and random events happen
3 all the time, and it's not fair, and it's not
4 conducive to the doing of business in the
5 District of Columbia if we're going to hold every
6 establishment to have pre-cognitive or super
7 human powers to respond to incidents that they
8 cannot foresee or are beyond the scope of their
9 control, and you know I think it would be totally
10 tragic if we were here every week responding
11 every time a violent incident just happened to be
12 situated somewhat within the proximity of an
13 establishment. It would be a terrible waste of
14 administrative resources of this Agency, and
15 would have a powerful, chilling effect against
16 operators, established businessmen who want to do
17 the job of contributing to our community with
18 licensed establishments. So thank you again for
19 the chance to answer these questions today.

20 CHAIRPERSON ANDERSON: Thank you, sir.
21 All right. I'm going to bring this matter to
22 closure. As I stated before, the actions that
23 the Board has is to take no further action or to
24 submit this matter to the Office of the Attorney
25 General for further action if this Board

1 determines that they believe that the
2 establishment, their action or inaction
3 contributed to this event. So thank you very
4 much for -- so we'll take this matter under
5 advisement. Thank you very much for your
6 presentation today, and everyone have a great
7 day. Thank you.

8 MR. MURPHY: All right, thank you.

9 CHAIRPERSON ANDERSON: All right.

10 (Whereupon, the above-entitled matter
11 went off the record at 11:01 a.m.)
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21
22
23
24
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A			
A-R 5:24	44:18	Assault 1:9	bring 43:14 44:21 46:21
a.m 2:2 6:19 47:11	altercations 33:24	assaulted 11:5 14:11	bringing 43:11
ABC 2:14 3:4 24:12	35:22	14:24 15:20 20:5	Bryan 27:13 28:9
ABCA 1:19 12:11 23:2	alternative 16:24	24:23	build 17:14
23:19 31:19 33:15	American 17:2	assessment 39:5	building 41:6
ABCA's 2:19	amount 28:18	assist 44:1	business 3:14 11:12
ability 3:23 44:9	ANC 1:7	assistance 4:5 27:24	12:24 13:8 16:20 34:2
able 5:3 18:21 20:21,25	and/or 36:4	attendance 3:13 14:23	37:8 38:15,16 39:22
21:22,23 25:19 26:25	Anderson 1:14,16 2:3	attended 6:23 11:2	40:3,25 41:2,6,9,10
45:20	3:3,9,12 4:19,25 5:8	Attorney 7:25 8:1 40:9	41:10,22,23 42:17
above-entitled 47:10	5:15,19 6:1,5,9,13	46:24	46:4
absolutely 18:2 38:6,7	8:15,18 9:10 11:1,25	authorized 2:15 38:3	businessmen 46:16
46:1	12:7,13 16:5,13 17:6	available 2:11 15:7,14	
access 4:13,15,16,17	18:6,11,15,20 19:9,21	aware 18:12 19:3,6	C
acclaimed 41:4	20:7,17,24 21:8,14	24:13 29:11,16 34:13	calendar 2:20 3:16
accompanied 19:19	22:5,19,25 23:6 25:13	35:21 36:8 39:7	call 2:21 12:22
account 2:24	26:13 30:25 31:6 34:5	awareness 17:14	called 3:19 19:17
accurate 29:24,25	35:6,11,19 36:1,7,19		camera 3:21,25 5:1,3,4
act 2:8 30:20 31:20	37:4,16 38:2,8 40:19		15:6 21:3,10,15 23:24
action 7:11,16 8:1	42:8,11,23 43:1,8,17		25:4,18 26:7,23 29:9
18:15 46:23,25 47:2	43:21 46:20 47:9		cameras 4:2 15:13
actions 7:23 33:21	Andrew 1:20 4:13 5:13		22:11 23:18 25:24
44:15 46:22	angle 22:12		26:1 31:18 45:16
activity 25:19 26:3	announce 3:6		Cameron 1:21 4:16
actual 14:15	answer 4:6 15:18 33:16		5:17
additional 28:5 43:16	44:8 46:19		Cannabis 1:2,13 2:5,10
address 2:25 16:19	anticipates 45:23		capture 26:7
17:10 33:16 41:6	anybody 9:8 32:19		capturing 26:2
45:14	45:24		care 44:12,13
Adelmeyer 27:13 28:10	anyone's 36:20		case 1:8 3:19,24 4:1,3,7
adequate 23:25	Apologies 29:12		4:8,11 8:3 9:4,7,9
administrative 46:14	apparently 11:4,18		14:17 19:10 35:8
admittance 38:4	20:12		cases 3:18
advance 2:19	appear 38:5 40:11		casual 16:23 17:16
advised 19:23 24:8,19	appeared 37:14		42:20 43:7
advisement 47:5	appears 4:18 34:10		catch 21:23
afternoon 23:11	appointed 39:15		cause 8:2
AG 40:17	appreciate 43:25		central 2:20
Agency 46:14	approached 7:1		certain 35:17
agenda 2:21	approximately 6:19		certainly 26:4
Aggravated 1:9	8:20 29:21 30:3		chair 4:18 5:12 12:12
aggressor 34:11 35:2	April 1:11		16:12,18 25:12 26:16
35:24 36:4,11 37:1	area 10:7,12 11:15		30:24 31:5 39:16 40:5
ahead 23:8 25:14 31:6	15:13 19:8,20 20:6		43:24
38:11	26:8 27:3 30:7 34:14		Chairman 9:15 12:4,22
Akedo 1:6,6 4:8 11:11	42:22		16:1 37:13 40:23 42:6
11:16 14:21 15:1	Arman 1:20 4:21,24		42:18,25
16:21 19:15 20:20	5:24		chairperson 1:13,16
29:3 31:15 33:13,21	arrest 39:3		2:3,4 3:3,9,12 4:19,25
42:19 44:7	arrival 7:7 8:22 9:2		5:8,15,19 6:1,5,9,13
Akedo's 19:16 20:14,14	arrived 11:17 13:5,19		8:15 9:10 11:25 12:7
20:23	15:10 17:25		12:13 16:5,13 17:6
alcohol 36:3,10 38:4,4	arriving 19:4		18:6,11,15,20 19:9,21
39:3	articulate 14:3		20:7,17,24 21:8,14
Alcoholic 1:2,13 2:5,9	asked 5:21 31:19 38:14		22:5,19,25 23:6 25:13
alongside 17:4	asking 7:21 30:17		26:13 30:25 31:6 34:5
altercation 7:3 11:4	36:23 37:12 43:3		35:6,11,19 36:1,7,19
	aspects 17:22		37:4,16 38:2,8 40:19
		B	
		back 27:17	
		background 6:15	
		bad 32:20 45:3	
		bar 41:13 42:21 43:7	
		based 12:18 20:19,24	
		21:10 22:19	
		basically 7:15 11:14	
		13:24 19:2	
		bearing 31:23	
		bears 31:14	
		beginning 39:17	
		behalf 5:14 31:4 43:22	
		believe 11:18 13:6	
		14:22 15:12,23 22:7	
		28:24 32:15 33:12	
		36:13,20 44:16 45:17	
		47:1	
		believed 10:25	
		believes 29:4	
		best 21:25 36:16 44:9,9	
		better 25:6	
		beverage 1:2,13 2:5,9	
		42:2,4	
		beyond 22:18 33:8	
		45:22 46:8	
		bit 16:7	
		block 10:7	
		Board 1:2,13 2:5,10,14	
		3:3,5,12 5:13,16 7:12	
		7:18,20,22,24 8:5,11	
		8:11 9:11 16:6,19	
		23:7 25:22 26:6,10	
		38:9 40:8,11 43:9,25	
		46:23,25	
		bodies 2:14	
		bottom 37:5	
		Branch 9:5 14:12,16	
		15:10	
		brand 17:14 41:5	

42:8,11,23 43:1,8,17
43:21 46:20 47:9
chance 21:3 46:19
changed 25:24 28:1
charge 39:21
charged 15:21
chef-driven 42:20
Chief 6:17 7:11 34:7,21
chilling 46:15
chooses 4:2
circumstances 27:3
clarification 17:9 19:12
34:25 35:20
clarify 16:14 30:1 41:12
42:12
clarity 17:20
clear 3:17 30:6
client 31:4 34:25 35:12
35:20,21 36:2,8,23,25
43:22
clients 40:11
close 34:9
closer 25:1
closing 6:25 13:7
closure 43:11,14 46:22
club 11:22 17:3 27:20
27:22 29:5 33:5 41:9
41:13
Code 2:7,16
Columbia 1:1 2:6,25
38:16 39:9,9 40:3,25
46:5
Columbia's 2:12
combat 22:13
come 14:7 44:8
commander 8:21
comments 43:10,13,16
43:18,22
committed 23:2
common 45:23
community 35:17 46:17
complaints 3:1
complete 16:24
completely 40:15
concept 16:23 19:1
conclude 23:1
concluded 4:3 45:10
conclusion 3:25
conductive 46:4
conduct 3:13,17
conducted 2:10
conducting 9:7
conducts 34:2
confirm 20:25
conflict 28:15 39:1
confused 33:22
connecting 5:7
connection 31:14

consciousness 7:5
consequences 45:6
consider 39:24
considered 14:1
constitutes 3:14
consume 36:11
continue 37:24
contributed 47:3
contributing 46:17
control 46:9
conversation 45:13
cooperate 33:14
cooperated 31:18 44:7
cooperative 13:10
17:23,25 18:1,3 26:20
correct 12:12 21:12,13
22:24 23:25 25:9
41:11,18
correction 12:4 30:4
Council 39:9
counsel 1:20,21 5:17
couple 13:18
course 27:7 31:12 37:9
38:23 44:10
court 19:18,20 20:6
courtyard 33:20
cover 30:15
coverage 25:5 26:23
29:9
CR 12:15
critically 41:4
crowd 19:5
CT 1:7 12:5,8,11,15
16:21 38:16 41:10,16
CTL 11:11
cuisine 43:6
current 18:1
currently 9:5 14:14,18
cusp 44:17,22
customer 20:23 22:23
customers 20:20 34:11
cutting 11:21

D

D.C 2:6,16 9:21
date 2:21 13:16
day 11:18 28:6 32:21
47:7
days 8:25
DC 1:6,19
dead 32:23
deal 44:6
death 31:13
deceased 7:9 45:2
decent 28:18
decor 43:7
definition 41:25
deny 38:4

Department 6:20 10:6
39:12
describe 11:12 16:8,15
describing 30:1
desire 43:19
detective 15:10,16 18:2
27:12,15 28:5,10,16
28:17,21,23
detectives 22:14 33:3
determine 7:23
determines 47:1
died 15:21 24:24 31:13
difference 41:20
different 16:7 19:14
22:12 33:2
differently 28:1
dined 32:4 36:17
dining 16:24
dinner 36:17
direction 27:1
disabled 3:25 4:4
disagree 40:16
disclosed 24:16
discussion 29:9
dispute 35:22
distance 20:11 29:10
29:17 30:1,2 45:18
distant 44:3
District 1:1 2:6,12,25
8:17 9:24 10:1,13,16
10:25 11:9 13:2 38:16
39:8,9 40:3,25 46:5
District's 2:20
doing 7:20 8:6 34:23
39:19 46:4
Donovan 1:14,16 3:2
door 24:23,25
downstairs 25:3
drink 17:4
drinks 36:17
drugs 39:3
duties 38:25
duty 44:13

E

earlier 31:25 38:14
early 35:16
effect 46:15
either 7:22 12:15 32:13
35:12,20 36:2,10 37:1
electronic 2:13,14,23
electronically 3:5
elevate 3:20 4:10
elevated 4:14,15,16,17
email 27:17 28:8
employees 32:17
EMS 19:4
enable 3:21,23
encompassing 45:16
enforce 26:9
engaged 32:7
ensure 26:1
entered 32:10
entering 44:17
entire 28:14
entrance 30:9
equipment 3:23
equivalent 29:13
essentially 32:8
establish 12:16 27:4
38:13
established 46:16
establishment 7:15,19
11:11,13 12:9 16:9,15
16:16 17:4,12 18:18
20:12,12,16,23 21:4,7
21:11,17,25 22:2,7,11
22:15,17,22 23:3,4
24:15,17,20 25:21
26:5,24 27:5 28:12,14
28:15,19,23,24 29:10
29:23 30:9,16 31:15
31:17,22 32:5,6,9
33:25 34:2,10,12,16
35:3,10,17 38:20 41:3
41:4 42:3,13,14,16,19
43:2 44:2 45:15 46:6
46:13 47:2
establishment's 28:20
33:1 37:18
establishments 19:18
24:13 26:25 39:8
46:18
estimate 29:19
estimated 29:11
et 2:7
event 6:23 10:25 17:11
17:16 25:22 31:11
32:2 33:2 35:14 45:11
47:3
events 46:2
eventually 24:24
evidence 36:24
exactly 44:5
excess 37:23
excuse 12:21 24:18
expect 30:20 45:24
expected 32:20 33:6,10
45:19
experience 16:25 23:20
23:21 41:9,13
experienced 38:19
expired 10:21
explain 13:25 21:17
35:13 41:21
expressed 40:20 44:19

extension 44:3
extensive 38:18

F

fact 1:7 17:9,18 20:22
22:22 32:15
fact- 4:7 37:6
fact-finding 6:14,16
7:13 8:6,18 11:1
18:14 34:22 45:9
fact-findings 40:7
factors 32:2
failing 44:12
fair 10:17 42:5 46:3
fall 32:22
families 14:6
family 6:24
far 14:14 15:12,14 20:7
24:23 28:19 33:3
45:22
fast 16:23 42:20
feature 4:7
features 17:1
February 6:18 7:9 8:20
9:1 13:4 32:24 41:2,7
feet 24:24 30:3,4 31:22
33:20 45:18
fell 11:5
field 29:17 45:19
fields 29:22
fight 32:22
filed 39:11
final 39:4 43:10,13,18
43:22
find 17:20 18:22 34:23
finding 1:7 4:8 37:7
fine 24:3 31:1 35:11
Firm 5:17
first 4:7 10:15 11:16,17
11:19 21:20
fist 32:22
Five 23:22,23
flavors 17:3
fled 7:6 9:3
follow 9:7 21:25 27:16
33:6 34:17
followed 34:18
following 6:25 14:16
food 16:22 17:1,5 19:18
19:20 20:6 42:2,4
foot 9:3
footage 15:12,14 21:4
21:10,16,24 22:1
23:25 24:2,7 25:4
26:2 36:13
football 29:17,21 45:19
force 39:2
foresee 30:20 46:8

foreseeability 32:1
45:21
foreseeable 30:7,14
32:2,14 45:5
foreseen 27:22 45:1
Forgive 11:21
formally 39:25
found 15:19 24:7
frame 29:20
Friday 6:18 8:19
friendly 32:16
friends 6:24 14:6
front 6:21 12:6,19 19:15
20:11,13,15 24:23,25
full 16:22 17:12
fully 44:7
fun 17:16
functions 16:21
further 7:23 8:11 18:4
18:18 26:11 30:23
46:23,25
future 22:14

G

G-A-R-C-I-A 6:12
G-E-O-R-G-E 6:11
Garcia 1:22 4:16 6:10
6:11,12 18:7,8,10,13
18:17,23 19:11,22
20:10,18,21 21:5,13
21:20 22:9,24 23:4,8
23:10,12,13,16,22
24:1,8,16,19 25:1,9
25:15 26:4,17,21 27:2
27:9,12,16,18 28:7
29:7,15,18,24 30:2,12
30:17,21 33:12 43:18
43:20
gathering 11:3,20 14:6
14:8
General 7:25 8:1 40:9
46:25
George 1:22 4:15 6:11
give 12:22,24
given 13:10 18:3
giving 31:8
glad 27:18
go 9:18 17:4 23:8 25:14
31:6 32:13 38:10 45:2
going 16:7 19:25 20:14
25:20 40:5 44:1 46:5
46:21
Golden 11:15
good 2:4 4:9,12 5:9,12
6:1,3,13 8:11,13,13
9:15,16 18:7 23:9,10
23:10,11,11,13,16
25:15 26:17 38:17,17

Government 2:12,25
grade 39:6
grand 14:18
Grant 1:17 3:10,11,11
25:14,15 26:11
gravity 33:16
great 24:21 47:6
ground 11:6
guards 19:23 21:21
guess 19:22
guests 17:13 35:18
guidance 2:11 37:10

H

hand 27:19
handling 39:15
happen 36:21 46:2
happened 15:4,5 20:10
22:17,21 27:20 28:2
31:21 32:24 33:18,19
44:7,23 46:11
happening 15:2 27:22
happens 32:22
happy 44:1
head 7:4 11:6 37:3
hear 6:4 8:14 23:14,15
heard 3:24 11:16 19:24
19:25 33:11
hearing 1:3,7 3:15 4:5,8
6:15,16 7:13,22 8:2
34:6,7,12,22 37:7
39:17,18 43:14
hearings 3:17
held 2:13 8:2 35:14
Hello 6:3 27:17
help 27:18
helpful 27:23
helping 17:19
high 42:20
hired 38:19
hit 7:4 11:6,6
hold 38:18 46:5
homicide 9:5 14:12,16
15:10,16,22 18:2
22:14
hospital 7:6 8:24 9:1
10:20
host 38:25
hosted 2:24
hostility 32:5 44:19
hours 2:18 8:20 13:17
Howard 27:13,15 28:5
human 46:7
hundreds 31:22 33:20

I

idea 10:10
identified 14:11,13,20
36:14 44:11
identify 5:10 20:3 21:22
27:10
IDs 39:1
immediately 37:23
implicated 44:3
inability 44:12
inaction 47:2
incident 8:19 13:3,11
13:16 15:2 17:21 18:9
18:12 19:7,11,14 20:1
22:8 27:21,24 28:18
28:22,25 29:1,1,4,10
29:22 30:10 32:3
33:18 34:8,8 44:4,16
45:18 46:11
incidents 21:6 22:3
34:3,15,15,18 46:7
included 2:21
includes 38:24 39:4
incoming 38:22
incredibly 31:10
individual 37:22
individuals 20:20 32:3
inform 37:24
informal 7:18 8:5
information 2:22 13:10
15:7 18:18
infraction 21:2
injuries 7:9 11:8
injury 11:7
inside 13:8 15:1,5
20:22 21:2,4,6,11,16
23:18 24:3,6,9,12,22
28:11,13 32:6 34:16
35:23
installed 31:18
instructions 3:16
intent 32:13
intention 36:18,21
intentions 32:14
interaction 32:16
interactions 32:6
interest 14:13,17,20
15:19
interpretation 14:9
intervene 28:20 33:10
interview 28:9
intoxicated 32:11 36:18
36:21 37:15,23 38:5
intoxication 36:25
37:19
introduce 3:4 35:16
investigate 7:13 8:6,11
investigated 9:5 36:8
investigating 7:21
14:14
investigation 6:22

17:22 20:8,19,25 22:6
22:20 23:1 26:18 27:8
28:16 45:9
investigator 1:22 4:15
6:9 23:9,10,12,19
26:15,17 29:6 33:12
investigators 27:7 44:8
invite 14:6
invited 17:12 35:18
involved 12:25 21:1
22:4 29:2 32:3 44:15
45:8
isolated 27:21 29:1
issue 13:4,12 22:13
39:24
issues 18:3 39:14
issuing 26:6
Italian 17:2
items 17:14

J

James 1:17 3:7,8
Japanese 17:1 43:5
Japanese-styled 42:21
Japanese-themed 43:6
job 46:17
JOSE 1:19
JR 1:17,17
July 10:2
jump 40:5

K

killed 15:3 39:16
kind 10:7 11:19 16:23
17:1 19:17 24:14
36:15 44:5
Kline 1:20 4:13,21 5:2
5:11,12,13 16:6,9,11
40:5,20
knew 20:5,9
knocked 10:19 19:25
know 9:4,6,11 10:11
11:12 14:1,15 15:1,8
15:9,15 20:2 24:11
30:3 33:13 36:3,7
37:5,22 39:1,2 41:19
46:9
knowledge 10:6 15:12
17:20 18:9 26:5 36:16
41:22 44:10
known 36:5

L

lack 44:12
lasts 38:23
launch 17:12
law 5:17 45:22
laws 39:2,10

leading 25:2
leave 4:2
leaving 6:25 33:24,25
led 44:16
left 13:8
let's 40:10,17,17
letter 8:19 11:1
license 1:8 4:9 41:16,17
licensed 16:21 31:16
33:25 45:6 46:18
licensee 1:20,20,21
5:14,18 7:17 17:23
26:19 30:14 32:15
38:13 44:2,24 45:11
licensee's 32:17
licensees 45:4
lieutenant 4:14 6:2,7
8:9,16 9:15,17 10:2,5
12:21 16:3 17:7,18,18
26:14 43:12

life 11:15 13:1 38:15
life- 11:7
lifesaving 8:24
light 44:6
limited 38:24
line 5:2 37:5
lines 25:17
little 11:20 17:2
LLC 1:6
location 6:24 7:1,7 9:20
11:17
locations 9:3
log 2:22
long 9:23 40:24
look 21:18 32:1
looking 24:7
lost 7:5
lot 19:13,25 34:14
39:13
lounge 42:21
lounges 41:14
luck 32:21 45:3

M

M-A-N 5:25
M-C-H-A-U-L-E-Y 6:7
M-U-R-P-H-Y 6:8
man 31:12
management 38:19
manager 27:22
mandate 38:22 39:10
matter 1:5 7:24 37:15
43:11 46:21,24 47:4
47:10
McHAULEY 1:21 4:14
6:2,7 8:17 9:15 43:12
mean 10:3 12:21 29:12
33:24 36:9 37:5,7,8

40:6 41:24 42:24 43:4
measures 8:25 31:16
31:23 45:5
meet 17:13 44:13
meeting 2:9,10,18,19
2:20,23
meetings 2:7,13,14
Member 1:17,17 16:19
members 3:4,13 5:13
5:16 9:12 16:6,19
23:8 38:9,22 43:9,25
met 1:13
meters 19:16 20:15
26:25 29:12,13
Metropolitan 6:19 10:5
39:12
microphone 3:22
microphones 4:3
midnights 8:22
minutes 13:18,20 38:23
missing 4:20
mixed 17:3
Mixon 1:21 4:17 5:15
5:16,17 16:10,11,18
17:6,8 18:4 26:15,16
26:22 27:6,10,14 28:3
29:6,8,16,19,25 30:5
30:13,19,23 31:1,5,8
34:5 35:4,8,15,25
36:5,12 37:2 38:10
43:21,24
model 11:12 12:24
16:20
moment 3:20
monitor 33:6
morning 2:4 4:7,9,13
5:9,12 6:1,3,13 8:12
8:13,14 9:15,16 16:8
16:12 18:7 23:9,10,11
23:11,13,16 25:15
26:17 38:17,17
mouth 17:15
move 5:5
MPD 1:21 13:15 15:7
18:14 27:6 31:18 33:2
33:15
multiple 19:18
murder 15:21
Murphy 1:21 4:14 6:2,3
6:6,7,8 8:9,13,16,17
9:16,19,22,25 10:9,11
10:23 11:14,23 12:21
13:3,16,22 14:3,12,22
15:4,9,23 16:3,4
17:18,18,24 43:13,15
47:8
mute 3:24 5:2

N

N-A-Q-I 5:25
name 3:2 5:22,25 6:6
8:16 40:2 42:16,19
names 3:6
Naqi 1:20 4:21,24,24
5:4,6,19,21,24,24,25
37:2,6,13,20 38:6,17
41:1,12,18,24 42:9,10
42:18,24,25 43:5
nature 30:10
near 28:22
nearby 8:23
necessary 7:24
need 3:16 39:24
needed 42:11
needs 40:8
negative 32:6
neighboring 16:25
neither 32:10 37:14
never 13:4,12 36:20
40:13
new 38:22
Nicole 27:13 28:10,23
night 11:15,19,22 13:1
17:21 18:19 35:14,16
36:16 38:15 41:9,10
41:13 45:1
nightclub 11:23
norm 10:18,24 11:8
normally 17:15 32:4
Northeast 10:14
Northwest 10:12,15,24
notice 2:18,21
notified 13:18 18:13
number 4:8,9
NW 1:7 6:21 9:21 10:8

O

object 40:14
oblivious 31:11
observance 39:2
observe 33:10
obtain 15:11,15
obviously 31:10
occur 8:19
occurred 10:25 14:25
18:19 19:2 21:11
27:24 28:15 34:9
35:23
offered 24:17 39:5
offering 42:4
Office 2:12 7:25 8:1
46:24
officer 10:12,13
officers 6:20 7:7
official 25:20,23
oh 19:24

okay 4:12 9:20 11:10
12:3,10,17 13:13
16:13 19:21 23:16,17
24:4,10,21,22 25:10
30:5 41:19 42:5
OMA 2:8,17
Once 3:19
ongoing 28:17
OOG 3:1
open 2:7,12 14:7
opengovoffice@dc.g...
3:2
opening 6:23 11:19
13:25 14:2,4,9 17:11
18:25 35:15 36:15
operate 41:13
operation 35:16
operations 31:14 33:2
44:14
operators 46:16
opinion 23:18,24 40:8
40:20
opportunity 31:9
option 4:1
order 7:19 26:6,6,10
Orellana 1:19 4:10,12
4:23
outcome 28:2
outside 15:5 22:17,21
22:22 24:2 25:6 28:15
30:8 32:8,19 34:19
44:23
over-served 37:14
44:22
over-service 36:25
37:19
overserved 29:3
owner 14:5 31:3 38:10
38:12 40:24
owners 13:6,9

P

P-R-O-C-E-E-D-I-N-G-S
2:1
Pamela 6:17
paperwork 12:5,18,23
part 30:16
participated 38:21
participating 3:5
participation 2:23
particular 13:5 19:20
41:3
parties 4:1,11 5:10 29:2
44:15
partner 27:13
partners 28:9
party 3:21 4:2 32:13
37:14 43:12

passed 39:10
passing 39:5
patron 14:20 37:22,24
patronized 35:9
pavement 7:5 11:6
peer 39:4
people 17:4 19:14
32:23 33:7,23 38:5
39:5,13,16 44:25
period 21:18
person 6:21 10:21 13:1
14:11,13,17,19,20
15:19,20,20 24:6
personnel 32:9 33:9
38:20
persons 24:5,11,12,14
38:15 39:11,13,21,25
perspective 45:24
physical 7:3 11:4 44:18
pick 25:19
picked 25:6,7
piece 31:9
place 13:5,12 19:3,4,7
19:15,15 20:1,4,9,16
21:6 22:3 26:10 27:3
28:18,22 29:22 30:11
31:21 45:11
placement 25:18 26:1
please 2:25 3:6 4:5,10
5:20,22 16:17 28:6
31:7
point 28:12,14
Police 6:17,19 7:12
10:5 34:7,21 39:12
possible 29:9
potentially 31:21
power 39:3
powerful 46:15
powers 22:18 46:7
practice 34:14
pre-cognitive 46:6
preliminary 6:22
premises 44:20 45:7
prepare 30:22
present 1:15,18 3:8,11
4:24 5:1 17:16 18:24
presentation 47:6
presiding 1:14
pretty 38:1
prevent 22:8 28:25
45:25
preventable 7:16
preventing 37:18
previous 28:8
prior 15:1 17:11 33:24
45:9
private 11:20 14:5,8
probably 13:18,20

22:10 44:25
procedures 34:18
proceeding 7:18
proceedings 44:11
process 8:5
professional 39:23
program 38:21
promoted 10:2,14
promotional 35:16
prompt 27:23
pronounce 42:14,15
pronounced 7:9 8:25
proper 34:18
property 16:25
protocols 31:15 37:18
37:21 45:12
provide 8:24 37:25
provided 2:18,24 21:24
22:2 24:20
providing 27:23
proximity 46:12
prudent 31:16 45:4
public 2:13,22 14:7
33:8 43:2
punched 7:4
purpose 34:12
pursuant 2:11,15,17
pursuit 25:25
put 6:15 32:20

Q

question 4:6 17:10,10
17:17 18:19 20:18
30:12 35:14 36:2,22
36:22 38:3,13 40:16
40:21
questions 3:1 4:4 7:21
8:7 9:8,9,11,12 12:18
16:6,20 17:7 18:5
23:7 25:14,17 26:12
26:13,14 30:24 31:2
33:16 37:11 38:9,10
43:9 44:8 46:19
quick 25:16
quite 33:22
quorum 3:14

R

random 31:20 32:18
46:2
range 25:20
re-organize 22:11
real 44:12
reality 46:2
really 27:25 33:4 40:18
reason 39:12
reasonable 30:18 31:16
45:5

reasonably 30:6,13,19
45:24
reasons 11:3 34:20
recommend 22:10
recommendation 25:21
25:23 26:8
record 2:4 5:11,23
12:11 13:14 16:14,16
32:11 33:17 35:5 36:6
40:1 42:12,15 45:20
47:11
records 12:3
reference 9:7,9 29:20
reflects 33:17
regarding 2:13 35:23
registered 12:11,19
40:2
regularly 2:8
reinforced 45:13
relationship 33:1 45:10
remain 3:24
repeat 30:12 44:19
reply 27:17
report 17:15 19:10
25:11 28:4 35:9
representing 37:6
reputation 37:7
request 6:17 7:12 8:10
18:14 40:8
requested 18:14 34:8
34:21
require 4:4 13:11
required 22:16 40:9
requirement 40:12,15
requirements 2:17
requires 45:22
resolution 39:1
resources 46:14
respect 40:10 44:13
respond 3:6 35:1,12,21
36:3,24 45:5 46:7
responded 6:20
responding 37:11
46:10
responds 34:3
response 7:15
responsibilities 38:25
responsibility 45:4,15
responsible 27:20
restaurant 12:1,1,9,9
12:14,15,16,20,23
13:7 14:24 16:22
17:13 38:15 41:5,10
41:13,20,25 42:3,20
43:7
result 6:17 7:11 22:5
23:1
Retailer 1:7

Returning 29:8
revealed 6:22
review 21:3 25:25 36:12
reviewing 21:15
right 5:8,9 6:14 8:8 9:4
 9:6 13:22 14:17 15:25
 18:6,7 21:8 23:6
 30:25 31:1 37:16 43:8
 43:10 46:21 47:8,9
rights 3:21 4:10
roughly 29:13
rules 39:2
run 41:20,21 42:13,19
 43:2

S

safety 27:2
sales 42:1
saw 21:16,19
saying 21:9,10 25:7
 39:25
says 12:19 28:6 41:16
 41:17 45:8
scene 8:22 9:2,18 11:17
 13:6 15:10 17:25 19:4
scheduled 2:9 3:19
scope 25:18 26:2 30:8
 32:8,19 33:9 45:6,21
 46:8
screening 39:1
second 8:17 9:24,25
 10:16,24 11:9 13:1
 16:12
secondly 25:22
section 2:7,15
secured 31:17
security 18:24 19:1,2,6
 19:23 20:2,9,13 21:21
 24:5,5,10,12,14 28:20
 31:14,18,23 32:9 33:9
 34:3,17 36:13 38:14
 38:21,25 39:11,22
 40:4 44:11,14 45:12
 45:16
see 8:2 18:4 34:13 36:9
 37:2 45:10
seeing 12:5
seen 40:13
select 17:14
send 7:24
sense 45:23
sent 7:12
separately 32:7
seq 2:7
serious 39:23
seriously 39:6
served 36:3
serves 42:3

service 16:3,23 30:8
 37:25 38:4
servicing 37:21
set 7:17
Seventh 10:13
severity 31:12 44:6
shaking 37:2
share 18:21
short 1:17 3:7,8,8 9:13
 9:14,16,17,20,23 10:4
 10:10,17 11:10,21
 12:3,8,10,17 13:13,21
 13:24 14:10,19,25
 15:6,17,25 20:11 23:8
 23:9,15,17,23 24:4,10
 24:18,21 25:4,10
 38:11,12 39:7 40:15
 40:22,23 41:1,8,15,19
 42:5
Short's 16:20
Shoto 16:25
show 8:2
side 10:14,15,24
signs 32:5
Silas 1:17 3:9,11
Similarly 33:11
simply 32:20 40:13
 43:6
sir 5:2,5,6,24 6:2,5 8:12
 8:15 9:13,19,22 10:9
 10:23 11:9 15:4,24
 35:7 37:17,20 38:3,7
 38:18 41:12 42:10,17
 42:24 43:3,4,8,23
 46:20
situated 46:12
situation 17:17 33:17
situations 39:15
six 8:25
Smith 6:18
soft 6:23 11:19 13:25
 14:1,4,9 17:11 18:25
 35:15 36:15
somebody 19:24
somewhat 46:12
soon 27:24
sorry 10:3 17:8 28:12
 29:12 30:4 33:25 40:6
 40:15 43:15
sort 16:14 25:25 26:10
sounds 24:21
Southeast 10:13
space 33:8
speak 18:23 27:6 28:7
speaking 31:25 42:9
specialist 3:20
specific 7:19 9:12 26:7
specifics 20:4,9

speculative 15:17
spell 5:20,22 42:15
spill 33:5
spilled 29:5
split 42:1
spoke 19:14 21:21
 22:15 27:12
staff 1:19 17:13 18:24
 19:1,2,6,13 20:2,13
 26:19 27:22 33:21
 37:21,21 38:3,18,22
 40:4,4
stage 7:17
staircase 25:2
stairwell 25:2
stance 25:25
start 5:11 8:7,9 43:12
started 34:7,15
state 5:20,22
stated 8:18 11:1 28:10
 28:16,17,21,23 29:3
 39:16 46:22
statement 28:5,8 31:3
states 35:9
stationed 20:13
stay 4:2
steps 7:20
straight 40:18
street 1:7 6:21 9:21
 10:8,20 15:2 33:8,19
stretches 45:22
strict 37:20
struck 10:19
submit 4:6 46:24
subsequent 17:22
successful 17:16
sufficient 26:2
suggest 31:20 39:10
suggested 40:12 45:7
suggestion 39:20 44:21
 45:14
suggests 32:11,12 36:6
super 46:6
sure 15:11 16:9 26:9
 31:6 33:22 43:5 46:1
surrounding 19:5,8
survive 7:8
suspect 6:23 7:1,2,4,6
 9:2 11:2 14:10,15,23
 15:18 20:3 28:11,13
sustained 11:7
sworn 8:4

T

t/a 1:6
take 3:20 7:19 8:1 9:8
 18:16 19:15 30:11
 31:17,21 39:6 45:4

46:23 47:4
taken 31:15,24
talk 36:9
talked 24:5,11
talking 29:20
tasked 32:23
tavern 11:22 12:23
 41:17,21,25 42:2
tavern/as 12:20
technical 4:5
technically 33:7
tell 16:8 18:8 19:9 27:14
 27:19 28:6 34:24
 42:13,16 43:3
telling 43:1
terms 25:18 26:22
terrible 46:13
testified 23:24 24:1
testifying 8:4
testimony 16:2 25:11
testing 39:4
thank 4:23 5:9 9:14
 15:25 16:1,2,4,18
 17:19 18:7 23:7 25:10
 25:11,16 26:11,16,17
 26:22 28:3 29:6 30:23
 31:1,8 37:17 40:19
 42:7,8 43:10,17,24
 46:18,20 47:3,5,7,8
thanks 12:4
themed 42:21
thing 19:24 21:20 22:9
 44:5
things 8:8 36:21
think 4:19 26:24 27:25
 30:6 33:22 45:12,21
 46:9
threatening 11:8
three 3:13 19:23 29:21
Thursday 1:11
tied 22:21
till 18:1
time 2:21 10:15 11:16
 13:7,13,17 21:18 22:1
 44:2,25 46:3,11
times 34:14
today 3:14,19 8:4 16:12
 17:19 31:10 33:15
 34:6 44:1,24 45:7,9
 45:13 46:19 47:6
today's 2:18 3:15 44:10
told 24:6
topics 38:24
totally 46:9
touches 17:2
tour 8:21
traditional 12:8 16:22
tragic 31:10 46:2,10

trained 38:14 39:13
40:1,1
training 24:13,14,17,20
38:18,23 39:23 40:4
40:10
trainings 39:4
transpired 31:12
transported 7:6 8:23
10:20
trial 14:18 37:8
Triangle 11:15
tried 21:25
true 10:21 35:1 41:15
try 17:14
trying 20:18 34:23
turn 5:1
two 3:18 10:1 19:22
20:19 25:16 32:3 33:2
41:8 44:15
type 16:16 21:2 26:6
35:13 42:12,13,17
43:2
typical 12:1
typically 19:6

U

ultimately 32:12 33:17
33:21
unable 20:3 28:20
unaware 40:13
unclear 35:3
unconscious 6:20
understand 28:3 32:20
41:24
understanding 12:14
32:24 35:4,7 36:14
understood 3:18 30:5
underway 3:15
unequivocally 32:25
unfair 40:14,18
unfortunate 31:13 44:4
45:3
unfortunately 7:8 17:17
32:18
unknown 9:3 11:3
44:24
unrelated 33:20
untrained 39:14
updated 25:25
upscale 16:24
use 39:1

V

various 38:24
verbal 7:2 35:22
verify 20:21
Veritas 5:17
versus 41:25

vicinity 19:19 22:12
27:4 34:9
victim 6:23,25 7:2,3,8
8:22,25 11:2,5 14:23
20:22 21:1,22 22:23
24:9,22 28:11,13
32:15 34:11 35:2,23
36:4,10 37:1
video 15:11,13,14,15
21:18,23 24:2
videoconference 1:13
view 22:12,20 23:17
24:2 26:7,25
violations 23:2,5
violence 31:20 44:23
violent 32:13 34:8 44:4
44:16 46:11
visited 18:17

W

W 1:14,16
waiting 5:2
walked 32:7
want 7:17 31:3,4 33:15
34:24 40:21 43:13,18
43:23 46:16
wants 37:9 44:5
Washington 9:21
wasn't 13:7 20:3 36:18
45:1
waste 46:13
watch 8:21
water 37:25
way 22:21 27:18 32:14
32:16 33:7 44:2 45:2
we'll 5:11 47:4
we're 4:19 6:16 7:21
29:20 30:1 33:15,22
33:22,23 34:6,23 44:1
46:5
we've 33:11 40:6 41:2,5
weapon 32:10 44:21
WebEx 1:13 2:24
website 2:19
week 46:10
welcome 29:7 37:10
welcoming 2:8
went 13:14 47:11
weren't 19:3
Western 17:2
wider 22:12 24:2 25:19
26:2
wild 36:15
willing 33:14
wind 32:22
witness 42:6
witnesses 8:3
wondering 17:20

word 12:8 17:15
work 24:12 38:20
worked 11:15
working 18:25
wound 39:15
write 19:10

X

Y

yards 29:12,14,17
year 10:3,3
years 10:1 23:19,22,23
41:8

Z

0

0200 8:20 13:17

1

1 41:2
10 13:19
10:02 2:2
100 29:16
11:01 47:11
1100 1:7 6:21 9:21 10:7
119595 1:8 4:9
120 38:23
14 41:7
15th 1:7 6:21 9:21 10:7

2

2 6:18 8:20 13:4 32:24
2:04 6:19
2:15 13:20
2:20 13:20,21
200 19:16 29:11
2021 10:2
2022 10:3 41:7
2024 1:11 6:18 7:10
41:3
24-251-00012 1:8 4:8
25 1:11
2571 2:7
2577(a) 2:15
2C 1:7

3

300 19:16 20:15 25:1
26:25 29:11,12,14
45:18

4

48 2:18

5

6
7
8
8 7:10 9:1

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In the matter of: AKEDO

Before: DC ABCA

Date: 04-25-24

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