

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

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IN THE MATTER OF: :
 :
Partners at 723 8th St :
SE, LLC, :
t/a The Ugly Mug Dining :
Saloon :
723 8th Street SE : Show Cause
Retailer CR - AND 6B : Hearing
License #71793 :
Case # 21-CMP-00073 :
 :
(Permitted a Third-Party :
Promoter to Provide :
Security) :
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Wednesday
April 26, 2023

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

PRESENT:

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

ALSO PRESENT:

INVESTIGATOR CHRISTOPHER CONDON, DC ABRA
GAYNOR JABLONSKI, Licensee
JOSE ORELLANA, DC ABRA Staff
STEPHEN ORTIZ, DC OAG

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

2 12:03 p.m.

3 CHAIRPERSON ANDERSON: All right, our
4 next case is Case Number 21-CMP-00073, The Ugly
5 Mug Dining Saloon, License #71793.

6 Mr. Orellana, can you please elevate
7 the rights of the government and the licensee,
8 and any witnesses in this case, please?

9 MR. ORELLANA: -- Jablonski, your
10 access has been elevated. Stephen Ortiz, your
11 access has been elevated. Chris, Investigator
12 Condon, your access has been elevated.

13 That is all, Chairman.

14 CHAIRPERSON ANDERSON: Thank you.

15 (Pause.)

16 CHAIRPERSON ANDERSON: All right, good
17 morning, good afternoon, everyone. Let me have
18 the parties identify themselves for the record.

19 Mr. Ortiz?

20 MR. ORTIZ: Yes, good afternoon, Mr.
21 Chairperson. Stephen Ortiz, on behalf of the
22 District of Columbia.

23 S-T-E-P-H-E-N O-R-T-I-Z.

24 CHAIRPERSON ANDERSON: Mr. Jablonski,
25 can you please spell and state your name for the

1 record, please?

2 MR. JABLONSKI: Gaynor Jablonski. G-A-
3 Y-N-O-R J-A-B-L-O-N-S-K-I, owner of The Ugly Mug.

4 CHAIRPERSON ANDERSON: Thank you.

5 This matter is scheduled for a full
6 show cause hearing. Are there any preliminary
7 matters in this case?

8 MR. ORTIZ: There are no preliminary
9 matters at this time.

10 CHAIRPERSON ANDERSON: All right, fine.

11 MR. JABLONSKI: No, no, Commissioner.

12 CHAIRPERSON ANDERSON: All right, thank
13 you.

14 All right, the way this will occur,
15 the way this will occur is that the government
16 will be given an opportunity to make an opening
17 statement.

18 Once the government gives an opening
19 statement, the licensee can also either give an
20 opening statement, or defer at the moment until
21 he presents its case.

22 The government will call its witness.
23 Once the government calls its witness, the
24 licensee will be given an opportunity to cross-
25 examine the witness.

1 Once the licensee has cross-examined
2 the witness, then the Board will have an
3 opportunity to cross-examine the witness.

4 One the government has rested, then
5 the licensee will call its witnesses, and vice-
6 versa.

7 Mr. Jablonski, do you have any
8 witnesses you wish, you're going to call, sir?

9 MR. JABLONSKI: No.

10 CHAIRPERSON ANDERSON: All right.

11 Now I just want to make sure that
12 there's any, that we're not elevating, that
13 there's not someone in the wings who needs to be
14 elevated.

15 All right, so let's start then with
16 the government. Mr. Ortiz, do you wish to make
17 an opening statement?

18 MR. ORTIZ: Yes, I'd like to make a
19 brief opening statement.

20 CHAIRPERSON ANDERSON: Okay, sir.

21 MR. ORTIZ: Sorry, I didn't hear that,
22 Mr. Chairperson?

23 CHAIRPERSON ANDERSON: No, I said, go
24 ahead.

25 MR. ORTIZ: Okay, okay.

1 CHAIRPERSON ANDERSON: All right.

2 MR. ORTIZ: Good afternoon, Board
3 members. We are here today in the matter, in the
4 show cause matter of The Ugly Mug Dining Saloon,
5 an establishment located at 723 8th Street
6 Southeast, in Washington, D.C.

7 The show cause notice issued in this
8 matter concerns the charge that the licensee
9 allowed a promoter to provide security for the
10 licensed establishment, in violation of D.C. Code
11 Section 25-797(b).

12 The evidence will show that on
13 November 5, 2021, and into the early hours of
14 November 6, 2021, the establishment had a
15 promoter.

16 The evidence will show that on those
17 dates, the promoter provided its own security
18 guards.

19 The District will be calling
20 Investigator Christopher Condon, and he will
21 testify that the licensee, Mr. Jablonski, told
22 him that there was a promoter, and that the
23 promoter provided security.

24 Thank you.

25 CHAIRPERSON ANDERSON: Mr. Jablonski,

1 do you wish to make an opening statement at this
2 juncture, or you defer until you present your
3 case, sir?

4 MR. JABLONSKI: I'll defer until I
5 present my case.

6 CHAIRPERSON ANDERSON: All right, fine.
7 Does the government have a witness
8 they wish to call?

9 MR. ORTIZ: Yes, I'd like to call ABRA
10 Investigator Christopher Condon.

11 CHAIRPERSON ANDERSON: Mr. Condon, can
12 you please raise your right hand, please?

13 Do you swear or affirm to tell the
14 truth and nothing but the truth?

15 MR. CONDON: I do.

16 CHAIRPERSON ANDERSON: All right, your
17 witness, sir.

18 MR. ORTIZ: Thank you.

19 Now Investigator, can you please state
20 and spell your name for the record?

21 MR. ORTIZ: Sure, my first name is
22 Christopher, the last name is Condon, C-H-R-I-S-
23 T-O-P-H-E-R, last name is Condon, C-O-N-D-O-N.

24 DIRECT EXAMINATION

25 BY MR. ORTIZ:

1 Q All right, and where are you currently
2 employed?

3 A I'm employed by the Alcoholic Beverage
4 and Cannabis Administration.

5 Q And, what is your position?

6 A Investigative.

7 Q All right, and how long have you been
8 investigating?

9 A About three and a half years.

10 Q All right, and what are your duties
11 and responsibilities as an investigator?

12 A Conducting inspections and
13 investigations of ABC licensed establishments in
14 the city.

15 Q In the city of Washington, D.C.?

16 A Correct, sorry, District of Columbia,
17 yes.

18 Q Thank you.

19 And, are you familiar with the
20 establishment called The Ugly Mug Dining Saloon?

21 A I am.

22 Q And, how are you familiar with this
23 establishment?

24 A I'm familiar because I was assigned a
25 simple assault case that occurred on Saturday,

1 November 6, 2021.

2 Q All right, and did you create a case
3 report for this investigation?

4 A I did.

5 Q All right.

6 At this time, Mr. Chairperson, oh,
7 sorry, I'm going to direct you to a government,
8 to a document marked Government Exhibit 1, for
9 identification. I'm not sure about the
10 relationship.

11 CHAIRPERSON ANDERSON: Are you trying
12 to, do you want him to, are you trying to share
13 your screen, or tell me what you're trying to do.

14 MR. ORTIZ: Yes, sir, I'm going to
15 share my screen now. I was just making sure that
16 I was able to share it. That I had --

17 (Simultaneous speaking.)

18 CHAIRPERSON ANDERSON: Mr. Orellana,
19 can you please allow Mr. Ortiz to share his
20 screen, please?

21 MR. ORELLANA: Been elevated.

22 CHAIRPERSON ANDERSON: Thank you, go
23 ahead. Go ahead, sir.

24 (Pause.)

25 MR. ORTIZ: All right, Investigator,

1 are you able to see this document?

2 CHAIRPERSON ANDERSON: You're not
3 sharing your screen, sir.

4 THE WITNESS: Yes, I don't see anything
5 on your screen.

6 CHAIRPERSON ANDERSON: Okay, yes, now
7 you are.

8 THE WITNESS: Okay, I can see it.

9 MR. ORTIZ: All right, so I'm going to
10 scroll through it rather quickly.

11 (Whereupon, the above-
12 referred to document was
13 marked as Government Exhibit
14 No. 1 for identification.)

15 (Pause.)

16 MR. ORTIZ: Now, just going back to the
17 top, what is this document?

18 THE WITNESS: This is my investigative
19 report that I drafted.

20 BY MR. ORTIZ:

21 Q All right, and when did you draft it?

22 A November 8, 2021, approximately around
23 November 8.

24 Q And, for what establishment did you
25 draft it for?

1 A For The Ugly Mug Dining Saloon.

2 Q And, is this document a fair and
3 accurate document of your case report that you
4 created for The Ugly Mug Dining Saloon on
5 November 8, 2021?

6 A Yes, it is.

7 MR. ORTIZ: Just for the record, Mr.
8 Chairperson, at this time the government will
9 like to enter Government Exhibit 1 and its
10 attachments as an Exhibit.

11 CHAIRPERSON ANDERSON: So moved.

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

16 And Mr. Jablonski, this, it's part of
17 the Agency's record so it's a matter of it's part
18 of our record.

19 MR. JABLONSKI: Understood.

20 CHAIRPERSON ANDERSON: All right, go
21 ahead.

22 MR. ORTIZ: All right.

23 Now, can you please describe the
24 events that led to the investigation of The Ugly
25 Mug Dining Saloon?

1 THE WITNESS: Sure.

2 So on November 8, Monday, November 8,
3 2021, I was referred an MPD report that alleged a
4 civil assault occurred on Saturday, November 6 at
5 about 2:30 in the morning. It was basically an
6 assault that had occurred.

7 I conducted interviews with the
8 victim, the owner, Mr. Jablonski, the manager
9 that was on scene during the incident, Sean
10 Smith, as well as James Richards, who is a, who
11 is a general manager.

12 Basically, an assault occurred and
13 through interviewing those three individuals, I
14 also determined that basically the security was
15 provided by a promoter that they utilized during
16 the night in question.

17 So, and that promoter provided their
18 own security for the establishment.

19 BY MR. ORTIZ:

20 Q All right, and how do you know that
21 there was a promoter?

22 A I knew there was a promoter because
23 Sean Smith admitted to it when I visited, to
24 gather more details on November 8.

25 I also spoke with Mr. Jablonski that

1 night. He also admitted security was provided by
2 the promoter.

3 And then I also met on November 11
4 with James Richards, and he admitted that there
5 was security provided by the promoter.

6 Q And did you verify -- strike that.
7 Did you verify online that there was
8 a promoter for the establishment?

9 A I did. After the fact, I verified it
10 via social media. And I have that as Exhibit 3,
11 and it shows Fresh Fridays on Capitol Hill,
12 Friday, November 5, 10:30 p.m. till 3:00 in the
13 morning.

14 Q Now, directing your attention to page
15 12 of Government Exhibit 1. Is this the
16 promotion that you're, that you were referring
17 to?

18 A Yes.

19 Q All right, thank you.

20 Now, regarding the security. You
21 indicated that you spoke to Mr. Jablonski,
22 correct?

23 A That's correct.

24 Q And, what did he tell you about
25 security?

1 A Mr. Jablonski said that the promoter
2 named Darrell, at the time he didn't know his
3 last name, provided security for the event that
4 was happening that night.

5 Q All right, and you also spoke to the
6 general manager, Mr. Richards, correct?

7 A That's correct. A few days later on
8 Thursday, November 11.

9 Q And, what did he say regarding the
10 security?

11 A He said security was provided by the
12 promoter during the night in question.

13 Q Now, is that the same thing that Mr.,
14 that ABC manager Sean Smith said?

15 A Correct, they both said that.

16 Q All right, and after you concluded
17 your investigation, did you find that the
18 establishment allowed a promoter to provide
19 security?

20 A Yes.

21 MR. ORTIZ: At this time, the District
22 does not have any further questions.

23 CHAIRPERSON ANDERSON: Any questions,
24 Mr. Jablonski?

25 MR. JABLONSKI: Yes.

1 Investigator Condon, do you remember
2 that when we were talking, how I was explaining
3 to you that this was one of the first events that
4 we did right at the beginning of when we were
5 coming out of COVID?

6 And that it was an older gay crowd,
7 and that I had worked with them to make sure we
8 had the right type of security promoter that the
9 crowd was comfortable with?

10 THE WITNESS: I don't recall that
11 conversation.

12 CROSS-EXAMINATION

13 BY MR. JABLONSKI:

14 Q Do you remember us discussing the
15 simple assault, and how I explained to you that
16 it was basically a lovers' quarrel, and that
17 there, there were two guys that were, that had
18 dated and they were fighting, and that's what,
19 what this caused?

20 A I don't remember the specifics outside
21 of what I have in the report, just due to the
22 passage of time.

23 Q Do you remember that I explained to
24 you that since The Ugly Mug is not normally known
25 as a gay bar, and that this is an older gay Black

1 crowd, that I relied on the promoter to suggest
2 securities, but we used a company called AP
3 Security, and that we paid them, not the
4 promoter?

5 A I don't recall that conversation at
6 all.

7 Q Okay.

8 So, from two years ago do you recall
9 --

10 CHAIRPERSON ANDERSON: I can't hear
11 you, sir.

12 MR. JABLONSKI: Sorry --

13 (Simultaneous speaking.)

14 CHAIRPERSON ANDERSON: Mr. Jablonski?

15 MR. JABLONSKI: Sorry, I don't have an
16 office, I work out of my car literally. So, I'm
17 sitting in my car and I'm on my phone, and we
18 have a Manchester city game today and everybody
19 and their brother is calling to see if we're
20 open.

21 I don't know why they keep calling; of
22 course we're open.

23 But so from two years ago, you, all
24 you remember is that we talked about that I did
25 have security, and the type of crowd that was

1 there.

2 And that it was supplied by there, but
3 you have no proof of anybody paying for it, and
4 you never saw the promoter pay for it either?

5 THE WITNESS: The recollection I have
6 is what's in the report. I have a recollection
7 that you said security was provided by the
8 promoter named Darrell, for an event called First
9 Fridays.

10 BY MR. JABLONSKI:

11 Q Yes, I'm not disputing that I didn't
12 say that, but there was also three or four
13 sentences afterwards, explaining.

14 A I don't recall any of that.

15 Q What that meant. Okay.

16 MR. JABLONSKI: I have no further
17 questions.

18 CHAIRPERSON ANDERSON: Any questions by
19 any of the Board members?

20 MEMBER GRANDIS: Mr. Chairman?

21 CHAIRPERSON ANDERSON: Yes, Mr.
22 Grandis?

23 MEMBER GRANDIS: Thank you.

24 Sir, just help me understand because
25 I don't see what you're talking about in the

1 report from the investigator.

2 What's the point of bringing up that
3 this crowd was Black, and gay? I don't
4 understand the relevance and the context.

5 CHAIRPERSON ANDERSON: I'm sorry, hold
6 on, hold on, hold on. Hold on, hold on.

7 Mr. Grandis, you're asking questions
8 of Mr. Condon, not the licensee.

9 MEMBER GRANDIS: Oh, I apologize. I'll
10 wait till we get to the end.

11 Okay, so Mr. Condon, are you, have you
12 been to this venue in the past?

13 THE WITNESS: I have.

14 MEMBER GRANDIS: And on any of the
15 nights that you've can recollect because you, you
16 know, it may not have been important at the time,
17 did they use promoters at any time that you had
18 been there in the past?

19 THE WITNESS: This is the first time
20 that I'm aware of them utilizing a promoter.

21 MEMBER GRANDIS: If I understand the
22 report, the victims I think stated they did not
23 know who the perpetrator was.

24 Is that what I read in your report?

25 THE WITNESS: That's correct. He

1 couldn't, the suspects got away. No police were
2 called. And, he doesn't know why or who they
3 were.

4 Why the fight started, or who they
5 were.

6 MEMBER GRANDIS: And, it looks like in
7 the report that you had asked Mr. Richards about
8 who the promoter was, and he, and he gave you a
9 name?

10 THE WITNESS: Mr. Richards I don't
11 recall, provided me a name of the promoter. I
12 got the name of the promoter from Mr. Jablonski
13 on Monday, November 8 when he provided to me over
14 the phone.

15 MEMBER GRANDIS: Okay.

16 Is that statement in your report, who
17 you got?

18 THE WITNESS: It is, yes.

19 MEMBER GRANDIS: Okay.

20 THE WITNESS: Yes, Mr. Jablonski stated
21 the promoter's name was Darrell, unsure of last
22 name or contact information.

23 MEMBER GRANDIS: Okay, I must be
24 reading a different section on page 4. It says
25 Mr. Richards stated he was unaware of Darrell's

1 last name.

2 THE WITNESS: Yes, that's a typo. It's
3 supposed to be Mr. Jablonski.

4 MEMBER GRANDIS: Ah, that clarifies a
5 bit.

6 Okay, so did you ever follow up with
7 the establishment on if they would provide the
8 last name of that promoter?

9 THE WITNESS: I never found, I never
10 looked into it further with the establishment.
11 But I conducted my own research and found a
12 social media advertisement of Darrell Wilson
13 advertising --

14 (Simultaneous speaking.)

15 MEMBER GRANDIS: What's the last name?

16 THE WITNESS: Wilson.

17 MEMBER GRANDIS: I'm sorry, what's the
18 last name?

19 THE WITNESS: Wilson.

20 MEMBER GRANDIS: Wilson.

21 THE WITNESS: Yes.

22 MEMBER GRANDIS: And did you, during
23 your investigation in putting these reports
24 together, did you try to reach out to Mr. Wilson?

25 THE WITNESS: I could not find any

1 contact information for him. Mr. Jablonski
2 couldn't provide any contact information, and
3 there was no contact information online that I
4 could find.

5 MEMBER GRANDIS: Do you know from your
6 experience, and you may not, when a establishment
7 utilizes a promoter, do they usually have a
8 contract?

9 THE WITNESS: Some establishments do,
10 I believe.

11 MEMBER GRANDIS: Well, thank you. And
12 Mr. Chairman, I apologize for not following who I
13 should be questioning, so thank you for that.

14 Thank you.

15 CHAIRPERSON ANDERSON: Okay.

16 Any other questions by any of the
17 Board members?

18 MEMBER SHORT: Owner question?

19 CHAIRPERSON ANDERSON: No, Mr. Short,
20 you cannot ask him at this time.

21 MEMBER SHORT: I'll wait until it's
22 time to talk to Mr. Jablonski.

23 CHAIRPERSON ANDERSON: Until he
24 testifies, sir.

25 MEMBER SHORT: Okay.

1 CHAIRPERSON ANDERSON: Then you can ask
2 him questions.

3 MEMBER SHORT: Thank you.

4 CHAIRPERSON ANDERSON: Now we're asking
5 questions of the, we're asking questions of the
6 government's, I'm sorry, the government's
7 witness.

8 Mr. Condon, who specifically told you
9 who provided security?

10 THE WITNESS: I was told by Sean Smith,
11 who was the manager at the time of the incident,
12 as well as Mr. Jablonski, as well as Mr. James
13 Richards, who was the general manager at the
14 establishment.

15 All three told me security was
16 provided by the promoter.

17 CHAIRPERSON ANDERSON: And did you ask
18 specifically of any of these individuals, whether
19 or not the establishment had their own security?

20 THE WITNESS: I did not ask that. I'm
21 not sure if they had their own security in
22 conjunction with the promoters.

23 CHAIRPERSON ANDERSON: Okay.

24 So, why is, why can't the promoter not
25 provide security?

1 THE WITNESS: Per regulations, an
2 establishment cannot allow a promoter to provide
3 security, even in conjunction with the
4 establishment's security.

5 CHAIRPERSON ANDERSON: All right.

6 All right, any other questions by any
7 other Board members before we move on?

8 (No audible response.)

9 CHAIRPERSON ANDERSON: All right.

10 Mr. Jablonski, do you have any
11 questions of the investigator based on the
12 questions the Board asked?

13 MR. JABLONSKI: No, no more at this
14 time.

15 CHAIRPERSON ANDERSON: Mr. Ortiz, any
16 redirect?

17 MR. ORTIZ: No, Mr. Chairperson.

18 CHAIRPERSON ANDERSON: Thank you.

19 Mr. Condon, thank you very much for
20 your testimony. You are free to go.

21 Mr. Ortiz, do you have any other
22 witnesses?

23 MR. ORTIZ: No, Mr. Chairperson, that's
24 the District's case.

25 CHAIRPERSON ANDERSON: All right, the

1 government rests.

2 Mr. Jablonski, do you wish to make an
3 opening statement? So are you going to be the
4 only witness to testify, sir, or do you have
5 witnesses you plan to call?

6 MR. JABLONSKI: No, I'm the only
7 witness, and I would like to make a opening
8 statement now that I think will answer I know,
9 Commissioner Grandis' question, and then give it
10 more context.

11 CHAIRPERSON ANDERSON: All right.

12 MR. JABLONSKI: To understand why I
13 asked those questions of Inspector Condon.

14 CHAIRPERSON ANDERSON: All right, let
15 me, well because you're going to give an opening
16 statement, and then you're going to move into
17 your --

18 (Simultaneous speaking.)

19 MR. JABLONSKI: Yes, sir.

20 CHAIRPERSON ANDERSON: -- statement?

21 Okay, so just let me just, let me just
22 have you raise your right, let me swear you in
23 then.

24 Do you swear or affirm to tell the
25 truth and nothing but the truth?

1 MR. JABLONSKI: I do.

2 CHAIRPERSON ANDERSON: All right, go
3 ahead, sir.

4 MR. JABLONSKI: So, The Ugly Mug has
5 been on Capitol Hill for about 18-19 years.
6 During the course of the pandemic, some of the
7 businesses around The Mug started to either
8 close, or fail, or change hands and those things.

9 We have always been a very inclusive
10 establishment before it was a cool word to say.
11 So, we had always had a whole bunch of different
12 walks of life.

13 However, there was a restaurant/bar
14 down the street called The Mill, that closed. Or
15 was closed, one of the two. I'm not really sure
16 how it happened.

17 But that was a mostly, that was a gay
18 bar, mostly older Black, gay. That crowd started
19 to come to us at The Mug.

20 And as we came out of COVID, they
21 explained to me, the promoter Darrell and a bunch
22 of the regulars, that they used to do this
23 traditional First Friday party.

24 We are, we're not a club. We normally
25 don't have a lot of security. We're more around

1 sporting events and neighborhood get-togethers,
2 and happy hours, and karaoke kind of thing.

3 So that being said, when Darrell came
4 to me, I said well, how were you going to handle
5 security for this because I was told by him and
6 other people, that that crowd is, you need to
7 have a certain type of security to deal with this
8 crowd. Is what I was told.

9 I was like, okay. So, he gave me a
10 name of a company called AP Professionals
11 Securities. I talked to the person who owned it.

12 And he explained to me that he done
13 events for him before at The Park, and at other
14 larger clubs.

15 And so I said to Darrell, okay, well
16 let's go with this company. But you know,
17 depending upon the size of your crowd, we need to
18 make sure that we have enough people, and the
19 right people, for your crowd.

20 Being on the street where I am across
21 the street from the Marine barracks, I was also
22 very conscious of people spilling outside and
23 that kind of thing. So, I wanted to make sure we
24 had enough presence for the outside.

25 The agreement that we have, and we've

1 always had because we still do the First Fridays,
2 is that we work through this company.

3 I now have one paid employee who is
4 there at the front door with them because I have
5 a cover charge amendment, and we charge a cover
6 charge.

7 And our agreement is, is that whatever
8 the cost of the security is, comes out of the
9 cover charge. That cover charge pays the
10 security, which is my money. And then there's a
11 split between us, the promoter and I, for the
12 rest.

13 That's how I've operated and no one
14 has said anything until I got this notice in the
15 mail. Now this notice in the mail like he said,
16 was started over a simple assault claim. It
17 wasn't over a security claim.

18 And, frankly I feel like it was a
19 setup because he asked me a question. I
20 explained what it was, but then he never once
21 mentioned anything about oh, did you know that
22 security isn't supposed to be supplied by a
23 promoter. Or was there no, there was no
24 conversation of this.

25 I've been doing this for a long time.

1 I'm not, I'm a bar/restaurant guy. I'm not a
2 night club guy.

3 So, I feel like he could have very
4 easily said something to me like, oh, you know,
5 you can't supply it.

6 I would have been like well, when you
7 say supply, do you mean like pay for it, or
8 actually supply it. Because we go through a
9 company.

10 And, he never once followed up with me
11 on that. He never once followed up and asked any
12 questions about Darrell's last name, to talk to
13 the promoter.

14 He never once followed up and asked
15 any questions about the security company, or even
16 asked if I had anyone there.

17 Nor did he ever follow up and even say
18 how you paid for it.

19 So, I believe that I followed the
20 rules and that we can sit here and argue about
21 what the word supply means, because you supply
22 security, right?

23 To me, supplying security is someone
24 who's paying for security if you're using a
25 company.

1 So, I believe that I didn't break this
2 rule at all, and that the \$2,000.00 fine is
3 absurd for it, in and of itself.

4 And, that's why I'm here talking to
5 you today.

6 CHAIRPERSON ANDERSON: Anything else
7 you want to say, sir?

8 MR. JABLONSKI: No, not at this time.

9 CHAIRPERSON ANDERSON: Mr. Ortiz?

10 MR. ORTIZ: Yes.

11 Mr. Jablonski, you told Investigator
12 Condon that the promoter provided the security,
13 correct?

14 MR. CONDON: That was the first
15 sentence that I said to him, yes.

16 MR. ORTIZ: Thank you.

17 No further questions.

18 CHAIRPERSON ANDERSON: All right, Mr.
19 Jablonski, did you make any disclosures for this
20 case?

21 MR. JABLONSKI: I'm sorry?

22 CHAIRPERSON ANDERSON: Did you disclose
23 any documents, sir? You stated that the
24 promoter, that the cost was paid.

25 All right, who paid for the security?

1 MR. JABLONSKI: I did. The restaurant
2 did.

3 CHAIRPERSON ANDERSON: Did you provide
4 us any documents to document that you paid for
5 the security, sir?

6 MR. JABLONSKI: No, security is
7 normally paid by cash at the end of the night.
8 So, we paid them that night on the spot.

9 Because I don't have security
10 regularly, so it's not a regular thing where I
11 have security all the time.

12 So this is something that there's a
13 set fee. We pay them depending upon how many
14 people come.

15 CHAIRPERSON ANDERSON: And so how much,
16 how much did you pay the security for, for this
17 night?

18 MR. JABLONSKI: That night I believe it
19 was \$350.00 for three people.

20 CHAIRPERSON ANDERSON: Any questions by
21 anyone else?

22 Go ahead, Mr. Short.

23 (No audible response.)

24 CHAIRPERSON ANDERSON: You're on mute,
25 Mr. Short.

1 (No audible response.)

2 CHAIRPERSON ANDERSON: Mr. Short,
3 you're on mute.

4 MEMBER SHORT: Thank you.

5 Mr. Jablonski, how are you this
6 afternoon?

7 MR. JABLONSKI: Doing well,
8 Commissioner. How are you?

9 MEMBER SHORT: Great.

10 Now how many years have you been in
11 business in the District of Columbia?

12 MR. JABLONSKI: 18.

13 MEMBER SHORT: 18 years. How many
14 years dealing with the sale, service and delivery
15 of alcohol?

16 MR. JABLONSKI: 18.

17 MEMBER SHORT: How familiar with you on
18 the rules and regulations that govern owners of
19 establishments that sells, serves, and deliver
20 alcohol?

21 MR. JABLONSKI: I feel like I'm
22 probably above average, but I have not sat down
23 and read the statutes in the last couple of years
24 all the way through.

25 MEMBER SHORT: So when was the last

1 time you read them at all, on any subject?

2 MR. JABLONSKI: I would say I read them
3 in 2018 when I opened up my brew pub because I
4 was going for a brew pub amendment.

5 And, there was a bunch of let's just
6 say confusion on how that would work as an
7 amendment to an existing liquor license, under a
8 restaurant.

9 So I became pretty versed in that
10 area. But as for a regular Class CR restaurant
11 license, I haven't re-read them in years.

12 MEMBER SHORT: Okay, not a problem.

13 I was on the Board 2018, and I have
14 been going over the rules and regulations. So I
15 think that the rules and regulations in 2018, and
16 they still state today, that a owner of an
17 establishment that sells, serves, and delivers
18 alcohol, cannot turn the control of that
19 establishment over to anyone.

20 Are you familiar with that?

21 MR. JABLONSKI: Yes, and I didn't.

22 MEMBER SHORT: So on the night that
23 this happened, and the incident was reported, and
24 Investigator Condon came, why did Investigator
25 Condon come to your establishment?

1 MR. JABLONSKI: Investigator Condon
2 came to our establishment because there was a
3 fight towards the end of the night, between two
4 individuals.

5 And then one of those individuals
6 called in a simple assault.

7 MEMBER SHORT: Okay.

8 Now, I guess what I'm trying to get to
9 is, the responsibility of the owner, which you
10 are, and the code book says that the owner of an
11 establishment that sells, serves, or delivers
12 alcohol in the District of Columbia, cannot turn
13 that establishment over, control of that
14 establishment over to anyone.

15 And that the owner is ultimately
16 responsible for everything that happens there.

17 MR. JABLONSKI: Absolutely,
18 Commissioner. And that's not at all what
19 happened.

20 My entire staff was there selling
21 alcohol. My kitchen was open. My kitchen staff
22 was there. My managers were there.

23 We didn't turn that over to anyone.
24 They just threw an event at my location, allowing
25 them to charge a cover charge under my amendment.

1 Allowing them to play a DJ under my amendment.

2 I did what OZO does, and Park does,
3 and every other establishment in this city does
4 on a regular basis.

5 MEMBER SHORT: Okay, I understand that.

6 MR. JABLONSKI: The only difference is,
7 is that I'm not a night club and I don't have a
8 normal security staff, because that's not my type
9 of place.

10 So, I hired a company that was
11 referred to me by a promoter who dealt with this
12 type of crowd, to make sure that we had a proper
13 security so that they felt safe, as well as my
14 staff felt safe, and could handle any issues that
15 happened.

16 Which, by the way, an issue did happen
17 and it was handled.

18 MEMBER SHORT: All right, Mr.
19 Jablonski, that sounds great.

20 Now, if we were in a court of law in
21 the District of Columbia, since the rule book
22 says the owner is the only one and, that can
23 control and operate a establishment at sells,
24 serves, and delivers alcohol, and someone had got
25 injured that night and you wound up in court, and

1 the judge said to you, you are in charge of your
2 establishment and you would say yes, correct?

3 MR. JABLONSKI: Absolutely, but I have
4 an insurance company and they would hire
5 attorneys and --

6 (Simultaneous speaking.)

7 MEMBER SHORT: I understand, wait a
8 minute --

9 MR. JABLONSKI: -- they would represent
10 me.

11 MEMBER SHORT: Okay --

12 MR. JABLONSKI: So I wouldn't say that.

13 MEMBER SHORT: I understand that.
14 We're not getting into the insurance right away.

15 But what I was asking you is, if a
16 judge in a court of law in the District of
17 Columbia, according to our code book were to say
18 to you, you cannot turn your establishment over
19 to, or any control at all, to a employee --

20 (Simultaneous speaking.)

21 MR. JABLONSKI: And Mr. Short, and
22 Commissioner Short, sorry to cut you off but I
23 would tell them exactly what I told you at the
24 original statement.

25 I controlled that establishment the

1 entire time. I've controlled it for 18 years. I
2 picked a company that allowed us to choose
3 different security people.

4 MEMBER SHORT: Okay.

5 MR. JABLONSKI: I paid that security
6 company.

7 MEMBER SHORT: Why in the world --
8 (Simultaneous speaking.)

9 MR. JABLONSKI: That security company
10 was referred to me by a promoter.

11 MEMBER SHORT: Well, I'm not --
12 (Simultaneous speaking.)

13 MR. JABLONSKI: So --

14 MEMBER SHORT: -- I'm not here to
15 argue with you, sir.

16 MR. JABLONSKI: -- so, my point to
17 you, no, but sir, you said you wanted to talk
18 about a court of law, so in a court of law I
19 would say to you --

20 MEMBER SHORT: No, no, no --

21 MR. JABLONSKI: -- I would say to you
22 sir --

23 MEMBER SHORT: -- I want to talk about
24 --

25 CHAIRPERSON ANDERSON: Hold on, hold

1 on, hold on.

2 MR. JABLONSKI: I just want to answer
3 his question, because I think it's a very valid
4 question. It gets to the point, Commissioner.

5 CHAIRPERSON ANDERSON: Hold on, Mr.
6 Jablonski, hold on, please.

7 We have a court reporter. I can only
8 have one person speaking at a time. That's all
9 I'm trying to do.

10 We have a court reporter who is
11 capturing the evidence, the testimony. So I just
12 want to make sure that each party, please allow
13 the other party to complete their statement
14 before you interrupt so therefore, we will have a
15 clean record.

16 That is all I'm trying to do okay?
17 All right.

18 MEMBER SHORT: Thank you, thank you,
19 Mr. Chairman.

20 CHAIRPERSON ANDERSON: All right.

21 MEMBER SHORT: Mr. Chairman, the
22 question I had for him is finished. I'd like to
23 ask and get a yes and no answer from Mr.
24 Jablonski.

25 Mr. Jablonski, yes or no. Do you hold

1 any responsibility for the ticket that was issued
2 to you by Investigator Condon?

3 MR. JABLONSKI: Do I hold any
4 responsibility --

5 (Simultaneous speaking.)

6 MEMBER SHORT: Yes or no.

7 MR. JABLONSKI: -- for the ticket that
8 was written by? No, because I paid for the
9 security. I supplied the security.

10 MEMBER SHORT: So, why do you think
11 we're here today?

12 MR. JABLONSKI: Because someone wrote
13 up something two years ago and I got a notice.

14 MEMBER SHORT: Mr. Chairman, that's all
15 I have.

16 Thank you, Mr. Jablonski. That's all
17 I have, Mr. Chair.

18 MR. JABLONSKI: Thanks, Commissioner.

19 CHAIRPERSON ANDERSON: All right, thank
20 you.

21 Any other questions by any other Board
22 members?

23 MEMBER GRANDIS: Mr. Chairman?

24 CHAIRPERSON ANDERSON: Yes, Mr.
25 Grandis?

1 MEMBER GRANDIS: Good afternoon, sir.

2 MR. JABLONSKI: Good afternoon.

3 MEMBER GRANDIS: You've been there 18
4 years, which is remarkable. It's good to hear
5 long term businesses surviving in D.C.

6 MR. JABLONSKI: Thank you.

7 MEMBER GRANDIS: How many years have
8 you used a promoter?

9 MR. JABLONSKI: I just started using a
10 promoter right out of COVID.

11 MEMBER GRANDIS: And, I'm not talking
12 about this evening specifically but it would help
13 me understand your, your thinking about utilizing
14 a promoter.

15 Do you, when you quote, hire a
16 promoter if that's the right word, do you have
17 something in writing with that company or
18 individual?

19 MR. JABLONSKI: So, I do now moving
20 forward. But like I was explaining before, when
21 The Mill got shut down, this crowd came to me.

22 I have never dealt with promoters, or
23 this crowd before. There are two promoters that
24 I work with now. One's named Darrell, and one's
25 named Ronnie.

1 One does what they call Saturday day
2 parties, which are like 5:00 to 10:00 or 11:00
3 p.m. Not all the time because we have football
4 season and other things.

5 And then there's Darrell, who does his
6 First Friday.

7 Those are the only two promoters that
8 I work with. The only reason why I work with
9 them is because of that crowd, and now my
10 regulars that have brought them to me.

11 I do not like working with promoters.
12 I have shied aware from working with them over
13 the years.

14 However, now that we're out of the
15 pandemic and my location is very close to the
16 Navy yard, I've lost somewhere between
17 \$300,000.00 to \$600,000.00 a year in lunch.

18 So, my landlord doesn't really care
19 where the money comes from. My staff doesn't
20 care. Bevco sure doesn't either.

21 So, I had to get creative and pivot.
22 And you know, the reason why we've lasted 18
23 years is because we've always been flexible and
24 malleable, and we've worked with everyone.

25 So, I, that is who we work with. We

1 still work with them. Those are the only people
2 that I will work with.

3 I've had other promoters try to come
4 and ask me to do things and I'm like no, it's too
5 young of a crowd, or something else. Like, I
6 like the crowd that I have.

7 Besides this incident that we're here
8 for today, the fight is the only fight I've had
9 in two plus years.

10 I've been very clear with promoters.
11 I said if this happens again, we're done. I'm
12 not jeopardizing my license and my reputation,
13 and any of these headaches because of your crowd
14 if it's going to be an aggressive, fighting
15 nature.

16 And they have very much protected
17 their own. And they very much regulate amongst
18 themselves, to make sure that there aren't any
19 issues.

20 Because they like the fact that we
21 have been very welcoming, and we open our arms
22 and let them in.

23 And we've worked with them doing
24 charity, you know, different kind of charitable
25 things and all sorts of other stuff like that.

1 So, those are the only promoters I
2 work with, and like I said, the only reason why I
3 went to them was because of COVID. And, my whole
4 business model for the previous 15 years
5 basically got torn up and thrown out.

6 MEMBER GRANDIS: So, the evening of the
7 incident, were you in your establishment that
8 evening?

9 MR. JABLONSKI: I was there earlier.
10 I wasn't there at the time of the, the actual
11 fight occurred like right towards last call.

12 MEMBER GRANDIS: Let me move you --
13 (Simultaneous speaking.)

14 MR. JABLONSKI: I'm turning over the
15 video. I want to say it was like, but I was
16 there at the beginning. I actually met with the,
17 the security and the people that were there.

18 And my manager and them, and I said
19 okay guys here's the deal, and I need to make
20 sure two of you are out front at all times.

21 One of you has to be by the door
22 because they're collecting money. And then the
23 other one needs to be roaming upstairs, and
24 making sure everything is okay. And you guys can
25 rotate.

1 On top of the security there like I
2 said, my managers were there. I had two managers
3 there, that were also there, plus my full bar
4 staff, plus full kitchen staff.

5 So, you know, it was a busy night but
6 it wasn't overly busy because like, it was, we
7 were just coming out of COVID. In November of
8 2021, we weren't really back to normal, whatever
9 that means yet.

10 So, it wasn't a super busy night that
11 night. But the company that we had, these, this
12 company has experience of dealing with this
13 crowd.

14 And what I've learned over the years
15 in the bar industry, is that you have certain
16 crowds that deal with people in certain ways.

17 And if you do not have a security
18 presence that can diffuse things, they can just
19 make it worse.

20 So, I wanted to make sure that the
21 security that was there, could diffuse situation
22 and not accelerate them.

23 And, that's what they did that night
24 with the fight. And since then, we haven't had a
25 single issue.

1 MEMBER GRANDIS: So, you weren't there
2 when the incident occurred. When were you
3 notified of the incident?

4 MR. JABLONSKI: So, I was notified of
5 the incident the next morning by the managers.
6 And I talked to the promoter. I was not happy.

7 And the promoter you know, was adamant
8 that it was a lovers' quarrel, it was not the big
9 deal, we took care of it, you know, trust me, it
10 won't happen again.

11 When the investigator came by, I
12 basically told him the same thing. You know, I
13 showed him the film and I thought that was it.

14 At no point --

15 (Simultaneous speaking.)

16 MEMBER GRANDIS: Okay, so --

17 MR. JABLONSKI: -- like I said, did he
18 start digging in about you know, who provided
19 security, and how was it paid for, or any of that
20 other stuff.

21 MEMBER GRANDIS: Okay.

22 So your manager on duty when the
23 incident occurred, he was aware that the incident
24 was a, was a, more than a verbal confrontation.
25 There was from reading the report, it turned into

1 some type of pushing or whatever.

2 So, was your manager aware, did that
3 manager inform you about the incident when he --

4 (Simultaneous speaking.)

5 MR. JABLONSKI: Yes, so my general
6 manager was there that night. And the reason why
7 my general manager was there, which goes to my
8 point, was because we were monitoring the door
9 charge, cover charge, and we were responsible to
10 pay the security, so I wanted him to make sure
11 that the security actually got paid from that
12 money.

13 MEMBER GRANDIS: Okay, so --

14 (Simultaneous speaking.)

15 MR. JABLONSKI: So, what I understand
16 from that the manager on duty was there. My GM
17 was there also. The fight happened at the front
18 door, like right inside the front door.

19 There was a verbal altercation. The
20 video that I shared shows it very clearly. They
21 started fighting basically fell to the floor, and
22 then security came, picked them up and got them
23 out.

24 MEMBER GRANDIS: Okay, so your manager
25 was aware of that at the time of the incident?

1 MR. JABLONSKI: Yes.

2 MEMBER GRANDIS: I think you state
3 that.

4 MR. JABLONSKI: I mean he was made
5 aware of it after. So security handled it, and
6 then they told him.

7 And by the time he told them --
8 (Simultaneous speaking.)

9 MEMBER GRANDIS: Okay.

10 MR. JABLONSKI: -- they had already
11 left and it was over.

12 MEMBER GRANDIS: Okay.

13 Did your manager or anyone who works
14 for you, call MPD or our investigators when they
15 became aware of the incident?

16 MR. JABLONSKI: No, because there was
17 no one there to call an incident on. Everyone
18 that was involved, left.

19 MEMBER GRANDIS: That wasn't my
20 question.

21 MR. JABLONSKI: No, no, we didn't call.

22 MEMBER GRANDIS: And when the
23 investigator spoke with you the first time, you
24 said you were unaware of Darrell's last name.

25 MR. JABLONSKI: That is correct.

1 MEMBER GRANDIS: That's in the report.
2 Okay.

3 But you had already negotiated with
4 Darrell that he wanted to bring his event to your
5 venue?

6 MR. JABLONSKI: That is correct.

7 MEMBER GRANDIS: And there was a
8 discussion of fees during that, or who takes
9 responsibility for what, when you spoke with Mr.
10 Darrell?

11 MR. JABLONSKI: Yes. So when we
12 discussed it, we discussed how the, the cover
13 charge would be split, who would be responsible
14 for what.

15 So, he was responsible for bringing in
16 a DJ. That's when he made the suggestion of the
17 company, the security company because like I said
18 at that time, I didn't really know a security
19 company.

20 Plus we were coming out of COVID so I
21 didn't even know if anyone was still open, who
22 was still working.

23 You know, he made the suggestion and
24 we talked to the security company. And then we
25 made an agreement okay, there's going to be this

1 many people for this much security.

2 Out of the door, we get this. We pay
3 the DJ this. And then the rest gets split. And
4 at the time because that was our first time doing
5 the First Friday, I didn't even know if it was
6 going to last.

7 So, I honestly had him in my phone at
8 that time, Darrell, Promoter.

9 MEMBER GRANDIS: Okay.

10 MR. JABLONSKI: Now, I obviously know
11 his last name and I have a better relationship
12 with him. But you know, at the time, that's who
13 he was. And he was right.

14 MEMBER GRANDIS: So, when you were
15 asked by our investigator for this person's name,
16 you did not think it was something that you
17 should find out and give, and give the
18 investigator that last name? You didn't think
19 that was important?

20 MR. JABLONSKI: At the time when he
21 called me, we were talking about the fight and I
22 said his name's Darrell, I'm not sure of his last
23 name.

24 And he just, he never came back and
25 asked me another question about it. If he would

1 have come back and said hey, what's his last
2 name, I would have been like hey, he never
3 questioned me for it.

4 Like I said, at the time we were
5 talking about a simply assault that occurred.
6 This had nothing to do with the promoter, or
7 anything else.

8 MEMBER GRANDIS: It was the promoter
9 who had the invitation list of who was coming in,
10 that's what promoters do. They promote to, to
11 whatever audience that they work with.

12 MR. JABLONSKI: Uh huh.

13 MEMBER GRANDIS: So --

14 (Simultaneous speaking.)

15 MR. JABLONSKI: Well, he didn't have a
16 list there. I'm sorry to cut you off. There's
17 no list. He just, he just puts it out there
18 there's a cover charge, here's music, come play.

19 MEMBER GRANDIS: That's not my point.
20 My point is that you were asked for this
21 individual's last name.

22 You hired this individual and yet you
23 didn't think it was relevant for you to inquire
24 even because the investigator inquired, you
25 didn't think it was relevant for you to inquire

1 what the person's last name was.

2 MR. JABLONSKI: No.

3 MEMBER GRANDIS: And we can leave it
4 at that because that's what happened. You did
5 not --

6 (Simultaneous speaking.)

7 MR. JABLONSKI: No, Commissioner,
8 Commissioner, that's not what happened. He asked
9 me if I knew the last name at the time I talked
10 to him about it. I said no, I didn't.

11 MEMBER GRANDIS: Yes.

12 MR. JABLONSKI: The investigator never
13 followed up. He never called back and said do
14 you have his last name. I said I'm not sure of
15 his last name at the time, because it was my
16 first time ever working with him.

17 If he would have followed up, I would
18 have happily given his name and his contact
19 information.

20 MEMBER GRANDIS: I appreciate your
21 point of view, okay? I got it, okay?

22 Now, I will go back to the question I
23 attempted to ask you earlier and the Chairman was
24 correct, and I apologize I went out of order.

25 Now that you've had various First

1 Fridays and whatever the Saturday thing is called
2 with this group of people, do they behave
3 differently than other groups of people that come
4 to your establishment, because you keep referring
5 to them as maybe some other species. Or
6 something else.

7 MR. JABLONSKI: No, no, no, no.

8 MEMBER GRANDIS: So, I'm sort of
9 unsettled in this District --

10 (Simultaneous speaking.)

11 MR. JABLONSKI: Commissioner, no, this
12 is, please --

13 MEMBER GRANDIS: Sir, I'm talking, sir,
14 I'm talking.

15 In the District, we protect everyone.
16 So I'm just sort of puzzled what in your mind
17 makes, distinguishes this group of people from
18 other people who come to your establishment?

19 MR. JABLONSKI: May I answer?

20 MEMBER GRANDIS: I guess, yes, sir.

21 MR. JABLONSKI: Okay.

22 So, first of all, I am not unaware
23 that I am a White male talking about a Black gay
24 crowd. And I also want to state that in no way,
25 I feel like the question you asked me was geared

1 towards a homophobic, racist tone, which we're
2 not.

3 We are inclusive of everyone. The
4 reason why the crowd comes to us is because they
5 feel comfortable there.

6 They have requested certain things and
7 certain people to deal with them, because they
8 are comfortable with that.

9 They are very good customers. They
10 take good care of the establishment, and they
11 take good care of my staff.

12 So, as a smart business owner, I want
13 to do everything I can to make them comfortable.

14 So when they suggested a certain type
15 of security because they have a relationship with
16 them, and they're comfortable with them, I went
17 with it. Because I wanted them to be
18 comfortable.

19 I have been working with this same
20 demographic for years. Now, they have, they keep
21 coming back. Not only do they keep coming back,
22 they get bigger.

23 Matter of fact, this year I am the
24 launch party for Black Gay Pride Week, and On
25 Thursday. At The Ugly Mug.

1 So, that tells you that obviously we
2 have a good relationship. And what I thought I
3 was doing was common sense and being practical
4 because yes, I understand there are people out
5 there that look at people in different ways
6 because of who they are, their lifestyle,
7 whatever.

8 I am not one of those people because
9 I personally think, live and let live. However,
10 I am not oblivious to the fact that there are
11 other certain kinds of people that can make other
12 kinds of people uncomfortable.

13 And I want those people to be
14 comfortable. And I don't care what crowd it is.

15 So I am not talking about them as if
16 they are a separate species, but there is a
17 reality that they are a separate group of people
18 that have different views and different things.
19 And they want to be comfortable around it.

20 So, that's why I deferred to the
21 promoter, who had had a large -- long experience
22 promoting these kind of parties, and is in the
23 community, to tell me these are the people that
24 I've worked with before that handle them well in
25 the event that there's a situation.

1 And, I said perfect. Those are the
2 people I want. And so that's why we hired them.

3 So --

4 (Simultaneous speaking.)

5 MEMBER GRANDIS: I want to thank you,
6 I want to thank you because that helps clarify
7 my, your thinking that I understand.

8 And I want to thank you for taking
9 time to do that. Thank you, sir.

10 MR. JABLONSKI: Right. Thank you,
11 Commissioner.

12 MEMBER GRANDIS: Mr. Chairman, I'm
13 done, thank you.

14 CHAIRPERSON ANDERSON: Any other
15 questions from any of the Board members?

16 (No audible response.)

17 CHAIRPERSON ANDERSON: I just want to
18 ask. So you're saying the security company that
19 you were, that you referenced was AP Securities,
20 is that correct?

21 MR. JABLONSKI: I believe it's called
22 AP Professional Security, but they're AP, yes.

23 CHAIRPERSON ANDERSON: AP Professional.
24 So, have you worked with them subsequent, or was
25 this the only time you worked with them?

1 MR. JABLONSKI: Uh huh. We work with
2 them and then we also now have a couple of in-
3 house, I call them in-house security that has
4 worked for them, and then for other places.

5 Because once we started doing these
6 parties and then The Mill had closed, and some
7 other places had closed, there were security that
8 worked at other or bars that were looking for
9 jobs.

10 So now we have a in-house security of
11 two to three people depending upon the size, and
12 then we use these other companies to supplement
13 for different parties depending upon how it is.

14 And, that's how we work with them. We
15 also work with another company too, that helps
16 offer security as well, depending upon what's
17 going on in the city.

18 CHAIRPERSON ANDERSON: All right, thank
19 you.

20 Mr. Ortiz, any re-cross?

21 MR. ORTIZ: I have no questions.

22 CHAIRPERSON ANDERSON: All right, do
23 you have anything else you want to say, Mr.
24 Jablonski?

25 MR. JABLONSKI: Not at this time, thank

1 you.

2 CHAIRPERSON ANDERSON: All right, does
3 the government wish to make a closing statement?
4 And for your closing statement, that I need the
5 parties to tell us specifically what it is that
6 they're asking the Board to do.

7 MR. ORTIZ: Yes, brief closing
8 statement from the District.

9 CHAIRPERSON ANDERSON: Go ahead.

10 MR. ORTIZ: All right, thank you.

11 The government has proven to the Board
12 by substantial evidence, that the licensee
13 allowed a promoter to provide security in
14 violation of D.C. Code Section 25-797(b).

15 We heard from Investigator Condon that
16 he spoke to the owner, Mr. Jablonski, and Mr.
17 Jablonski told him that the promoter provides
18 security.

19 In fact, Mr. Jablonski even testified
20 that he, that is what he said to the
21 investigator.

22 We also heard from Investigator Condon
23 that he spoke with two other employees at the
24 establishment, and they confirm Mr. Jablonski's
25 statements that the security was provided by, by

1 a promoter.

2 Mr. Jablonski also testified that he
3 typically did not, he does not have a night club.
4 He does not typically, during that time he did
5 not have a security before, and therefore, he was
6 not, he did not have any, he did not have any
7 business with securities at that time.

8 That being said, the government has
9 therefore proven that the charge in the notice to
10 show cause.

11 The government recommends that the
12 Board apply a penalty consistent with D.C. Code
13 Section 25-830.

14 Thank you.

15 CHAIRPERSON ANDERSON: Thank you.

16 Closing, sir?

17 MR. JABLONSKI: Thank you.

18 So, I'd like to first off by
19 discussing something that Attorney Ortiz brought
20 up. The fact that my managers thought that the
21 security was provided by something, frankly
22 doesn't prove anything.

23 Because you can walk into any bar in
24 this city, ask any manager a question, and
25 probably get the answer. Managers, and even

1 general managers, are not always a part of what
2 it is.

3 Secondly, Attorney Ortiz also
4 conveniently left out the fact that I paid for
5 security. Therefore, I provided security.

6 I've gone into great detail explaining
7 why I work with this promoter, and how I got this
8 security, which I think there's no rule or reason
9 saying you can't do that.

10 But the letter of the law, to provide
11 security means to pay for it. Not to make a
12 suggestion of who to work with.

13 There is no proof by the government
14 that anyone but me paid for that security.
15 Therefore, they have not proven that anyone but
16 me provided security.

17 Nobody else had control of the
18 establishment. My staff was there; I was the one
19 controlling everything else.

20 So therefore, I ask the Board to
21 dismiss this case.

22 Thank you.

23 CHAIRPERSON ANDERSON: All right, thank
24 you.

25 All right, the record is now closed.

1 Do the parties wish to file proposed findings of
2 fact and conclusion of law, or waive their right
3 to do so?

4 Meaning that do you want to say this
5 is write a legal brief basically explaining what
6 the facts, what was proven today, or just have
7 the Board make a decision on the presentation
8 that was made today?

9 MR. ORTIZ: The District waives its
10 right.

11 MR. JABLONSKI: The Ugly Mug waives its
12 right.

13 CHAIRPERSON ANDERSON: All right, thank
14 you.

15 All right, then, the Board will issue
16 a decision in 90 days, and give me a minute,
17 please.

18 As chairperson of the Alcoholic
19 Beverage and Cannabis Board for the District of
20 Columbia, and in accordance with D.C. Official
21 Code Section 2575 of the Open Meetings Act, I
22 move that ABC Board hold a closed meeting for the
23 purpose of seeking legal advice from our counsel
24 on Case Number 21-CMP-00073, The Ugly Mug Dining
25 Saloon, pursuant to D.C. Official Code Section

1 2575(b)(4)(a), of the Open Meetings Act.

2 And deliberating upon Case Number 21-
3 CMP-00073, The Ugly Mug Dining Saloon, for the
4 reasons cited in D.C. Official Code Section
5 2575(b)(13) of the Open Meetings Act.

6 Is there a second?

7 MEMBER GRANDIS: Ed Grandis will
8 second.

9 MEMBER SHORT: I second.

10 CHAIRPERSON ANDERSON: Mr. Grandis and
11 Mr. Short have second the motion.

12 I will now take a roll call vote on
13 the motion before us, now that it has been
14 properly seconded.

15 Mr. Short?

16 MEMBER SHORT: Mr. Short, I agree.

17 CHAIRPERSON ANDERSON: Mr. Cato?

18 MEMBER CATO: Bobby Cato, I agree.

19 CHAIRPERSON ANDERSON: Ms. Hansen?

20 (No audible response.)

21 CHAIRPERSON ANDERSON: Mr. Grandis?

22 MEMBER GRANDIS: Edward Grandis, I
23 agree.

24 CHAIRPERSON ANDERSON: And Mr.
25 Anderson, I agree.

1 As it appears that the motion has
2 passed 5:0:0, I hereby give notice that ABC Board
3 will recess this proceedings to hold a closed
4 meeting, pursuant to Section 2575 of the Open
5 Meetings Act.

6 Again, I said the Board will issue a
7 decision.

8 Thank you very much for your
9 presentations today, and the Board will issue a
10 decision within 90 days.

11 Thank you very much, have a good day.

12 All right.

13 MR. JABLONSKI: Thank you.

14 CHAIRPERSON ANDERSON: We are the end
15 of our morning calendar and what I'm going to do,
16 I'm going to, we're going to take a lunch break.

17 I will do our agenda items later on
18 this afternoon. And so, what I'll do is that
19 I'll ask all Board members we'll go take a half
20 an hour lunch break.

21 I will ask the Board members to log
22 onto executive session at 1:30, and we will come
23 back to our public session at 1:45.

24 So, Board members, please log back
25 onto executive session at 1:30 and we will resume

1 our public hearing at 1:45.

2 Thank you. Thank you very much.

3 (Whereupon, the above-entitled matter
4 went off the record at 12:59 p.m.)

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This is to certify that the foregoing transcript

In the matter of: The Ugly Mug Dining Saloon

Before: DC ABRA

Date: 04-26-23

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



Court Reporter

NEAL R. GROSS

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