## DISTRICT OF COLUMBIA

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# ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :

El Agave Tex Mex Rest : Inc., t/a Villa Tuscana :

1723 Columbia Road NW : Fact-Finding Retailer CR - ANC 1C : Hearing

License #100312

(Delayed an Investigation)

> Wednesday May 12, 2021

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:

SIMONE ANDREWS, DC ABRA Staff MARK BRASHEARS, DC ABRA Supervisory Investigator FELICIA DANTZLER, DC ABRA Investigator

P-R-O-C-E-E-D-I-N-G-S
12:22 p.m.
CHAIRPERSON ANDERSON: The next case
in our calendar is Case Number, is a fact-finding
hearing on Villa Tuscana, License Number 100312.
Ms. Andrews, can you please elevate
the rights of this licensee please?
MS. ANDREWS: Sure. Standby.
CHAIRPERSON ANDERSON: Thank you.
MS. ANDREWS: Mr. Chair, the licensee
is not on the line.
CHAIRPERSON ANDERSON: All right. The
licensee is not on the line. All right. And
there is no one who identifies themself as the
owner of Villa Tuscana?
MS. ANDREWS: No, sir.
CHAIRPERSON ANDERSON: No, one, all
right. It's my understanding all right, they
were notified.
All right, so, let me, Ms. Dantzler,
can you identify yourself for the record please?
MS. DANTZLER: Yes. My name is
Felicia Dantzler, ABRA Investigator.
Felicia Dantzler, ABRA Investigator.  CHAIRPERSON ANDERSON: And can you,

1 MS. DANTZLER: Yes, sir. 2 CHAIRPERSON ANDERSON: And how are you 3 familiar with this establishment? MS. DANTZLER: I'm familiar because my 4 5 supervisor, Mark Brashears, instructed me to go to the establishment after he received a 6 7 complaint that the establishment was operating 8 after hours. The music was loud and they were 9 providing live entertainment in the form of female dancers. 10 11 CHAIRPERSON ANDERSON: All right. Ι 12 see that Mr. Brashears is here. Mr. Brashears, 13 can you please identify yourself for the record 14 also too, please? 15 MR. BRASHEARS: Supervisor 16 Investigator Mark Brashears with ABRA. 17 CHAIRPERSON ANDERSON: Thank you, sir. 18 All right, so either you, Ms. Dantzler or Mr. 19 Brashears, just tell us, we have a fact-finding 20 because an incident occur, because an incident 21 occurred on March 21st, 2021. 22 So can you tell us, give us some 23 information about what is it that you're able to 24 find out. What occurred on March 7th, 2021 and 25 how did ABRA, how was this establishment brought

1	to their attention?				
2	MS. DANTZLER: Sure. So March 7th,				
3	2021 SI Brashears instructed me to go to Tuscana				
4	Villa to see if the establishment, correction,				
5	Villa Tuscana, to see if the establishment was				
6	actually operating after hours.				
7	So SI Brashears, Investigator Daniel				
8	Butler and myself kind of like arrived at the				
9	establishment at the same time. So we arrived				
10	around 1:25 in the morning. The call to ABRA				
11	actually came in at approximately 1:15 a.m. that				
12	morning.				
13	The establishments were supposed to be				
13 14	The establishments were supposed to be closed at that time, at 10:00 p.m., according to				
14	closed at that time, at 10:00 p.m., according to				
14 15	closed at that time, at 10:00 p.m., according to the mayor's executive orders.				
14 15 16	closed at that time, at 10:00 p.m., according to the mayor's executive orders.  And so, as SI Brashears reached the				
14 15 16 17	closed at that time, at 10:00 p.m., according to the mayor's executive orders.  And so, as SI Brashears reached the outer, if you look at Exhibit 2, which was taken				
14 15 16 17	closed at that time, at 10:00 p.m., according to the mayor's executive orders.  And so, as SI Brashears reached the outer, if you look at Exhibit 2, which was taken the next day early morning				
14 15 16 17 18	closed at that time, at 10:00 p.m., according to the mayor's executive orders.  And so, as SI Brashears reached the outer, if you look at Exhibit 2, which was taken the next day early morning  CHAIRPERSON ANDERSON: Oh, hold on.				
14 15 16 17 18 19	closed at that time, at 10:00 p.m., according to the mayor's executive orders.  And so, as SI Brashears reached the outer, if you look at Exhibit 2, which was taken the next day early morning  CHAIRPERSON ANDERSON: Oh, hold on.  MS. DANTZLER: Brashears and I, we				
14 15 16 17 18 19 20 21	closed at that time, at 10:00 p.m., according to the mayor's executive orders.  And so, as SI Brashears reached the outer, if you look at Exhibit 2, which was taken the next day early morning  CHAIRPERSON ANDERSON: Oh, hold on.  MS. DANTZLER: Brashears and I, we pulled				

CHAIRPERSON ANDERSON: Hold on, Ms.

1	Dantzler. Do you want me to ask Ms. Andrews to
2	give you an opportunity to share your screen? Do
3	you want that?
4	MS. DANTZLER: Yes. Yes, that's fine.
5	CHAIRPERSON ANDERSON: Sure. Ms.
6	Andrews, can you give the Investigator the
7	ability to share her screen please?
8	MS. ANDREWS: Sure. Standby.
9	CHAIRPERSON ANDERSON: Thank you.
10	MS. ANDREWS: Okay, Ms. Dantzler, you
11	now have the rights to share your screen.
12	MS. DANTZLER: Okay, thank you. Okay.
13	So at approximately 1:25 in the morning we
14	arrived at the establishment.
15	If you look at Exhibit Number 2, which
16	was taken the very next day during the daytime, I
17	took this photo myself, SI Brashears
18	CHAIRPERSON ANDERSON: You need to
19	share your screen, ma'am.
20	MS. DANTZLER: I did.
21	CHAIRPERSON ANDERSON: So we can see.
22	We don't have it in front of us. So at least we
23	can see it.
24	MS. DANTZLER: Okay. I did hit share
25	screen so I'm unsure why it's not being, why you

1 guys are not seeing it. 2 CHAIRPERSON ANDERSON: If you're 3 unable to share your screen that's fine, but as 4 part of your testimony you're saying, if we look. 5 So rather than saying if we look, if you just describe what is it in Exhibit 2 that you're 6 7 talking. So just be descriptive of what it is 8 that you're talking about rather than just saying 9 if we look at it. So you still 10 MS. DANTZLER: Okay. 11 can't see what I have on the --12 CHAIRPERSON ANDERSON: No. 13 MS. DANTZLER: -- screen? Okay, I'm 14 sorry. 15 CHAIRPERSON ANDERSON: No. 16 MS. DANTZLER: Okay. 17 CHAIRPERSON ANDERSON: I'm fine with 18 it. You don't necessarily have to share your 19 screen, you can just be more descriptive please. So with 20 MS. DANTZLER: Okay. Okay. 21 Exhibit 2 it shows the exterior of the 22 establishment. 23 And it will show that, SI Brashears, 24 Investigator Butler and myself, Investigator

Butler and myself, we were standing on the

outside of the gate.

And so, SI Brashears shined his camera, correction, shined his flashlight at the door. And at that point is when the ABC manager made his identity to us.

What we did not realize was that the actual door of the establishment actually has a tint to it. So it looked like the establishment was dark on the inside and it looked like they were closed.

And so once he shines his light, that's when the ABC manager, Alex Larios, came outside. And so, we engaged him, asked him questions.

SI Brashears identified us as ABRA Investigators. Mr. Larios stated that the establishment was closed.

And so I then asked him if he was the ABC manager, he admitted that he was. He then went through his wallet to give me his ABC manager's card.

But what I believe what he was actually doing was actually stalling. Because he kept saying that the establishment was closed and that they were actually cleaning up at the time.

So, I then asked Mr. Larios if he could just talk and walk. I told him, hey look, we just needed to do a walkthrough. Once we do our walkthrough then we'll be out of his way.

And so, Mr. Larios started finally started stepping towards the entrance of the establishment. And so, once we got to the door of the establishment, Mr. Larios stopped his forward motion, looked at us again and stated that they was closed, there was no need for us to go inside.

I repeated that we needed to go inside. Let us do this walkthrough and everything will be fine.

So once we finally got him to agree, we went inside the establishment and it was dark on the inside. So I asked Mr. Larios if he could turn on some lights so we can do this walkthrough and then we'll be on our way.

Mr. Larios was reluctant to do that.

He finally turned on the lights. And if you look
at Exhibit Number 3.

Exhibit Number 3 you will see this gentleman here was sitting in the dark once the lights came on. And you can also see this

decorative table that's behind him.

And so, Mr. Larios was still adamant about allowing us to do a walkthrough. At that time I said to him, I said, well, Mr. Larios, if I have to call MPD for assistance than that's what we'll have to do. And Mr. Larios stated that, no, that's not necessary, you don't need to do that.

But I didn't feel comfortable that Mr.

Larios was being honest with us so we believe

that there were individuals who were still

inside, so I called MPD for assistance. So, MPD

made their way at the establishment.

So as we looked, once MPD got there, they started with their walkthrough, I stayed in the well of the establishment. And as you can see here in Exhibit Number 4, what we located was ladies purses that was still at the establishment.

Exhibit Number 5 is part of that decorative table and it shows that it had presents on the table. This picture here on Exhibit Number 5 is showing some chocolate covered strawberries that was there.

This is Exhibit Number 6, this is also

showing presents that were on the table. As you can see, the setup was still there.

Exhibit Number 8 is showing the contents that was inside of the, one of the presents.

And Exhibit Number 9 is depicting a candle, as you can see was lit. This is a picture that SI Brashears took. It's also showing some limes that were cutup.

And also, I saw that there was another lady's purse here in Exhibit 10, as well as a bag. Inside the bag looked to be to-go containers. Also, here is another to-go container here in Exhibit Number 11.

And so, Investigator Butler assisted MPD with the walkthrough. And in the kitchen he located the owner, who was just leaning up against the wall inside the establishment. And the owner is Mr. Larios, Jose Larios.

And I remember him from previous visits. And I knew that his English is not his first language and so I didn't have much conversation with him.

But as we continued our investigation, this exhibit here that's on the screen, Exhibit

Number 12, this is Investigator Butler holding up 1 2 a mess, a sheer mess lady's outer garment. 3 Exhibit Number 13 is showing, 4 depicting a lady's purse. You can see the 5 handle, the bag is sitting inside of the sink. And I believe this is a coat that's also draped. 6 7 Also at the bottom of the base of the sink are assorted ladies shoes. 8 9 And Exhibit Number 14 depicts a prep 10 station of limes. And so, Mr. Larios, correction. I'm sorry, brief indulgence. 11 12 I'm sorry. Yes, Mr. Alex Larios was 13 identified as the ABC manager. And he delayed 14 our entry into the establishment. He provided 15 misleading statements to me as I was 16 investigating this matter. 17 I did not hear any music inside the 18 establishment, but the items left behind seems 19 like very important items to be leaving an 20 establishment if they were not operating. And 21 that concludes my testimony. 22 CHAIRPERSON ANDERSON: All right, 23 thank you. You can close your screen, Ms. 24 Dantzler.

Okay.

MS. DANTZLER:

CHAIRPERSON ANDERSON: 1 I'm going to 2 ask you some specific questions about your 3 report. Alex, do you have anything you want to 4 5 add? Mr. Brashears? MR. BRASHEARS: Yes, if I may, 6 7 Chairperson. 8 CHAIRPERSON ANDERSON: Yes. Go ahead 9 please. 10 MR. BRASHEARS: So, in addition to 11 what Investigator Dantzler has put forward, as 12 she was speaking with the ABC manager while we 13 were in front of the establishment, I looked to 14 the, I heard the ABC manager say, let's go, let's 15 go, let's go, as if he were trying to usher 16 people to leave or move. 17 And as Investigator Dantzler was 18 dealing with him, I looked to the right, I saw 19 movement. Three unidentified males came out of 20 the alley next to the establishment. And they 21 had like duffle bags. And they proceeded on out 22 of the way and went along. 23 And as Investigator Dantzler stated, 24 when we got inside the refusal of the ABC manager

to turn the lights on, we had to call MPD.

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wasn't going to send investigators into a situation like that.

And it was clear to me, as

Investigator Dantzler said, we were being

stalled. As we got further in, as she pointed

out in Exhibit 9, there was a dollar bill on the

table, there was alcohol on the table.

And looking at the purses, some of the desserts, edible things, I think the caller may have gotten it wrong. It appeared to me that it could have, the individuals that were leaving may have been male dancers, and the individuals who were after hours could have been females, as a birthday party.

But as Investigator Dantzler stated, clearly the establishment did what they could to slow us up and impede our investigation.

CHAIRPERSON ANDERSON: Now, I'm sorry, what time was this again?

MR. BRASHEARS: We arrived at 1:25 in the morning. And as Investigator Dantzler stated, the front of the establishment, the windows in the front are tinted.

And at first glance it appeared as though the establishment was closed. And when I

aimed my flashlight, I could see an individual, 1 2 who I recognize as the ABC manager, through the 3 door. And as we did gain entry, there were 4 small candles on the tables. So it appeared as 5 though they were operating inside by candlelight. 6 7 CHAIRPERSON ANDERSON: And what time 8 was this establishment supposed to, well, also, 9 what date was this and what were the operating hours for this establishment that date? 10 11 MR. BRASHEARS: This was March 7th. 12 MS. DANTZLER: Yes. It was a Saturday 13 night for Sunday morning. 14 CHAIRPERSON ANDERSON: So what time 15 were they supposed to close on March 7th? 16 MS. DANTZLER: 10:00 p.m. 17 CHAIRPERSON ANDERSON: And this was at 18 1:25 a.m. once you gain entrance to the property, 19 approximately, correct? 20 MR. BRASHEARS: Yes, sir. 21 CHAIRPERSON ANDERSON: 22 approximately how long, you're stating that it 23 appears that they were trying to delay your 24 entrance. I know that Investigator Dantzler 25 stated that she had to call the police. So about

how long, approximately how long did it take from 1 2 the time that the ABRA investigator got to the 3 property and when you had really true access to the property? 4 5 I would say it took us MR. BRASHEARS: at least five minutes to get inside and probably 6 7 another ten minutes going back and forth with the 8 ABC manager trying to get him to turn the lights 9 on. 10 CHAIRPERSON ANDERSON: Mr. Brashears, 11 how long have you been working for the Agency? 12 MR. BRASHEARS: Seven and a half 13 years, sir. 14 CHAIRPERSON ANDERSON: Ms. Dantzler, 15 how long have you been working for the Agency? 16 MS. DANTZLER: Approximately 14. 17 CHAIRPERSON ANDERSON: So, either 18 party, what is it that, based on your experience 19 as an investigator, what is it you believe was 20 going on here? Either party. 21 MR. BRASHEARS: I believe it was a 22 private party operating after the allowed hours. 23 And we found, as Investigator Dantzler provided, 24 the bar was still setup, there was an open 25 container of alcohol. It may have been winding

down, but it appeared that they were operating in a covert manner after hours.

CHAIRPERSON ANDERSON: But outside of, you said that you heard three, there were three males that went through the alley. And I think there is a picture of, there was someone who looked like a security guard that was taken, that was sitting in the establishment.

So you have all these women's purses, I mean, where are the women?

Since you said, I'm just asking because we saw what was perceived as women's purses, although a man can have a purse, so there's nothing wrong with it I'm just asking. You said that you saw three males but from what the picture shows they were women's purses, so I mean, who did these purses belong to?

Did they belong to the establishment, did someone leave them?

And this is based on your experience as Investigators.

MS. DANTZLER: What my experience would tell me that they did belong to patrons and that the probability of three women leaving their purses behind, anything is possible, but the

probability of that happening is kind of low.

Mr. Larios, the ABC manager, while at the, when we were at the gate, when he first made contact with us, he stood there at the gate. He had no intentions on unlocking the gate or opening the gate, it was just him just talking and trying to convince us to just be on our way.

And so when we continued to move forward and say, hey look, let's just do this walkthrough and you can be on your way, he gets to the door and stops again. And so, that tells me that he had no intentions on letting us in while there were individuals on the inside.

CHAIRPERSON ANDERSON: But just for the record, outside of the ABC manager and this alleged, and this person who was sitting in the dark, you only physically saw two people in the establishment, is that correct?

MS. DANTZLER: Yes.

MR. BRASHEARS: Three, sir, with the owner.

CHAIRPERSON ANDERSON: The owner. So the owner was there, ABC manager and someone who appeared to be a security guard, is that correct?

Those are the three people that were

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seen in the establishment at 1:25 a.m.? 1 2 MR. BRASHEARS: Yes. 3 MS. DANTZLER: Yes. And what was also 4 telling too, Chairman, is that whoever the 5 celebration was for, they left behind their presents, they left behind the balloons, the 6 7 edible arrangement. And I found that quite odd 8 for the recipient just to leave the items behind. 9 CHAIRPERSON ANDERSON: Okay. 10 MR. BRASHEARS: I think, it's my 11 belief that they either, they went out the 12 backdoor, were hiding somewhere that we just 13 didn't find them during the search. 14 And then the ABC manager stated that 15 he would take the purses and the belongings to 16 the individuals. So I thought that was kind of 17 odd that they would leave them behind and that he would deliver them. 18 19 CHAIRPERSON ANDERSON: All right, 20 thank you. Do we have any questions by any Board 21 Members of either Investigator? 22 MEMBER SHORT: Yes, Mr. Chair, this is 23 Mr. Short. 24 CHAIRPERSON ANDERSON: Yes, Mr. Short. 25 MEMBER SHORT: Yes. This is to either

1 of the Investigators. Is it possible that you 2 can produce or know anything about the history, 3 investigative history, of this establishment? MS. DANTZLER: We can, yes, I don't 4 5 have an independent recollection of why I have been at the establishment, but I've been at the 6 7 establishment before. But we can produce the 8 history as well. 9 MR. BRASHEARS: Well, there's only, on 10 the ABRA history there is only one incident from 11 20, March of 2020. And that's due to the fact 12 that the establishment was renovated and closed. 13 And it's a fairly new ABC 14 establishment. Within the last few years. 15 Okay, thank you. MEMBER SHORT: 16 CHAIRPERSON ANDERSON: Thank you. 17 MEMBER SHORT: If I'm allowed to just 18 finish, Mr. Chair? 19 I'd like to thank the Investigators. 20 I think they have done an excellent job providing 21 information. 22 When you started out like they started 23 out, it gives the new Board Members, and it gives 24 the public who are listening in, an idea of what

exactly they saw when they saw it and what they,

and thank you for your question, Mr. Chair, what 1 2 they experienced, talked to them about, that 3 particular night. Thank you both, Investigators, and you 4 5 did an excellent job. Thank you. MS. DANTZLER: Thank you. 6 7 MR. BRASHEARS: Thank you. 8 CHAIRPERSON ANDERSON: Thank you, Mr. 9 Any other questions by any other Board 10 Members? All right. 11 Okay. Thank you, Investigator 12 Dantzler, thank you Supervisory Investigator 13 Brashears. Thank you for your testimony today. 14 It's unfortunate that the Licensee, 15 although they were given notice of this hearing, 16 they have not inform, they did not inform the 17 Board, they had not informed the Board that they 18 would not be here today. So that's unfortunate. 19 Just a last question. Do you know 20 when was the last time that the Agency had 21 inspected this establishment? 22 MS. DANTZLER: I do not. 23 MR. BRASHEARS: I do not either, 24 Chairperson. 25 CHAIRPERSON ANDERSON: All right.

Thank you. All right, hold on one moment. 1 Okay. 2 Okay. 3 All right, well, thank you for your testimony today it's been quite eye opening with 4 5 those exhibits, for although the Licensee was not 6 here, but it provided me a good idea of what was 7 going on there. And I appreciate some of the 8 questions that you answered were based on your 9 experience as an Investigator, what is it that 10 you saw that was going on there. And just one last question. Would it, 11 12 no, I don't want to say it. But anyway, thank 13 you very much for your presentation today and 14 have a great day. 15 MS. DANTZLER: You're welcome. 16 CHAIRPERSON ANDERSON: Thank you very 17 much. All right. 18 MR. BRASHEARS: All right, thank you. 19 CHAIRPERSON ANDERSON: Thank you. 20 (Whereupon, the above-entitled matter 21 went off the record at 12:48 p.m.) 22 23 24 25

## a.m 4:11 14:18 18:1 **ABC** 7:4,12,19,20 11:13 12:12,14,24 14:2 15:8 17:2,15,23 18:14 19:13 ability 5:7 **able** 3:23 above-entitled 21:20 **ABRA** 1:21,22,23 2:23 3:16,25 4:10 7:15 15:2 19:10 access 15:3 actual 7:7 adamant 9:2 add 12:5 addition 12:10 admitted 7:19 **Agave** 1:6 Agency 15:11,15 20:20 **agree** 8:15 ahead 12:8 aimed 14:1 alcohol 13:7 15:25 Alcoholic 1:2,13 Alex 7:12 11:12 12:4 **ALIYA** 1:17 alleged 17:16 alley 12:20 16:5 allowed 15:22 19:17 allowing 9:3 **ANC** 1:7 **Anderson** 1:14,16 2:3,9 2:12,17,24 3:2,11,17 4:19,22,25 5:5,9,18 5:21 6:2,12,15,17 11:22 12:1,8 13:18 14:7,14,17,21 15:10 15:14,17 16:3 17:14 17:22 18:9,19,24 19:16 20:8,25 21:16 21:19 **Andrews** 1:21 2:6,8,10 2:16 5:1,6,8,10 answered 21:8 **anyway** 21:12 appeared 13:10,24 14:5 16:1 17:24 **appears** 14:23 appreciate 21:7 approximately 4:11 5:13 14:19,22 15:1,16 arrangement 18:7 arrived 4:8,9 5:14 13:20 asked 7:13,18 8:1,17 asking 16:11,14 assistance 9:5,12 assisted 10:15

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# <u>C E R T I F I C A T E</u>

This is to certify that the foregoing transcript

In the matter of: Villa Tuscana

Before: DCABRA

Date: 05-12-21

Place: teleconference

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

Court Reporter

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