

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
 :
Voyager 888, LLC, :
t/a Assets :
1805 Connecticut Ave, NW : Fact Finding
Retailer CN - ANC 2B : Hearing
License No. 113585 :
Case #21-251-00009 :
 :
(MPD Request for a Fact :
Finding Hearing) :

Thursday
June 24, 2021

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

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

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
INVESTIGATOR KEVIN PUENTE, ABRA
RICHARD BIANCO, Licensee's Representative
JEFFREY SCHAEFFER, Licensee
JON PONGRATZ, MPD

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

2 10:10 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone, we're on the record. Good morning,
5 everyone. As Chairperson of the Alcoholic
6 Beverage Control Board for the District of
7 Columbia, and in accordance with DC Official Code
8 Section 2576 of the Open Meetings Act, I am
9 welcoming you to the regularly scheduled meeting
10 of the Alcoholic Beverage Control Board.

11 This meeting is conducted pursuant to
12 guidance made available by the District of
13 Columbia's Office of Open Government regarding
14 electronic meetings held by public bodies during
15 the public health emergency.

16 Pursuant to this guidance, notice of
17 today's meeting was provided 48 hours in advance
18 of the meeting on ABRA's website and on the
19 District's central meeting calendar. The notice
20 included the time, date, agenda, and call-in or
21 login information for public participation.

22 This electronic meeting is being
23 hosted by a Webex account provided by the
24 District of Columbia government. Please address
25 any questions or complaints to the OOG at

1 opengovoffice@dc.gov.

2 My name is Donovan Anderson, I'm
3 Chairman of Board. I would like to introduce the
4 other members of the ABC Board, who are also
5 participating electronically pursuant to Mayor's
6 order 2020-054. Please respond when I announce
7 your name.

8 Mr. James Short.

9 MEMBER SHORT: Mr. James Short,
10 present.

11 CHAIRPERSON ANDERSON: Mr. Bobby Cato.

12 MEMBER CATO: Bobby Cato, present.

13 CHAIRPERSON ANDERSON: Ms. Jeni
14 Hansen.

15 MEMBER HANSEN: Jeni Hansen, present.

16 CHAIRPERSON ANDERSON: Mr. Ed Grandis.

17 MEMBER GRANDIS: Edward Grandis,
18 present.

19 CHAIRPERSON ANDERSON: The Board has
20 five members in attendance for the conduct of
21 business today, and that constitutes a quorum.

22 Before we get underway with today's
23 hearing calendar, I need to make a few
24 instructions very clear so that the conduct of
25 these hearings is understood by everyone. There

1 are two cases scheduled for today.

2 Once your case is called, I will take
3 a moment for our IT Specialist to elevate the
4 rights for each party to enable their camera and
5 microphone. Then and only then will you have the
6 ability to enable your equipment.

7 If your case has not been heard, you
8 will remain mute and your camera will be
9 disabled. At the conclusion of each case, the
10 parties will have the option to leave. If the
11 party chooses to stay, all cameras and
12 microphones for this concluded case will be
13 disabled.

14 Should you have any questions or
15 require technical assistance during the hearing,
16 please submit them using the question and answer
17 feature, or email simone.andrews2@dc.gov.

18 Prior to going on -- prior to calling
19 our first case today, yesterday, during the
20 Board's public meeting, I stated that the show-
21 cause hearing for Universal Liquors, which is
22 ABRA 02--072213, and Angelo Restaurant Italiana,
23 ABRA License No. 109417, I stated that those two
24 cases would be held on August 4.

25 I'm now correcting the record to make

1 clear that these two show-cause hearings are now
2 scheduled for July 21, 2021. So those two cases
3 are now scheduled for July 21, 2021, rather than
4 August 4. So I'm clarifying the record with
5 that.

6 All right, our first case today is a
7 fact-finding hearing case, No. 21-251-00009,
8 Asset License No. 113585. Ms. Andrews, can you
9 please elevate the rights of the parties in this
10 case, please.

11 MS. ANDREWS: Sure, stand by. Mr.
12 Puentes, your rights have been elevated. Mr.
13 Bianco, your rights have been elevated. Mr.
14 Pongratz, your rights have been elevated. And
15 Mr. Schaeffer, your rights have been elevated.
16 That's all, Mr. Chair.

17 CHAIRPERSON ANDERSON: Thank you. Mr.
18 Schaeffer and Lieutenant Pongratz, if you do have
19 a camera, please, can you please, since you're --
20 can you please open your camera, please. Thank
21 you.

22 Good morning, everyone. I would like
23 to welcome to our hearing this morning. I would
24 like all the parties to identify themselves for
25 the record. State and spell your name, please. I

1 will start with the investigator.

2 MR. PUENTE: Kevin Puente, K-E-V-I-N
3 P-U-E-N-T-E.

4 CHAIRPERSON ANDERSON: Okay, where are
5 you employed, Mr. Puente?

6 MR. PUENTE: Alcoholic Beverage
7 Regulation Administration.

8 CHAIRPERSON ANDERSON: Thank you. I
9 just want to -- moving forward, if you're not
10 speaking please mute your microphone. I can hear
11 some noise in the background, so if you're not
12 speaking, please mute your microphone.

13 Mr. Bianco, please.

14 MR. BIANCO: Good morning, Mr. Chair,
15 Richard Bianco, B-I-A-N-C-O, on behalf of the
16 applicant -- I'm sorry, the Licensee.

17 CHAIRPERSON ANDERSON: Good morning,
18 Mr. Bianco. So is your client here today? Who's
19 your client?

20 MR. BIANCO: He is, Jeff Schaeffer, he
21 is present.

22 CHAIRPERSON ANDERSON: Mr. Schaeffer,
23 good morning. Can you please spell and state
24 your name for the record please.

25 MR. SCHAEFFER: Jeffrey Schaeffer, J-

1 E-F-F-R-E-Y S-C-H-A-E-F-F-E-R.

2 CHAIRPERSON ANDERSON: And what's your
3 relationship to this establishment, sir?

4 MR. SCHAEFFER: Owner.

5 CHAIRPERSON ANDERSON: Good morning,
6 thank you. Lieutenant, can you please state and
7 spell your name for the record, please.

8 LT PONGRATZ: Yes, Lieutenant John
9 Pongratz, Metropolitan Police Department. Last
10 name is P-O-N-G-R-A-T-Z.

11 CHAIRPERSON ANDERSON: Good morning,
12 thank you, and welcome everyone for being here.
13 All right. This is Asset's ABRA License No.
14 113585, located at 1805 Connecticut Ave., NW.
15 This matter comes before the Board for a fact-
16 finding hearing at the request of the Chief of
17 Police in a letter dated June 5, 2021.

18 Specifically, MPD raised concerns
19 regarding an incident that occurred at Assets in
20 the early morning hours of June 5, 2021, when
21 they responded to reports of gunfire. Upon their
22 arrival, MPD found a victim with a gunshot wound
23 to the leg.

24 There is also an allegation that
25 Assets failed to call 911 and did not properly

1 eject the patrons from the establishment.
2 Without going into great detail, it appears that
3 the Licensee may not have handled the incident in
4 a manner that would have ensured public safety
5 for its employees or members of the public.

6 This incident resulted in
7 Investigative Report No. 2021-251-00009, which is
8 the subject of today's fact-finding hearing. The
9 Board will first hear from Investigator Kevin
10 Puente, who handled the investigation and
11 authored the report, followed by Lieutenant John
12 Pongratz, who is representing MPD.

13 Counsel for Assets is welcome to ask
14 questions of the Board's witnesses and then may
15 present any witnesses they have with them, who
16 will be subject to questioning from the Board.

17 So does everyone -- is everyone aware
18 of the process procedure that we'll be following
19 today?

20 MR. BIANCO: Yes, the Licensee is.

21 CHAIRPERSON ANDERSON: And I just saw
22 -- since, I believe that you have also informed
23 your client, Mr. Bianco, that this is a fact-
24 finding. No one is under oath here, we will not
25 be swearing in witnesses. And this is just the

1 Board gathering information.

2 At the end of this hearing, the Board
3 will take this matter under advisement and we
4 will determine whether or not what further action
5 if any will be taken. But this is just an
6 informal information gathering procedure. And
7 again, it's based on the request from MPD that we
8 have a fact-finding regarding this matter, okay.

9 All right so if anyone has any
10 questions -- before we start, any questions by
11 any of the parties? No? All right. So we'll
12 start with Mr. Puente, please.

13 MR. PUENTE: Yes, sir. So on Saturday
14 June 5 at approximately 2:40, MPD responded to a
15 report of gunshots from their shot spotter
16 system. Upon arrival, they encountered a victim
17 inside of 1805 Connecticut Avenue, known as
18 Assets, suffering from multiple gunshot wounds to
19 the leg. Officers applied a tourniquet and the
20 victim was transported to Howard Hospital by DC
21 Fire.

22 At approximately three o'clock ABRA
23 Supervisory Investigator Jason Peru received a
24 phone call from the MPD Command Information
25 Center regarding the shooting. At 3:15 a.m.,

1 myself, SI Jason Peru, and ABRA Investigator Roto
2 Glasgow responded to Assets.

3 We met with Lieutenant Pongratz
4 outside. He advised that an altercation had
5 started inside the establishment and the suspect
6 and the victims were escorted outside. At one
7 point, the altercation continued outside on
8 Connecticut Avenue, and one of the individuals
9 went to his car and retrieved a firearm and
10 returned and started shooting.

11 One male who had just exited who was
12 not involved in the altercation was shot in the
13 leg.

14 Myself, SI Peru, and Investigator
15 Glasgow, we went upstairs and met with Detective
16 Wilfred Yaful and reviewed the surveillance
17 system with him. We observed on video that at
18 2:39 security from inside who were wearing all
19 black, nothing identifiable on their clothes
20 saying they were security, escort the individuals
21 outside.

22 There was two security guards outside
23 wearing identifiable clothes who were employed by
24 American Protection Pros. The individuals walked
25 down Connecticut Avenue. The altercation was

1 observed on camera. They're still fighting on
2 Connecticut Avenue.

3 At one point, the suspect went to his
4 car on Florida Avenue, retrieved a firearm, and
5 walked back and started shooting into the crowd
6 on Connecticut Avenue. The victim crawled into
7 Assets and they shut the door.

8 We observed on surveillance video
9 while at this night there was an altercation
10 inside. Security was able to get the victims
11 separated but they ejected them outside the front
12 door of Assets, and that's when the altercation
13 continued.

14 Investigator Glasgow interviewed Mr.
15 Howarton, one of the security guards inside. Mr.
16 Howarton advised us that it was his first night
17 of work at the (inaudible). He observed the
18 altercation. He immediately grabbed the
19 individual and took him outside.

20 I met with Mr. Schaeffer, I advised
21 him that we needed surveillance video. He
22 provided it to us the next day via One Drive. We
23 observed on the One Drive that the inside cameras
24 were not playing. I contacted Mr. Schaeffer, who
25 put me in touch with his technician, Arial Amata.

1 Mr. Amata advised me that the files
2 were corrupted from inside and he was working
3 with the company, Geovision , to try and restore
4 it.

5 I advised SI Peru of this. We
6 contacted Mr. Schaeffer again and he put us in
7 touch with Mr. Amata. And he provided us
8 documents from Geovision saying that due to
9 Assets having a lot of their cameras on one hard
10 drive, it caused the hard drive to crash because
11 the cameras are 360 and that requires more data
12 output.

13 Mr. Schaeffer went ahead and placed an
14 order for more hard drives, and they were due to
15 arrive at the establishment on Monday, June 14
16 and have those set up.

17 As I was reviewing the outside camera
18 more of this incident, at approximately 2:43
19 after the initial shooting and after the victim
20 crawled inside, an unidentified male from inside
21 of Assets comes outside the front door
22 brandishing a firearm. He walks around on
23 Florida Avenue and Connecticut. He walks back to
24 the establishment, knocks on the door, and
25 someone lets him in, and they shut the door.

1 I had the surveillance video,
2 Chairman, if you want me to play that.

3 CHAIRPERSON ANDERSON: Yes, please,
4 please go ahead and announce. Ms. Andrews, can
5 you please give me Puente the ability to share
6 his screen, please.

7 MS. ANDREWS: Sure, stand by. Okay,
8 you Mr. Puente, you have the right to share your
9 screen now.

10 MR. PUENTE: Okay, so the first video
11 is the -- the front of the door of the
12 establishments. Up there in the top left, you'll
13 see the two security guards wearing the black t-
14 shirts with the badge logo as American Protection
15 Pros. The bottom left camera over here is
16 Connecticut Avenue and the bottom right is the
17 Florida Avenue side of the establishment.

18 So they hear, the security guards hear
19 the commotion. Here's one of the suspects
20 involved in the shooting. This is Mr. Howarton,
21 the security guard, escorting out one of the
22 victims -- one of the people. And another
23 security guard right here.

24 They come over here on Connecticut
25 Avenue, and you'll see the group start to kind of

1 fight in the street over here. And they're
2 engaging in the altercation over here. And
3 you'll notice the suspect up here walking past
4 the front door, he's over on Florida Avenue, he's
5 walking to his car to retrieve the firearm, which
6 is parked about a block down from the
7 establishment.

8 CHAIRPERSON ANDERSON: Mr. Puente,
9 there, I'm looking there are four things on the
10 screen. So which one am I looking at?

11 MR. PUENTE: So the top left is the
12 front door camera, which has the security guards
13 right here standing.

14 CHAIRPERSON ANDERSON: Okay.

15 MR. PUENTE: The bottom right camera
16 is the Florida Avenue side of the building, which
17 will show the suspect walking to his car to get
18 the firearm.

19 CHAIRPERSON ANDERSON: Okay, fine,
20 thanks.

21 MR. PUENTE: So in two seconds you'll
22 see the suspect reemerge on the right camera over
23 here, walking back towards the establishment.
24 Here's the security guards top left, Mr. Howarton
25 and the other security guard inside. They go

1 back inside.

2 And here's the victim walking out,
3 right here, this male. He walks out with two
4 females. And just right here you'll see the
5 suspect starting to reemerge in the top left
6 camera of the front door. He's right here, about
7 to walk past the security guards. And he starts
8 firing into the crowd.

9 And the suspect, he goes back to his
10 car and drives away from the area.

11 This second video is shortly after the
12 shooting, at 2:43, which will show the individual
13 coming from inside of Assets already brandishing
14 a firearm. The gun is in his right hand, and
15 you'll see it.

16 I reached out to MPD Security Office
17 Management Bureau and they advised me that there
18 is no licensed SPOs that are assigned to Assets
19 currently, and if there was they would have to be
20 required to wear a full uniform with a noticeable
21 badge and logo saying that they're security
22 officers.

23 He walks back to the front door, gun
24 in his hand still, knocks on the door, and he
25 goes back inside. Then he shuts the door behind

1 him.

2 It should be noted I monitored the
3 establishment this past weekend on Saturday, and
4 I observed this male was outside. He walked into
5 the establishment without being searched or
6 anything at approximately 12:30 in the morning,
7 and he went inside. I did confirm with MPD that
8 on June 11, the establishment did request RDO
9 services, and they have been working the past two
10 weeks at the establishment.

11 That's all, Chairman.

12 CHAIRPERSON ANDERSON: I'm sorry, Mr.
13 Puente, I've been doing too many things at one
14 time. What was the last thing you just stated?

15 MR. PUENTE: I was advised by MPD that
16 the establishment has requested RDO services and
17 they started on June 11, and they're working
18 Friday and Saturdays at the establishment.

19 CHAIRPERSON ANDERSON: Now, you're
20 stating that, you -- I think you stated that you
21 returned to the establishment. And you -- did
22 you see the suspect with a gun or tell me, that's
23 the part I --

24 MR. PUENTE: This individual that was
25 -- that came out after the shooting, I observed

1 him walking into the establishment on Saturday
2 night, this past Saturday night. I took video of
3 it. He's right here, walking right in, right
4 past Security, right there. And he's not
5 searched or stopped, so I'm assuming he's known
6 to the establishment.

7 CHAIRPERSON ANDERSON: So do you have
8 -- did you talk to anyone at the establishment
9 about him? Is he -- is he part of their security
10 staff, is he -- is he a guest? Do you have any
11 idea who he is?

12 MR. PUENTE: No, not yet. I spoke
13 with Lieutenant Dowling from MPD, the head of the
14 detectives. He said they're investigating that
15 individual to see who he is. They believe they
16 have his identity.

17 CHAIRPERSON ANDERSON: All right, all
18 right. Thank you, Mr. Puente. Does any members
19 of the Board have any questions for Mr. Puente?

20 MEMBER SHORT: Yes, Mr. Chairman.

21 CHAIRPERSON ANDERSON: Go ahead, Mr.
22 Short.

23 MEMBER SHORT: Investigator Puente,
24 thank you for an excellent report and thank you
25 letting us ID the victims and other persons

1 involved, Security. Excellent report, and thank
2 you for bringing this case to us, the ABC Board,
3 this morning.

4 And again, it's our job as Board
5 members, I believe, at least I as an individual
6 Board member think that security in these night
7 clubs or night entertainment venues should have
8 security that is up to the task.

9 I'd like to ask you how many years
10 have you been with ABRA?

11 MR. PUENTE: Six years, sir.

12 MEMBER SHORT: Six years. And in your
13 six years, have you seen anything like this that
14 occurred at Assets on Saturday, June 5?

15 MR. PUENTE: No, sir.

16 MEMBER SHORT: Have you seen or heard
17 of any security persons who don't identify
18 themselves or don't have security written
19 somewhere on their front or back or side or
20 somewhere on their person that if I'm a patron of
21 this establishment, I would know who security is,
22 other than just a black shirt?

23 MR. PUENTE: Yes, sir, usually I see
24 a lot of the bigger nightclubs and these adult
25 new taverns have staff that have security on

1 their shirts, or something identify them as
2 security.

3 MEMBER SHORT: And does that seem to
4 help them better than just having persons with no
5 identity on them and issues like a person walking
6 in and out of an establishment with a pistol in
7 their hand on the streets of the District of
8 Columbia?

9 MR. PUENTE: Yes, sir.

10 MEMBER SHORT: Mr. Puente, that's all
11 the questions I have for you at this particular
12 time. And I do thank you again for an excellent
13 report. And I as a Board member am taking
14 special note of this establishment and your
15 excellent reporting on the incident on Saturday,
16 June 5, 2021. Again, I do thank you.

17 CHAIRPERSON ANDERSON: Thank you, Mr.
18 Short. Any other members, any other questions by
19 the Board members?

20 MEMBER GRANDIS: Yes.

21 CHAIRPERSON ANDERSON: Yes, Mr.
22 Grandis, go ahead, please.

23 MEMBER GRANDIS: Good morning,
24 Investigator.

25 MR. PUENTE: Good morning.

1 MEMBER GRANDIS: Thank you, we want to
2 thank you for your participation and we want to
3 thank you for your excellent report and
4 presenting to the Board.

5 The second video, if I understood what
6 I could visually see and I could -- if I
7 understood what you were explaining to the Board,
8 that the particular person who had the firearm,
9 the firearm was clearly visible and he walked in,
10 back into the establishment with the visible
11 firearm in his hand?

12 MR. PUENTE: Yes, sir. I reviewed
13 surveillance video from 2:00 a.m. to 3:00 a.m.,
14 and I do not see that individual coming inside
15 prior to the shooting occurring outside. As
16 well, he does not enter the establishment after
17 the shooting. So he was definitely inside the
18 establishment prior to the shooting occurring
19 outside.

20 MEMBER GRANDIS: With the gun in his
21 possession?

22 MR. PUENTE: Yes. He definitely had
23 the gun in his possession. I received another
24 camera from Mr. Amata, which is a distant bar
25 camera from inside the establishment. That was

1 the only one working.

2 And you see this individual after the
3 shooting, he's running from the far end of the
4 establishment near the stairs, and you see him
5 kind of pulling the gun out as he's running to
6 the front door.

7 MEMBER GRANDIS: And would this --
8 would -- from your reviewing that video, would it
9 be clear -- would it be fair to say that others
10 would have seen him whoever in that vicinity with
11 his gun in his hands?

12 MR. PUENTE: When I -- yes, the gun
13 was definitely visible as he was at the front
14 door. When I reviewed the body-worn camera from
15 MPD when the officers arrived, he already had
16 placed the gun back into his holster under his
17 shirt and covered the gun up.

18 MEMBER GRANDIS: Who -- I'm sorry, who
19 had a holster?

20 MR. PUENTE: This individual. He had
21 a holster on his waist.

22 MEMBER GRANDIS: And are -- perhaps
23 this is a question for MPD, but are you -- have
24 you all -- has ABRA inspectors had discussions
25 with MPD regarding the second video, which

1 clearly shows that the suspect had the weapon
2 visible on him as he entered the establishment?

3 MR. PUENTE: Yes, I spoke with
4 Lieutenant Dowling and Commander Bedline of the
5 Second District. They both advised me that it is
6 not an MPD officer. And all MPD officers who do
7 -- who are assigned to work, they have to be in
8 uniform and get approval for the RDO program. So
9 they don't know who this individual is. They're
10 trying to identify him.

11 MEMBER GRANDIS: Okay. And in
12 situations like this, does either MPD or our
13 inspectors make a request that there be a 48-hour
14 closure of the establishment because of lack of
15 safety to the public or lack of safety to the
16 employees?

17 MR. PUENTE: So ABRA investigators
18 can't make the request for a closure. It has to
19 come from the MPD Chief of Police.

20 MEMBER GRANDIS: And was that
21 discussed?

22 MR. PUENTE: Yes, on that night it was
23 discussed, but it was determined that a fact-
24 finding would be more suitable.

25 MEMBER GRANDIS: And that was -- that

1 was a decision by MPD.

2 MR. PUENTE: Yes.

3 MEMBER GRANDIS: And I think we'll be
4 hearing from MPD today, is that correct?

5 MR. PUENTE: Yes, sir.

6 MEMBER GRANDIS: Okay. I want to
7 thank you for your excellent testimony and for
8 your good work for the Agency. Thank you very
9 much.

10 MR. PUENTE: Thank you.

11 CHAIRPERSON ANDERSON: Any other
12 questions by any other Board members? Hearing
13 none, Mr. Bianco, do you have any questions of
14 the Investigator?

15 MR. BIANCO: I do, I do. Good
16 morning, Investigator, how are you this morning?

17 MR. PUENTE: Pretty good, yourself?
18 Good morning.

19 MR. BIANCO: Good, good, I have just
20 a few questions for you and they're mostly
21 clarifying questions. So you mentioned in your
22 testimony that the establishment got RDO in place
23 on June 11, correct?

24 MR. PUENTE: Yes, sir.

25 MR. BIANCO: Okay. Did MPD tell you

1 that the RDO was requested on May 27 but not
2 provided until June 11?

3 MR. PUENTE: No, they did not.

4 MR. BIANCO: Okay. So I want to talk
5 about this individual with the firearm that is
6 shown in the second video that you've shown. Are
7 you familiar with MPD Sergeant Retired Ray
8 Middleton? He's -- he worked in the area for
9 about 31 years?

10 MR. PUENTE: I am not, sir.

11 MR. BIANCO: Okay, so you're not able
12 to say whether or not that is Mr. Middleton.

13 MR. PUENTE: No, I'm not.

14 MR. BIANCO: Okay, did you ask my
15 client or anybody who works for my client who
16 that individual was?

17 MR. PUENTE: No.

18 MR. BIANCO: And do you know whether
19 or not that person is employed as a security
20 consultant for my client?

21 MR. PUENTE: No, I was advised by
22 Detective Yalfo that we were only given the four
23 security guards that were identified to us that
24 night.

25 MR. BIANCO: Okay, thank you. So I

1 want to -- I want to talk about for a few minutes
2 the video that you showed. So you showed a video
3 outside, and I believe it was your testimony that
4 the video inside you were not able to get copies
5 of because the hard drive was corrupted and you
6 had the back and forth with the camera
7 contractor, is that -- that's correct, that's
8 pretty much how it went?

9 MR. PUENTE: Yes.

10 MR. BIANCO: But on the evening that
11 the incident occurred, and I just want to make
12 sure this is clear to the Board, you were able to
13 see all of the cameras when you were actually
14 sitting there and watching the incident unfold,
15 right?

16 MR. PUENTE: Yes, we were.

17 MR. BIANCO: So you just -- so you saw
18 what happened on the internal cameras, you just
19 weren't able to get a copy of that later on.

20 MR. PUENTE: Yes.

21 MR. BIANCO: Okay. And as I was
22 watching the video, or as you were showing the
23 video, it looked to me like Mr. Howarton, who is
24 the security guard that was -- that had the
25 individual in a bear hug and was escorting him

1 out, it looks like he walked him around the
2 corner to the Connecticut Avenue side of the
3 building, correct?

4 MR. PUENTE: Yes.

5 MR. BIANCO: And that was while he had
6 him restrained, right?

7 MR. PUENTE: Yes.

8 MR. BIANCO: Okay. I think that's all
9 I have, Investigator. Thank you very much for
10 your testimony, I appreciate it.

11 MR. PUENTE: Thank you.

12 CHAIRPERSON ANDERSON: Thank you. All
13 right, does anyone have any followup questions to
14 the -- Mr. Puente, again, how long have you been
15 working for the Agency?

16 MR. PUENTE: Six years.

17 CHAIRPERSON ANDERSON: Now, have you
18 -- I think the allegation that's been made by Mr.
19 Bianco is that the security guard might have been
20 a retired MPD officer. Is this something that's
21 familiar with you in the sense that have you ran
22 into other security at other establishments where
23 there are someone similar to this person who is -
24 - who has a gun and there are no identifying
25 clothes on them to identify who they are?

1 MR. PUENTE: No, sir, not in my six
2 years. I don't know MPD's policies for retired
3 officers. But I do know in the District of
4 Columbia, if you have a concealed weapon permit,
5 you are not allowed to carry a gun inside of an
6 establishment that sells, serves, or allows the
7 consumption of alcohol.

8 CHAIRPERSON ANDERSON: All right,
9 thank you. All right, thank you, Mr. Puente, I
10 don't have any further questions for you. Stay
11 tuned, we -- I'm going to have the Lieutenant.

12 Good morning, Lieutenant Pongratz.
13 Good morning, how are you doing?

14 LT PONGRATZ: Good morning, I'm good,
15 how are you?

16 CHAIRPERSON ANDERSON: I'm doing well,
17 thank you. I know that this is the report that
18 was -- I'm sorry, that was a fact-finding request
19 that was made by the Chief of Police. So can you
20 -- what can you share regarding this case to us,
21 this incident to us?

22 And maybe you can shed some light. I
23 think one of the questions that was asked by Mr.
24 Short -- I'm sorry, by Mr. Grandis regarding why
25 the Chief of Police didn't do a closure. Maybe

1 you can provide some background information about
2 what happened from your -- from the Police's
3 perspective and next steps, please.

4 LT PONGRATZ: So when I spoke with the
5 Commander that night, we felt at the time that we
6 would just do a fact-finding letter. We were
7 unsure of how Chief Contee was going to proceed
8 with the fact-finding or a club closure. So we
9 just decided on the fact-finding to allow the ABC
10 Board to determine what course of action they
11 were going to take in reference to Assets.

12 CHAIRPERSON ANDERSON: Now, from your
13 investigation, not in the sense, but what
14 happened at this establishment? Just from not
15 the background, but what happened from your --
16 from the MPD's perspective?

17 LT PONGRATZ: From our perspective,
18 there was an argument inside. The suspect was
19 then escorted out of the establishment. He was
20 then taken on the Connecticut Avenue side, where
21 he was released. Apparently he was continuing to
22 argue with some of the other people outside. A
23 fight ensued, and during that fight he lost his
24 shirt.

25 The security from Assets then broke up

1 that fight. And then our suspect then walked
2 back up Connecticut Avenue onto the Florida
3 Avenue side, where he returned a short time later
4 with a firearm and started shooting, as you saw
5 in the video, in front of the establish.

6 We recovered four shell casings on the
7 scene. We know the victim was shot one time in
8 the upper left thigh, it was a through and
9 through shot, a through-and-through gunshot
10 wound. And then he was transported to an area
11 hospital.

12 The individual with the firearm that
13 came out of the establishment after the shooting,
14 he is in fact a retired MPD sergeant from the
15 First District. I can't remember his name, but
16 he's a customer. He doesn't work security there.
17 And I confirmed this with one of the other
18 investigating detectives, Detective Hector, who's
19 actually handling the case.

20 And as far as firearms go, that's
21 really up to the establishment. I mean, the
22 sergeant is allowed to carry a firearm in the
23 District of Columbia. If he's going on private
24 property that's really up to the establishment
25 whether or not they're going to let him in.

1 Obviously they know him. I don't know
2 how often he frequents Assets. Ray Middleton
3 sounds familiar, but I just -- I know he's a
4 retired, I just can't remember his name. But I
5 can confirm that and forward that information to
6 Ms. Martha Jenkins if need be.

7 CHAIRPERSON ANDERSON: I just want to
8 make sure at least the record is clear in the
9 sense of the policy. Because I think the Board
10 was concerned that here is someone who has a
11 concealed weapon who was walking through an
12 establishment with a gun, and the establishment
13 allowed this person.

14 So you're -- you stated that what the
15 person did it's -- he can have, to the best of
16 your knowledge, he can have a weapon, and it's up
17 to the establishment to allow -- whether or not
18 they would allow the person in with this, with
19 the weapon, is that correct?

20 LT PONGRATZ: Correct. When you're
21 retired and you're no longer kind of held to our
22 policy and procedure like for on duty. For on-
23 duty officers and officials, we are not allowed
24 to have our firearms on us if we are going to
25 consume alcoholic beverages or likely to consume.

1 But we do have to have our badge and credentials
2 on us.

3 When it comes to retired MPD
4 personnel, that's -- that's not the case. And he
5 -- I think what he was doing is because of the
6 shooting, he was going out there with his firearm
7 to check, make sure that everything was okay.
8 And like I said, I can't remember his name. Ray
9 Middleton sounds familiar, but I do know he is a
10 retired MPD sergeant. And he's a customer, not
11 employed by Assets.

12 CHAIRPERSON ANDERSON: Thank you. And
13 is there anything else you want to share with the
14 Board before we go -- before questions are being
15 asked?

16 LT PONGRATZ: No, Investigator
17 Puente's investigation and what he said was
18 accurate, and there's really not much I would say
19 to change it.

20 CHAIRPERSON ANDERSON: Thank you. All
21 right, any questions by any Board members of the
22 Lieutenant? Yes, Mr. Short, I know that you're -
23 - I can see that you want to ask a question. Go
24 ahead, sir.

25 MEMBER SHORT: Yes, good morning,

1 Lieutenant.

2 LT PONGRATZ: Good morning.

3 MEMBER SHORT: Thank you for your
4 service, sir.

5 MR. PONGRATZ: Thank you.

6 MEMBER SHORT: We citizens of the
7 District of Columbia appreciate our Metropolitan
8 Police Department immensely.

9 Like many other District of Columbia
10 persons who have a concealed carry permit to
11 protect themselves when they are in the street
12 away from home, it is your testimony that if I'm
13 a retired MPD person, then that doesn't apply to
14 me about going into a alcohol establishment with
15 a pistol in holster, unidentified, and maybe
16 consuming alcohol, or maybe working where alcohol
17 is being served with that pistol?

18 MR. PONGRATZ: Well, I mean, he's
19 retired. He's -- he can, I mean, if Assets did
20 not want him armed inside the establishment, then
21 they have that right to say, no, you cannot be in
22 here.

23 I don't, I don't know if he was
24 drinking or not. And that, that's up to Assets.
25 But then he's on private property and that would

1 be something that Assets would have to, to
2 handle.

3 If it's a off duty MPD officer or
4 official then, yeah, we're governed by that
5 policy and procedure. But he's retired. And he
6 is allowed to carry anywhere because of H.R. 218,
7 an act of Congress. And he is allowed to have it
8 concealed. And that would be up to Assets to
9 deny him entrance in the establishment with the
10 concealed, with the concealed firearm.

11 MEMBER SHORT: Okay. You saw the
12 video just like everybody on this meeting saw the
13 video. Correct?

14 MR. PONGRATZ: Yes.

15 MEMBER SHORT: Now, Ray Middleton, a
16 retired sergeant, I mean who would know that?
17 He's walking on Connecticut Avenue with a pistol
18 in his hand after a shooting. Would you think
19 that's a safe thing to do?

20 MR. PONGRATZ: Well, I mean, it's
21 cause for concern if the officers come on scene
22 of a shooting and they see an individual out
23 there with a gun. And, yeah, he could be, he
24 could be confronted. And that, that could end up
25 in a lethal situation. Fortunately, it didn't.

1 But I think he was out there at first
2 just to make sure to see what was going or what
3 was going on. Yeah, it's, it is a dangerous
4 situation to be walking around without any kind
5 of identifying marks. But then again, he does
6 have the right to carry in the District of
7 Columbia, and that's a decision that he made.

8 MEMBER SHORT: Okay. Now, there were
9 four shell cases found on the scene. Correct?

10 MR. PONGRATZ: Correct.

11 MEMBER SHORT: So, one shot went into
12 one of the victims who received a shot to the
13 leg?

14 MR. PONGRATZ: Correct.

15 MEMBER SHORT: If I were, and I'll use
16 the term down range, would you explain what down
17 range is after a shooting?

18 MR. PONGRATZ: That means, like,
19 you're background. So, we weren't able to find
20 where those, the other rounds ended up. In other
21 words, we don't know if they went into another
22 building or a car, or just further down
23 Connecticut Avenue.

24 MEMBER SHORT: So, fortunately, no
25 civilians or no detriment to our nation's capital

1 because Connecticut Avenue is pretty busy, I
2 don't care what time of day or night it is.

3 MR. PONGRATZ: Right.

4 MEMBER SHORT: And you've been in that
5 area, you know that PSA better than a lot of
6 people would know it. And you know also there
7 are a lot of residences very close to there. And
8 then you had a building right across the street.

9 So, you're talking about -- and a lot
10 of people from the neighborhood, I know they walk
11 at night -- I'm a retired MP -- retired fire
12 service person, that's the reason why the
13 chairman made a big to-do about me wanting to
14 question.

15 So, and in my 33 years with the D.C.
16 Fire Department I saw many gunshot wounds
17 especially. I worked out of Engine Company No.
18 9. I know you're familiar with that. But at any
19 rate, I worked there back in the 70s. So seeing
20 shootings is something that really still troubles
21 me.

22 And I'm very troubled by this incident
23 and that three bullets are unaccounted for that
24 went down range which put in jeopardy anybody who
25 was driving, walking, or even in their own homes

1 in jeopardy. So, the reason I'm kind of puzzled
2 by this, and I might as well be honest, I'm
3 disturbed that we have Assets with people with
4 guns inside of the premises and walking in front
5 of the premises with a gun, unidentified.

6 Because if I'm a citizen walking down
7 the street and I happen to see someone with a gun
8 and all of a sudden there's gunshots, and I have
9 a concealed carry myself and I want to defend
10 myself, then that sergeant would have been right
11 to shoot me, or me shoot the sergeant?

12 I mean, he's walking on, he's walking
13 on Connecticut Avenue with a gun in his right
14 hand. There has just been a shooting. He's
15 unidentified. He's out of uniform. And he's
16 there just standing in the street with a gun in
17 his hand. Would that, would you consider that
18 dangerous?

19 MR. PONGRATZ: Yeah, so with the
20 concealed carry comes responsibility. And that
21 retired sergeant felt that he should come
22 outside. He felt the need to pull the gun out of
23 his holster. That, I mean, that's a decision he
24 made.

25 You know, I don't know what Assets

1 could have done with as far as what he, what he
2 did. Like I just said, he's allowed to carry,
3 and Assets allowed him in the establishment
4 armed. And if, like I said, if Assets didn't
5 want him armed, then they didn't want an armed
6 citizen in their establishment, then they could
7 have denied him and there's nothing he can do.

8 But, like I said, it is a dangerous
9 situation for him to step outside the
10 establishment armed after a shooting with nothing
11 saying that he's the police. But that's the kind
12 of responsibility that he takes when he steps
13 outside that establishment with that firearm in
14 his hand.

15 Thank God, you know, when officers
16 arrived, you know, it didn't escalate. He'd
17 already gone back inside. But I don't know what
18 else to say about that.

19 MEMBER SHORT: Okay. For the record
20 also, I'm very, I'm very, very pleased that the
21 board -- I'm just one individual board member --
22 but that RDO has been employed by this
23 establishment, Assets.

24 MR. PONGRATZ: Yes. We have two
25 officers, I think Fridays and Saturdays. What we

1 call sub-overtime. But, yes, we do have MPD
2 officers out there now.

3 MEMBER SHORT: Okay. With your
4 knowledge of Assets and their operations, how
5 many other nights of the week is it crowded, or
6 during holidays when it's not a weekend, do you
7 think that RDO would be, in light of this
8 incident, just Friday and Saturdays. Do you
9 think that's adequate, or should there be more
10 nights?

11 Or when they have holidays or weekends
12 of extended hours do you think that RDO would
13 serve the city and serve Assets and the community
14 around Assets more than just two days a week,
15 Friday and Saturday? In your professional
16 opinion?

17 MR. PONGRATZ: Yes. Yeah, I think it
18 would help. I mean, to have police officers out
19 front would definitely help any situation from
20 escalating. And they would be very not only
21 assisting Assets but also with anybody out front
22 that's trying to get in, to make sure that
23 there's no violence out front, that everything's
24 calm. And that's kind of why we have them.

25 So, I would say that every night would

1 be good for Assets, absolutely.

2 MEMBER SHORT: Thank you, Lieutenant.
3 I really wanted the board members to hear that
4 because I run into a lot of friction from some
5 who think that we are overburdening persons or
6 citizens when we ask them to have more than two
7 nights. Generally, your professional opinion is
8 on the record. And I do appreciate your honesty
9 and your professionalism. And we do thank you
10 for your service, Lieutenant.

11 And you be safe out there.

12 MR. PONGRATZ: I will. And thank you.
13 I appreciate it.

14 MEMBER SHORT: That's all I have, Mr.
15 Chair. Thanks very much.

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

18 Are there any other questions by any
19 other board members? Mr. Grandis.

20 MEMBER GRANDIS: Thank you, Mr.
21 Chairman.

22 Mr. Chairman, first I would like to
23 just to have you advise all of us that there's a
24 certain decorum that we should be having during
25 this WebEx hearing. If this was in our hearing

1 room, people who are licensees or witnesses would
2 not be getting up and walking around and
3 disturbing the video of this important hearing.

4 So, I wish you would just make some
5 kind of statement because I find it very
6 distracting.

7 Thank you.

8 CHAIRPERSON ANDERSON: Thank you, Mr.
9 Grandis. I noticed that.

10 Mr. Schaffer, I appreciate the fact
11 that you are here. If you have something else to
12 do, sir, just turn your camera off. That's all
13 I'm asking.

14 I did ask everyone to put their
15 microphones on mute. But if you have to get up
16 and walk around from the camera, sir, the only
17 thing you have to do just turn your camera off.
18 And so when you are able to come back you can
19 turn it back on. Okay?

20 MR. SCHAFFER: No problem.

21 CHAIRPERSON ANDERSON: Thank you, Mr.
22 Grandis.

23 MEMBER GRANDIS: Thank you, Mr.
24 Chairman.

25 I'd like to have a couple questions

1 for the MPD, if that's okay?

2 CHAIRPERSON ANDERSON: Yes. Yes, sir.
3 Ask the questions.

4 MEMBER GRANDIS: Sir, I want to thank
5 you for your excellent presentation and for you
6 taking time to be with us today. I want to thank
7 you very much for that.

8 MR. PONGRATZ: You're welcome.

9 MEMBER GRANDIS: I may be the only one
10 sort of puzzled, but based on the facts that have
11 come out this morning, and I think your
12 concurrence of our investigator's report, are
13 these the same facts that the chief used to
14 determine not to have a 48-hour closure on this
15 establishment, or did things come to light
16 afterwards that perhaps would have educated that
17 judgment?

18 MR. PONGRATZ: No. So, I drafted, I
19 drafted the letter later that morning and then
20 submitted it to the commander, who approved it
21 and submitted it to the chief.

22 So, the fact that we had at that time,
23 that like Investigator Puente said, there was an
24 argument, fight inside. They were removed from
25 the establishment out onto Connecticut Avenue

1 where another fight ensued. Security broke that
2 up. And then the shooter went around the corner
3 on Florida Avenue, where he had his firearm, came
4 back and tried to fire across, striking our
5 victim one time in the leg. He then crawled back
6 into the club.

7 And at that time that's when our MPD
8 shots spotter at our Communications Center
9 detected a round there in front of 1805
10 Connecticut Avenue. And then that's when we
11 responded.

12 So, there wasn't -- I guess at first
13 there was an indication that it may have happened
14 inside Assets. But after a preliminary
15 investigation it was determined that the shooting
16 had occurred outside.

17 And I think that's why it was just a
18 fact finding and not necessarily a club closure.

19 MEMBER GRANDIS: Yes, sir. I
20 appreciate that.

21 But in light of the fact situation
22 that has been put on record today, would that,
23 would that have educated the chief with enough
24 information that there should have been a
25 closure?

1 I'm just, I'm sort of concerned.

2 MR. PONGRATZ: Yeah. I don't, I don't
3 know the criteria that Chief Contee would use to
4 have a club closure, 48-hour club closure. That
5 would be something that he would have to
6 disclose.

7 MEMBER GRANDIS: Okay. And perhaps
8 maybe we, the board, can ask for that type of
9 memorandum from the chief. That would come -- we
10 would process that ourselves.

11 MR. PONGRATZ: Absolutely. You know,
12 I don't, I don't know what criteria the chief
13 needs or what he does to determine whether or not
14 he's going to close the club for any length of
15 time.

16 MEMBER GRANDIS: Are you aware or is
17 MPD aware of any incidents since this licensee
18 received his license, which is not too long ago,
19 of any other incidents that related to this club?

20 MR. PONGRATZ: No.

21 MEMBER GRANDIS: Okay. I thought I
22 saw, I read in the report that there was some
23 type of concern for a minor possibly. But you
24 would not have information about that?

25 MR. PONGRATZ: About a minor?

1 MEMBER GRANDIS: Yeah. I may have --
2 I saw it in the investigative report that there
3 had been some incident that required us to
4 investigate.

5 MR. PONGRATZ: A check on the welfare.
6 Hold on one second.

7 MEMBER GRANDIS: And, I'm sorry, I
8 mean check on welfare. I take it back. I'm not
9 saying -- I apologize for using the word "minor,"
10 but check on welfare.

11 MR. PONGRATZ: It was a check on the
12 welfare of a juvenile.

13 I don't -- If you give me one second,
14 I can.

15 MEMBER GRANDIS: Does that relate to,
16 does that relate to the licensee or is that just
17 for the area?

18 MR. PONGRATZ: That might be to the
19 area. But I can confirm. I can pull up the
20 report.

21 MEMBER GRANDIS: Thank you.

22 (Pause.)

23 MR. PONGRATZ: All right. That looks
24 like it was Mr. Schaffer and his wife Niki
25 Schaffer and their daughter. And someone called

1 because I guess -- that looks like the owner just
2 had his daughter there with him and his wife.

3 MEMBER GRANDIS: So that would mean,
4 just so I understand, the welfare is related to
5 someone under 21 perhaps in the establishment?
6 Is that, just for --

7 MR. PONGRATZ: It looks like it
8 happened about 8 o'clock at night on October
9 27th, 2020. And a person called because they saw
10 what looked like taking a child into the club.
11 But it looks like it was Mr. Schaffer's daughter.
12 And his wife was also on the scene as well, Mrs.
13 Schaffer.

14 MEMBER GRANDIS: Okay. I want to
15 thank you just for that clarification. And I
16 want to thank you for your presentation and your
17 excellent reporting today.

18 Thank you for your help. Thank you.

19 MR. PONGRATZ: You're welcome. Thank
20 you.

21 CHAIRPERSON ANDERSON: Thank you, Mr.
22 Grandis.

23 Any other questions from any other
24 board members?

25 (No response.)

1 CHAIRPERSON ANDERSON: All right. Mr.
2 Bianco, any questions of the Lieutenant?

3 MR. BIANCO: I don't have any
4 questions for the Lieutenant.

5 CHAIRPERSON ANDERSON: All right,
6 thank you.

7 Lieutenant, any final comments you
8 want to make?

9 MR. PONGRATZ: No, thank you.

10 CHAIRPERSON ANDERSON: All right.
11 Thank you.

12 Mr. Bianco, do you have any witnesses,
13 any statements from you or your client, sir?

14 MR. BIANCO: Yes, Mr. Anderson.

15 So, so here's how we'd like to
16 proceed, if it's okay with you. I have some
17 statements that I would like to make on behalf of
18 my client. He is here if the board has any
19 additional factual issues that they want to
20 resolve.

21 But my, my involvement in this matter
22 was a bit more than it typically is because
23 Assets takes this issue extremely seriously. And
24 they actually had me come out and do a complete
25 investigation. I interviewed all the witnesses, I

1 looked at all of the video that's available in
2 preparation for today's hearing because they very
3 much want to get to the bottom of it.

4 So, I can speak to the things that I
5 have seen. And my client can correct me if
6 anything I say is factually inaccurate. And then
7 if the board has any questions, I'm glad to
8 entertain them, and he can chime in as well, if
9 that's okay with you, Mr. Anderson.

10 CHAIRPERSON ANDERSON: That's fine,
11 sir. I just want to alert you that we probably
12 have -- this hearing was scheduled to end at 11
13 o'clock. But we'll, I will end this hearing at
14 11:30. Okay? So, I'll just you know that.

15 MR. BIANCO: Absolutely. Well, I'll
16 cover things as quickly as I can. I think the
17 next hearing is mine as well. So, it's in my own
18 interests to get this done.

19 CHAIRPERSON ANDERSON: And the board
20 also is interested, Mr. Bianco.

21 All right, go ahead.

22 MR. BIANCO: Understood.

23 So, as to what happened, as to what
24 occurred inside the establishment, based on the
25 interviews that I did it was an argument. And I

1 think that's corroborated by what MPD states in
2 their report. I think they say that
3 specifically.

4 So, it wasn't a big fight or a melee
5 or anything like that, and that would mitigate.
6 I didn't see that internal tape. By the time I
7 was involved in the case the hard drive had been
8 corrupted, although MPD did see the tape and
9 formed the conclusion that it was an argument.

10 So, you know, when the internal
11 security officer determined who was the aggressor
12 in the situation, he removed them from the club.
13 And as the other individuals that were engaged in
14 the argument had also walked out of the club, and
15 the video shows them standing on the Connecticut
16 Avenue side of the front entrance, the security
17 officer from inside of the club who was escorting
18 the aggressor out actually turned the corner --
19 I'm sorry, the other individuals involved in the
20 argument were on the Florida Avenue side. The
21 security officer took the aggressor individual
22 out and walked him down the Connecticut Avenue
23 side, away from where the other folks were
24 standing that were engaged in the argument.

25 The establishment has a security plan.

1 I think that was discussed fairly extensively in
2 the investigation report. And to add context to
3 that, I think it's important for the board to
4 understand that whenever anyone is hired they are
5 given the security plan. And they go through it
6 with them and make sure they understand it and
7 their obligations thereunder.

8 Now, because of COVID, my client's
9 operations were limited for a period of time, so
10 almost a year. They were still open
11 sporadically. But coming back to full operation
12 there was a learning curve. And my client
13 understands that.

14 And approximately a week before this
15 incident occurred, the general manager of the
16 establishment had a training for all security
17 staff specifically about the security plan. So,
18 they went through it yet again about a week
19 before this incident took place.

20 Moving on to the issue with Sergeant
21 -- with the individual with the gun. It is in
22 fact retired Sergeant Ray Middleton from MPD. He
23 is, in fact, employed by my client. That evening
24 was his first night of work. He'd been brought
25 on as a consultant. He was paid for that night

1 of work, so he was not there as a patron. He
2 does not drink. He was not drinking that night.
3 And acted in accordance with his 31 years of
4 police training and experience when there was a
5 shooter.

6 The issue with the RDO, yes, my client
7 now has RDO in place. But I think it's also
8 important to note that the board increased the
9 RDO reimbursement on the 26th of May. And in my
10 client's settlement agreement, their obligation
11 to have RDO is triggered by the amount of
12 reimbursement.

13 So, once that May 26th order came into
14 place, it kicked in my client's obligation to
15 have RDO. And the very next morning after the
16 order came out they put in a request for an RDO
17 detail, which MPD did not respond to for more
18 than a week. They then came back and said, oh,
19 we're sorry that we didn't respond, but now we
20 have responded and, you know, now we can get your
21 RDO in place.

22 And it was in place as of June the
23 11th.

24 I think what the last thing that I'd
25 like to discuss is this issue of, this minor

1 issue. And I only bring it up because Mr.
2 Grandis questioned MPD extensively on it. I
3 think it highlights the whole testament that my
4 client has to go through operating an
5 establishment at that location.

6 They are under ridiculous scrutiny by
7 the neighborhood. They are constantly harassed,
8 surveilled, reports made about them. Here's a
9 situation where you have husband and wife
10 operating a family business that during the day,
11 when they're not even open, they stop at their
12 place of business and they have their daughter
13 with them, and now all of a sudden it's a police
14 inquiry? I mean, it's absurd. But it's
15 indicative of the type of harassment that my
16 client has to endure by operating in a
17 neighborhood where they are most certainly
18 unwelcome.

19 And the ANC and the Dupont Circle
20 Citizens' Association, as well as the local
21 government gadflies, have made it very, very
22 clear that they don't want them there. And this
23 is the kind of thing that they have to endure.
24 It's absolutely absurd that we are even here
25 talking about it.

1 But that is the explanation for it.
2 Husband and wife brought their daughter to their
3 place of business during the day, when it wasn't
4 open, and now, and now we're having a public
5 hearing about it. It's nuts.

6 I'm glad to entertain any questions by
7 the board. My client, Mr. Schaffer, is here.
8 And, Jeff, if I left anything out that you think
9 is important, please speak up.

10 MR. SCHAFFER: I'm sorry, no, I think
11 you covered everything. And I think that that
12 night many officers came, as well as the
13 lieutenant who spoke today came to the scene.
14 AVO was there. They watched tapes for hours,
15 extensively. And I don't think that there was
16 any wrongdoing that night.

17 Unfortunately, we have shootings in
18 the city. Gun violence is up dramatically. And,
19 you know, it's ridiculous. Since that time we've
20 hired more personnel. I have a female who
21 actually searches other females as well. And
22 we've just gone above and beyond what we can do.

23 Like you said, RDO is supposed to be
24 there until 2:00 in the morning. I have them
25 stay until closing. And we have eight, eight

1 security. I had the officer training run in
2 de-escalation just over the last weekend. And
3 whatever we can do, security is very important,
4 and we want to make sure that the patrons and
5 staff are secure.

6 And I think you covered everything.
7 Thank you.

8 CHAIRPERSON ANDERSON: All right.
9 Thank you, Mr. Schaffer.

10 Mr. Bianco, the hearing is regarding
11 a shooting at the establishment. That is the
12 purpose of the hearing. We're having a hearing
13 today because the chief of police requested that
14 we have a hearing, a fact finding hearing to
15 gather information about a shooting that occurred
16 today.

17 The purpose of this hearing is not
18 about having a minor. I do not know if there was
19 a minor in the establishment, but that's not the
20 purpose of this hearing today.

21 And so, as I stated before, that's
22 not, that is not, it's not an issue with the --
23 at least it's not an issue with the board. And
24 so I am not interested in any evidence or taking,
25 eliciting any testimony regarding this issue,

1 because that is not a relevant issue for this
2 board and our investigation to make a
3 determination.

4 And you are aware that based on the
5 license class that you are, unfortunately, it's
6 also the license class, you are going to have
7 pushback in any neighborhood because of the
8 license class. And so, unfortunately, it comes
9 with the territory sir.

10 But anyway, moving right along.

11 All right. There was an issue with
12 the camera being corrupted, sir. Are you and
13 your client aware of -- hold on. Are you and
14 your client aware of the position of 25, Chapter
15 25-402(B), if the licensee knows or retailer
16 knows that the cameras are not operational, the
17 licensee may notify the board within 10 days
18 about the cameras and provide the board with
19 proof of corrective maintenance.

20 I'm asking the question how often are
21 these cameras checked?

22 MR. BIANCO: That I don't know. I do
23 know they were functioning on the night in
24 question and not functioning thereafter. I
25 believe MPD got the footage they needed.

1 But to answer your question, I'm going
2 to have to defer to my client.

3 Jeff, how often are the cameras
4 maintained?

5 MR. SCHAFFER: Daily. They're
6 inspected daily, and they were operational at the
7 time.

8 The issue was Mr. Puente had mounted
9 actually on one hard drive. It's actually on
10 four hard drives. And there's about 26 cameras
11 in the establishment. And they use a 360 degree
12 camera that once you put it up, every single
13 speck they see, no hidden spots on the 360.

14 But the downside is it's too much
15 data. And the other downside is when you zoom in
16 you're going to lose clarity.

17 So, over the couple years that we've
18 been there they coupled the hard drives. And
19 they're monitoring it for me at Geovision where I
20 purchased the equipment. And when MPD went to
21 download the cameras at the time for a 2-hour
22 time period, it went (unintelligible) and then
23 one of those hard drives crashed during that
24 process. The hard drive that crashed was 3 of
25 the, 3 of the 20 cameras. And that's why there's

1 no cameras for the inside cameras.

2 So, once that happened they said,
3 well, you're going to have to order another CPU
4 with four additional hard drives to increase it
5 to eight. That will minimize the strain put on
6 the system.

7 So, I spent about \$6,000 and ordered
8 that. And it came on that Monday right after the
9 incident. So, we've installed eight hard drives
10 now.

11 So, it has to have been, the cameras
12 are always up and running. But we did have an
13 issue with the hard drives, and that's because of
14 capacity and the amount of data on there.

15 CHAIRPERSON ANDERSON: All right.
16 Thank you, Mr. Schaffer. Unfortunately, your
17 reception is somewhat you are going in and out,
18 so we were not hearing everything you said.

19 But I, the what I gather from what you
20 stated was that that issue regarding the hard
21 drive has been fixed. And so, hopefully, this
22 will not return here. Is that correct?

23 MR. SCHAFFER: Yes.

24 CHAIRPERSON ANDERSON: All right.
25 This question is for you, Mr. Bianco, or your

1 client. Do you know what started, what started
2 or caused the altercation inside of the
3 establishment?

4 MR. BIANCO: So, from my interview of
5 the security guard who intervened it seems that
6 the person who was the aggressor was intoxicated.
7 And then the other gentleman walked in, he
8 started a verbal altercation with them, seemingly
9 unprovoked.

10 So, we couldn't find anything other
11 than the aggressor sort of looking for trouble
12 as to the reason why this started.

13 So, the person who was the aggressor
14 had just entered the club a few minutes before
15 the altercation took place. And the other
16 individuals whom the verbal altercation took
17 place with had entered after him. So, they were
18 really only inside for a matter of minutes. So
19 it wasn't a situation where they were going back
20 and forth at each other for an entire night.
21 They were both there for a very short time.

22 CHAIRPERSON ANDERSON: But you stated
23 that one of the individuals was intoxicated?

24 MR. BIANCO: Correct.

25 CHAIRPERSON ANDERSON: So, and he was

1 only there for a minute. So, are you telling me
2 that either that the establishment knowingly
3 allowed an intoxicated person into the
4 establishment, or did they knowingly sell or
5 serve alcohol to an intoxicated person? Which
6 one is it?

7 MR. BIANCO: I don't think it's either
8 one. I don't know that he was visibly
9 intoxicated at the point that he walked in the
10 door. This was an observation that the security
11 guard made. And I don't think, I don't think he
12 was even served in the establishment.

13 So, I'm getting information from my
14 clients right now saying that he was not visibly
15 intoxicated at the time he entered, and he was
16 not there for a terribly long time, but seemed
17 intent on starting trouble, which is why he was
18 escorted out. And the others left of their own
19 free will.

20 CHAIRPERSON ANDERSON: All right.
21 Thank you for that clarification.

22 So, do you deny that the patron
23 engaged in agitation, verbal or aggressive?

24 MR. BIANCO: They weren't violent, as
25 far as I can tell. I'm deferring to MPD's

1 characterization of the event, as they have
2 actually seen the video and I have not.

3 So, they have characterized it as an
4 argument. And I defer to them on that particular
5 point. I mean, I wouldn't consider an argument
6 violent. Inappropriate, probably, which is why
7 the gentleman was escorted out of the
8 establishment.

9 CHAIRPERSON ANDERSON: Now, did
10 management or the staff contact MPD?

11 MR. BIANCO: Not until after the
12 shooting took place.

13 CHAIRPERSON ANDERSON: Now, in light
14 of you talked about the consultant, this retired
15 police officer, what changes, if any, is this
16 officer going to be in this establishment
17 providing consultant services, what changes, if
18 any, is the establishment contemplating regarding
19 his appearance?

20 MR. BIANCO: Okay. So, and I'll let,
21 I'll let Jeff respond if I'm incorrect. But it's
22 my understanding that he's not providing
23 patrolling services. But if something very, very
24 serious happens, such as a shooting, he may
25 respond.

1 But other than that, his role is as a
2 consultant to train other security individuals,
3 to make sure policies and procedures are being
4 followed, more managerial than on the line
5 provision of security services.

6 Jeff, please correct me if I'm wrong
7 about Sergeant Middleton's role at the
8 establishment.

9 MR. SCHAFFER: No, that's true.

10 This last weekend he just went and
11 trained all the security members in
12 de-escalation. And there were about five or six
13 things. I think he may have sent the itinerary.

14 MR. BIANCO: He did.

15 MR. SCHAFFER: So, yes, I just want
16 him to train and be on top of whatever we can do
17 to continue to have it safe.

18 MR. BIANCO: And he's not going to be,
19 you know, at the door checking IDs or patrolling
20 the floor or anything like that. That's not what
21 you contemplate him doing.

22 MR. SCHAFFER: No.

23 MR. BIANCO: Okay.

24 CHAIRPERSON ANDERSON: It just so
25 happens that he was at the establishment when

1 this incident occurred, and he responded. So
2 that's what happened?

3 MR. BIANCO: That's correct.

4 MR. SCHAFFER: Yes.

5 CHAIRPERSON ANDERSON: I think either
6 Mr. Short or Mr. Grandis, I don't remember who,
7 stated, it is troubling to see someone if a
8 shooting occurs, to see someone on Constitution
9 Avenue, or any street, Connecticut Avenue or any
10 street, brandishing a weapon and no one knows
11 that this is a police officer because they are
12 not wearing, they are not wearing any type of
13 identification.

14 You see that the person entered the
15 establishment was not stopped by security, and at
16 no point it doesn't appear that anyone informed
17 ABRA who this person was. Because, as Mr. Puente
18 stated, he had gone back, he had seen this
19 person, and no one had pointed out to ABRA that
20 who this person is.

21 MR. BIANCO: No, I certainly
22 understand that concern. But I think Mr. Puente
23 also testified that he never asked my client who
24 he was. So, it wasn't something that my client
25 concealed, you know.

1 In the course of this investigation,
2 if they said, Who is this person? they would have
3 gotten a straight answer out of him.

4 CHAIRPERSON ANDERSON: But I'd say,
5 Mr. Bianco, the video clearly shows an individual
6 going into the establishment with a weapon. And
7 I believe that this is something, if this person
8 is providing consultant services to the
9 establishment, the establishment should have
10 identified this individual as a staff member.

11 We should not be in the middle of our
12 investigation at a fact finding hearing, the
13 investigator testified, and you in response said,
14 oh, by the way, this is who this person is, or
15 did you know. But it's not up to us to ask who
16 it is.

17 You, our investigators came, they
18 asked questions. We saw an individual with a
19 gun. I don't necessarily believe that it's up to
20 us to say is this an employee because he's not
21 wearing identification.

22 I would assume that you, that the
23 establishment would have advised the agency of
24 the capacity that this person was working in.

25 MR. BIANCO: Yeah. I mean I

1 understand that. But, but wait a minute, we
2 didn't -- we weren't made aware by the agency
3 that there was even a person entering the
4 establishment with a gun and that they considered
5 it a problem until we received the report, which
6 is after the fact finding hearing was called.

7 So, we're here at the fact finding
8 hearing presenting the facts. So, you know, if
9 there was a point in the investigation where
10 there was a question raised, that question was
11 never asked. The first time it was put to us was
12 when we received the report.

13 CHAIRPERSON ANDERSON: Mr. Bianco.
14 Mr. Bianco, I'm sorry, if we receive video from
15 your establishment and we see someone brandishing
16 a weapon, it is up to the, it is up to the
17 establishment, unless you're hiding something, to
18 say affirmatively to the board who this person
19 is. Because we all, we all saw this video, and
20 everyone is sitting here saying, Oh, my God, how
21 can this establishment allow someone in there
22 with a concealed weapon?

23 We had no idea, so it's not up to us,
24 it is not up to us to ask questions. It is up
25 to -- it is on your own video, so it's up to the

1 agency -- I'm sorry, it's up to the establishment
2 to be forthright with the agency. I mean, you
3 are aware that we have concerns that the security
4 personnel had black shirts but there was no
5 security on it. So, you're aware of that.

6 And I have no read your -- I will say
7 I have not read the security agreement. But most
8 security agreements that I have seen, security
9 plans that I have seen states that security
10 personnel needs to be properly identified.

11 So, so you are aware that we do have
12 a concern that even if we don't tell you that,
13 you should have a concern because if security
14 from the establishment were wearing black but
15 there was no, there was no demarcation on their
16 uniform that they were security. So, I think
17 it's up to you to inform us to say this is who
18 this person was. And we shouldn't be in the
19 middle of the hearing where we're finding out who
20 this person is for the first time.

21 But anyway, I digress. Anyway, let's
22 move on.

23 And, yeah, that's one of the main
24 issues that we have here is that -- that was my
25 next question -- about this male who had a gun.

1 Because it is of concern to the establishment.
2 And I'm fine with that, your explanation, but it
3 should not be in the middle of this hearing.
4 This should have been brought to the attention of
5 the agency to clearly identify it.

6 We also have MPD. MPD did not know
7 who this person was. I think after you presented
8 it, then the officer is saying, I think I'm
9 familiar with that person. But your
10 establishment did not even identify to MPD who
11 this person was to say that this person was
12 working in -- was an employee.

13 I'm saying that. I know he was a
14 consultant. But was an employee of the
15 establishment. Not even he was aware of this
16 until this hearing. And that is not, that's not
17 appropriate, sir.

18 MR. BIANCO: Well, the first time it
19 was raised with us was in the investigative
20 report.

21 CHAIRPERSON ANDERSON: And when was
22 this report given to you, sir?

23 MR. BIANCO: The investigative report
24 I received on -- bear with me for a moment and I
25 will look it up. I believe it was last Thursday.

1 CHAIRPERSON ANDERSON: All right. So,
2 you were aware.

3 MR. BIANCO: So, for the last six
4 days, as I was investigating this issue, I was
5 aware that the agency was concerned about it.
6 But it was also after the fact finding was
7 requested for today.

8 So, I got the fact finding request and
9 the report at the same time.

10 CHAIRPERSON ANDERSON: Mr. Bianco,
11 that's an excuse. They're two separate
12 incidents.

13 We're having this hearing today not
14 necessarily because of the person with the
15 weapon, but it's because of the shooter. That's
16 why we're having this. So you're aware, that's
17 why we're having a fact finding hearing.

18 All I'm saying is that in the middle
19 of reviewing video we saw something that's
20 troubling to the agency. And your client should
21 have informed MPD and the agency who this person
22 was, so neither MPD or the agency is concerned
23 that there is someone brandishing a gun on
24 Constitu -- on Connecticut Avenue, sir. That's
25 all we're saying.

1 MR. BIANCO: I understand that, Mr.
2 Anderson. It just sounds to me an awful lot like
3 we're being, we're being told that we should have
4 answered a question that was never asked.

5 MR. SCHAFFER: Can I just one second?

6 CHAIRPERSON ANDERSON: Hold on. Mr.
7 Schaffer, hold on a minute. Hold on a minute,
8 please.

9 This is a fact finding hearing. All
10 we're trying to get to the bottom of, we're going
11 to get to the bottom. And I would say this, Mr.
12 Bianco, if this was Mr. Schaffer and not his
13 attorney, then I would accept that answer from
14 Mr. Schaffer. But as an attorney, I am not going
15 to accept that answer from you, sir.

16 So, therefore, basically if we don't
17 ask, I'm not going to, well, if they don't say
18 nothing about it, I'm not going to bring it to
19 their attention, maybe they won't notice it. No,
20 sir, I'm not going to accept that from you as an
21 attorney. I would accept that from your client
22 if he was not represented.

23 But, you know, when an attorney
24 appears in front of me, I have different
25 expectations from them. And then as a member of

1 the bar this is something that you should have
2 brought to our attention, and also brought to the
3 attention of MPD.

4 Anyway, I don't have anything else to
5 say. Does any other board member have any other
6 questions?

7 MEMBER SHORT: Mr. Chair, I'd like to
8 ask a question of the attorney.

9 CHAIRPERSON ANDERSON: Go ahead, Mr.
10 Short.

11 And I just want to say, we have a
12 protest hearing right after. It's 11:30. So I
13 want to wrap this up shortly.

14 Okay, go ahead, sir.

15 MEMBER SHORT: I'll do the best I can,
16 Mr. Chair.

17 Mr. Bianco, are you aware that your
18 client had to submit a security plan to ABRA as a
19 part of its license?

20 MR. BIANCO: Yes. That's correct.

21 MEMBER SHORT: Do you have a copy of
22 that in front of you, or do you have access to a
23 copy of the security plan?

24 MR. BIANCO: I do. If you'll bear
25 with me for just 10 seconds, I could bring it up.

1 Maybe it seems more than 10 seconds, but yes, I
2 can bring it up.

3 Give me one second.

4 All right, I have the security plan in
5 front of me, sir.

6 MEMBER SHORT: Can you go to page 5 of
7 7? Go to page 5.

8 MR. BIANCO: Okay. I'm on page 5.

9 MEMBER SHORT: Will you look at (E),
10 which says weapons confiscation.

11 MR. BIANCO: Yes.

12 MEMBER SHORT: Will you please read
13 that for the record, what weapons confiscation
14 says on the security plan.

15 MR. BIANCO: You want me to read the
16 whole paragraph?

17 MEMBER SHORT: Please do. It won't
18 take that long.

19 MR. BIANCO: Okay. It says, "Weapons
20 of any kind are not permitted in Assets for any
21 reason. A patron may not enter the establishment
22 with a weapon. If a weapon is seized from a
23 patron or found immediately outside of the
24 establishment, security personnel must notify
25 management. Management or head of security shall

1 contact MPD immediately and follow the advice of
2 an MPD officer regarding securing and
3 safeguarding of the seized weapon until an MPD
4 officer arrives. The weapon shall be surrendered
5 to an MPD officer once he or she arrives. The
6 security personnel member or manager who
7 surrenders the weapon to an officer must note the
8 date, time, officer's name, and officer's badge
9 number. A report of any weapon confiscated or
10 found, and if surrendered to police, must be
11 entered into the incident report log, containing
12 the date and time of the weapon surrendered to
13 MPD, and the officer's name and badge number to
14 whom it was surrendered."

15 MEMBER SHORT: I do thank you, sir.

16 Now, you read weapons of any kind are
17 not permitted in Assets for any reason?

18 MR. BIANCO: Uh-huh.

19 MEMBER SHORT: So, would you consider
20 that a breach of your security plan that they
21 submitted to this agency and had approved?

22 MR. BIANCO: No. I don't consider it
23 a breach. I don't think that particular
24 provision, section (E), applies to security
25 employees who have weapons on their person as

1 part of the discharge of their duties. I think
2 that clearly applies to patrons, which this
3 person was not.

4 So, I would not consider that a breach
5 at all.

6 MEMBER SHORT: Okay. Well, let me ask
7 you this. Do any other of the security officers
8 or security personnel in the employ of this
9 licensee carry weapons?

10 MR. BIANCO: No, they don't.

11 MEMBER SHORT: Why not?

12 MR. BIANCO: My client hasn't paid for
13 armed security guards other than Sergeant
14 Middleton.

15 MEMBER SHORT: Can I also reference
16 you, Mr. Bianco, the D.C. Code under securities
17 officers and security agencies, Title 17,
18 Business, Occupations, and Professionals. Are
19 you familiar with that document?

20 MR. BIANCO: No, I'm not.

21 MEMBER SHORT: Okay. Now, let me ask
22 you this. The sergeant who is, Mr. Ray, with the
23 pistol that evening, Ray Middleton on that
24 evening, is he a qualified trainer or security?

25 MR. BIANCO: I don't know.

1 MEMBER SHORT: Has anybody in the
2 security employees had any formal training as
3 security guards?

4 MR. BIANCO: I believe they were all
5 -- and this was part of my presentation -- they
6 were all trained when they were hired. They all
7 have previous experience. And Mr. Middleton is
8 charged with the responsibility to provide
9 additional, additional training.

10 And I would also note that two of the
11 security guards, the one at the front door, were
12 dressed in uniform shirts, and they do receive
13 training from the company that they work for.
14 So, I think the answer is yes. And the level of
15 training depends on what position the person
16 holds.

17 MEMBER SHORT: Mr. Bianco, you've been
18 coming before this board for many years. This is
19 my third term as a board member. And you know
20 these questions are coming about security because
21 you've answered here before for other clients.
22 And the column under Title 17 says that training
23 for security guards must be done by a
24 professional trainer.

25 So, who is the professional trainer

1 who trained these security guards at Assets?

2 MR. BIANCO: Well, I would say the
3 professional trainer for the individuals that are
4 outside contractors from a professional security
5 company, were trained by the professional
6 security company for whom they're employed.

7 The others, trained by Sergeant
8 Middleton with his 31 years of experience in the
9 Metropolitan Police Department. I would consider
10 that sufficiently professional.

11 MEMBER SHORT: For the second time,
12 Mr. Bianco, as you know also, I'm retired from
13 the D.C. Fire Department after 33 years. And I
14 was assistant fire marshal for the city for many
15 years. So I've seen a lot of things and been a
16 lot of places. And I've been in Assets when it
17 was under another name.

18 I'll just say this to you: will you
19 provide this board proof of professional training
20 for the security guards?

21 MR. BIANCO: We will provide any
22 information that the board requests from us,
23 including training information or anything that
24 the board orders us to provide. We will happily
25 cooperate, as we did with this investigation.

1 MEMBER SHORT: Okay. And thank you
2 very much.

3 Again, you know that there's been
4 instances where we've had licensees who retrained
5 with a licensed trainer. And we've had one of
6 our investigators to be a part of that training
7 so that we know for certain that they've been
8 trained professionally as required by D.C.
9 Statute Title 17

10 Basically what the Title 17 says,
11 before you say anything further, it says that all
12 security personnel in the District of Columbia
13 have to be licensed by the police chief or one of
14 his agents.

15 So, is this company certified or have
16 they got certification from the MPD that they are
17 certified security personnel for the District of
18 Columbia?

19 MR. BIANCO: I don't have that
20 information available to me right now.

21 MEMBER SHORT: If they do not have
22 that, are you willing or will you comply with the
23 law and have them trained by professional
24 trainers?

25 MR. BIANCO: Of course we'll comply

1 with the law. We'll comply with the law,
2 absolutely. We'll comply with the law or any
3 lawful orders of the board.

4 And, Mr. Short, you know, I realize
5 that I may come off as adversarial. And that's
6 just sort of my unfortunate personality. But I
7 appreciate your remarks. And at the end of the
8 day, you know, we're on the same team here. My
9 client doesn't want violent incidents in the club
10 any more than you do. In fact, in fact very much
11 less. And we want to do what's necessary to make
12 sure that something like this doesn't occur
13 again.

14 MEMBER SHORT: Okay. So, you are
15 willing to commit for your client that they will
16 comply with Title 17 of the District of Columbia
17 in training as far as security personnel goes and
18 being registered with the Metropolitan Police
19 Department, as required by District of Columbia
20 law?

21 MR. BIANCO: My client, I will
22 certainly advise my client, and I know they will
23 listen to me, to comply with all District of
24 Columbia laws, including whatever the code that
25 you're citing says -- I'm not familiar with it --

1 and any lawful orders of the board as well. We
2 are glad to comply.

3 MEMBER SHORT: Thank you very much for
4 your testimony and your representation today, Mr.
5 Bianco.

6 Mr. Chairman, that's all I have at
7 this time.

8 CHAIRPERSON ANDERSON: Thank you. Any
9 other questions by any other board members? I
10 know that time is up.

11 MEMBER GRANDIS: Yes, Mr. Chairman, I
12 have one question.

13 CHAIRPERSON ANDERSON: Go ahead, Mr.
14 Grandis.

15 MEMBER GRANDIS: Thank you, Mr.
16 Chairman.

17 Mr. Bianco.

18 MR. BIANCO: Yes?

19 MEMBER GRANDIS: Thank you for your
20 presentation today. Under D.C. law I believe
21 there has to be an affirmative posting by a
22 business establishment regarding weapons and guns
23 in their facility.

24 Mr. Short reviewed one of the
25 paragraphs that's in the security agreement that

1 your client developed and submitted to the
2 agency, which was accepted. Would you client
3 post such a notice that guns and weapons are not
4 allowed in the facility?

5 MR. BIANCO: I don't see any problem
6 with that, especially if it's a requirement of
7 the law, Mr. Grandis. And it seems like good
8 policy. And any burden would be relatively
9 minor.

10 If it makes good sense, we are glad to
11 do it.

12 MEMBER GRANDIS: You may want to
13 confirm this, but I believe the way that D.C. law
14 has been amended over the years there may be an
15 affirmative requirement by a business person to
16 make such a posting, and without people can walk
17 in with a gun.

18 So, I would appreciate if you would
19 just see if you all can comply with that. Thank
20 you.

21 MR. BIANCO: Absolutely. I will
22 certainly look into that, advise my client
23 accordingly, and we will comply with that
24 provision of the law.

25 CHAIRPERSON ANDERSON: Any other

1 questions by any board members?

2 (No response.)

3 CHAIRPERSON ANDERSON: All right,
4 thank you very much.

5 I'm going to bring this hearing to a
6 close.

7 Lieutenant Pongratz, you had stated
8 that if you have any information to provide the
9 agency then please send that to Martha Jenkins.
10 Any information you have, please direct that to
11 Martha Jenkins.

12 Any final comments you want to make
13 before I close this hearing?

14 MR. PONGRATZ: No.

15 MR. BIANCO: No, thank you.

16 CHAIRPERSON ANDERSON: Mr. Puente, any
17 final comments you want to make before I close
18 this hearing?

19 MR. PUENTE: Yes, sir, just one quick
20 comment to address Mr. Bianco's question about
21 why we didn't ask who Mr. Middleton was.

22 That night of the incident I double
23 checked with Detective Yoffo(phonetic) and
24 Lieutenant Dowling. They advised us that there's
25 only four security guards on duty. And we

1 identified all four of them.

2 And I just looked at the incident
3 report that Mr. Schaffer sent me after the
4 incident. And in his own report it has them
5 listed, he only lists the four security guards,
6 and Ray Middleton is not one of the four listed
7 on the documents as well.

8 CHAIRPERSON ANDERSON: All right.
9 Thank you, Mr. Puente.

10 Mr. Bianco, on behalf of your client,
11 any closing comments?

12 MR. BIANCO: No, sir. Thank you.

13 CHAIRPERSON ANDERSON: All right. The
14 board will take this matter under advisement.

15 I want to thank all parties for their
16 active participation in this hearing today. And
17 we'll take this under advisement and make a
18 determination on whether or not we will refer
19 this to show cause, or whether or not we'll
20 entertain this. But we'll determine. The board
21 will consider what, if any, further actions we
22 will take.

23 So, thank you very much, and have a
24 great day.

25 Mr. Bianco, regarding this hearing,

1 these was information in the chat. So, you can
2 review and let me know what it is that you want
3 to do based on the information that was in the
4 chat. So, we, we are -- we should stop this
5 hearing momentarily.

6 All right?

7 MR. BIANCO: Okay. I'm looking in the
8 chat. I don't see anything, but I will, I'll
9 figure it out.

10 CHAIRPERSON ANDERSON: I think the
11 agency was asking for some type of changes.

12 MR. BIANCO: Okay.

13 CHAIRPERSON ANDERSON: Either the
14 agency -- the department was asking for some type
15 of something.

16 All right. So, all right, so this
17 matter is recessed. And we will call our other
18 case momentarily.

19 Thank you. Have a great day.

20 (Whereupon, at 11:43 a.m., the
21 above-entitled matter was concluded.)
22
23
24
25

A

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This is to certify that the foregoing transcript

In the matter of: Assets

Before: DCABRA

Date: 06-24-21

Place: teleconference

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Court Reporter

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