

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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 MEETING

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IN THE MATTER OF:           :
                             :
1215 CT, LLC,               :
t/a Rosebar Lounge         :
1215 Connecticut Ave NW    : Fact Finding
Retailer CT - ANC 2B       : Hearing
License No. 77883          :
Case No. 24-251-00025     :
                             :
(Allowed the Establishment :
to be Used for Unlawful    :
or Disorderly Purposes)   :
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Wednesday
 July 31, 2024

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

PRESENT:

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

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
 MAKAN SHIRAFKAN, Licensee
 OSCAR GUARDADO, Licensee
 INVESTIGATOR JERRITA MILLINGTON, DC ABCA

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

2 1:33 p.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is a Fact Finding Hearing for
5 Case No. 24-251-00025, Rosebar Lounge, License
6 No. 77883.

7 Good afternoon, Mr. Orellana. Can you
8 please elevate the rights of the parties in this
9 case?

10 MR. ORELLANA: Good afternoon.

11 Makan Shirafkan, your access has been
12 elevated.

13 Investigator Jerrita Millington, your
14 access has been elevated.

15 That is all, Chairman.

16 CHAIRPERSON ANDERSON: Mr. Shirafkan,
17 is your client here this afternoon, sir?

18 MR. SHIRAFKAN: I talked to him, and
19 he was getting on the computer. So he should be
20 on somewhere, on this, on the virtual.

21 CHAIRPERSON ANDERSON: What's your --
22 what's the name of your client, sir?

23 MR. SHIRAFKAN: Oscar -- should be
24 Oscar Guardado. He should be joining us, and I
25 can give you -- I don't know -- oh, he just

1 texted me. He's saying having trouble logging
2 in.

3 CHAIRPERSON ANDERSON: What trouble is
4 he having?

5 MR. SHIRAFKAN: Don't know. I'm going
6 to find out.

7 CHAIRPERSON ANDERSON: Thank you. The
8 information how to login is in the chat.

9 MR. SHIRAFKAN: Yeah, we have the
10 email, and that's what I forwarded to him as
11 well. I can -- let me see if -- if only for a
12 second, I'm going to mute and just call him.

13 CHAIRPERSON ANDERSON: That's fine.
14 That's fine, sir.

15 MR. SHIRAFKAN: Thank you.

16 (Pause.)

17 So he's on. He can see us, but I
18 don't know whether he can unmute himself.

19 CHAIRPERSON ANDERSON: Mr. Orellana,
20 are you able to unmute him and elevate -- I see
21 he's on. So is there anything that you need to
22 do, or is it something that he needs to do?

23 MR. ORELLANA: Click his microphone
24 source by clicking the up arrow.

25 CHAIRPERSON ANDERSON: He's there.

1 Can you unmute yourself?

2 Okay. He's here. I just -- I think
3 he needs to unmute himself. All right.

4 MR. SHIRAFKAN: He's saying that when
5 he clicks off unmute, it's not letting him
6 unmute.

7 MR. ORELLANA: I would advise him to
8 call in as well. And then we could have a video
9 and call-in option.

10 MR. SHIRAFKAN: So call in.

11 CHAIRPERSON ANDERSON: No, he wasn't
12 supposed -- oh, okay.

13 MR. SHIRAFKAN: Yes.

14 MR. GUARDADO: Can you hear me now?

15 CHAIRPERSON ANDERSON: Yeah, but what
16 happened to your video?

17 MR. GUARDADO: How about now?

18 CHAIRPERSON ANDERSON: I can hear you,
19 but I can't see you, but I could see you before.

20 If you could just --

21 MR. GUARDADO: Start video --

22 CHAIRPERSON ANDERSON: I'm sorry.

23 MR. GUARDADO: I'm just -- yeah, a
24 test. Can you guys hear me now?

25 CHAIRPERSON ANDERSON: Yes, sir. I

1 can hear and see you. All right.

2 MR. GUARDADO: Okay. Sorry about
3 that.

4 CHAIRPERSON ANDERSON: That's fine,
5 sir.

6 Good afternoon, everyone.

7 MR. GUARDADO: Good afternoon.

8 CHAIRPERSON ANDERSON: This is a Fact
9 Finding Hearing, and I just want to set the stage
10 for a Fact Finding Hearing. A Fact Finding
11 Hearing is just an informal procedure where the
12 Board is gathering information. An incident
13 occurred, and the Board decided that it's going
14 to gather some information to determine whether
15 or not there was an ABCA violation.

16 Based on this Fact Finding Hearing,
17 the Board -- these are the two options that are
18 available to the Board. The Board could
19 determine that, based on what we find today, that
20 there aren't -- that we're not going to take any
21 further action, or the Board could submit this
22 matter to the Office of Attorney General for them
23 to determine if they believe that a violation of
24 one of our regulations and whether or not they
25 will pursue a Show Cause Hearing in this matter.

1 Again, because it's a Fact Finding
2 Hearing, the parties are -- it's informal. The
3 parties will not be sworn in.

4 At a Fact Finding Hearing, the Board
5 cannot order the party to take any specific
6 action. The Board could ask for certain actions
7 to be taken. The licensee, however, has the
8 chance or the opportunity to deny that
9 applicability. And the Board cannot, in any way,
10 look in -- look in disfavor because the licensee
11 has declined to take an action that it's been
12 asked.

13 So I just want to say the Board cannot
14 order the party to take any specific action at a
15 Fact Finding Hearing. The Board can only ask,
16 and the licensee will have an opportunity to say
17 yes or no, and we move forward.

18 So how this hearing will operate, I
19 will just give a brief synopsis of what occurred.

20 I will ask the investigator to go through her
21 case report. The Board will have an opportunity
22 to ask the investigator questions on her case
23 report. And then, the attorney will have
24 questions to ask the investigator regarding the
25 case report and if the -- and then the licensee

1 can tell me how is it that what response, if any,
2 they have had regarding this incident.

3 Are there any questions prior to us
4 starting? What I'll -- so let me start by having
5 the parties introduce themselves for the record.

6 I'll start with you, Mr. Shirafkan.
7 Please spell and state your name for the record
8 and your representation, sir.

9 MR. SHIRAFKAN: Sure. My name is
10 Makan Shirafkan, and I'm the attorney for
11 Rosebar. The spelling is M-A-K-A-N. Last name
12 is S-H-I-R-A-F as Frank, K-A-N as Nancy.

13 CHAIRPERSON ANDERSON: All right.
14 Thank you. And who is your client, sir? I need
15 your client here today.

16 MR. GUARDADO: Yes. My --

17 MR. SHIRAFKAN: Yes -- go ahead.

18 MR. GUARDADO: My name is
19 Oscar Guardado. I'm the general manager at
20 Rosebar. My first name is O-S-C-A-R. My last
21 name is G-U-A-R-D-A-D-O.

22 CHAIRPERSON ANDERSON: And
23 Mr. Shirafkan, he's the general manager. I know
24 you're the attorney representing, so let us know.
25 I don't have -- I do not have a concern with

1 your representation, but is this the appropriate
2 person to bring to this hearing, sir?

3 MR. SHIRAFKAN: He's also one of the
4 officers that's on the license.

5 MR. GUARDADO: Yep.

6 CHAIRPERSON ANDERSON: Well, I think
7 that is something that is pertinent, sir, that
8 should be put on the record. So why don't you
9 state that on the record, Mr. Guardado?

10 MR. GUARDADO: I'm also the -- a
11 managing member of the Rosebar Lounge.

12 CHAIRPERSON ANDERSON: Thank you for
13 that representation, sir.

14 MR. GUARDADO: Okay.

15 CHAIRPERSON ANDERSON: Now, I feel
16 much better.

17 MR. GUARDADO: Okay.

18 CHAIRPERSON ANDERSON: All right.
19 Ms. Millington, can you please spell and state
20 your name for the record?

21 MS. MILLINGTON: First name
22 J-E-R-R-I-T-A, last name M-I-L-L-I-N-G-T-O-N.

23 CHAIRPERSON ANDERSON: And what's your
24 affiliation with this case, ma'am?

25 MS. MILLINGTON: I am the

1 investigator.

2 CHAIRPERSON ANDERSON: For ABCA; is
3 that correct?

4 MS. MILLINGTON: For ABCA, yes. ABCA
5 investigator.

6 CHAIRPERSON ANDERSON: All right.
7 Thank you, ma'am.

8 All right. On Sunday, April 21st,
9 2024, at approximately 1:45 a.m., Investigator
10 Jerrita Millington determined that a suspect was
11 arrested and charged with carrying a pistol
12 without a license from an incident that took
13 place inside of Rosebar, located at 1215
14 Connecticut Avenue Northwest. Specifically, two
15 male patrons engaged in a verbal argument that
16 led to one of the male patrons brandishing an
17 unlicensed pistol at another male patron.

18 As a result, the suspect was arrested
19 and charged with CPWL, which is carrying a pistol
20 without a license. This determination was based
21 on a review of the MPD PD 251 Report 11, a review
22 of the surveillance footage from the
23 establishment, as well as interviews with Rosebar
24 staff members, and MPD reimbursable detail
25 officer.

1 And so, the Board thought that, based
2 on what was -- what we learned so far, is that
3 this is a serious incident in the sense that a
4 weapon apparently was inside the establishment.

5 I'm glad that the perpetrator was
6 arrested, but we just need to get some further
7 information how is it that a weapon was able to
8 be inside the establishment, and what mechanism
9 it is that the Licensee has in place -- or had in
10 place to prevent a weapon to get into the
11 establishment, and what changes, if any, the
12 Licensee will take moving forward to ensure that
13 this does not occur.

14 So, as I've stated before, we're just
15 investigating, trying to find out what happened.

16 And as I stated before, at the end of the
17 hearing, as I -- we will either say we'll take
18 this matter under advisement or no further
19 information or we're going to -- I'm not sure. I
20 think the recommendation, probably, is that we'll
21 take this matter under advisement, and then we
22 will determine later on what decision we'll make.

23 But we'll just see, okay?

24 So, Mr. Shirafkan, is there any
25 representation you want to make before we start,

1 or will you wait until you hear the case report?

2 You tell me, sir.

3 MR. SHIRAFKAN: I can wait until the
4 case report is cited by the investigator if there
5 is anything that she likes to add, and then I'll
6 address some of the updates and issues.

7 CHAIRPERSON ANDERSON: All right, sir.
8 Thank you.

9 All right. Ms. Millington, tell me
10 where are you currently employed, ma'am?

11 MS. MILLINGTON: You said where am I
12 currently employed?

13 CHAIRPERSON ANDERSON: Yes, ma'am.

14 MS. MILLINGTON: Oh, for ABCA.

15 CHAIRPERSON ANDERSON: And how long
16 have you been employed at ABCA?

17 MS. MILLINGTON: For about a year and
18 a half now.

19 CHAIRPERSON ANDERSON: And what are
20 your duties and responsibility, ma'am?

21 MS. MILLINGTON: My duties and
22 responsibilities are to conduct investigations
23 and inspections for ABCA-licensed establishments.

24 CHAIRPERSON ANDERSON: And are you
25 familiar with the incident that occurred at

1 Rosebar on July 31st, 2024?

2 MS. MILLINGTON: Yes.

3 CHAIRPERSON ANDERSON: And tell us how
4 did you become aware of this incident, ma'am.

5 MS. MILLINGTON: Okay. On April 21st,
6 2024, at approximately 2:00 a.m., a hotline call
7 came in from MPD regarding one suspect being
8 arrested and then charged with CPWL, carrying the
9 pistol without the license, at the establishment
10 Rosebar, located at 1215 Connecticut Avenue
11 Northwest.

12 CHAIRPERSON ANDERSON: Hold on one
13 minute. Maybe I did something wrong. The
14 incident occurred -- did I -- I'm not -- I want
15 to make sure that I state when the incident
16 occurred. The incident did occur on April 21st.
17 Yeah.

18 All right. Go ahead, ma'am. I
19 apologize. So you're telling us -- just tell us
20 how you became aware and what was the incident.

21 MS. MILLINGTON: I became aware
22 because the hotline call came in, and my
23 supervisor dispatched it to me to be assigned to
24 the case.

25 CHAIRPERSON ANDERSON: And so, what

1 was the call that came in?

2 MS. MILLINGTON: The call came in for
3 carrying a pistol without a license.

4 CHAIRPERSON ANDERSON: And so, what
5 did you -- so tell me what is it that you did.

6 MS. MILLINGTON: So I responded to the
7 location shortly after the call from my
8 supervisor. When I arrived on scene, I was told
9 there was a male suspect that already been
10 transported to be processed, with no injury. My
11 supervisor was already on scene. I then started
12 my investigation. I reviewed surveillance
13 footage from the establishment with my supervisor
14 and the on-scene MPD Sergeant, Sergeant
15 Alexander.

16 Sergeant Alexander then introduced
17 himself and debriefed me on the incident. He, as
18 well, stated that all security members and the
19 manager and the RDO officer were still on scene.

20 He further explained that the incident did not
21 take -- I'm sorry -- that the incident did take
22 place inside the establishment at around 1:30
23 a.m., when two males, individuals engaged in
24 verbal altercation which became physical after
25 the suspect pulled out a firearm.

1 After speaking with the Sergeant, I
2 then introduced myself to the Rosebar ABC Manager
3 Keith Harrington, four security staff members,
4 and RDO Officer Dean.

5 All security members stated that all
6 patrons were searched and patted down at the
7 front door and that all security checks were
8 completed before leaving Officer Dean at the
9 front door with other security members.

10 And then, I did -- I conducted all
11 interviews with all parties, and all stated that
12 the security staff and ABC Manager Keith
13 Harrington were monitoring the patrons -- I'm
14 sorry -- and noticed a verbal altercation that
15 had started in the reserved section of the
16 establishment.

17 And they were advised to stay in
18 proximity of the area to better monitor the
19 argument, to deescalate any situation, stating
20 that they were -- there was one male individual
21 with a green jacket that was not invited into the
22 reserved section who was also asked to leave the
23 area by the group in that reserved section many
24 times.

25 They also mentioned that the

1 individual then became aggressive with the other
2 patron in the reserved section. The security
3 members then stated that once they all noticed
4 the uninvited male in the section again, they
5 asked individuals to leave the area.

6 Shortly after that, they asked the
7 individual to exit the area. The security staff
8 asked the member to exit the area. Their verbal
9 altercation then escalated, which resulted in the
10 individuals being separated.

11 After the staff separated the
12 individuals, the male patron in the green jacket
13 pulled out the firearm, pointing it at the other
14 patron. Once the firearm was revealed, ABC
15 Manager Keith Harrington stepped in immediately.

16 He grabs the firearm and the suspect, and all
17 security members then escorted the suspect out
18 and requested Officer Dean to assist in
19 apprehending the suspect and recovering the
20 firearm.

21 Officer Dean then requested additional
22 MPD units to assist. Mr. Harrington and Officer
23 Dean both stated that due to the commotion of the
24 incident, that it was a -- I'm sorry -- that
25 there was arrest, and the firearm involved in the

1 crime may have been passed along to another
2 individual that was in the party, which resulted
3 in one unknown involved suspect getting away, and
4 then one suspect being arrested on scene.

5 And then, after that, I ended up
6 getting hard copies of the incident reports and
7 the arrest report, surveillance footage, and I
8 reviewed and confirmed with my on-scene
9 interviews. And then, now we're here.

10 CHAIRPERSON ANDERSON: Now, so tell us
11 about what, as a result of your investigation --
12 I guess you were speaking to security. I mean,
13 do you know how many security was present at the
14 establishment?

15 MS. MILLINGTON: There were eight.

16 CHAIRPERSON ANDERSON: And do you know
17 what was going on? Was this a regular -- what
18 day of the week was this?

19 MS. MILLINGTON: This was a Monday.

20 CHAIRPERSON ANDERSON: And do you know
21 was it the regular night or there were any
22 specific events occurring at the establishment
23 that night?

24 MS. MILLINGTON: This was a regular
25 night, but they did have parties that reserved

1 the sections inside of the establishment.

2 CHAIRPERSON ANDERSON: So the result
3 of your investigation, tell us specifically what
4 were the security measures that were taken at the
5 door?

6 MS. MILLINGTON: So they had the RDO
7 officer at the front door, as well as other
8 members -- security members at the front door.
9 They did searches and pat-downs. From my
10 understanding, they normally do the meter, but
11 they did not do it that night.

12 CHAIRPERSON ANDERSON: Do you know why
13 this was not done that night?

14 MS. MILLINGTON: From my
15 understanding, it was broken.

16 CHAIRPERSON ANDERSON: Do you know was
17 that -- were there any provisions -- does this
18 establishment have a security plan?

19 MS. MILLINGTON: Yes.

20 CHAIRPERSON ANDERSON: So are there
21 any procedures -- do you know if they had a
22 settlement agreement?

23 MS. MILLINGTON: Yes. They do.

24 CHAIRPERSON ANDERSON: Now, are there
25 any procedures in the security plan and/or

1 settlement agreement regarding the entrance to
2 the -- procedures to be followed in entering the
3 facility?

4 MS. MILLINGTON: No, there wasn't.
5 Their security plan was pretty loose. It seems
6 that they were following their protocol with what
7 happened that night through their security plan.

8 CHAIRPERSON ANDERSON: So what
9 specifically, what is it? What were the protocol
10 as per their security plan then?

11 MS. MILLINGTON: Search downs, patting
12 -- pat-downs -- searching and pat-downs. Yeah.

13 CHAIRPERSON ANDERSON: So there's
14 nothing in their -- I'm sorry.

15 MS. MILLINGTON: No, I'm sorry.

16 CHAIRPERSON ANDERSON: I'm sorry.

17 MS. MILLINGTON: I'm sorry. I cut you
18 off. You go ahead.

19 CHAIRPERSON ANDERSON: I'm sorry. Are
20 there anything in the security plan or settlement
21 agreement that talks about wandering?

22 MS. MILLINGTON: Can you repeat the
23 last part?

24 CHAIRPERSON ANDERSON: Is there
25 anything in the security plan or settlement

1 agreement that talks about the use of wandings?
2 Wands.

3 MS. MILLINGTON: Okay. Let me just
4 double-check. I don't recall it on the top of my
5 head, but I do have it in front of me, so I'm
6 just going to --

7 CHAIRPERSON ANDERSON: I guess, in
8 your report -- let me ask a question. In your
9 report, did you talk about that in your report?
10 Is there any --

11 MS. MILLINGTON: No, I didn't because
12 they did not violate their security plan.

13 CHAIRPERSON ANDERSON: All right. So
14 were you able to ascertain how this individual
15 was able to enter the facility with a weapon?

16 MS. MILLINGTON: So, I'm assuming,
17 from what I gathered from talking to the
18 interviews that I conducted, that possibly, they
19 was able to get the weapon inside of a woman's
20 bag maybe, as to how they were able to get it in,
21 but it's not confirmed because they did say that
22 they did the searches and the pat-downs. And on
23 camera, you can tell that they did them as well.

24 CHAIRPERSON ANDERSON: But are they
25 stating that they -- so what procedures to search

1 bags that enter the facility?

2 MS. MILLINGTON: The procedure is they
3 can't have bags over a certain size, and they do
4 a hand search, and they look inside.

5 CHAIRPERSON ANDERSON: So you're
6 saying that they -- so they inspect -- or do they
7 inspect all -- from what -- what were you able to
8 find? Did they inspect all bags because you're
9 saying that they're saying that it appears that
10 the incident -- the weapon got in from a woman's
11 bag, so --

12 MS. MILLINGTON: I'm sorry. Possibly
13 a woman's bag. That was just one of the options
14 that was thrown out there. They're not sure
15 exactly if that's how it got into the club.

16 CHAIRPERSON ANDERSON: So how can it
17 -- so are you saying that they do not search
18 woman's bags? Is that what is being stated?

19 MS. MILLINGTON: No. I'm not saying
20 that they don't search the women's bags, but I am
21 saying that they threw the idea of that possibly
22 they used a female to bring the weapon inside of
23 the establishment. So I'm not sure if she might
24 have had it hidden somewhere or not, but that is
25 what was given when I did interviews.

1 CHAIRPERSON ANDERSON: So is there a
2 different procedure to -- as a result of your
3 interviews --

4 MS. MILLINGTON: They were all male
5 security members on duty that night.

6 CHAIRPERSON ANDERSON: So do you know
7 if -- were there females in the establishment?
8 Do you know whether or not there were females in
9 the establishment that night?

10 MS. MILLINGTON: Yes.

11 CHAIRPERSON ANDERSON: So do you know
12 what specific procedures were followed for
13 females to enter the facility that night?

14 MS. MILLINGTON: From my
15 understanding, it was through the searching of
16 the pat-downs.

17 CHAIRPERSON ANDERSON: So you have
18 male security guards doing searches and pat-downs
19 of female patrons?

20 MS. MILLINGTON: Yes.

21 CHAIRPERSON ANDERSON: You said you
22 had video. What type of video do you have?

23 MS. MILLINGTON: Video from inside,
24 where the altercation started, and how it ended.

25 CHAIRPERSON ANDERSON: I mean, do you

1 have any video of the suspect entering the
2 licensee -- the club?

3 MS. MILLINGTON: So the way the
4 cameras are set up, it's hard to determine the
5 suspect coming in -- entering into the
6 establishment, so no, I don't have the footage of
7 that, of him actually entering.

8 CHAIRPERSON ANDERSON: But how do you
9 mean it's hard to determine? I've seen other
10 cases where we can -- I mean, I've seen other
11 cases in the sense that we can review the camera,
12 and we see the suspect comes in, and we'll see
13 what type of security procedures that specific
14 suspect followed to get inside the facility. So
15 you're saying that's not available?

16 MS. MILLINGTON: No. I'm saying that
17 the footage that was provided to me, I was not
18 able to see the suspect enter the establishment
19 from the footage that I received, but you do see
20 him inside of the establishment.

21 CHAIRPERSON ANDERSON: But we're not
22 able to ascertain how he got in. You have no
23 camera footage of him getting inside the
24 establishment; is that correct?

25 MS. MILLINGTON: That is correct that

1 I -- when I searched the camera footage and that
2 I did not personally see him enter, no.

3 CHAIRPERSON ANDERSON: Now, I
4 guess what I'm trying to find out is that -- I
5 guess let me ask a question. When you asked for
6 camera footage, specifically what did you ask
7 for?

8 MS. MILLINGTON: I asked for all the
9 camera angles that the establishment had. So
10 they provided front, and they provided the inside
11 as well.

12 CHAIRPERSON ANDERSON: And so, did you
13 ask them for camera footage to from -- I mean, do
14 we know what time the suspect entered the
15 establishment?

16 MS. MILLINGTON: No.

17 CHAIRPERSON ANDERSON: I'm -- the
18 reason I'm asking this question -- I'm not trying
19 to be hard on you. When we have cases like this,
20 I have seen camera footage where we can -- we can
21 trace the suspect who enters the building. We
22 can see what type of searches -- what type of
23 search was in that -- the person was pat downs or
24 wands or whatever.

25 That's something I've -- that I'm

1 trying to find out why is that in this particular
2 case -- I mean, if you don't know, you don't
3 know. And maybe the licensee can tell me why in
4 this particular case, we don't have that type of
5 video so I can see when someone gets in an
6 establishment.

7 MS. MILLINGTON: So what I can say is
8 that a lot of the front door footage, it -- where
9 the searches were conducted, they had a canopy
10 over top so it is hard to determine who exactly
11 they are searching and who is coming into -- some
12 of the angles, you can see people coming into the
13 establishment, and some of the angles, the shots
14 that they have for the footage, you can't see
15 exactly who was coming in.

16 CHAIRPERSON ANDERSON: But were you
17 able to see what type of searches generally were
18 done on individuals who come the establishment?

19 MS. MILLINGTON: In some of the
20 footage, yes. You can see that they were
21 conducting pat-downs, but the canopy is blocking
22 a lot of the view. I'm sorry.

23 CHAIRPERSON ANDERSON: Now, do you
24 have access to, like, view video?

25 MS. MILLINGTON: Yes.

1 CHAIRPERSON ANDERSON: So I can see
2 generally what in effect -- what are we seeing at
3 the front.

4 So Mr. Orellana, if you can give her
5 -- Ms. Millington the opportunity to share her
6 screen? I'm just curious. I want to see what
7 the entrance looks like. Thank you.

8 Now, ma'am.

9 MS. MILLINGTON: Now? Okay.

10 MR. ORELLANA: Do you see the -- okay.

11 MS. MILLINGTON: Is it showing now?

12 CHAIRPERSON ANDERSON: Yes.

13 MS. MILLINGTON: Okay.

14 CHAIRPERSON ANDERSON: All right. So
15 tell us what we're looking at.

16 MS. MILLINGTON: So right here, you're
17 looking at MPD officers at the front. And this
18 is the canopy that I was talking about where how
19 the entrance is, it's cutting -- it's a line. I
20 don't know if you can see, but there's feet and
21 people in line, so it's cutting off the view,
22 like a full view, to know exactly what is going
23 on underneath the canopy. And the canopy stayed
24 up majority of the night.

25 So as you can see that one of the

1 members, they're checking the person right there,
2 on the right-hand side. They go inside the
3 establishment. And it looks to be a female here
4 being searched. She has red pants on and heels.
5 He's searching her. She walks into the
6 establishment.

7 CHAIRPERSON ANDERSON: I don't see
8 searching -- how are you saying -- I mean, I'm
9 not being facetious.

10 MS. MILLINGTON: Because I see the
11 security member. He's reaching down and he's
12 doing a pat down as he's touching on -- well,
13 this female right here, he was touching her
14 pants.

15 CHAIRPERSON ANDERSON: So you can't --

16 MS. MILLINGTON: I can rewind if you
17 would like.

18 CHAIRPERSON ANDERSON: No. I guess
19 what I'm saying is that -- and I -- why don't you
20 please rewind because I guess -- yeah. Because I
21 was looking at the video, and I'm trying to
22 figure out how is it you're telling that there's
23 a search because I'm not seeing anything. I'm
24 seeing legs. I'm not seeing the individual. So
25 why don't you -- then you can just explain what

1 is it that we're seeing and what is it that --
2 yeah.

3 (Video played.)

4 MS. MILLINGTON: Okay. So here is two
5 MPD officers conversing. And then, on the right-
6 hand side of the MPD officer that's underneath
7 the canopy, they -- there's a security member
8 there. And let me rewind. And this is a
9 gentleman coming up, and he's searching him.
10 He's going to grab his pockets. He's in between
11 his legs, his ankles. He lets him past.

12 And then, there's a female. He
13 reaches, and he's attempting to search her, and
14 then he lets her past. And then, there's another
15 female that comes in after him -- I'm sorry --
16 after her.

17 So this is, like I said, the front
18 entrance, so the canopy is blocking. And then, I
19 have another angle where the door entrance is at
20 where people are able to come in.

21 CHAIRPERSON ANDERSON: What you mean
22 people are able to come in?

23 MS. MILLINGTON: I said people are
24 coming in through the entrance, so you're able to
25 see that angle from a different camera.

1 CHAIRPERSON ANDERSON: But this is
2 after they have been through security.

3 MS. MILLINGTON: Yes. Coming into the
4 entrance door, yes.

5 CHAIRPERSON ANDERSON: So this is --
6 so this is for -- so the other view that you
7 have, it's after they have passed through
8 security. It's not --

9 MS. MILLINGTON: Yes.

10 CHAIRPERSON ANDERSON: All right. So
11 that's not -- I don't need to see that. Now,
12 what other videos do you have? Just tell me what
13 it is, and I'll let you know if I'll need to see
14 it. So what is --

15 MS. MILLINGTON: Okay. So mainly,
16 most of the videos that they sent -- they sent
17 quite a few. They were of the -- like the video
18 that I sent of the canopy blocking the view, but
19 the entrance of the door, and then the inside,
20 when the occurrence happened, and then after the
21 occurrence happened.

22 CHAIRPERSON ANDERSON: So why don't
23 you just show us a video of when the incident
24 occur?

25 MS. MILLINGTON: This is one clip

1 here. So this is the reserved section here, and
2 most of the activity is going to come -- going to
3 happen on the bottom right-hand corner.

4 CHAIRPERSON ANDERSON: All right. So
5 who's the person -- there's a person, a bright --
6 well, there's one person, a bright -- looks like
7 a bright white shirt. Who is that person? Do
8 you know who that person is?

9 MS. MILLINGTON: White shirt. Let me
10 see.

11 CHAIRPERSON ANDERSON: There's one
12 person who appears to have a spotlight on him, so
13 that's why I was asking because that's the only
14 person that -- if you know who -- that's just --
15 I guess it's no one. That's no one special.
16 Okay. Go ahead.

17 MS. MILLINGTON: So, just soon, he's
18 going to come up.

19 CHAIRPERSON ANDERSON: So tell us
20 where the person is --

21 (Simultaneous speaking.)

22 MS. MILLINGTON: I might have to fast-
23 forward for one second.

24 MR. SHIRAFKAN: Yeah, you'll probably
25 go to 1:39.

1 MS. MILLINGTON: 1:39? Okay. Thank
2 you.

3 MR. SHIRAFKAN: It's -- sure. I'll
4 give you the exact time. It's -- yep. At
5 1:40:01, so go to 1:39 and some digits. That's
6 where you'll see everything.

7 MS. MILLINGTON: All right.

8 MR. SHIRAFKAN: I don't see the time.
9 Just under the right corner would be the time.
10 Do you see the time?

11 CHAIRPERSON ANDERSON: That was
12 Mr. Shirafkan in the background giving
13 directions.

14 MS. MILLINGTON: Sorry. I might need
15 to look in my report, so I can see a timestamp.

16 MR. SHIRAFKAN: I have it on my
17 screen. 1:39:47 seconds will get you --

18 (Simultaneous speaking.)

19 MR. SHIRAFKAN: That's good.

20 MS. MILLINGTON: Okay.

21 MR. SHIRAFKAN: You can see the bottom
22 right corner.

23 MS. MILLINGTON: You see -- okay.

24 Thank you.

25 MR. SHIRAFKAN: Sure.

1 (Video played.)

2 MS. MILLINGTON: So you see the
3 individuals are seeming to get in an upset
4 argument over something, possibly being in the
5 section.

6 CHAIRPERSON ANDERSON: Can you put
7 your cursor on -- I don't know what -- I don't
8 know where to look.

9 MS. MILLINGTON: Right here in this
10 area here.

11 CHAIRPERSON ANDERSON: Okay.

12 MS. MILLINGTON: He has a hat on. He
13 has a hoodie. And he's the -- the other person
14 that he's arguing with, they are not in the shot
15 right now, but they will be soon.

16 CHAIRPERSON ANDERSON: Okay.

17 MR. SHIRAFKAN: That's security.

18 CHAIRPERSON ANDERSON: All right.
19 Hold up, Mr. Shirafkan. You'll get an
20 opportunity.

21 So who is security? How we do know
22 who is the -- so who is the security in the
23 picture?

24 MS. MILLINGTON: Security is right
25 here, and then over here as well.

1 CHAIRPERSON ANDERSON: I mean, are
2 they identified as security, or are we just
3 saying they're random people --

4 MS. MILLINGTON: He has a shirt. He
5 has a shirt on.

6 CHAIRPERSON ANDERSON: That says
7 security? Are you saying the security guard is
8 wearing a shirt that says security?

9 MS. MILLINGTON: Yes.

10 CHAIRPERSON ANDERSON: All right.

11 MS. MILLINGTON: He's out of the
12 angle. So the other gentlemen are trying to calm
13 him down. His hat comes off. This person right
14 here, where my cursor is at.

15 MEMBER SHORT: The person with the
16 gun?

17 MS. MILLINGTON: Yeah. This is the
18 person they arrested.

19 CHAIRPERSON ANDERSON: Which person is
20 that? I'm sorry.

21 MS. MILLINGTON: This guy right here
22 as he pulled the gun out right there. They grab
23 his -- security with the dreads with the black
24 cover over his head, and then the other security
25 members grabbed him as well, and they're walking

1 him out.

2 CHAIRPERSON ANDERSON: With the gun in
3 his hand?

4 MS. MILLINGTON: Yes. They were able
5 to get the gun from him. The ABC manager joined
6 in to help.

7 CHAIRPERSON ANDERSON: Okay. All
8 right. All right. The other videos you have,
9 what are, just generally, what are they about?

10 MS. MILLINGTON: They're of the front
11 door, and like I said, the aftereffects of what
12 happened. And here is one of the angles of the
13 front door that I was speaking on. See how the
14 canopy is over top, and then the door entrance is
15 right there.

16 CHAIRPERSON ANDERSON: But this is
17 after the person has already gone through
18 security.

19 MS. MILLINGTON: Yes.

20 CHAIRPERSON ANDERSON: So they would
21 have gone through whatever searches that were
22 supposed to have gone. The camera would -- the
23 camera is -- I guess, in essence, the camera
24 would be the aftereffect. It wouldn't be -- it's
25 not showing us exactly what type of security

1 procedures that the individual experience; is
2 that correct?

3 MS. MILLINGTON: Okay. I just wanted
4 to show that angle.

5 CHAIRPERSON ANDERSON: All right.

6 MS. MILLINGTON: And that's it.

7 CHAIRPERSON ANDERSON: Okay.

8 MS. MILLINGTON: There's no other
9 footage.

10 CHAIRPERSON ANDERSON: All right.
11 Thank you. So, as a result of your
12 investigation, did you determine whether or not
13 there were any ABCA violations?

14 MS. MILLINGTON: I was -- I could not
15 find any other than the fact that possibly he was
16 not searched fully to why the weapon was able to
17 be able to get inside of the establishment. And
18 that is why I decided to present it to the Board.

19 CHAIRPERSON ANDERSON: But I guess, as
20 far as their security plan or settlement
21 agreement is concerned, you didn't see any
22 violation of their security plan or settlement
23 agreement?

24 MS. MILLINGTON: No.

25 CHAIRPERSON ANDERSON: Let me see if I

1 have any other questions. I guess, let me ask
2 you a question. As a result of your
3 investigation, in your view, what could the
4 establishment have done better?

5 MS. MILLINGTON: They could have did
6 better pat-downs as well as having their wand
7 available to better search. I feel like they did
8 act very swiftly on apprehending the suspect and
9 contacting MPD, the RDO officer that they had on
10 scene, and everybody working together.

11 CHAIRPERSON ANDERSON: Now, have you
12 had any conversations with the establishment to
13 say what steps are being put in place to ensure
14 that an event like this does not occur again?

15 MS. MILLINGTON: No. I have not
16 talked to them yet.

17 CHAIRPERSON ANDERSON: If say, for
18 example -- have you had any conversation with the
19 establishment regarding reentry procedures? If a
20 patron leaves, say if they were to leave to go
21 outside to smoke, and if they want to reenter the
22 property, do you know -- have you had any
23 conversation with them regarding what procedures
24 are followed?

25 MS. MILLINGTON: Through their

1 settlement agreement, they're supposed to have
2 wristbands.

3 CHAIRPERSON ANDERSON: So but as per
4 -- I'm just saying, do they have to go back
5 through the same -- do you know whether or not
6 they have to go back through the same security
7 procedures, or can they just walk in without
8 going back through security? Do you know?

9 MS. MILLINGTON: That, I'm not sure.

10 CHAIRPERSON ANDERSON: All right.
11 Okay. All right. Any questions by the Board
12 members?

13 Go ahead, Mr. Short.

14 MEMBER SHORT: Thank you,
15 Mr. Chairman.

16 Good afternoon, Ms. Millington --
17 Investigator Millington.

18 MS. MILLINGTON: Good afternoon.

19 MEMBER SHORT: So do you think having
20 a gun inside of an ABC establishment that there's
21 no violation to that? That's -- was there any
22 violation to that?

23 MS. MILLINGTON: Yes.

24 MEMBER SHORT: Did you cite any
25 violation for that?

1 MS. MILLINGTON: Yes, I did. I -- I
2 violated them for the misuse of their license for
3 being -- I'm sorry -- for having a firearm
4 getting into the establishment.

5 MEMBER SHORT: Okay. So exactly what
6 was that charge? Read it for the record, please.

7 MS. MILLINGTON: The charge was D.C.
8 Code 25-823 Revocation and suspension of
9 violations of this title or misuse of the
10 licensed premises.

11 MEMBER SHORT: Okay. Now, the camera
12 angles that you presented to the Board today,
13 were you satisfied with them, or --

14 MS. MILLINGTON: I wasn't satisfied
15 because I feel like the canopy was blocking a lot
16 of the bones of the searching, so I was not quite
17 satisfied.

18 MEMBER SHORT: Did you make that clear
19 in your report?

20 MS. MILLINGTON: I cannot recall. I'm
21 sorry.

22 MEMBER SHORT: Well, let me rephrase
23 that. Do you think you should have reported that
24 in your report?

25 MS. MILLINGTON: Yes.

1 MEMBER SHORT: And you did not.

2 MS. MILLINGTON: I'm sorry. Okay.

3 No, I did not put that in my report.

4 MEMBER SHORT: Can I ask you why?

5 MS. MILLINGTON: I think, at the time
6 when I did the report, I did not realize to put
7 that in the report that the canopy was blocking
8 the angles.

9 MEMBER SHORT: Yes. That's the
10 question I have for you.

11 CHAIRPERSON ANDERSON: What's the
12 question, Mr. Short?

13 MEMBER SHORT: The question is did she
14 place in her report the fact that the awnings
15 were impeding her view of the camera of the
16 security procedures? Is that a question? Yes.
17 I'm questioning whether or not she placed that in
18 her report that the angles that she has from the
19 cameras was insufficient.

20 CHAIRPERSON ANDERSON: Well, that's a
21 decision for the Board. We're going to make --
22 we're going to consider that. And I think she
23 stated that she did not put that in her report.

24 MEMBER SHORT: Okay. Well, again, on
25 the second floor where you showed where the

1 incident occurred, did it look like it was a --
2 was it crowded from looking at the footage to
3 you?

4 MS. MILLINGTON: You said overcrowded?

5 MEMBER SHORT: Was it crowded? Was it
6 crowded?

7 MS. MILLINGTON: No. It didn't seem
8 to be crowded, no.

9 MEMBER SHORT: Did you check and see
10 what the occupancy was on that second floor?

11 MS. MILLINGTON: Yes.

12 MEMBER SHORT: What was it? What was
13 the occupancy supposed to be?

14 MS. MILLINGTON: Let me check my --
15 the occupancy, though, is 308.

16 MEMBER SHORT: Is that for the whole
17 building or for that floor?

18 MS. MILLINGTON: For the whole
19 building. They only have the second floor, and
20 they have the rooftop.

21 MEMBER SHORT: Was anyone on the
22 rooftop do you know?

23 MS. MILLINGTON: No. Nobody was on
24 the rooftop.

25 MEMBER SHORT: So is it possible all

1 300 people were in that one area rather than --

2 MS. MILLINGTON: No.

3 MEMBER SHORT: It's not possible?

4 MS. MILLINGTON: No. It's not
5 possible. It was less than 300 people.

6 MEMBER SHORT: Okay. Did you check
7 the account here, or how would you -- how did you
8 come to that conclusion?

9 MS. MILLINGTON: When I reviewed the
10 footage.

11 MEMBER SHORT: What is -- the
12 occupancy is 300 for the whole building, correct?

13 For all --

14 (Simultaneous speaking.)

15 MS. MILLINGTON: Yes. 308.

16 MEMBER SHORT: How many were on the
17 rooftop?

18 MS. MILLINGTON: That I don't have the
19 information in front of me.

20 MEMBER SHORT: Do you think that would
21 have been helpful for this report?

22 MS. MILLINGTON: Yes, possibly, yes.

23 MEMBER SHORT: Okay. Now, we saw them
24 taking a person out, security. How many of those
25 security persons were identified by security on

1 their jacket or some other way that people would
2 know they're security?

3 MS. MILLINGTON: If I'm not mistaken,
4 all of them.

5 MEMBER SHORT: All of them had
6 security on their jackets?

7 MS. MILLINGTON: Yes. They were
8 identified -- identifiable.

9 MEMBER SHORT: Now, one person was
10 taken out, and the gun was taken from that
11 person, correct?

12 MS. MILLINGTON: Yes.

13 MEMBER SHORT: Why were there two
14 people -- well, I guess we heard in your report
15 -- I heard in you report there were one person
16 was arrested and one person got away. Explain
17 that because I don't -- I'm really not
18 understanding that.

19 MS. MILLINGTON: So from my
20 understanding from what the Officer Dean
21 explained, and the other security members, is
22 that when they apprehended the suspect that was
23 on camera, there was a tussle. And some kind of
24 way, possibly the weapon was given to another
25 person. So that person was able to get away.

1 That is what was said.

2 MEMBER SHORT: Okay. But the footage
3 showed clearly that the security had this person
4 with the gun, and they had the gun, and they --
5 as you were narrating, I thought you said they
6 had the gun and took it from him.

7 MS. MILLINGTON: Yes.

8 MEMBER SHORT: So how did the gun get
9 from security to another person?

10 MS. MILLINGTON: So when -- before --
11 I'm assuming before the altercation happened, the
12 weapon was given to another person.

13 MEMBER SHORT: Okay.

14 MS. MILLINGTON: So when they got on
15 that individual, a lot of the crowd told them,
16 no, that is the wrong individual. So that is why
17 the statement was given when I did my interviews.

18 MEMBER SHORT: Okay. So, if I'm
19 hearing you correctly, someone else brandished
20 the gun first.

21 MS. MILLINGTON: Yes.

22 MEMBER SHORT: He then handed the gun
23 off to the person who security took out.

24 MS. MILLINGTON: Yes.

25 MEMBER SHORT: Was that person

1 identified in any way, the person who actually
2 had the gun that caused the ruckus in the first
3 place?

4 MS. MILLINGTON: No. They were only
5 able to identify the suspect that they arrested.

6 MEMBER SHORT: And again, what was the
7 charge of the person that they arrested?

8 MS. MILLINGTON: CPWL.

9 MEMBER SHORT: Okay. Thank you very
10 much for your testimony, Investigator Millington.

11 That's all I have, Mr. Chair.

12 MS. MILLINGTON: Thank you.

13 CHAIRPERSON ANDERSON: Any other
14 questions by any other Board members?

15 Yes, go ahead, Mr. Grant.

16 MEMBER GRANT: Good afternoon,
17 Inspector Millington. How are you?

18 MS. MILLINGTON: Fine. How are you
19 doing?

20 MEMBER GRANT: Good. I know that
21 there's some limitations with respect to tracking
22 based on camera footage, but do you have an
23 understanding of the earliest point in the night
24 where the suspect was identified on camera?

25 MS. MILLINGTON: The earliest point in

1 the night would be around the 1:30 mark on camera
2 inside of the establishment.

3 MEMBER GRANT: Okay. When you say
4 1:30, you mean 1:30 a.m. or 1:30 in the --

5 MS. MILLINGTON: Yes, a.m. Sorry.

6 MEMBER GRANT: Got you. And the
7 incident occurred at what time again?

8 MS. MILLINGTON: Around 1:30 a.m. is
9 when the incident started.

10 MEMBER GRANT: Okay. So there's no
11 footage of the suspect prior to that 1:30 period.

12 MS. MILLINGTON: No, just in the
13 reserved area.

14 MEMBER GRANT: Okay. And I'm asking
15 the next question for my clarification. I recall
16 -- and you can correct me if I'm wrong, but I
17 recall you talking a bit about the handgun
18 potentially being handed off prior to that
19 incident. But there are no leads on who else had
20 possession of it prior to that.

21 MS. MILLINGTON: Exactly.

22 MEMBER GRANT: Okay. No further
23 questions.

24 CHAIRPERSON ANDERSON: Do you have any
25 questions -- Mr. Shirafkan, do you have any

1 questions for the Investigator?

2 MR. SHIRAFKAN: I don't have any
3 questions. When I do the explanation, if --
4 while she's here, if I misspeak, I ask her to
5 correct me because I think there needs to be some
6 clarification as to the chain of events. And
7 with her assistant, if I misspeak, I want her to
8 correct me if I'm wrong.

9 CHAIRPERSON ANDERSON: All right.
10 Okay. That's fine. That's basically where we
11 are, at least from the Board's perspective. So
12 can you, from your client's perspective, maybe
13 you can put this in context, sir? What -- why
14 are we here?

15 MR. SHIRAFKAN: Sure. So, first off,
16 I want to explain -- I'll go to the end of the
17 game, not the beginning of the search, but as far
18 as the incident itself, there are some things
19 that need to be clarified.

20 As far as the cameras, the
21 Investigator has done what she can, but I'll --
22 you can correct me if I'm wrong, Investigator.
23 There's a lot of cameras, a lot of hours
24 provided. This wasn't that she was provided with
25 four cameras and four footages and there we are.

1 Because when they sent the links, I mean, there
2 was, I think, just on one link there was 50, and
3 there was four links, so that's about probably
4 200 links of cameras that were provided.

5 I want to make sure everybody is clear
6 that this wasn't a situation of we're only going
7 to show you what we want to show you, they
8 provided everything.

9 Am I correct with that so far?

10 MS. MILLINGTON: Correct.

11 MR. SHIRAFKAN: All right. Now, when
12 we look at the footage that everyone looked at
13 with this incident and how the gun was handed
14 off, to be clear, I want to make sure maybe I
15 misunderstood what was being said. This is not a
16 situation where a gun is used and then reused or
17 handed off.

18 The chain of events are as follows:
19 1:35 to about 1:40, about four minutes is where
20 security starts getting notification from the
21 table in the corner that, you know, there's
22 somebody here. They tried to come early, but we
23 don't know if we want him here.

24 So then, the security manager puts
25 two, three people in that area. And how they're

1 identified is they have the shirt, and it even
2 says Rosebar logo that they have on their shirts.

3 And when, as soon as you see at 1:40:01, a 1:00
4 p.m. -- oh, I'm sorry -- 1:00 a.m., 40 minutes,
5 01 seconds, is the first push on the bottom right
6 corner where the gentleman with the cap and the
7 jacket gets into this person who had the table.

8 At 1:40:03, two seconds, there are
9 security guards. The gentleman with the
10 dreadlock, who is the ABC manager, and two other
11 are right behind him who has the shirt, a black
12 shirt, Rosebar security, and another one who was
13 already standing by the table.

14 At 1:40:05, they're holding the
15 aggressor. So this is within four seconds. We
16 have three to four securities there. They're
17 holding him down. At 1:40:12, there are three
18 securities surrounding this individual and
19 talking to him.

20 Now, going to the security plan, it
21 has -- and on page 8 is what was referred on the
22 report -- EEE explain, explain, eject.
23 Basically, the idea is talk to them, calm them
24 down, try to talk to them, and if it doesn't
25 work, then you try to eject them.

1 At 1:40:34, is when they're still
2 talking to this individual. This is 20 seconds
3 later. At 1:41:06 is when he then points out
4 this later to be identified as a firearm, but he
5 pulls out this weapon so-called.

6 At 1:41:07, that is one second, as
7 soon as he pulls it out, within one second, they
8 hold it. They bring him down, and at this point,
9 there is no more talking. You saw we are taking
10 him out. There is no more talking.

11 Now, the switch of the gun and this
12 handoff happens there, on the way out. That's
13 where it happens. The person with the cap had
14 the gun, points it out, security pulls it down,
15 and they're trying to get him out.

16 At that point, his entourage and
17 everybody else is walking out. Apparently, what
18 he does is he is still holding onto this gun, and
19 he passes to the person next to him as the whole
20 group is being pointed out.

21 As soon as this happens, the focus of
22 the alert, the danger shifts from the individual
23 with the cap to the individual who now has the
24 gun. And that's when they hold him, capture the
25 gun, MPD comes, and that's the individual who

1 initially does get charged with possession of
2 this firearm because he was possessing it at the
3 time.

4 And to let you know, and if you check
5 with MPD they'll tell you, the other individual
6 did get charged. He just didn't get charged at
7 the time. Because of the videos and the
8 investigation that this Licensee did, they
9 actually captured the guy with the hat, I think a
10 day or so later, and he was also apprehended,
11 just so everyone knows.

12 But the switch off of this handgun was
13 basically from the guy with the cap, as everybody
14 is being escorted out, handing it to the next
15 person, which security didn't lose it. They kept
16 up with where that gun was, and immediately, they
17 apprehended the person with the gun.

18 And frankly, I think it was the right
19 call where the gun is the key danger right now,
20 not getting the identification of the guy in the
21 cap. We need to get the -- whoever has the gun,
22 we need to get it. So I wanted to make sure
23 we're clear on what was shown on the video. And
24 at the time I said, when you go back and you look
25 at it, you can see.

1 With regards to the procedure now for
2 entrance and searches, the settlement agreement
3 doesn't have anything, as it was mentioned. The
4 security plan also has -- does not have any
5 requirement of pat down or searches or wands.
6 It's not a required thing, but they do it. And
7 I'll get to it in a second, they're going to do
8 even more of it because of this incident.

9 But going by the letter of the
10 security plan, they want to pat people down.
11 They want to make sure everyone is safe, but it
12 was never a requirement of them to do it in a
13 specific way or manner.

14 Now, on the night, yes, individuals
15 were being patted. I think everyone can agree
16 that they were being pat down.

17 As far as clarification of females, if
18 they were in a dress, they're very -- almost no
19 reason to pat down somebody in a dress because
20 you can only also get so intrusive of a person
21 who is coming to a place that they are coming to
22 have fun or, you know, have a good time, right?

23 Look, there is one bad apple. I get
24 it. And one bad apple could cause a whole lot of
25 things. But we can't search, you know, all into

1 private areas of everyone that walks into a place
2 and otherwise just no one would go out to any
3 place. Yes, you want to go to a safe place, but
4 you also don't want to be cavity searched going
5 into a place.

6 So, with females, what they do is they
7 do a pat down if somebody is wearing something
8 that we think, okay, they could be hiding
9 something. If they had a dress, no. Purses, if
10 it's a small clutch, makeup purse that you really
11 can't hide -- and I strike that because sure you
12 could hide a razor inside of a wallet, but at
13 some point, we have to draw the reasonableness of
14 how much intrusion we can have on these people.
15 So if it's a big bag, they do search it.

16 Now, on the night of, the wand was
17 out, and it was broken, and that is absolutely
18 correct. It's not required, but they do it. It
19 was broken. In remedy of that, I'll tell you
20 right now, they usually have two to three wands.

21 They have now purchased six wands because they
22 want to make sure they use three and then have
23 three brand new just on back up so that we don't
24 ever have to deal with a wand going bad, battery,
25 whatever inoperable, all right?

1 With regards to the camera, this
2 awning -- obviously, this wasn't something that
3 -- the awning comes up when they are expecting
4 the rain because that's on the outside on the
5 sidewalk. And the idea is if there is rain, if
6 there is something that's going to come, wind,
7 then they put that up to cover it.

8 Now, in hindsight of this incident,
9 they actually have added another camera under the
10 awning so that if they don't have the awning,
11 both cameras are covering it. If they do have
12 the awning, still the new camera will cover
13 everyone coming inside the place, all right?

14 The other thing, with regards to
15 taking more measures at the door, because look,
16 bottom line is, truth is sure, this incident did
17 happen. No one is denying it.

18 As to how the gun came into the place,
19 I think the inspector -- investigator would agree
20 with me, we're all speculating. But from that
21 speculation, we're trying to be educated and do
22 better. We don't know if, in fact, it was a
23 female who put it in her purse, or if it was a
24 guy in baggy pants who -- excuse my language --
25 put it in his crotch and brought it. Again,

1 there's only so much intrusion we can get.

2 Now, what we have done is this. We
3 are -- we have retrained are refocused this whole
4 training at the front door with pat down to make
5 sure nobody is getting comfortable and just going
6 easy on it. Number two, the wands I mentioned.

7 Number three, we are purchasing -- we
8 purchased one, but it was no good, so we're
9 getting another one from a group called Metal
10 Defenders, where basically it's a parameter gun
11 detector -- metal detector basically. You walk
12 like in airport, right? You walk in there. Do I
13 think all the measures in the world are going to
14 prevent anything from ever happening? No. But
15 the idea is deterrence.

16 The idea is if you're outside on the
17 sidewalk, and you're coming to the line to enter
18 the establishment, the more things you see that
19 makes you go, hmm, maybe this is not the place I
20 want to take my gun inside or want my weapon
21 inside. That's just a deterrence. If they put
22 in a car, they leave it. Just give them the
23 deterrence. So that's also another thing that's
24 being purchased. It's a mobile metal detector
25 that can go outside.

1 Further, we have ordered these signs
2 that go on the outside that says all patrons
3 attending the establishment are subject to
4 search. Once again, another layer of deterrence
5 to make someone think twice.

6 And I'll mention this that, you know,
7 when we look at what was done and what could be
8 done, there's also a foreseeability issue. We
9 have to look at when things happen, you learn
10 from it. This establishment has been around
11 since 2012. Prior to that, it was corn in '08
12 and sushi in '03.

13 So this is not -- I'm looking at the
14 investigative report, and this is not something
15 that they take lightly, and it wasn't something
16 that was foreseeable of, well, this happened
17 before. Now, that it's happened, thank God their
18 reaction was fast. So those are what's being
19 done given what has happened.

20 There was no other violations found.
21 They were very cooperative with ABRA and MPD,
22 which caused the apprehension of the individual
23 and further, later, the other person. All camera
24 footages were turned in.

25 So when looking at an establishment

1 using their place for an unlawful purpose, as the
2 Board knows, the Rumor case, before 2015, used to
3 be the law where there was a pattern of operators
4 basically not caring and saying go ahead, just do
5 what you got to do.

6 In 2015, they changed the law, and it
7 became, well, single incident is still enough for
8 this. However, it has to be something that's a
9 violation of your security plan. It has to be
10 something that you should have known, could have
11 known, better have known, and you didn't. This
12 incident is not one.

13 The -- I understand the concern of the
14 Board, the owners, myself. We're all -- everyone
15 is concerned when something like this happens,
16 but I assure you, the measures that was taken,
17 based on what was knowable as reasonable, the
18 measures that was taken in reaction to what
19 happened was absolutely on point and reasonable,
20 and the measures that are being taken now to
21 deter future incidents such as this, we find it
22 to be reasonable. But we're also open to any
23 suggestion that the Board has beyond what we have
24 determined.

25 Today, I'll tell you this. In the

1 hearing that we just had, I actually just came up
2 with another idea that was basically to assign a
3 female person at all times to the front door to
4 check so that we have both. So that if a female
5 does come and you know, she said don't touch me,
6 well, there's a female there as well.

7 This is all learning for us as well no
8 matter how many years we do it. If there are
9 things that the Board sees fit that we should
10 incorporate, we're more than welcome to do so.
11 That's all I have.

12 CHAIRPERSON ANDERSON: All right,
13 Mr. Shirafkan. I mean, thank you for your
14 representation, but how did this weapon get
15 inside the -- it is foreseeable. We live in --
16 this is 2024. We live in Washington, D.C., and
17 I'm not going to say necessarily even Washington,
18 D.C. We live in a large city.

19 We are aware that individuals go --
20 they go to have an enjoyable time, and they take
21 a weapon with them. That is foreseeable. We
22 know that. That is the reality that we have now.

23 So I'm not going to buy that you're going to say
24 it's not foreseeable. It is foreseeable because
25 this is a reality.

1 This is a -- is this a nightclub, sir?

2 (No audible response.)

3 CHAIRPERSON ANDERSON: And I believe
4 all the operators, they are aware of what is
5 going on in D.C. This is not the first case that
6 I've had where a weapon got inside an
7 establishment, that someone pull a weapon inside
8 of the establishment on the dance floor. So this
9 is not the first -- this is not my first rodeo.
10 This is something that happens.

11 So my concern, how did this weapon get
12 in? I mean, I'm troubled that no one can figure
13 out how did a weapon get inside the
14 establishment.

15 And I mean, I -- yes, we have to -- I
16 am somewhat troubled in a sense of when you're
17 saying searching of either males or females, that
18 it might be intrusive, but for your own
19 protection, measures need to be in place to
20 ensure that if myself or the general public comes
21 to your facility, we feel safe because we will --
22 I will know that someone is not going to bring a
23 weapon in this facility.

24 So I'm baffled that no one can figure
25 out how is it that a weapon got into this

1 facility because if you're saying that -- are you
2 saying then that a female might bring it in? And
3 so, if a female brought it in, did she bring it
4 in her pocketbook? Or you said -- I mean, if you
5 don't want to be too intrusive with women because
6 if -- depending how she's dressed, so tell me. I
7 mean, do they routine -- does this establishment
8 routinely search bags that comes in this
9 establishment? So how could a weapon get in this
10 establishment?

11 MR. SHIRAFKAN: First off, I want to
12 be clear. When I say foreseeable, I'm talking
13 about an incident of the individual. I mean,
14 foreseeability, I ran the data, and you could
15 double-check it. BCA had 39, in 2003, guns
16 entering to the airport, and they do airport,
17 right? BWI 42, and IAD 24, that's just in 2023,
18 and that's the airport.

19 My point is not that guns don't get
20 into places, right? Guns do. We are aware of
21 it. But it's the question of A, what happened,
22 what -- have we had this happen to us, and B,
23 what can be -- how did it get there? We don't
24 know.

25 And I understand the frustration of

1 how. It has to be based on the -- we know. What
2 we know is that people come through the front
3 door, right? There's no -- they don't come
4 through the rooftop. They don't come through the
5 backdoor. There's not some alley way to --
6 everybody comes through the front.

7 So could I swear to you that we have
8 located this is exactly how it came from the
9 kitchen guy that works in the kitchen? No,
10 because we don't have any reason to believe that
11 happened, so we have to go with the logic. Just
12 like the Investigator said she believes it came
13 from that because she's saying --

14 (Simultaneous speaking.)

15 CHAIRPERSON ANDERSON: No, no, no.
16 She said that she was told. Now, she didn't say
17 that. Maybe I heard wrong, but she said, I was
18 told that they believed that a female might have
19 brought it in her pocketbook. So she didn't say
20 -- she didn't say that.

21 MR. SHIRAFKAN: Okay.

22 At least I didn't hear that. If I'm
23 wrong, please someone correct me on the record.

24 MR. SHIRAFKAN: So then let me ask the
25 investigator. Is that something by a specific

1 person because I didn't see a report that
2 somebody said this is -- this was investigated,
3 and this is what we found. Is this a speculation
4 of what we think? Because the guys were getting
5 patted, so we think this is what happened. What
6 would -- what do you think?

7 MS. MILLINGTON: That was a
8 speculation that was told to me when I did
9 interviews.

10 CHAIRPERSON ANDERSON: By staff from
11 the establishment?

12 MS. MILLINGTON: Yes, and the RDO
13 officer.

14 CHAIRPERSON ANDERSON: Okay.

15 MR. SHIRAFKAN: Okay. An RDO officer
16 is MPD; is that what you're all referring to?

17 MS. MILLINGTON: Yes.

18 MR. SHIRAFKAN: So I'm assuming,
19 that's an MPD saying, based on our investigation,
20 this is what we are speculating that the reason
21 being. And I asked him --

22 CHAIRPERSON ANDERSON: And I'm sorry,
23 sir. And they're speculating because, clearly,
24 there was some -- at least, it certainly would
25 appear that for a female patron that enters your

1 establishment that proper searches, wandings, or
2 security procedures are not utilized for females
3 who enter the establishment. That's what that
4 says, sir.

5 If you're going to speculate to say a
6 potential -- a female does that, so what you're
7 saying, in fact, we pat down the males. We go
8 into their private parts to make sure that they
9 don't have any weapons, but for any female who
10 comes in the establishment, we just let them
11 in --

12 MR. SHIRAFKAN: No, no, no. That's
13 not --

14 CHAIRPERSON ANDERSON: -- because
15 they're not going to have a weapon. Well?

16 MR. SHIRAFKAN: No, Mr. Chair. Even
17 intrusive on the male part. I was saying that
18 there is -- and if you tell me reasonably I
19 should -- and I'm sorry there's a female here,
20 but if I have a man standing with baggy pants,
21 and I'm searching them, and I'm patting them
22 down, am I supposed to go into their groin area?

23 Am I supposed to touch there and say, oh, that's
24 not a gun? I mean, there is a -- you know what I
25 mean? I just -- there's a line.

1 CHAIRPERSON ANDERSON: I sit here from
2 the ABC Board. I'm not a security expert, sir.
3 I don't --

4 MR. SHIRAFKAN: I understand.

5 CHAIRPERSON ANDERSON: I don't know --
6 I can't tell you what to do. You're the one who
7 is liable. Your establishment is the one who
8 will face the liability either from the Board or
9 from a lawsuit that someone gets injured in your
10 establishment. So, yes, we can set some basic
11 guidelines. However, but as the licensee,
12 there's a higher standard in the sense that they
13 have to protect their invitees.

14 MR. SHIRAFKAN: I totally understand
15 that. You sit as the fact-finder of reason,
16 right? That's your -- you sit as where you find
17 what is reasonable to be done by licensee, who is
18 a business, and by protection of the community.
19 You sit as the judge to determine where the scale
20 falls. And so, and that's all I'm asking.

21 I'm not saying that the women just
22 walk in. Clearly, they were being pat down. The
23 bags are being searched is -- the smaller bags
24 weren't being searched because there was no
25 belief that this -- in a small bag, something

1 would fit. In hindsight of this, they're like,
2 well, search everything. Search every bag.
3 Search every individual. Pat it down more --
4 people complain but pat it down more.

5 That's what I mean that if there was a
6 reasonable line of everyone gets patted down, all
7 bags, except small bags, are being searched, and
8 10, 12, 13 years this hasn't happened. Oh, woah,
9 maybe our standard is not enough because it
10 happened.

11 Now, can we point our finger and say
12 this is exactly what it was? That would be easy
13 because that would be, well, this was the cause.

14 This is the solution. Let's go home. But it's
15 actually more challenging when you can't put your
16 finger on it.

17 So then, what you do is -- or what we
18 do is say, well, we need to protect the entire
19 parameter, the entire parameter of anyone being
20 able to come in here because, on our watch, this
21 happened. And that's what I mean by taking more
22 measures.

23 By no means am I belittling this. By
24 no means am I saying that what they did was
25 enough because the security agreement didn't say

1 it. I'm just saying this wasn't a reckless or
2 wanton standard of, well, they're just running a
3 charade over there. What kind of operation are
4 they running? They were doing what standard
5 would be.

6 Many places don't pat down. And if
7 there is a gun found, then it's, well, hold on,
8 what do we do? We're trying to amp up the front,
9 and I assure you that. But as far as what they
10 did was to be say that it was unreasonable given
11 the history of it? And that's what I was talking
12 about foreseeability.

13 I agree with you, Mr. Chairman. Guns
14 are guns, and they're allowed and that, you know,
15 for years now, D.C. has them too. I get that.
16 We understand that. But it's the foreseeability
17 of is our standard bulletproof? I guess that's a
18 wrong one to use here, but is our standard proof
19 enough -- foolproof enough that it protects
20 everything from coming in?

21 And now, this has happened. So, okay.

22 Hold up. We need to step back, and we need to
23 look at all angles. I mean, I even had a
24 discussion with my client about staff. I said do
25 you know if a staff brought it? And they're

1 like, Makan, we've never had a reason to believe
2 any staff would bring a weapon to then give it to
3 somebody to then stop them.

4 I'm thinking about every angle of it.

5 And that's what we're supposed to do. We're
6 supposed to get extra paranoid because extra
7 paranoia brings safety.

8 CHAIRPERSON ANDERSON: All right.

9 Now, let me ask a question, and maybe you can let
10 me know what changes that have been instituted
11 since. You stated that -- when is the awning
12 used? Is that used every night, or when is it
13 used?

14 MR. SHIRAFKAN: The awning is usually
15 used if they expect rain is going to come because
16 people are standing outside. And what we don't
17 want to do is bring them into the interior door,
18 which then speeds up -- I'm getting wet; speed up
19 the search process. So the awning actually
20 creates a buffer between the entrance to enter
21 the establishment and outside, and it helps the
22 area.

23 Let me rephrase that. The area is
24 used for that. The awning is used so if it's
25 raining, if the weather is calling for something

1 of rain, we don't have a situation where people
2 are trying to rush inside. Now, everybody is
3 rushing. The intoxicator is getting in. The guy
4 with the weapon is getting in. Whatever it is.
5 So the awning creates sort of a buffer area for
6 that reason. And now, there's a camera under it,
7 so whether the awning is up or it's not up,
8 everything is being captured.

9 CHAIRPERSON ANDERSON: So,
10 specifically, what is it that this camera is
11 capturing when the awning is up?

12 MR. SHIRAFKAN: Why is it that it's
13 not capturing?

14 CHAIRPERSON ANDERSON: No. I said
15 specifically, what is it -- whenever the awning
16 is up, what is it that the camera now, this new
17 camera, is going to capture?

18 MR. SHIRAFKAN: What is not captured
19 because --

20 (Simultaneous speaking.)

21 CHAIRPERSON ANDERSON: What is it that
22 this new camera will capture?

23 MR. SHIRAFKAN: It will capture
24 everyone that is inside that line being checked
25 with IDs, being searched, everything that was

1 done that you saw in that video that you couldn't
2 see the rest of it. You saw people's feet,
3 right? Now, you see the full people coming in
4 and getting pat down, getting searched, getting
5 checked with ID, whatever the filtration it is to
6 enter the establishment.

7 CHAIRPERSON ANDERSON: All right.

8 Now, how --

9 MR. SHIRAFKAN: I'm sorry to cut you,
10 but which I will say, if the awning wasn't there,
11 the initial camera would have captured all of
12 that. We just learned from this incident, like,
13 oh, man. This is -- now, because we're trying to
14 go backwards and come to the front door, now this
15 is added. That's all. Sorry.

16 CHAIRPERSON ANDERSON: All right. So
17 how old is your security plan?

18 MR. SHIRAFKAN: So that's an
19 interesting question because the security plan
20 that is on file is, or at least that was
21 submitted here, is 2013. That's the security
22 plan that is on file.

23 And my recollection -- and I checked
24 in, and it said there was no record of this. I
25 will have to go check back. 2017 was an updated

1 -- which, for the purposes of this hearing,
2 everything was pretty much the same as far as
3 dealing with this case. But 2017 was also
4 another one that was submitted. However, 2013 is
5 -- they're mostly the same. For substance,
6 they're pretty much the same. 2013 I think is
7 more strict actually than the 2017.

8 CHAIRPERSON ANDERSON: All right. So
9 let me ask you a question. So what are the
10 changes that you client has instituted as a
11 result of this incident?

12 MR. SHIRAFKAN: Retrain the front with
13 regards to pat-downs, wands have been ordered,
14 and backup wands have been ordered so that we
15 don't have this wand issue again, metal detector
16 -- a mobile metal detector -- that's like a
17 square -- that has been -- it was ordered. It
18 came, but then it was not picking up anything.
19 So, now, another one with another company, which
20 is costing about \$3,000, is coming. But that's
21 what's going to be installed at the front door, a
22 framed metal detector.

23 There's going to be signs posted on
24 the wall that lets people know when you're here,
25 you're subject to be searched. And I'm going to

1 go on a limb and add this one because I'm going
2 to let them know as well, that to have a female
3 searcher at all times.

4 Of course, the camera, as I said,
5 which really that didn't have anything to do with
6 the search per se, but in retrieval or
7 investigation of what happened, we've learned
8 that when we need to give -- we're going to have
9 an awning up, we need to put another camera down
10 there.

11 And we do not have a problem with
12 updating and incorporating what I've mentioned
13 into the security plan and submitting it to the
14 Board so that, sort of like a contract, that they
15 are now hooked on this basically being the new
16 standard.

17 CHAIRPERSON ANDERSON: All right. So,
18 well, since you volunteered and you did not give
19 me a chance to ask then, so you volunteer that --
20 are you able to provide this within the next 30
21 days?

22 MR. SHIRAFKAN: Yes.

23 CHAIRPERSON ANDERSON: So you're
24 wanting -- you're agreeing to provide to the
25 Board an updated security plan within the next 30

1 days, and the updated security plan will address
2 wandering, pat-downs, the entrance procedure --
3 meaning that talking about wandering and pat downs
4 -- this mobile metal detector, that there are
5 signs were posted to inform all folks that they
6 are subject to search, that a female security
7 guard will be available at all times to search
8 female patrons, and I think that's basically what
9 it -- that's what you just laid out.

10 MR. SHIRAFKAN: I'm going to add one
11 more, Mr. Chairman.

12 CHAIRPERSON ANDERSON: What is that,
13 sir?

14 MR. SHIRAFKAN: Eventually, we're
15 going to put the sign up front. I'm also going
16 to have the client post that on their site, on
17 their website. So if somebody is booking a
18 table, if somebody is planning to come to the
19 place, they go on the website, they'll see
20 somewhere in there that says all patrons coming
21 in here are subject to be searched.

22 CHAIRPERSON ANDERSON: All right. So
23 then -- so we have agreed that an updated
24 security agreement plan will be provided to the
25 Agency within 30 days from this date, and if --

1 I'm coming to you, Mr. Short.

2 An updated security plan will be
3 provided to the Agency within 30 days. An
4 updated, legally compliant security plan will be
5 provided to the Agency, and some of these
6 specific provisions that were just placed -- that
7 was just mentioned, that they will be a part of
8 the updated security plan. Okay.

9 MR. SHIRAFKAN: Yes.

10 CHAIRPERSON ANDERSON: All right. So
11 I know that the law requires that there is some
12 basic guidelines that need to be in the security
13 plan, but these are some additions that will be
14 added to the security plan. All right. Okay.

15 Yes, Mr. Short.

16 MEMBER SHORT: Thank you,
17 Mr. Chairman.

18 CHAIRPERSON ANDERSON: You can put
19 your hand down, sir.

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

22 Good afternoon, Attorney Shirafkan.
23 Nice to see you again, not under these
24 circumstances however, but at any rate, I would
25 like to ask if it would be in your best interest

1 maybe and your client's best interest, maybe have
2 some retraining for the security.

3 And also, there was testimony that the
4 security have a logo printed on them with the
5 name with the bar, Rosebar, instead of security
6 on it. I would think that security should be
7 well marked and that training by a qualified
8 trainer, if it's necessary, to help them out with
9 the updated search procedures that a lot of
10 places are using now because -- the District of
11 Columbia I know registers a lot of security
12 guards. I don't know if you want to go that far,
13 but any rate, the training would, I think, would
14 help out a lot of the security or retraining.

15 And also, would you mind if we have an
16 investigator come in and check the camera angles?

17 Apparently, you had a lot of cameras, but from
18 what we were seeing, what we saw today in there
19 -- we understand that all angles were given to us
20 by the investigator, but I would think that maybe
21 we need to check and see if there are any blind
22 spots or any spots that could be covered better.

23 And I like the idea you're going to
24 have six wands. That sounds great because we've
25 had a lot of people come before us -- a lot of

1 businesses come before us lately where they have
2 a wand, but the wand has been broken for six
3 months or a year. So it's a heck of a thing to
4 have a wand, but it's broken, and now you have a
5 gun inside of your place.

6 MR. SHIRAFKAN: Right.

7 MEMBER SHORT: Unfortunately, that
8 happened the last time we had a broken wand, or
9 it's happened before. But thank you very much
10 for your testimony -- or for your representation
11 today.

12 And thank you, Mr. Chairman, for
13 allowing me to speak.

14 CHAIRPERSON ANDERSON: You're welcome.

15 MR. SHIRAFKAN: Mr. Short, if I can
16 reply, as far as retraining, as most of the Board
17 -- I don't know Mr. Grant that well, but
18 Mr. Short, you've known me for many years, and
19 you know my background was in this very field.

20 Every time that I do a revision of a
21 security plan, I actually individually,
22 personally, as a lawyer of the establishment, I
23 go there, and I sit there and retrain individuals
24 because I tell them I don't want to come back in
25 front of the Board for another ten years or ever.

1 So the retraining is definitely part
2 of it with regards to -- because then what's the
3 point of creating a security plan where then it's
4 not trained, right? And a security plan will
5 ultimately go under my hand. I'm the one that's
6 going to revise it, so I better be there to
7 explain to them exactly what I mean what I wrote
8 down there.

9 With regards to the search, I'll look
10 into it. I don't know -- I know what I know from
11 my past experience, but as far as what it would
12 require and who would come to give them better
13 handles of search, that I will look into. That's
14 all I can tell you.

15 But I would ask, Mr. Chairman, if
16 we're really trying to look at a plan where we do
17 three things, number one, we have an investigator
18 come in, look at all the angles of all the
19 cameras and give us feedback. This one, this
20 one, and this one you need to add or change or
21 whatever. Okay. Now, that I need for the
22 security plan, right? So we need to come up with
23 an updated diagram for the security plan. So
24 we'll do that step one.

25 Step two, draft the security plan,

1 have perhaps Mark, our legal, approve it that it
2 meets the requirements of the statute, and then,
3 once we have that product, turn around and do the
4 training.

5 I would ask, instead of having 8/31
6 being a deadline, having a 90-day plan. And
7 here's what I mean. Having in the next 30 days,
8 we would have investigator come in, look at the
9 cameras. We get our cameras, whatever needs to
10 be done, order it, get it done, get it installed.

11 In the next 30 days, submit the security plan,
12 make sure it's approved, and then do the
13 training.

14 I just want to be realistic with that
15 because giving a revised security plan itself, I
16 can get that. I'm not here for about ten days
17 come next week, but I can get that done in the
18 next 20 days. That's not a problem. But I would
19 love to have the opportunity to do this right, to
20 actually hand-in-hand be able to come up with
21 this. So if that's okay with the Board, I would
22 like to do it that way, so it's done completely.

23 And then we can come back to the Board and
24 report to you that here, all of this was done.

25 MEMBER SHORT: Sounds great to me.

1 Thank you, Mr. Chair.

2 CHAIRPERSON ANDERSON: Well, I think
3 this is what I think what I would prefer is that
4 we have -- be sending the -- of course, you're
5 going to send the security plan. We will review
6 it to see if it's legally compliant. And after
7 the security plan is done, then if training needs
8 to be done, then training needs to be done. But
9 I think that's too much time.

10 I mean, my compromise is that you
11 provide us an up to -- this is what I would ask
12 you to do, and you can let me know if there is
13 something is agreeable to you: provide us an
14 updated security plan within 45 days, okay? Of
15 course, we can have an investigator go to the
16 establishment and say whether or not there are
17 any blind spots that can be addressed, so you
18 don't -- that doesn't necessarily need to be in a
19 security plan.

20 But I think one of the things that --
21 I think what we can all agree upon is that an
22 updated security plan is required, and these
23 provisions that we talked about needs to be in
24 the security plan to say this needs to be --
25 needs to be provided, the training, and then we

1 can also say that all within -- we can decide on
2 what period after the security plan is provided,
3 where all employees need to be retrained on the
4 security plan.

5 But I think the most important thing,
6 at least for us, if you would agree, is that we
7 need to have a security plan, so therefore, we
8 know. Because your security plan, it's either 11
9 years or 7 years. It's that we're now in 2024,
10 and there are different realities that needs to
11 be addressed.

12 And as I've stated before, although
13 you stated this establishment might have been in
14 existence for a long period of time, at least --
15 you're not aware and we can't say that some other
16 individual has not brought a gun in the
17 establishment before, but this is actually the
18 first time that someone has, at least the Board
19 is aware, of someone had brandished a weapon.

20 But we don't know whether or not other
21 folks that have entered the establishment with
22 either a gun or knife or some other weapon, but
23 there's been no incident for them to have
24 brandished it. And so, this -- we're not even
25 aware if this was the only individual that night

1 who got in there -- who entered the establishment
2 with a weapon. We don't know.

3 But all that we knew -- all that we
4 know is that one person brandished a gun. And if
5 he -- if he did not brandish the gun, if it was
6 just a melee, he would've left, and everything
7 was fine because your security would have dealt
8 with it.

9 And I'll say this, from what I saw, it
10 appears that your security dealt appropriately
11 with the action. It was -- they were on top of
12 it. But I think the larger issue is that a
13 weapon did enter the establishment.

14 And so, therefore, it needs to be
15 addressed how is that this weapon gets in the
16 establishment and what policies and procedures
17 are we going to put in place to prevent this from
18 occurring. Nothing is 100 percent. Nothing is
19 100 percent failproof. However, but what is it
20 that we're going to put in place to address the
21 issue?

22 All right. Any other questions by any
23 other Board members, or anyone else want to ask
24 any questions? And then I'm going to bring this
25 hearing to an end.

1 And then I'll have you wrap up, sir,
2 to let us know what it is that you want. As I've
3 stated to you before the options the Board has,
4 we'll decide that there are no further action, or
5 we're going to refer this matter over to the
6 Office of the Attorney General for them to
7 determine if there's been a violation of one of
8 our Board rules or regulations.

9 There any questions by any Board
10 members or the investigator, any questions?

11 And do you have a question you want to
12 ask, Mr. Short?

13 MEMBER SHORT: No questions.

14 CHAIRPERSON ANDERSON: Okay. All
15 right. Then you can wrap this up, sir, and let
16 us know -- you can wrap this up. And we'll bring
17 this --

18 (Simultaneous speaking.)

19 MR. SHIRAFKAN: I will not repeat
20 everything I said. I know I talk too much
21 already. I'll just ask that given the totality
22 of all that we have discussed tonight -- today,
23 you issue a no further action with the
24 understanding that absolutely we will do what we
25 discussed within 45 days, have the cameras

1 checked, update, fix, get the new security plan
2 turned in, approved, turn around and retrain
3 everybody on it.

4 I'll look into, Mr. Short, even off
5 the security plan, I will look into that issue of
6 training by experts with regards to secure --
7 with regards to searches.

8 So we will do all that we've talked
9 about. At this point, though, I ask that you
10 find no further action and give them a chance to
11 be able to prove to you that they can go another
12 ever and ever without this happening.

13 CHAIRPERSON ANDERSON: Okay. Thank
14 you, sir.

15 The Board will take this matter under
16 advisement. All right. So thank you very much
17 for your presentation. Have a great day.

18 MR. SHIRAFKAN: Nice seeing everybody
19 again.

20 CHAIRPERSON ANDERSON: All right.

21 MR. SHIRAFKAN: And again, sorry it
22 was under these circumstances, but take care.

23 CHAIRPERSON ANDERSON: Unfortunately,
24 this is how we -- this is how this operates,
25 okay?

(Laughter.)

1 CHAIRPERSON ANDERSON: All right. So
2 thank you very much. Have a great day. Thank
3 you, Mr. Shirafkan.

4 MR. SHIRAFKAN: Thank you. Bye-bye.

5 CHAIRPERSON ANDERSON: All right.
6 Bye-bye.

7 MR. SHIRAFKAN: It was a grand
8 pleasure meeting you by the way. Thank you.

9 CHAIRPERSON ANDERSON: All right.
10 Take care, sir.

11 All right. We are now at the end of
12 our afternoon calendar. There are no other cases
13 on the -- so we're at the end of our afternoon
14 calendar, so let me close our -- the record for
15 the day.

16 As Chairperson of the Alcoholic
17 Beverage and Cannabis Board for the District of
18 Columbia, and accordance with Title 3, Chapter
19 405, Office of Open Government, I move that ABC
20 Board hold a closed meeting on August 7th for the
21 purpose of discussing and hearing reports
22 concerning ongoing or planned investigations of
23 alleged criminal or civil misconduct or
24 violations of law or regulations, and seeking
25 legal advice from our legal counsel on the

1 Board's investigative agenda, legal agenda, and
2 licensing agenda for August 7th, as published in
3 the D.C. register on August 2nd. Is there a
4 second?

5 MEMBER GRANT: Mr. Grant. I second
6 the motion.

7 CHAIRPERSON ANDERSON: Mr. Grant has
8 seconded the motion. I will now take a roll call
9 vote on the motion before us, now that it has
10 been properly seconded.

11 Mr. Short?

12 MEMBER SHORT: I agree.

13 CHAIRPERSON ANDERSON: Mr. Grant?

14 MEMBER GRANT: Mr. Grant. I agree.

15 CHAIRPERSON ANDERSON: Mr. Anderson.
16 I agree. As it appears the motion has passed, I
17 hereby give notice that ABC Board will hold this
18 closed meeting. Pursuant to the Open Meetings
19 Act, notice will also be posted on ABC Board
20 hearing room bulletin board, placed on the
21 electronic calendar on ABCA's website, and
22 published in the D.C. Register in as timely a
23 manner as practical.

24 We're now adjourned for the day. I
25 would like to thank the members of the public who

1 participated in the hearing today, and I'd also
2 like to thank the members of the Board who also
3 participated.

4 With no further business, the Board is
5 now adjourned. I will now ask all Board members
6 to return to executive session for further
7 action. Good afternoon. Thank you.

8 (Whereupon, the above-entitled matter
9 went off the record at 3:08 p.m.)

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This is to certify that the foregoing transcript

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Before: DC ABCA

Date: 07-31-24

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