

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: :
:
2335, LLC, :
t/a Power Night Club/ :
Lounge/Restaurant : Fact Finding
2335 Bladensburg Road NE : Hearing
Retailer CT - ANC 5C :
License #104228 :
Case #23-251-00020 :
:
(Patrons Shot Outside :
of Establishment) :
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Wednesday
September 27, 2023

The Alcoholic Beverage and Cannabis
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:

- ABEBA BEYENE, Licensee
GEORGE GARCIA, DC ABCA Investigator
OFFICER JOSE HERNANDEZ, DC MPD
ANDREW KLINE, Licensee's Counsel
CAMERON MIXON, Licensee's Counsel
JOSE ORELLANA, DC ABCA Staff

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

2 10:53 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case Number 23-251-00020,
5 Power Night Club/Lounge/Restaurant, License
6 Number 104228. Good morning again, Mr. Orellana.
7 Can you please elevate the rights of the
8 licensee, the licensee's counsel, I believe MPD
9 Officer Jose Hernandez, and Investigator Garcia,
10 and if there's anyone else on the line for this
11 case.

12 MR. OWATE: Okay. Mr. Kline, your
13 access have been elevated. Cameron Mixon, your
14 access has been elevated. Investigator George
15 Garcia, your access has been elevated. Officer
16 Hernandez, your access has been elevated. That
17 appears to be -- oh, Abeba Beyene, your access
18 has been elevated. That appears to be all,
19 Chairman.

20 CHAIRPERSON ANDERSON: Thank you.
21 Good morning. Can I have everyone appear on
22 camera if you have that ability? Mr. Beyene, B-
23 E-Y-E-N-E, if you have a camera, can you turn
24 your camera on, sir? All right. Let's start
25 with the introductions. Mr. Kline, can you

1 please identify yourself for the record, please?

2 MR. KLINE: Yes. Good morning, Mr.
3 Chair, members of the Board. Andrew Kline on
4 behalf of Power Night Club.

5 CHAIRPERSON ANDERSON: Mr. Mixon?

6 MR. MIXON: Also on behalf of Power
7 Night Club.

8 CHAIRPERSON ANDERSON: I see that your
9 client is on the line, Mr. Kline with his client.

10 MS. BEYENE: Abeba Beyene.

11 CHAIRPERSON ANDERSON: I'm sorry. I
12 apologize, ma'am. Can you please spell and state
13 your name for the record.

14 MS. BEYENE: Okay. First name, Abeba,
15 A-B-E-B-A, last name Beyene, B-E-Y-E-N-E.

16 CHAIRPERSON ANDERSON: Thank you,
17 ma'am. And this is one of the reasons why I ask
18 people to be on camera, because --

19 MS. BEYENE: Yes.

20 CHAIRPERSON ANDERSON: -- I would not
21 call you Mr. or Mrs. Harves (phonetic) so I
22 apologize.

23 MS. BEYENE: It's perfectly fine.

24 CHAIRPERSON ANDERSON: I apologize for
25 that. Officer Hernandez, can you please identify

1 yourself for the record?

2 MR. HERNANDEZ: Yes. Jose Hernandez
3 with the Fifth District of Metropolitan Police
4 Department.

5 CHAIRPERSON ANDERSON: Can you please
6 spell your name, sir?

7 MR. HERNANDEZ: Oh, I'm sorry. Yes.
8 First name is J-O-S-E, last name is H-E-R-N-A-N-
9 D-E-Z.

10 CHAIRPERSON ANDERSON: Thank you. Mr.
11 Garcia, can you please identify yourself for the
12 record and also spell and state your name?

13 MR. GARCIA: G-E-O-R-G-E, Garcia, G-A-
14 R-C-I-A.

15 CHAIRPERSON ANDERSON: All right.
16 Good morning, everyone. Welcome. All right.
17 This is a fact finding hearing, Power Nightclub
18 located at 2335 Bladensburg Road NE, related to
19 an incident. This is -- and the MPD requested a
20 fact finding hearing related to an incident that
21 took place on Saturday, July 22, 2023,
22 specifically during an incident outside of the
23 establishment, an unknown suspect began shooting
24 towards the establishment. Three people were
25 struck by gunfire. Two victims suffered gunshot

1 wounds to their legs and one to their shoulder.
2 All were transported to local hospitals for
3 treatment. The incident occurred at
4 approximately 4:28 a.m. after the establishment
5 closed while patrons were continuing to loiter in
6 front of the establishment.

7 All right. So this is a request for
8 a fact finding hearing so I can supply -- by MPD.
9 And so what I will do, Mr. Kline, I will have
10 both MPD and the Investigator present. The Board
11 will ask questions of Officer Hernandez and Mr.
12 Garcia. Once the Board has asked questions of
13 the Investigator, Mr. Garcia, then you will have
14 an opportunity to ask questions if you so desire
15 also as individuals and then if you want to give
16 your client's version of the facts in this case.

17 As you are aware, this is a fact
18 finding hearing. At a fact finding hearing, the
19 Board is only gathering facts. We're trying to
20 find out what happened. The Board has not made
21 any determination about the next steps.

22 At the end of this hearing, these are
23 the decisions that the Board could possibly take
24 -- can possibly take. The Board can decide that
25 no further action is necessary, or the Board can

1 refer this matter to the Office of the Attorney
2 General for further investigation, and the Office
3 of Attorney General would be the body who could
4 determine whether or not this matter will result
5 in a show cause hearing. As you're also aware,
6 at a fact finding hearing, the witnesses are not
7 sworn, and so this is somewhat informal because
8 we're still gathering information about the
9 incident. Any questions by anyone before we
10 start?

11 MR. KLINE: None from the applicant.

12 Thank you.

13 CHAIRPERSON ANDERSON: All right.

14 Thank you. Let's start off with -- I can either
15 start off with Mr. Garcia or you, Officer
16 Hernandez. I know that this is a request from a
17 fact finding hearing by MPD, so I'll start off
18 with Officer Hernandez, if there's anything that
19 you can -- you want to add why is it that
20 Assistant Chief -- I'm sorry -- Acting Chief of
21 Police Smith, why is it that she requested this
22 fact finding hearing.

23 MR. HERNANDEZ: So one of the reasons
24 why the Chief requested this is because of the
25 incident that occurred. You know, it's a very

1 violent situation that happened in front of their
2 location where, like you stated before, three
3 individuals were shot in front of the
4 establishment. And even after witnessing part of
5 the video and stuff, there are other persons that
6 were in front of the location that were also
7 shooting back at the shooters. So you had a gun
8 battle basically essentially happening in front
9 of this establishment. It's not a first -- it's
10 been a -- it's happened way in the past. I mean
11 it's -- it has -- it's been a few years since
12 it's happened before, but it's happened.

13 And basically, the Chief just wants to
14 see what can be done about this, what security
15 plans are, things of that nature so that going
16 forward we can deem this establishment to be
17 running at a smoother capacity for the clients
18 that go to the location.

19 CHAIRPERSON ANDERSON: Just a quick
20 question -- couple of questions, Officer
21 Hernandez. How was MPD made aware of the
22 incident?

23 MR. HERNANDEZ: We were made aware of
24 the incident because of ShotSpotter and phone
25 calls being made to the OUC and 911.

1 CHAIRPERSON ANDERSON: Do you know if
2 the establishment itself called 911, or were
3 these -- do you know who called 911?

4 MR. HERNANDEZ: I can't say for
5 certain who did. I do know that one of the
6 managers did call 911. He stated that he had
7 called so -- but we can't determine who made the
8 phone calls.

9 CHAIRPERSON ANDERSON: Now in your --
10 in MPD's investigation, was the establishment
11 cooperative with the investigation?

12 MR. HERNANDEZ: Yes. The
13 establishment was very cooperative. They
14 assisted us with everything they could, you know,
15 providing video, information, who was working,
16 witnesses, things of that nature, so they were
17 able -- they were very cooperative.

18 CHAIRPERSON ANDERSON: And just
19 generally, are there any security or safety
20 recommendations that you could make regarding
21 this establishment?

22 MR. HERNANDEZ: One of the biggest
23 things that I would say is that not to let people
24 -- once the club let out, not to let people just
25 loiter around and hang out; you know, try to get

1 the staff come out and just tell everybody to go
2 home and not just hang out in front of the
3 establishment.

4 CHAIRPERSON ANDERSON: I'm aware that
5 there is a no loitering law in D.C., so I'm just
6 asking you what is it that you believe they can
7 do to move folks along?

8 MR. HERNANDEZ: Outside of, you know,
9 trying to get out there and just keep pushing
10 people along, you know, we would have to take a
11 look at what -- cause I haven't reviewed their
12 security plan in terms of what has -- when was
13 the last time it was updated and things of that
14 nature. I'm sure Investigator Garcia got -- has
15 that. He can talk a little bit more about that,
16 but in terms of the establishment doing anything
17 different. It's different because like, you
18 know, their promoters, they need to do better, a
19 better job of having an established relationship
20 with their promoters. Their promoters bring
21 folks that, you know, have ties to local, you
22 know, gangs, affiliates, people that is on MPD's
23 radars that, you know, essentially -- we find out
24 from flyers who they're bringing to the
25 establishment and from there, we do -- our intel

1 unit goes in and checks to see if these people
2 are, you know, verified, especially when they're
3 from the local area. And a lot of times -- you
4 know, I've spoken to Ms. -- to Mimi (phonetic)
5 about these, and she's done a great job of, you
6 know, once we find out who they are basically
7 saying, you know what, I'm just closing my doors
8 and canceling the events. So she's done a great
9 job when it comes to that when she's advised of
10 who is being brought in. But I think it's one of
11 those that, you know, you could possibly like
12 avoid it just by talking to your promoter and
13 saying, hey, look, you need to make sure that
14 there's no ties to streets, you know, when you
15 have promote -- when you have, you know, their
16 talent or whomever performing, you know, coming
17 into the establishment, cause a lot of times, you
18 know, they don't know so they just say, okay,
19 yeah, book them. And, you know, that ends up
20 becoming a situation because you have individuals
21 from different neighborhoods coming to the
22 establishment, and you could end up having
23 potential violent situations that happen at your
24 establishment. That's one of the things.

25 Outside of that, anytime that I've --

1 you know, I've worked at this establishment, the
2 only thing I would say is, you know, there
3 shouldn't be no favoritism played to as far as
4 who comes in. You know, everybody should be
5 checked. Everybody should be -- you know, if you
6 see that somebody is rowdy, you know, in line,
7 they should automatically be told no, you know,
8 because that person could potentially turn into a
9 bigger situation once they get into the
10 establishment and start getting alcoholic
11 beverages in there. You know, it's -- so these
12 are different things that I have noticed and, you
13 know, that that's -- you know, and I've gotten
14 these from -- sometimes like I'll find it from my
15 own research, and other times I'll hear it from,
16 you know, above. So we're talking about it comes
17 to our commander form our intel unit that comes
18 from downtown.

19 CHAIRPERSON ANDERSON: Thank you,
20 Officer Hernandez. Any questions of Officer
21 Hernandez by any Board members? Go ahead, Mr.
22 Short.

23 MEMBER SHORT: Thank you. Good
24 morning, Officer Hernandez.

25 MR. HERNANDEZ: Good morning, sir.

1 MEMBER SHORT: How many years have you
2 served with the Metropolitan Police Department?

3 MR. HERNANDEZ: I've been with the
4 Metropolitan Police Department for approximately
5 12 years.

6 MEMBER SHORT: How many years have you
7 served there in the Fifth District where this
8 licensee's business is?

9 MR. HERNANDEZ: Eleven years.

10 MEMBER SHORT: So you know the area
11 quite well, I would imagine?

12 MR. HERNANDEZ: Yes. And I've --
13 also, I've been the Reimbursable District
14 Officer. Basically, I'm in charge of the --
15 handling the scheduling and anything having to do
16 with the establishments that operate out of the
17 Fifth District.

18 MEMBER SHORT: So the RDO which you
19 were just referencing, reimbursable detail, do
20 they have one or have they ever had one at this
21 licensee's location?

22 MR. HERNANDEZ: Yes. They've had it
23 in the past. They always request it every month,
24 so they're doing their part in terms of asking
25 for officers to work at the location and things

1 and making sure that they are doing their due
2 diligence to make sure that we're around. I'm in
3 constant communication with Rico (phonetic),
4 who's one of the general managers, and also Ms.
5 Mimi. We always talk about whether we -- you
6 know, they're able to get RDO services and things
7 of that nature.

8 Unfortunately, because -- and I've
9 told Mimi a few -- you know, a lot of times that
10 because we're so short-staffed and the Department
11 is basically running nonstop overtime, that clubs
12 are not being prioritized by a lot of the
13 officers. So at this point, there's not a lot of
14 clubs that are getting officers to work the RDO
15 program.

16 MEMBER SHORT: Okay. Now in previous
17 hearings, we've had -- or fact findings we've had
18 with this licensee, the ANCs and the community
19 have been complaining about loitering in front of
20 this location. Do you think no loitering signs
21 would help out? And also, if part of their
22 security plan that they make sure that the front
23 is clear within a reasonable time after they
24 close, would that help?

25 MR. HERNANDEZ: I believe it would.

1 I believe it definitely would. I'm not sure if
2 they don't already have no loitering signs. I'm
3 not 100 percent sure but yeah, one of the biggest
4 things is, you know, once you let people out -- I
5 mean most folks do end up just leaving. I think
6 that night was a special circumstance, because
7 they had the approval of the city to operate a
8 later time because of the World Cup. So -- but
9 even with that being said, you know, as far as
10 the security just coming out and kind of telling
11 everybody, hey, you know, go home, get in your
12 cars and get off the block, I think that would
13 greatly, you know, help when it comes to any type
14 of situation escalating to the point of violence
15 that happened on -- over the summer.

16 MEMBER SHORT: So again, would you
17 just repeat for us what actually happened the
18 night of this incident while we're having this
19 fact finding?

20 MR. HERNANDEZ: So that night we
21 received a call and we also got the sounds of
22 gunshots where gunfire erupted in front of the
23 location towards the establishment where three
24 people were shot. There was also different
25 casings that were located for -- by different

1 guns, so there was basically a shootout that
2 essentially occurred while you had a few hundred
3 people running out of this establishment and
4 inside the establishment and everywhere, complete
5 chaos that day.

6 MEMBER SHORT: So I guess we were
7 fortunate that no one on Bladensburg Road, which
8 is a major roadway, got a stray bullet or two
9 themselves; are we fortunate about that?

10 MR. HERNANDEZ: Absolutely, because
11 during that time, we still had traffic coming and
12 going from that area, even some of the club goers
13 were leaving that -- the general area. So yes,
14 it's very fortunate that no one was hit with a
15 stray bullet.

16 MEMBER SHORT: Well, hopefully, before
17 the day is over, maybe the licensee, the owner,
18 or her attorney can explain to this Board how
19 they're going to be handling loitering, because
20 the basic problem was, it seems to me with my
21 knowledge of public safety, if you have a crowd
22 inside and you have a crowd on the sidewalk, when
23 a shooting breaks out and the people start to get
24 out of the club, they can't get out because of
25 the people loitering in front of the club, which

1 is really a hazard for the traffic and the
2 community. And ANCs have been complaining for
3 years about loitering at this location. And I
4 think it's time for this Board and also for the
5 licensee to start making some serious decisions
6 regarding how they're going to handle the
7 loitering and complaints from the citizens in
8 that community.

9 Thank you very much for your testimony
10 today and hopefully, we won't have this to happen
11 anymore, but a shootout is a very dangerous
12 thing. We've got too much shooting going on so
13 I, as a Board member, just think that we need to
14 do more than what we have been doing. We just
15 can't keep letting or allowing this to occur,
16 because we do have some power as the ABC, a
17 Board, in regulating some of these issues,
18 especially when it comes to loitering and it
19 comes to violence and complaints from the
20 citizens and it sounds like complaints from MPD.

21 Thank you very much for your testimony
22 today. I appreciate it. That's all I have, Mr.
23 Chair.

24 CHAIRPERSON ANDERSON: Thank you, Mr.
25 Short. Any other questions by any other Board

1 members? Go ahead, Mr. Grandis.

2 MEMBER GRANDIS: Thank you. Officer
3 Hernandez, we all want to thank you for being
4 here today. We know you have a very busy
5 schedule, and your information on behalf of MPD
6 is very important to us to be able to, you know,
7 get through this fact finding and come up with
8 recommendations, so thank you for that.

9 You mentioned that this incident
10 occurred on a night when that establishment had
11 received permission to be open later because of
12 the World Cup?

13 MR. HERNANDEZ: Yes, sir.

14 (Simultaneously speaking.)

15 MR. HERNANDEZ: Yes, sir.

16 MEMBER GRANDIS: Go ahead.

17 MR. HERNANDEZ: I'm sorry. Yes. They
18 did receive a special permit to be able to
19 operate for longer hours. I believe the permit
20 was for 24 hours or serving later and then
21 stopping at a certain time but still maintaining
22 to be open.

23 MEMBER GRANDIS: Do you know if within
24 that block or that vicinity there were other AB -
25 - after license establishments such as nightclubs

1 or taverns that are nearby that establishment?

2 MR. HERNANDEZ: The closest one would
3 be about a quarter of a mile, Republic on 24th
4 Place and Bladensburg. Other than that, there is
5 no other establishment that's ABCA mandated, you
6 know, to be open -- that's open in that area.

7 MEMBER GRANDIS: And you say that you
8 viewed videos at -- observed that the videos were
9 able to take -- operating when this incident
10 occurred, correct?

11 MR. HERNANDEZ: Yes.

12 MEMBER GRANDIS: And does that --
13 would that video show that the unfortunate
14 individuals who were hit by gunfire had either
15 re-entered or exited that particular facility?

16 MR. HERNANDEZ: Yes. So at the time,
17 it was -- I want to say it was way passed their
18 usual hours so yes, and there was -- there's
19 nothing in that area besides a Metro bus station.
20 But it's like, you know, one of the work stations
21 where they keep their buses and things of that
22 nature right across the street from them. Other
23 than that, there's nothing else operating on the
24 block.

25 MEMBER GRANDIS: Thank you. Once

1 again, would the video show or did you have
2 witnesses tell MPD that the gunfire that was
3 returned -- if I heard you correctly, it became
4 sort of like a gun battle between various people.
5 Were any of the people with guns observed either
6 entering or coming out of that establishment?

7 MR. HERNANDEZ: So that's one of the
8 things that was undetermined, whether it was --
9 they were inside or not. Usually, they're really
10 good about, you know, checking people and things
11 of that nature to make sure that nothing goes
12 inside, no weapons go inside. I can't speak 100
13 percent sure saying that the weapons made it
14 inside or they didn't. I really don't know. I
15 know that the -- there was a few different
16 calibers that were found at that location and in
17 different locations, so that was one of the
18 things that we were made to understand that
19 something happened that -- where two different
20 people had -- at least two different people had
21 different guns and that, yeah, they were cross-
22 firing.

23 MEMBER GRANDIS: And I think my final
24 question is that there were three individuals who
25 were struck who were outside of the

1 establishment; is that correct --

2 MR. HERNANDEZ: Yes.

3 MEMBER GRANDIS: Does MPD have any
4 information that any of those three people had a
5 weapon on them; did they return -- any of them
6 return fire?

7 MR. HERNANDEZ: We don't have that
8 information. Our detectives are still doing
9 their investigation, so because it's still
10 ongoing, I really don't have that much
11 information about it.

12 MEMBER GRANDIS: So there were no guns
13 confiscated that evening -- that morning?

14 MR. HERNANDEZ: No, sir.

15 MEMBER GRANDIS: Okay. Thank you.
16 Mr. Chairman, that's all. Thank you.

17 CHAIRPERSON ANDERSON: Thank you, Mr.
18 Grandis. Any other questions by any other Board
19 members? I'm going to give you an opportunity to
20 ask questions, Mr. Kline, if you want, but I'm
21 going to have the Investigator go ahead, and then
22 you can ask questions of both the Investigator
23 and the officer.

24 Mr. Garcia. Good morning, Mr. Garcia.
25 Mr. Garcia, how did you become aware of this

1 incident, sir?

2 MR. GARCIA: We were notified by MPD
3 that a shooting occurred at Power Nightclub on
4 July 22nd.

5 CHAIRPERSON ANDERSON: And once you
6 were notified by MPD, what did ABCA do and
7 specifically, what did you do?

8 MR. GARCIA: So we -- well, MPD
9 initiated a DPM number, which is a 251
10 investigation, and our office received it and
11 assigned it, and it was assigned to me. After it
12 was assigned to me, I did contact the licensee to
13 speak about the incident that occurred and took
14 place at the establishment along with officers,
15 along with the victims that were involved in the
16 incident, along with security staff as well.

17 CHAIRPERSON ANDERSON: So did you go
18 to the scene that night?

19 MR. GARCIA: On the night in question,
20 no, because we received a 251 notification after
21 it occurred, and ABCA, our investigators, and at
22 4:00 a.m. -- we received the notification at
23 4:25.

24 CHAIRPERSON ANDERSON: All right. So
25 when is it that you went to do your investigation

1 at the establishment?

2 MR. GARCIA: So the investigation was
3 assigned to me on Monday, July 24th, and I began
4 my investigation on July 25th.

5 CHAIRPERSON ANDERSON: And so what is
6 it that you were able to ascertain?

7 MR. GARCIA: So the first thing I did
8 was I visited the establishment to obtain video
9 footage of the night and the incident that
10 occurred. I believe it was Friday, July 28th
11 that I visited the establishment to obtain camera
12 footage, which the establishment provided, but it
13 was something with the cameras that it overrided
14 (sic) everything prior. So everything that I
15 received on that particular day was the same
16 video footage, because when it was loaded onto
17 the USB, it was loaded and it was overriding the
18 previous video that was recorded. So I did have
19 to revisit the establishment to obtain additional
20 footage, which I happily did and the
21 establishment was cooperative in providing.

22 And while my visit in obtaining the
23 footage, I also did -- was able to speak to eight
24 of the security staff that were at the
25 establishment on the night of the incident.

1 CHAIRPERSON ANDERSON: As a result of
2 your investigation, what is it that you were able
3 to gather?

4 MR. GARCIA: So one thing that I was
5 able to determine that -- I do have the video
6 footage, but from a different angle of the video
7 footage, you can see at one point in time shortly
8 before the incident that -- you see maybe about
9 roughly, I'm going to say, four to six, four to
10 seven male patrons leaving out of the
11 establishment, one from the front entrance and
12 maybe five to six from the back -- from the rear
13 exit. They're both -- the ones in the back are
14 running into a vehicle across the street from the
15 establishment and entering a vehicle where
16 shortly after they do drive off, and that's when
17 the incident takes place. So I'm not sure if an
18 incident -- I can't really confirm whether there
19 -- an incident or an altercation took place on
20 the inside of the establishment, but I can -- I
21 have determined from the video footage that the
22 patrons did not enter the establishment with the
23 weapons. I was able to determine that.

24 CHAIRPERSON ANDERSON: All right. But
25 let me ask you a question though. Did you

1 request -- you stated that you saw individuals
2 exiting the establishment and enter a car. Did
3 you ask the video for maybe -- for that time
4 period of the -- of those individuals inside the
5 establishment?

6 MR. GARCIA: I'm sorry. Say that
7 again?

8 CHAIRPERSON ANDERSON: No. I'm trying
9 to find -- your -- you stated that you were
10 unable to ascertain whether or not the incident
11 was -- that there was anything that occurred at
12 the establishment prior to the incident. Once
13 you saw folks exiting -- you said you saw four
14 people exiting the back and enter the car.

15 MR. GARCIA: Correct.

16 CHAIRPERSON ANDERSON: Correct. So
17 I'm saying did you request video for the -- maybe
18 for the minute prior to their departure from the
19 establishment? And if you did request video,
20 what is that -- did you see?

21 MR. GARCIA: So I mean after they left
22 the --

23 CHAIRPERSON ANDERSON: No. Prior to
24 --

25 MR. GARCIA: -- establishment?

1 CHAIRPERSON ANDERSON: -- No. Prior
2 to them leaving. You stated that you saw --

3 MR. KLINE: Yes. I did request it.

4 CHAIRPERSON ANDERSON: And --

5 MR. GARCIA: Yes. I did request it
6 and I did see it, but there was no interact --
7 there was no altercation that you can visibly
8 see. I'm not sure if -- so from my conversations
9 with suspects that I interviewed and suspects
10 along with the staff and everyone, a visual
11 altercation did not take place. A lot of people
12 were wording it such as "words were exchanged"
13 but no altercation took place.

14 CHAIRPERSON ANDERSON: Now based on
15 your view of the footage, the video footage, do
16 you have a view on the cameras that are being
17 utilized by this establishment for the interior?
18 Does that provide you with -- are there any blind
19 spots from what you can tell?

20 MR. GARCIA: No, because if you look
21 at all the angles of their security cameras, one
22 angle might be specified in one direction, but
23 they do have another camera at a wider angle that
24 covers both of those camera views. So if one
25 camera view -- cause originally, the footage that

1 I was provided first didn't provide me enough
2 views of the actual scene on the outside of the
3 establishment. But after obtaining additional
4 footage, I was able to see a wider spectrum of
5 the outside of the establishment.

6 CHAIRPERSON ANDERSON: But just
7 generally, you -- did you have an opportunity to
8 interview the victims?

9 MR. GARCIA: I did contact on multiple
10 occasions all three victims, but I was only able
11 to speak to one.

12 CHAIRPERSON ANDERSON: And so what
13 were you able to find out based on your
14 conversation with that one victim?

15 MR. GARCIA: So the victim did advise
16 me that the establishment was closing, and it was
17 a let out happening so everyone was just exiting
18 the establishment. The victim also stated that
19 he was unaware of where the shooting was coming
20 from. He didn't see who was shooting. He just
21 felt it, heard it, and as soon as he felt it, he
22 took cover on himself. He said prior to that,
23 while on the inside of the establishment, he
24 didn't have any altercations. He didn't witness
25 any altercations. He said inside it was just a

1 regular day -- regular night, in the evening. He
2 said while he was outside, he also didn't witness
3 any altercations either but overall, he said he
4 didn't hear any commotions while outside. All he
5 heard was gunshots being fired, and that's all he
6 heard.

7 CHAIRPERSON ANDERSON: What were --
8 what are the Board-approved hours for this
9 establishment?

10 MR. GARCIA: The establishment is able
11 to operate Sunday to Thursday, 2:00 p.m. to 2:00
12 a.m. and then Friday to Saturday, 2:00 p.m. to
13 3:00 a.m.

14 CHAIRPERSON ANDERSON: So for --
15 during the time of this incident, what were --
16 what was the approved hours of operation for this
17 day?

18 MR. GARCIA: So the establishment did
19 have extended hours that day. If I'm not
20 mistaken, the establishment was able to operate
21 'til 5:00 a.m.

22 CHAIRPERSON ANDERSON: Do you know
23 whether or not the establishment has a security
24 plan?

25 MR. GARCIA: The establishment does

1 have a security plan.

2 CHAIRPERSON ANDERSON: Do you know
3 whether or not the establishment complied with
4 the security plan?

5 MR. GARCIA: Well, the only thing that
6 I found in the security plan that the
7 establishment was in violation of, that only
8 because I interviewed the staff, the staff seemed
9 to have different stories. But most of the staff
10 stated that they did not receive training.

11 CHAIRPERSON ANDERSON: Let me ask you
12 a question. Are you aware if this establishment
13 has been inspected by ABCA investigators
14 recently?

15 MR. GARCIA: I am not. As far as any
16 particular investigation or?

17 CHAIRPERSON ANDERSON: Generally,
18 whether or not regulatory inspections and
19 generally if you're aware.

20 MR. GARCIA: Well, if we're speaking
21 as to their history, typically, whenever there's
22 a history, we have had our investigators go out
23 and conduct regulatory inspections at most
24 locations. But from the history, their last
25 history was in September 7th of 2020, so I'm not

1 sure when the last date an investigator conducted
2 a regulatory inspection.

3 CHAIRPERSON ANDERSON: Thank you. All
4 right. And I guess Garcia, did -- you stated
5 that there was some confusion regarding training
6 regarding the security plan. So did you conclude
7 that any -- on whether or not any ABCA violations
8 occurred during that night?

9 MR. GARCIA: No.

10 CHAIRPERSON ANDERSON: Thank you. Any
11 questions by any Board members? Go ahead, Mr.
12 Short.

13 MEMBER SHORT: Thank you, Mr. Chair.
14 Investigator Garcia, how many years have you been
15 with ABCA?

16 MR. GARCIA: Four, sir.

17 MEMBER SHORT: Four years?

18 MR. GARCIA: Yes.

19 MEMBER SHORT: And you stated that you
20 derived that there was a violation to the
21 security plan because of the lack of training; is
22 that correct?

23 MR. GARCIA: That's correct.

24 MEMBER SHORT: Did you write any
25 violation notices?

1 MR. GARCIA: No. I did not.

2 MEMBER SHORT: Can I ask you why not?

3 MR. GARCIA: Because I put it in the
4 case report. That's what the -- that's where my
5 investigative report is in.

6 MEMBER SHORT: But doesn't violations
7 require you to take action and some -- either a
8 written notice or some type of notification other
9 than putting it in a report?

10 MR. GARCIA: That actually depends on
11 the violation. So for example, if an
12 establishment violated -- was violated for a no
13 ABC manager violation, that would have required
14 me to issue them a citation on site. If the
15 establishment violated -- was violated for a
16 substantial change, that would require me to
17 write a case. That does not require me to issue
18 notice of violation. I would just notify the
19 establishment of the violations, and it would be
20 typed up in an investigative report.

21 MEMBER SHORT: Okay. Well, I guess I
22 want to ask why did you then testify today that
23 there was a violation of their procedures for
24 training? How did you come to that
25 rationalization?

1 MR. GARCIA: After I concluded my --
2 after my investigative report, I was actually
3 looking into ABRA records to find the
4 establishment's ABCA license, certificate of
5 occupancy to see whether they had a settlement
6 agreement along with a security plan. And after
7 thoroughly looking through the security plan and
8 coinciding with the interviews, I determined that
9 the establishment wasn't providing adequate
10 security training to the employees.

11 MEMBER SHORT: Okay. Well, that
12 sounds correctly because normally, when we have
13 incidents of violence, we as a Board put in the -
14 - make sure that legal puts in the -- something
15 into their security plan that they get
16 appropriate training and that they keep that
17 training on hand. So they did not have that that
18 night, correct?

19 MR. GARCIA: I'm sorry. They didn't
20 have what?

21 MEMBER SHORT: Any proof of the
22 training that you say they didn't get?

23 MR. GARCIA: The night of the
24 incident?

25 MEMBER SHORT: Yes. The night of the

1 incident.

2 MR. GARCIA: Okay. I'm not
3 understanding.

4 MEMBER SHORT: Did the training -- did
5 the lack of training have anything to do with the
6 incident that you were sent there to investigate?

7 MR. GARCIA: I can't determine that
8 because multiple staff said that they received
9 training, but on the other note, other staff said
10 that they didn't receive training. So it's -- it
11 doesn't look like all of the employees are
12 receiving the same amount of training that
13 they're stating they're receiving.

14 MEMBER SHORT: Okay. So thank you for
15 that and duly noted. I'll make sure that the
16 Board does take that under advisement when we are
17 talking about this. But is it possible that you
18 could show us -- you have the video tape?

19 MR. GARCIA: I do.

20 MEMBER SHORT: Does it show the
21 shooting?

22 MR. GARCIA: So it's three different
23 angles. It doesn't exactly show the shooting,
24 but I was able to pinpoint different times of
25 when the shooting started, when the victims -- I

1 mean I'm sorry -- when the suspects left the
2 establishment and how some patrons were
3 preventing the incident from taking place.

4 MEMBER SHORT: Okay. Mr. Chairman,
5 can he share that information? Can the --
6 Investigator Garcia share that with us? I'd like
7 to see it.

8 CHAIRPERSON ANDERSON: Mr. Garcia, do
9 you have those videos available, sir?

10 MR. GARCIA: I do.

11 CHAIRPERSON ANDERSON: All right. Mr.
12 Orellana, can you please give Mr. Garcia the
13 opportunity to share his screen?

14 MR. GARCIA: Can you guys see my
15 screen?

16 CHAIRPERSON ANDERSON: Yes, sir. And
17 Mr. Garcia, can you please describe what it is
18 that we're looking at once you play the video,
19 sir?

20 MR. GARCIA: Give me one minute.
21 Okay. I'm just going to start off with this one.
22 So this is the footage. I'm actually going to
23 forward it to 2835. All right. So I'm going to
24 actually start it here. It seems to be the let
25 out of the establishment. Can you see my mouse

1 moving as well?

2 CHAIRPERSON ANDERSON: Yes, sir.

3 MR. GARCIA: Okay. So from this
4 entrance, you're going to see a gentleman in a
5 white tank top exit the establishment holding a
6 sweater along without a cap running across the
7 street in about -- in a few seconds, right now.
8 So the gentleman seems to be -- with a white tank
9 top -- running across the street. He dropped the
10 cap on the floor and then he runs in the
11 direction of a vehicle. So I'm just going to
12 play this to its entirety so you can see it, put
13 it all together -- when I show the other footage.
14 You're also going to see that gentleman in the
15 white tank top come back up to here with two
16 females after a black SUV drives off.

17 So as of this moment, no gunshots have
18 been fired, nothing has happened on this
19 particular view of the footage. I'm going to
20 pause it here just so you can see that that was
21 the SUV that was driving off. As you see, that
22 SUV drove off and these patrons were with those
23 individuals that drove off.

24 At this point is when the fire started
25 off, and everyone begins dispersing from the

1 gunfire. On a different footage, I was able to
2 observe that one of the patrons, this one here
3 seems to be firing back, but I can't confirm nor
4 deny that. But that individual was seen putting
5 something -- putting an item back into his
6 waistband as he runs off, this one here. That's
7 one camera view. So for this one, this is pretty
8 much the entirety of this particular footage.

9 At this point, you're just going to
10 see everyone running and trying to get away in a
11 different but any questions from that?

12 CHAIRPERSON ANDERSON: I don't have
13 any questions.

14 MEMBER SHORT: No more questions from
15 --

16 MR. GARCIA: Okay. So this footage is
17 the wider -- as I was describing before, this
18 footage actually from the opposite angle of the
19 establishment. It covers the entire side that we
20 actually are looking for. So as you can see my
21 mouse, this vehicle is the vehicle in question
22 that conducted the drive-by, that conducted --
23 well, that the gentleman got into. So this is
24 the vehicle that special education off in the
25 previous camera footage. But we are going to

1 forward this to -- so 42740.

2 You see the gentleman here -- I'll
3 pause it just for a quick minute -- the gentleman
4 here doing the same thing in the previous
5 footage, running over. But I want you to pay
6 attention to the rear exit. I want you to put
7 your focus on the rear entrance. As you can see,
8 a whole bunch of individuals run from the rear
9 exit. From my understanding, I counted six. No.
10 I'm sorry. Hold on. No. They're in the car.
11 There we go. In about 10 seconds. All right.
12 There we go. We have one, two, three, four,
13 five, six patrons running out of the rear exit to
14 get into that black SUV, and all of them get in
15 except for the gentleman in the white tank top
16 that ran out of the front exit. You can also see
17 three females running behind the vehicle as well,
18 but they sit there for maybe a few seconds. As
19 you can see, the vehicle drives off.

20 Gunshots go off. If you look at my
21 mouse again, the gentleman here in the baby blue
22 T-shirt comes over to this sidewalk tucking an
23 item back into his waistband. I'm not sure if he
24 was one of the -- I'm not sure what the item was,
25 but -- and that -- I'll say one thing. Yes.

1 That's pretty much the entirety of the video.

2 CHAIRPERSON ANDERSON: All right.

3 Thank you, sir. Do you have any questions, Mr.
4 Short or any other -- Mr. Short first and any
5 other Board members.

6 MEMBER SHORT: No. That pretty much
7 -- basically, I'm going to just hope that we get
8 a little more training, professional training for
9 the staff. But thank you, Mr. Chair. That's all
10 I have at this time.

11 CHAIRPERSON ANDERSON: Any questions
12 by any other Board members? Mr. Kline, any
13 questions? I'm sorry. Mr. Kline, I can't see
14 you but I see you raised your hand. So I was
15 about to ask you, Mr. Kline, do you have any
16 questions for the Board member or any -- I'm
17 sorry -- for any -- for the investigator or for
18 the police officer?

19 MR. KLINE: Do I -- I apologize. I
20 had to switch devices which is why I was --

21 CHAIRPERSON ANDERSON: I see you are
22 now on the beach, Mr. --

23 MR. KLINE: I'm on the beach.

24 CHAIRPERSON ANDERSON: Right.

25 MR. KLINE: I have to switch devices,

1 so I had to go somewhere warmer and sunnier.

2 CHAIRPERSON ANDERSON: Okay.

3 MR. KLINE: Good afternoon,
4 Investigator Garcia. So there was an exchange
5 with Board Member Short about potential
6 violations. As I understand your testimony, you
7 don't make decisions on violations unless it's
8 something very obvious, like a lack of manager.
9 You just write up the facts, write the report,
10 and then the Board makes the decisions on
11 violations; is that basically what your testimony
12 was?

13 MR. GARCIA: Correct, depending on the
14 violation.

15 MR. KLINE: Right. If it's something
16 that's very straightforward, no manager on the
17 premises, then you can obviously write a citation
18 or something like that --

19 MR. GARCIA: Correct.

20 MR. KLINE: -- applies, it's up to you
21 to just present the facts to the Board, and then
22 the Board makes the decision, correct?

23 MR. GARCIA: Correct. The only way I
24 would have actually put a violation is
25 substantiated if I could actually determine for a

1 fact that that establishment wasn't providing
2 adequate training to their staff.

3 MR. KLINE: Okay. But ultimately,
4 those facts are adjudicated by the Board, right?

5 MR. GARCIA: The facts are adjudicated
6 by the Board?

7 MR. KLINE: Right.

8 MR. GARCIA: No. --

9 MR. KLINE: The Board makes --

10 MR. GARCIA: -- was --

11 MR. KLINE: -- the Board makes
12 findings and there's evidence and decides what
13 the facts are and then makes the conclusion,
14 right?

15 MR. GARCIA: Correct -- correct.

16 MR. KLINE: All right. Thank you. We
17 appreciate that approach and that's why I comment
18 on it, because we don't always see it. Some
19 investigators think it might be their job to find
20 violations, and we appreciate that you view your
21 job to investigate those facts. Was -- did you
22 find the establishment cooperative throughout
23 your investigation?

24 MR. GARCIA: Yes. The establishment
25 was cooperative throughout my investigation.

1 MR. KLINE: All right. Now is there
2 anything about what happened here that would have
3 been affected by the alleged lack of training
4 that seems to be in question?

5 MR. GARCIA: I'm sorry. What's the --

6 MR. KLINE: Would a lack of -- if
7 there were more training, is there anything about
8 this that would have changed given the incident
9 that occurred?

10 MR. GARCIA: Well, I'm not sure. The
11 -- I'm not -- I can't make that determination.

12 MR. KLINE: Okay. Well, what is it in
13 your mind, based upon what your investigation,
14 you think the establishment could have done
15 different or better?

16 MR. GARCIA: In my opinion, I am going
17 to agree with Officer Hernandez when he did state
18 the establishment could better control and
19 promote patrons leaving the establishment.

20 MR. KLINE: Well, the video that we
21 saw, people were leaving the establishment pretty
22 orderly and moving on, weren't they?

23 MR. GARCIA: Yes. But people were
24 actually just staying there.

25 MR. KLINE: Okay.

1 MR. GARCIA: If you actually look at
2 the footage, people were just staying on the
3 outside of the establishment and just talking to
4 each other, which is something that happens
5 pretty often at establishments.

6 MR. KLINE: Sure. And one of the
7 reasons that they stay there is they arrange for
8 transportation like Uber and Lyft and picked up
9 by other individuals in front of the
10 establishment, correct?

11 MR. GARCIA: Correct.

12 MR. KLINE: All right. So I mean at
13 any establishment, there's a certain winding down
14 period, isn't there?

15 MR. GARCIA: You can say that.

16 MR. KLINE: And the best that can be
17 done by the establishment is to have a security
18 presence out there, encourage people to move
19 along, look out for problems, and notify
20 authorities if appropriate, is that --

21 MR. GARCIA: Correct.

22 MR. KLINE: -- fair? Okay. Is there
23 anything more that they can do?

24 MR. GARCIA: Well, I'm going to say
25 after interviewing some of their staff, some of

1 their staff could have been trained better.

2 MR. KLINE: And how would that --
3 again, I'm going to ask assuming that's true, how
4 -- what would have changed? How would have that
5 affected the situation? What different training
6 would have provoked a different response from the
7 establishment?

8 MR. GARCIA: Depending on the
9 training, being observant, being able to minimize
10 situations, being able to prevent situations.

11 MR. KLINE: We're talking about this
12 situation.

13 MR. GARCIA: And that's what I'm
14 talking about as well.

15 MR. KLINE: Now you interviewed, you
16 said -- you tried to interview three of the
17 victims. You spoke to one. You spoke to several
18 witnesses I believe. Is that correct?

19 MR. GARCIA: Correct.

20 MR. KLINE: Did any --

21 MR. GARCIA: Just one witness.

22 MR. KLINE: I beg your pardon?

23 MR. GARCIA: Just one.

24 MR. KLINE: Just one witness, okay.

25 Did either of them mention this cross-fire from

1 in front of the establishment?

2 MR. GARCIA: No. They did not.

3 MR. GARCIA: So the only evidence that
4 we have at this point of the cross-fire is the
5 video where you think somebody's tucking
6 something into their pants that could have been a
7 gun, could have been a cell phone, could have
8 been any number of things, and Officer
9 Hernandez's testimony about the different caliber
10 bullets, correct?

11 MR. GARCIA: Correct.

12 MR. KLINE: All right. And you said
13 the video coverage in the establishment is good,
14 correct?

15 MR. GARCIA: Excuse me?

16 MR. KLINE: You -- the video coverage
17 in the establishment, security --

18 MR. GARCIA: Yes. It's adequate, yes.

19 MR. KLINE: It covers all the areas,
20 correct?

21 MR. GARCIA: Correct.

22 MR. KLINE: All right. Turning to
23 Officer Hernandez --

24 OFFICER HERNANDEZ: Yes, sir.

25 MR. KLINE: Good morning.

1 OFFICER HERNANDEZ: Good morning.

2 MR. KLINE: Officer Hernandez, and
3 maybe you said this before, what's -- so what's
4 your role, at MPD, with respect to nightlife
5 establishments?

6 OFFICER HERNANDEZ: So I coordinate
7 with the night's -- nightlife establishments, the
8 RDO Program. I'm the one that schedules them,
9 the officers, to work at different locate --
10 different bars and clubs at -- in the Fifth
11 District.

12 I also assist with, you know, the ABC
13 hearings and anything that have to do with
14 nightlife in the -- in -- in -- in our district.

15 MR. KLINE: And we appreciate you
16 doing that and we appreciate your service to the
17 District, as a Police Officer, but specifically
18 in this area of nightlife, it's -- it's very much
19 appreciated. Now, you've had occasion to work
20 with this establishment quite closely, correct?

21 OFFICER HERNANDEZ: Yes.

22 MR. KLINE: And -- and they've always
23 -- they're always cooperative, aren't they?

24 OFFICER HERNANDEZ: Absolutely.
25 They're very cooperative. Mimi is -- goes above

1 and beyond, to try to give us as much
2 information, or whatever that is needed, to help
3 with our investigations. She is very forthcoming
4 with everything.

5 MR. KLINE: And Mimi has begged for
6 RDO Officers, hasn't she?

7 OFFICER HERNANDEZ: Correct. But,
8 just like I've explained earlier, and even Ms.
9 Brenda Smith, who is the District-wide RDO
10 Coordinator, has stated is that, because of the
11 shortage of officers and this is a voluntary
12 assignment that no one can be forced to work in
13 that area.

14 But, what we have done with the Fifth
15 District is, we've tried, whenever they're not
16 completely swamped with calls, to give it special
17 attention in that general area, because of the
18 incidents that have happened in the past and in,
19 you know, particularly, this incident, also.

20 I'd also like to answer one your
21 questions, regarding the -- the -- what the
22 training aspect of things. So one of the things
23 is that, like Investigator Garcia pointed out, is
24 that you had individuals that were coming --
25 running from the back of the establishment.

1 So one of the things that can be done
2 is that, their security staff should be able to
3 be walking through the parking lot, to make sure
4 that there's no one hanging out and being in that
5 -- in those areas, where they're not supposed to
6 be.

7 If you're a club patron and you're
8 attending the establishment, to go party inside,
9 why are you loitering in the parking lot, behind
10 where there is non-sufficient lighting, and
11 you're basically just hanging out in the back.

12 What is the reason for allowing these
13 individuals to just be back there? If they're
14 not entering the establishment, they should be
15 kicked off the premises and not allowed in, or
16 made to move on.

17 MR. KLINE: And, to your knowledge, is
18 the parking lot under control of the
19 establishment?

20 OFFICER HERNANDEZ: To my knowledge?
21 You know, I've seen where people just hang out in
22 the parking lot, in the past. Nothing's been
23 said, you know. They can -- they -- they -- they
24 pay to park and they, sometimes, enter the
25 establishment immediately, other times, you know,

1 they're out there for a, you know, for a good
2 while, and then --

3 MR. KLINE: Right, but my question --

4 OFFICER HERNANDEZ: -- once --

5 MR. KLINE: -- to you is, do you know,
6 whether the establishment controls that parking
7 lot?

8 (Simultaneous speaking.)

9 OFFICER HERNANDEZ: They control it,
10 in terms of, who parks in the -- in that -- it's
11 -- in that parking lot, yes.

12 MR. KLINE: Okay.

13 OFFICER HERNANDEZ: Do they have
14 patrol -- like, somebody walking by there and
15 making sure that there's nobody hanging out, no.
16 I haven't seen it.

17 MR. KLINE: Do you think that there
18 might be a benefit to add additional lighting to
19 -- to the parking lot?

20 OFFICER HERNANDEZ: Absolutely, I
21 believe so. Yes.

22 (Simultaneous speaking.)

23 MR. KLINE: All right. That might be
24 something that -- that we look at, because we are
25 here to explore potential solutions, today. Now,

1 coming back to the RDO Program, so if -- if I
2 have this right, the officers get to select where
3 they work?

4 OFFICER HERNANDEZ: Yes. So every
5 month, I put out an Email, with links, and each
6 establishment has their own link. And, because
7 it's voluntary, they have the option of signing
8 up for multiple establishments.

9 And I advise them this, just in case
10 the establishment that they signed up for gets
11 filled on the day that they are requesting to
12 work, so I may move them to a different
13 establishment.

14 But, because I know that they've
15 clicked on different establishment, and those
16 dates aren't available, or are available that is
17 how I determine who and where they work.

18 MR. KLINE: Okay, but you only assign
19 them to those places that they've put on their
20 list, is that correct?

21 OFFICER HERNANDEZ: Correct.

22 MR. KLINE: So in effect -- and I just
23 think it's important that we highlight this,
24 because it seems to be a problem, with me.

25 In effect, the Department is not

1 determining where these extra officers, for
2 places that are willing to pay -- pay for RDO,
3 are assigned, they're self-selecting and deciding
4 where they're willing to work?

5 OFFICER HERNANDEZ: Correct. You
6 know, essentially, yes. I mean, just like any
7 other overtime that the Department puts out, you
8 know, you can't -- the only thing that is
9 voluntold, if -- if you will, is --

10 MR. KLINE: What is voluntold?

11 OFFICER HERNANDEZ: -- is the -- the
12 backfill, right, where we're short in the -- in
13 the section, where you need to handle runs for
14 the -- for the City, which is our main priority
15 for the -- for patrol.

16 That's the only time that you're going
17 to be made to work extra hours, or made to go
18 work at a PSA. But, any other overtime, it's all
19 voluntary. You can sign up for as much as you
20 want, or as little as you want, under the cap of
21 56 hours a week.

22 (Simultaneous speaking.)

23 MR. KLINE: Understood. But,
24 apparently, you also can decide where it is that
25 you're willing to work, correct?

1 OFFICER HERNANDEZ: Correct. And
2 that's -- that's department-wide. You can decide
3 whether you want to work in any ABC
4 establishment, whether you want to work a POTUS,
5 whether you want to work a -- a baseball game, a
6 soccer game, a -- you know, whatever, you can
7 pick and choose what you would like to work. It
8 is no different with the RDO Program.

9 MR. KLINE: And, how long have you
10 been with -- involved with RDO?

11 OFFICER HERNANDEZ: Six years, now.

12 MR. KLINE: Okay. And, the shortage
13 of officers that we're all aware of, has
14 definitely constrained the program, hasn't it?

15 OFFICER HERNANDEZ: Absolutely it has,
16 and because of that, you have a multitude of
17 overtime all over -- district-wide. So you have
18 a situation where, instead of working four hours
19 at -- at a -- at a club or an establishment, an
20 ABC establishment, you can go work six to eight,
21 possibly, even ten hours, you know, in this side
22 -- in -- in the District, or something -- or
23 doing something else.

24 MR. KLINE: So back when we had,
25 maybe, a 1,000 more officers, or whatever the

1 figure was, the self-selection of where people
2 want to work, worked pretty well, but maybe does
3 --

4 OFFICER HERNANDEZ: Yes.

5 MR. KLINE: -- maybe doesn't work, as
6 well, now?

7 (Simultaneous speaking.)

8 OFFICER HERNANDEZ: Well, I can't
9 force -- and the Department is not going to force
10 anyone to work at any single establishment. But,
11 I will tell you this, most officers try to shy
12 away from Gogo's. They will --

13 MR. KLINE: Gogo's?

14 OFFICER HERNANDEZ: -- shy away from
15 it. They just don't want to deal with it,
16 because again, they deal with violent situations
17 99 percent of the time, patrolling the District
18 and, when it comes to working certain
19 establishments, they're not -- they're not
20 willing to work it.

21 (Simultaneous speaking.)

22 MR. KLINE: All right. Well, let me
23 ask you, similar to what I asked Investigator
24 Garcia -- I mean, you've mentioned the
25 establishment, perhaps, could do a better job of

1 getting people to move along, I believe?

2 OFFICER HERNANDEZ: Yes.

3 MR. KLINE: Okay. And, how would you
4 recommend that they do that?

5 OFFICER HERNANDEZ: So you have your
6 individuals inside that'll come in, especially,
7 during let-out, right, your closing hours, and
8 they start pushing everybody outside, right?

9 Just like you can push everybody
10 outside of the establishment, because you got to
11 get them out, within ten to 15 minutes, you know,
12 so that the cleanup crew can go.

13 But, essentially, also you don't want
14 to get caught with, you know, still having
15 patrons inside of your establishment after yours
16 hours of operation are done.

17 You can, essentially, keep that
18 momentum going outside and have them leave your
19 establishment. Because, at the end of the day,
20 you -- you know, anything within a 1,000 feet of
21 the club, or the establishment, still falls under
22 the establishment.

23 So the quicker you move folks along
24 and not to loiter in front of the location, or in
25 the parking lot of the location, or even, you

1 know, next to the location, it still falls under
2 -- under their security to push all these people
3 to get into their cars and leave.

4 MR. KLINE: No, I get all that, but
5 how would you suggest, given what we've discussed
6 that we don't have a no loitering law, because
7 there are questions about the constitutionality
8 of such a law, what would you -- how would you
9 recommend that they do that, that they get people
10 to move along?

11 OFFICER HERNANDEZ: So one of the
12 things is, is it's just advising them, you know,
13 club's over, have a good night, please go home.
14 You know, you don't have to be forceful about it,
15 just remind folks that, you know, it's time for
16 them to -- to go home.

17 MR. KLINE: Okay.

18 OFFICER HERNANDEZ: You know, or even
19 if they don't want to go home, but they, you
20 know, they can't stay on the block.

21 MR. KLINE: All right. And then, you
22 mentioned concerns about the back parking lot.
23 Is there anything else that you might recommend,
24 given this incident and/or your general
25 experience with this establishment?

1 And, you've indicated it's
2 cooperative, so I'm -- I'm sure they'll do it.
3 So if there's anything else, we -- we'd love to
4 hear it.

5 OFFICER HERNANDEZ: Well, see that's
6 the thing. So unfortunately, it's -- it's the --
7 you know, Gogo's are known for a certain -- you
8 know. And I hate to say it, because like, I'm --
9 I -- I've -- I've been in D.C. all my life, I,
10 you know, so I've been a part of coming into the
11 clubs, as a young man, and --

12 MR. KLINE: Sure.

13 OFFICER HERNANDEZ: -- you know, being
14 -- it -- it -- but, one of the things that we
15 always, kind of, some of us, shied away from was
16 Gogo's, because of the violence that always
17 attracted, you know, due to certain
18 neighborhoods, you know, having conflicts with
19 each other and things of that nature.

20 But, that's something that, you know,
21 it's -- it's a -- it's a market, you know, the
22 youth are going to come out and do their thing,
23 you know. It's -- it's not anything that maybe
24 you can do differently, in terms of, what type of
25 patrons come to the establishment.

1 But, one of the things with like
2 training, you know, your security staff is -- is,
3 kind of, being able to look at certain situations
4 and saying, for example, like, you got an
5 individual that's argumentative at the door.

6 Well, if that person is argumentative
7 at the -- at the door, and hasn't had any
8 alcoholic beverages, what do you think is going
9 to happen, once he gets inside and does have
10 alcoholic beverages?

11 So, you know, that's a easy -- you
12 know what, have a good night, you come when
13 you're -- you're -- you're in a better -- better
14 spirits, don't -- you're not coming in tonight.
15 I --

16 MR. KLINE: But we didn't have --

17 OFFICER HERNANDEZ: I --

18 MR. KLINE: -- I mean, this wasn't
19 inside, in this situation, correct?

20 (Simultaneous speaking.)

21 OFFICER HERNANDEZ: No, it was not
22 inside. But, if no other place is open, during
23 this time, and the patrons that are coming out --
24 see, because that's the thing -- okay.

25 So if you have different neighborhoods

1 that are having conflicts with each other, come
2 to the same establishment, you're either going to
3 have a fight that breaks out, which didn't
4 happen, but you have happen what could
5 potentially lead up to, you know, shootings and
6 things of that nature.

7 MR. KLINE: Right, and I want to ask
8 you about that, because I think you said, well
9 they should ask the promoter. But, the fact of
10 the matter is, the promoter's not really going to
11 tell them, you know, what the problems are --

12 OFFICER HERNANDEZ: No, of course not.

13 MR. KLINE: -- are, they?

14 (Simultaneous speaking.)

15 OFFICER HERNANDEZ: No, the promoter,
16 of course not, because the promoter -- we've had
17 issues with -- where I've had to reach out to the
18 establishment, because the promoter will put on
19 their flyers that MPD will be onsite.

20 (Simultaneous speaking.)

21 MR. KLINE: Right. So how do -- and
22 you say, your office knows, which I -- I believe.
23 I mean, I'm sure -- I mean, I know that MPD
24 intelligence is very good, and you tend to know
25 what's going on in the neighborhood.

1 How do we -- which, I think, is
2 probably the most important lesson, here, how do
3 we further cooperation between MPD and the
4 establishment, so the establishment -- and then -
5 - and then get it -- you know, you heard -- I
6 mean, they cancel.

7 They -- they cancel events that they
8 think is going to be a problem, and if they get
9 word, they cancel them. So how do we further the
10 communication, so we minimize these issues?

11 It seems to me that, maybe, the -- the
12 -- the biggest question, here, based on
13 everything I've heard, and the Board, of course,
14 will draw their own conclusions. But, based on
15 what I've heard, it seems to me that, that's
16 pretty important, how do we do that?

17 OFFICER HERNANDEZ: Well -- I mean,
18 just like in the past, you know, I've
19 communicated with Mimi. Mimi and I have an
20 open-line communication, she has my -- my phone
21 number, my cell phone number that she can reach
22 me, anytime, you know.

23 If you know who -- who -- so what I've
24 done is, like, say for example, other
25 establishments have reached out to me,

1 especially, when local artists are being booked
2 by agents to come, you know, perform at their --
3 at their locations.

4 What they'll do is, they'll reach out
5 to me and they'll ask, hey, so and so is
6 performing at our club, what do you think? And,
7 at that point, I'll come back and I'll do my
8 search -- my research.

9 Reach out to Intel, reach out to our
10 patrol units, and things of that nature, and if
11 we know anything, you know, if -- how far -- how
12 involved this person is with the street life, who
13 they're involved with, who they're conflicting
14 with, things of that nature.

15 And then, I'll get back to the
16 establishment and say, hey listen, it's your
17 call, but this and this and this is going on with
18 this individual, so there is a potential for
19 folks that are conflicting with them that they're
20 going to come to the establishment and,
21 potentially, create a situation that could get
22 you in violation.

23 MR. KLINE: Okay. All right. That is
24 all I have, Mr. Chair, at this point, from the
25 witness.

1 CHAIRPERSON ANDERSON: Thank you, Mr.
2 Kline. Thank you. Let me -- does anyone else
3 have any questions that they want to ask the
4 investigator?

5 MEMBER GRANDIS: Yes.

6 CHAIRPERSON ANDERSON: This is for the
7 Investigator, Mr. Grandis?

8 MEMBER GRANDIS: Yes.

9 CHAIRPERSON ANDERSON: Okay. Go
10 ahead, sir.

11 MEMBER GRANDIS: Investigative Garcia,
12 thank you for our presentation.

13 OFFICER HERNANDEZ: Thank you.

14 MEMBER GRANDIS: This fact finding is
15 trying to determine what next steps, and one of
16 the things that I feel like there's a gap in my
17 understanding of this incident is that, I have
18 not heard any testimony that any of the patrons
19 were the reason for the violence of that
20 occurring.

21 So let me ask, maybe that has been
22 presented, but let me ask what -- what I -- what
23 I'm not clear about. We've seen video, a couple
24 times, of this black car and -- and, if I
25 understand right, there were like four people out

1 of the back door that ran towards that black car,
2 across the street, is that correct?

3 OFFICER HERNANDEZ: Yes, sir.

4 MEMBER GRANDIS: Is that a yes? I'm
5 sorry.

6 OFFICER HERNANDEZ: Yes. Yes that's
7 a yes.

8 MEMBER GRANDIS: And -- and then --
9 and then, there were two other individuals that
10 appeared to be leaving from the entrance that --
11 across the street, to that black car?

12 OFFICER HERNANDEZ: That was a one,
13 not two.

14 MEMBER GRANDIS: One. One, okay. So
15 is there any information that that shooting came
16 from the black car?

17 OFFICER HERNANDEZ: I haven't -- I
18 didn't make that determination.

19 MEMBER GRANDIS: So we can't make that
20 -- the only -- no -- the only reason the black
21 car and these people are identified, in the
22 testimony today, is because they came out of that
23 establishment?

24 OFFICER HERNANDEZ: Correct.

25 MEMBER GRANDIS: But there is no

1 information that the shooting came from any of
2 the occupants in that car?

3 OFFICER HERNANDEZ: No.

4 MEMBER GRANDIS: Okay.

5 OFFICER HERNANDEZ: Not to my
6 investigation.

7 (Simultaneous speaking.)

8 MEMBER GRANDIS: And, also, I think we
9 had information from your report that there was
10 no, quote altercation in the inside, but that
11 there had been words exchanged, possibly?

12 OFFICER HERNANDEZ: Correct.

13 MEMBER GRANDIS: So words exchanged
14 does not raise to a level of any violation that
15 -- that currently at -- after hence, correct?

16 OFFICER HERNANDEZ: That's correct,
17 and it doesn't violate their settlement -- I'm
18 sorry, their security plan, either.

19 MEMBER GRANDIS: Okay. So I'm just
20 having trouble figuring out the connection
21 between, in this fact finding, between that
22 violent incident, which is abhorrent to everyone,
23 but it's -- there's no relationship to any of the
24 patrons or staff of that -- of that
25 establishment, am I interpreting what I've heard,

1 correctly?

2 OFFICER HERNANDEZ: That there's no --
3 that --

4 MEMBER GRANDIS: Where's the
5 relationship --

6 OFFICER HERNANDEZ: -- there's no
7 connection --

8 MEMBER GRANDIS: -- between -- right.
9 Where's the relationship between the licensee, or
10 its patrons, causing the violent incident of
11 shots being fired?

12 (Simultaneous speaking.)

13 OFFICER HERNANDEZ: But I'm -- I'm not
14 able to make that determination. That's why I
15 placed all the facts that I gathered --

16 MEMBER GRANDIS: Okay.

17 OFFICER HERNANDEZ: -- and presented
18 it to the Board.

19 (Simultaneous speaking.)

20 MEMBER GRANDIS: Thank you. Okay.
21 Now, I do believe, what we've heard today is
22 that, perhaps, the security plan needs to be
23 updated, if that is something that the licensee
24 would voluntarily agree to, is that the correct
25 that the -- perhaps that there could be some

1 improvements in the -- in the security plan?

2 OFFICER HERNANDEZ: Yes, I would agree
3 to that.

4 MEMBER GRANDIS: Okay. And, do you
5 know when this security plan was adopted --

6 OFFICER HERNANDEZ: In --

7 MEMBER GRANDIS: -- possibly?

8 OFFICER HERNANDEZ: -- 2019, if I'm
9 not mistaken.

10 CHAIRPERSON ANDERSON: I'm sorry, what
11 year?

12 OFFICER HERNANDEZ: In 2019, if I'm
13 not mistaken. Let me just double-check. Yes,
14 May 18, 2019.

15 MEMBER GRANDIS: Okay. And, do you,
16 from your knowledge, as an investigator, do you
17 know, if the agency has made any improvements, or
18 changes, to the security plan policies, since
19 that date?

20 OFFICER HERNANDEZ: I am not sure of
21 that question.

22 MEMBER GRANDIS: That's good -- fine.
23 Okay. So I think I had one other concern.

24 OFFICER HERNANDEZ: Mm-hmm.

25 MEMBER GRANDIS: One, and I -- I --

1 I've said this before, at other of our hearings.
2 Loitering is not against the law, in D.C., and I
3 wish we would stop using that term, because it's
4 not illegal.

5 Now, I do believe, as we've heard,
6 that a licensee has responsibility of 1,000 feet
7 from its establishment, I would imagine, 500 feet
8 from each direction, correct?

9 That they have responsibility for
10 telling patrons that, you know, the -- the
11 evening's over, that you need to move -- need to
12 move ahead, as -- but there's -- there's no law
13 -- there's no law that a security person can
14 make, forcibly, someone to move.

15 But, there is an obligation, I think,
16 in that 1,000 feet, for a licensee to take
17 responsibility to try to, I guess, to pick up
18 trash, I think, is also of concern that licensees
19 have outside -- right outside their premises.

20 So putting up no loitering signs is
21 not helpful, because loitering is not illegal. I
22 guess, they could put signage up that say, you
23 know, be a respectful of the neighborhood and
24 that it's -- it, you know, incommoding is
25 illegal.

1 So therefore, if there are patrons
2 within certain number of feet of the door, I
3 would imagine a security person would have the
4 right to have people move away from the door,
5 because that could be blocking the doorway, for
6 public health and safety reasons.

7 So there -- I think that area would be
8 zoned that they can actually forcefully, I don't
9 mean pushing, but with a language, saying you
10 cannot stand here.

11 So, you know, we do have that, I
12 think, conundrum, you know, conundrum of trying
13 to figure out, how do we move people that, when
14 we legally can't do anything, unless they are
15 rowdy, or causing a problem.

16 But that's something the Agency and
17 this Board has been working on, for years, and
18 I'm sure we'll continue to try to improve that,
19 but I'm just trying to make sure that, if there
20 are some facts that tie any of the patrons that
21 were inside, to this violent incident, I want to
22 make sure that, whoever has that information,
23 puts it into the record.

24 And I am hearing those, I believe,
25 from MPD and from our investigator that, there is

1 no information that patrons, inside, were
2 actually involved in -- in the altercation,
3 correct?

4 OFFICER HERNANDEZ: That is correct,
5 for me.

6 MEMBER GRANDIS: Okay. So, Mr.
7 Chairman, I -- I'm fine, now. I was just trying
8 to make sure I understood the dots, here. Thank
9 you.

10 CHAIRPERSON ANDERSON: Thank you, Mr.
11 Grandis. Any other -- I'm going to come back to
12 you, Mr. Kline, but any -- anyone have any
13 questions for the Investigator?

14 All right, hearing none. Mr. Garcia,
15 thank you very much for your appearance,
16 although, the hearing is not over, you're free to
17 leave, if you so desire, sir, okay?

18 OFFICER HERNANDEZ: Okay.

19 CHAIRPERSON ANDERSON: All right, sir.

20 OFFICER HERNANDEZ: Thank you,
21 everyone, have a good one.

22 CHAIRPERSON ANDERSON: Thank you. Mr.
23 Kline, any other comments, or questions, you wish
24 to ask, of anyone, sir?

25 MR. KLINE: Just a few comments, I

1 think, at this point. One, is to address Mr.
2 Grandis' inquiry. The licensee, also, has no
3 information, concerning anything happening
4 inside. So there's that.

5 In addition, and I have the Head of
6 Security here, there is training. I'm not sure
7 where the confusion is, but this establishment
8 lets people go through regular training.

9 And, maybe they don't see it, as such,
10 but I have Mr. Gallaway, he's Head of Security.
11 I proffer him. He's been through a formal
12 training course, he's also worked in the industry
13 for many, many years.

14 I thought it was interesting that one
15 of the -- the -- one of the peoples has been in
16 law enforcement and, or had been in security and
17 law enforcement, for 25 years, so -- I mean,
18 certainly, has lots of experience.

19 I understand and when I read the
20 report, I got the concern and I knew that the
21 Board would -- would ask questions about training
22 and would be concerned about it.

23 But, I also came to the conclusion
24 that, there wasn't anything that I could see, in
25 this incident, or that seems to be apparent that

1 arises from any lack of training on the part of
2 the establishment.

3 Ms. Beyene preemptively realized, and
4 she's here and she can address it, herself, but
5 preemptively realized what was about to happen
6 and was actually on the phone with 911, when
7 shots rang out.

8 Is that, you know, they could see what
9 was happening and knew what was about to happen
10 and immediately got on the phone, with 911, and
11 called and said, you know, there -- there's --
12 something -- there's an issue, something's about
13 to happen and, sure enough, as she's on the phone
14 with them, the shots were heard.

15 So I think this establishment -- and
16 this is a very unfortunate incident. I mean, we
17 don't want to be here. But, I think that they do
18 a good job.

19 There were a couple of things that
20 came out of the hearing, which I think are
21 constructive. One, is the parking lot. Ms.
22 Beyene is -- is prepared to install some
23 additional lighting.

24 And we'll talk to security and make
25 sure that that's part of the rounds and that --

1 and that they do their best to prevent people
2 from congregating -- Mr. Grandis, I won't use
3 the word loitering -- from congregating in that
4 area.

5 But the other thing that's -- that's
6 apparent to me, and this may be a discussion for
7 another time, off-line, is this -- this RDO
8 Program seems to be broken.

9 And, rather than the MPD deciding
10 where resources are best-employed, given the
11 limited number of officers we have, and the
12 limited number of RDO hours that are available,
13 the officers are deciding for themselves.

14 Now, I don't, you know, in and of
15 itself, I don't see that, as evil, but it seems
16 to me that, given limited resources and, given
17 that, so tragically, we've just seen our 200th
18 killing in the District of Columbia, I think we
19 got to find a better way to have MPD decide where
20 these limited resources are going to be
21 allocated.

22 And that's way-above my paygrade, but
23 I just think I got to put it out there that, it
24 seems to me that, because -- because, Mimi is --
25 I mean, I've seen the text, and we're prepared to

1 put them on, where she has just begged for RDO
2 and is willing to pay for it and has -- has
3 always gone above and beyond, but can't get any
4 officers.

5 Because they're, you know, you heard
6 -- you heard from Officer Hernandez, they don't
7 want to work there. I don't -- I don't blame
8 them, personally.

9 But, I think that, when we have
10 limited police resources, we have to figure out
11 how best to employ them, so that we minimize the
12 -- the threat of violence, the threat of death,
13 the threat of injury.

14 And I just thread that out, as an
15 aside. I mean, all in all, tragic situation, at
16 any time weapons are -- weapons are involved, of
17 any kind, whether they be guns, or knives.

18 But, I think you heard, I know you
19 heard that this establishment does a good job of
20 keeping them out of the establishment, and there
21 isn't any evidence that these weapons were in the
22 establishment, doesn't minimize the fact that
23 some people were shot, which is truly
24 unfortunate.

25 But, this licensee remains prepared to

1 do whatever is in her power to -- to try to
2 prevent such a situation from happening in the
3 future, and will take any recommendations that
4 the -- the Board has, investigative staff has, or
5 what have you.

6 One other point, do with it what you
7 will, this process, in terms of, bringing
8 licensees before the Board, with these inquiries,
9 I think, could be better served, by bringing the
10 licensee in with investigative staff and sitting
11 down and saying, hey, what went on here, like,
12 what -- what have we learned, what can we do
13 better, and it being more cooperative.

14 Because, it's pretty threatening to
15 licensees. Not that the Board's not fair, I'm
16 not saying that, I'm just, you know, I throw it
17 out there, for what it's worth.

18 But, we all got to work together to
19 try to figure our way through this -- what seems
20 to be a very difficult period, and I think this
21 licensee is -- is more than prepared to do
22 whatever she can do, to do her part. I'm happy
23 to answer any questions, or any issues that the
24 Board might have.

25 CHAIRPERSON ANDERSON: I have some --

1 I have some questions I want to ask Mr. -- Mr.
2 Kline. However, I need to correct the record.
3 We're having a fact finding hearing, because an
4 incident occurred at this establishment.

5 The incident occurred and a request
6 was made to us, by the Acting Chief of Police, to
7 have a fact finding. So this is one of the few
8 mechanisms that we do have, where we can bring in
9 the licensee, bring in the investigator, bring in
10 MPD.

11 All that we're doing is gathering
12 facts and, I believe, fact finding hearings,
13 generally, are very helpful, because as -- we
14 have not, as I stated before, we have not made a
15 decision that we're going to take any -- any
16 action against this establishment. What we're
17 trying to do is, we're acting on request of the
18 acting Chief of Police, to investigate what's
19 occurred, and we might determine, at the end of
20 this -- this hearing that, you know, this -- this
21 establishment, the incident occur -- is an
22 incident occurred, based on the general consensus
23 of what's going on in the District, at this
24 moment, and this licensee is harmless, in a sense
25 of the event -- event that occurred. So that's

1 all that we're doing here. That's --

2 MR. KLINE: I know that, Mr. Chair,
3 and I --

4 CHAIRPERSON ANDERSON: All right.

5 MR. KLINE: -- and I --

6 CHAIRPERSON ANDERSON: All right.

7 MR. KLINE: -- I'm -- I'm aware --

8 CHAIRPERSON ANDERSON: All right.

9 MR. KLINE: -- and I wasn't --

10 CHAIRPERSON ANDERSON: All right.

11 MR. KLINE: -- in any way, casting any
12 aspersions on the Board, or what's going on
13 here, today, I just, I'm trying to be
14 constructive and I --

15 CHAIRPERSON ANDERSON: All right.

16 MR. KLINE: -- I, you know, I hope it
17 wasn't taken that way.

18 (Simultaneous speaking.)

19 CHAIRPERSON ANDERSON: Well, thank
20 you. I -- I -- it wasn't taken, but for -- for
21 the -- for the general public, who is listening
22 to this hearing.

23 Because, as you know, we're on
24 YouTube, I want to alert them, just to -- to
25 share with them, the process that's been followed

1 and why we're here today.

2 MR. KLINE: Understood.

3 CHAIRPERSON ANDERSON: All right. My
4 question that I have and, either, yourself or
5 your client can respond, which I don't
6 understand.

7 The video tended to indicate that, and
8 Mr. Garcia stated that it appears that
9 individuals were running from the back of the
10 establishment, and so maybe you can provide some
11 clarification.

12 Is it the back of the establishment
13 from parking lot and -- and if -- if -- how are
14 -- how are folks let out of this establishment,
15 and are they let out in the front door, and --
16 and -- and -- or, maybe, you can explain, why
17 were these people running from the back and --
18 and what -- and what's this back they were
19 running from?

20 MR. KLINE: Ms. Beyene, you want to
21 address that, please?

22 You're on mute, ma'am, I can't hear
23 you. You're on mute.

24 MS. BEYENE: Can you -- can you hear
25 me?

1 CHAIRPERSON ANDERSON: Yes, ma'am.

2 MS. BEYENE: Yes, thank you for the
3 question. The establishment has two exit door,
4 one entrance, but two exit door. The back of the
5 establishment is not accessible for people to let
6 out.

7 The people you see on the video, came
8 out, is from the side door. That is the -- one
9 of the door we use to -- to let people out, side
10 door and front door.

11 The back -- two of the back doors are
12 -- were never used for people to get in, or to
13 leave -- to come out, to exit.

14 CHAIRPERSON ANDERSON: But the
15 questions, though, I -- and -- and, you know,
16 videos are -- I mean, I see someone running. I
17 mean, it's like -- is it -- is it typical,
18 running out of the front door, or the side door
19 --

20 MS. BEYENE: Mm-hmm.

21 CHAIRPERSON ANDERSON: -- that you see
22 someone running out of the establishment? I
23 mean, I would be concerned, if I see, it's
24 closing time and I see -- I see people running
25 out, what does that indicate?

1 (Simultaneous speaking.)

2 MS. BEYENE: To be honest with you,
3 sir, people run out all the time. This is just
4 -- it happened all the time. The minute --

5 MEMBER GRANDIS: Mr. Chairman, if I
6 may? Earlier, in the video, I mean, I noticed
7 it, too.

8 (Simultaneous speaking.)

9 MS. BEYENE: Yes, people --

10 MEMBER GRANDIS: Several seconds
11 before, you know, 20 seconds, or whatever, before
12 the incident, I mean, there were just people
13 running up the street. I mean, there's a guy
14 that, kind of, runs and kind of, dances, so I
15 mean, there are people running. I mean, I don't
16 know what --

17 MS. BEYENE: Yes, so I'm just saying
18 --

19 (Simultaneous speaking.)

20 MEMBER GRANDIS: -- in a regular
21 basis, you see this happen. In any events,
22 people run out. The minute we turn on the light,
23 some people run out, through the exit. And they
24 run to, once they exit the door, they run to
25 their car.

1 Some people walk, some people run.
2 Some stand around, waiting on, most of time,
3 Uber. But, running from the establishment, it
4 happened all the time.

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: All right.
7 Thank you, ma'am, for providing that
8 clarification, because -- and, maybe, because I
9 have not -- I have not been going to clubs and
10 leaving at closing --

11 MS. BEYENE: I know.

12 CHAIRPERSON ANDERSON: -- time,
13 because --

14 MS. BEYENE: Yes.

15 CHAIRPERSON ANDERSON: -- to me, I --
16 to me, it -- it -- it was surprising, and I'm --
17 to me, it would indicate that, maybe, something
18 was going on --

19 MS. BEYENE: No, they run. And they
20 run all the time.

21 CHAIRPERSON ANDERSON: -- someone --
22 I -- someone is running out of a -- out -- out of
23 the club, but I -- if you're saying this is
24 typical behavior --

25 MS. BEYENE: Always.

1 CHAIRPERSON ANDERSON: -- of club get
2 -- goers, I mean, I'm not in a position to -- to
3 contest that. All right.

4 (Simultaneous speaking.)

5 MS. BEYENE: I see.

6 CHAIRPERSON ANDERSON: Now, ma'am,
7 were you present the night of the incident?

8 MS. BEYENE: Yes. I'm always there.

9 CHAIRPERSON ANDERSON: And so tell me,
10 what typically, what security do you have and
11 what -- and, specifically, tell me about the
12 security personnel this particular night?

13 MS. BEYENE: We open Fridays.
14 Unfortunately, the business is slow, because of a
15 lot of car breaking in the neighborhood. It's
16 been that way for about a year, now.

17 We lost several nights that we used to
18 have weekly events, people don't come around,
19 because in -- at night, you'll have 20, 30 car
20 breaking.

21 So people put it out in the social
22 media, when you go to this neighborhood, when you
23 go to this -- this establishment, around my area,
24 as actually about four or five establishments
25 around that area, people -- a group of guys will

1 come and break cars.

2 Mr. Hernandez is present a few times
3 when that happen. So because of that, the
4 business slow down. So right now, we open on
5 Fridays.

6 So that particular Friday, I had nine
7 security staff working. We have five outside,
8 four inside the establishment. The five,
9 outside, will be -- one, will be taking I.D.

10 We have three way of searching. The
11 first person will check your I.D. and use one, up
12 and down, to see if you're carrying anything.
13 The second person will -- the second security
14 will search you.

15 And, once you pass that, the last
16 person, before you get in, which is the ---, will
17 search you, again, to go to the establishment.
18 You have to be searched three times, to be able
19 to enter the establishment. This is --

20 CHAIRPERSON ANDERSON: Let me ask you
21 a question, is it --

22 MS. BEYENE: Yes?

23 CHAIRPERSON ANDERSON: -- both, males
24 and females are --

25 MS. BEYENE: Yes. Yes.

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: Okay.

3 MS. BEYENE: It's males and females,
4 all the time. We have three way we're searching,
5 before you get, which a lot of people complain,
6 you know.

7 They don't feel like, if one person
8 searching me, why you searching me again? Just
9 to make sure we have three way of searching. So
10 at that particular night, yes, I open and close,
11 all the time. I'm always there.

12 If emergency happen, I have a security
13 manager, who stays for me, which very, very
14 rarely. That particular night, we open around --
15 I can't tell you the exact time.

16 I remember, one of my security manager
17 came to me. He said, I observed a couple of cars
18 are parked across the street, which is where the
19 Metro entrance is, but the people are sitting in
20 it, sitting there, guys sitting in the car, and
21 they didn't come in, they just sitting in their
22 car.

23 So when a situation like that happen,
24 the -- I -- I -- when I don't have detail, which
25 I try every, every week, I call police. I call

1 911 and I explain to them my concern.

2 This particular night, immediately
3 when he -- when he informed me that -- when he
4 informed me that, I call 911. In fact, I was on
5 the line with the operator, explaining my
6 concern, where I'm calling from.

7 You can hear a gun -- she can hear the
8 gun shot. She said, I can hear it. I said,
9 please send officers, I hear a gun shot. That's
10 what took place.

11 CHAIRPERSON ANDERSON: All right.

12 MS. BEYENE: So the police didn't take
13 them -- it took them less than, really, a minute,
14 when they appear in front of the establishment.

15 CHAIRPERSON ANDERSON: So how many
16 cameras do you have in the establishment, ma'am?

17 MS. BEYENE: Sixteen.

18 CHAIRPERSON ANDERSON: Is it possible
19 that, and again, this is voluntary, for you to
20 provide the Board with a diagram of your camera
21 location?

22 MS. BEYENE: Yes, of course.

23 CHAIRPERSON ANDERSON: So what is it
24 that you believe you can do, to prevent incidents
25 like these from occurring?

1 MS. BEYENE: Whatever it takes, the
2 establishment will do. However, when we're not
3 even open -- I can give you an example. I have
4 cleaning staff, in the middle of the week, on --
5 I believe, on Tuesday, people were getting shot
6 around that area.

7 They run behind the building. The
8 place is not open. It's around six -- 6:00 p.m.,
9 6:30 p.m. My cleaning staff called me, saying,
10 they're shooting outside.

11 So this incident, this kind of
12 incident happens in that neighborhood for the
13 past year, all the time. Robbery, all the time.
14 Breaking cars, all the time.

15 I think what is really crucial and I
16 think is important to have is a police detail in
17 front of the door and, at the same time, Mr.
18 Hernandez request more lighting in the parking
19 lot, which I'm going get ready to do,
20 immediately, even though, I have sufficient
21 lighting.

22 But, if it's more lighting needed, I
23 will definitely do that, anything the Board
24 requests, I'm getting ready to do, to eliminate
25 from this type of situation happen.

1 In addition to that, if you look at my
2 911 record, every -- anything, anything, if my
3 establishment is open, or not, anything I see
4 around the area, I call 911.

5 CHAIRPERSON ANDERSON: All right,
6 ma'am, thank you for your presentation. Any --

7 MS. BEYENE: Thank you.

8 CHAIRPERSON ANDERSON: -- any
9 questions from any Board Members? Go ahead, Mr.
10 Short.

11 MEMBER SHORT: Thank you, Mr. Chair.
12 And, good afternoon --

13 MS. BEYENE: Good afternoon, sir.

14 MEMBER SHORT: -- Ms. Abeba?

15 MS. BEYENE: Yes.

16 MEMBER SHORT: It's been my
17 experience, and this is my third term on the
18 Board --

19 MS. BEYENE: Yes, sir.

20 MEMBER SHORT: -- and things are
21 constantly evolving, when it comes to security.

22 (Simultaneous speaking.)

23 MS. BEYENE: Yes, sir.

24 MEMBER SHORT: And one of the newest
25 and innovated things that MPD has done, and the

1 District Council passed, what -- for people that
2 do security business, especially, in places of
3 public assembly that they be registered with the
4 District of Columbia Police Department. And I'll
5 give you a good example of that, and I think your
6 attorney knows, as well. Although --

7 MS. BEYENE: Yes, sir.

8 MEMBER SHORT: -- some people have
9 been in the business and industry for 25 years,
10 or longer, they have never had their backgrounds
11 checked.

12 And, sometimes, when you ask them to
13 get their backgrounds checked, they check out,
14 which means, they are not, or may not be,
15 suitable to be in security, for different
16 reasons, and I heard you say to the Chairman that
17 you would not mind the cameras being checked out.

18 But, I do believe, since we've revised
19 our security plans that, a portion of that, and
20 your attorney can bear this out, also, is that we
21 have an investigator come out and walk through,
22 with the cameras, and we have it -- to look at
23 the angles and different things that you have
24 inside of the club.

25 Maybe you need it, maybe you don't,

1 but if you're going to be sending a diagram, I
2 would suggest that you do get an investigator to
3 come out and take a look.

4 (Simultaneous speaking.)

5 MS. BEYENE: Yes, sir.

6 MEMBER SHORT: And, do you have a
7 camera outback?

8 MS. BEYENE: Yes, sir.

9 MEMBER SHORT: You have cameras on the
10 front and the back. We saw the cameras on the
11 front today.

12 MS. BEYENE: I -- I have it -- I have
13 it at the back. No blind spot. But, if
14 additional camera is requested, I am willing to
15 do it, immediately.

16 MEMBER SHORT: Well that's -- that's
17 not exactly what I'm saying, but --

18 MS. BEYENE: Yes, sir.

19 MEMBER SHORT: -- when the
20 investigator comes out, the investigator may talk
21 to you about some of the things to that, but --

22 MS. BEYENE: Yes, sir.

23 MEMBER SHORT: -- again, what I would
24 ask, as a Board Member, is since the new laws and
25 regulations are out, now, regarding security

1 companies, security personnel that they be
2 registered with the District of Columbia
3 government, would your -- would your company be
4 willing to do that?

5 (Simultaneous speaking.)

6 MS. BEYENE: Of course.

7 MEMBER SHORT: Okay.

8 MS. BEYENE: That's yes.

9 MEMBER SHORT: So -- thank you, and I
10 hope that the other Board Members have heard
11 that, and we will -- and we can -- we can make
12 sure that's a part of your security plan,
13 whenever it's submitted to us.

14 MS. BEYENE: Thank you.

15 MEMBER SHORT: Thank you, Mr. Chair,
16 that's all I have, at this time.

17 CHAIRPERSON ANDERSON: Thank you, Mr.
18 Short. Ms. -- Ms. Beyene, I guess the question
19 I'm going to ask you, are the -- the security
20 that you employ, are these -- is it a third-party
21 company, or are they employees of your -- are
22 they just independent contractors from the --

23 MS. BEYENE: I have -- a few
24 independent contractors, some are my employees.
25 They've been there, since we opened.

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: All right,
3 thank you. All right.

4 MEMBER GRANDIS: Mr. --

5 CHAIRPERSON ANDERSON: All right.

6 (Simultaneous speaking.)

7 MEMBER GRANDIS: Mr. Chairman, may I?

8 CHAIRPERSON ANDERSON: Yes, Mr.
9 Grandis, go ahead, sir.

10 MS. BEYENE: Yes, sir.

11 MEMBER GRANDIS: Thank you. Ma'am, I
12 -- I want to thank you, for explaining some of
13 the issues that Board Member Short asked you
14 about.

15 Because, I think, once again, this
16 being a fact finding, the more correct
17 information we have, the better we can make a
18 determination, so thank you for that. You
19 mentioned that there are three levels of
20 security, to get in.

21 MS. BEYENE: Yes.

22 MEMBER GRANDIS: But, also, you -- you
23 testified, and they're not related to that, but
24 you also testified that there is a side door that
25 you're sure isn't --

1 MS. BEYENE: Yes, exit door.

2 (Simultaneous speaking.)

3 MEMBER GRANDIS: It's exit only?

4 MS. BEYENE: Exit only.

5 MEMBER GRANDIS: And is it -- is it
6 unlocked for exit, the whole evening, or at
7 closing time?

8 MS. BEYENE: We unlock it, at the end
9 of the night, to let people out. Security is
10 present in that door, from the time we open,
11 until we close. Once --

12 MEMBER GRANDIS: Okay --

13 MS. BEYENE: Go ahead, sir.

14 (Simultaneous speaking.)

15 MEMBER GRANDIS: Go ahead. No, no, go
16 ahead.

17 MS. BEYENE: Once we close, that door,
18 we use it, as second exit.

19 MEMBER GRANDIS: So if I understand
20 correctly, now, the only entry location to enter
21 is the front door, and that's why you have --

22 MS. BEYENE: One hundred percent.

23 MEMBER GRANDIS: -- and that's why you
24 have the three levels of security?

25 MS. BEYENE: One hundred percent.

1 MEMBER GRANDIS: Okay. The side door
2 is locked, through the evening, until closing?

3 MS. BEYENE: Because it's emergency
4 exit, you can -- you cannot open it, from outside
5 --

6 MEMBER GRANDIS: But you can push it
7 --

8 MS. BEYENE: -- but you can push it
9 open.

10 (Simultaneous speaking.)

11 MEMBER GRANDIS: Okay.

12 MS. BEYENE: Yes.

13 MEMBER GRANDIS: Are security
14 personnel assigned to be at that location, the
15 whole evening?

16 MS. BEYENE: All the time. From the
17 time --

18 MEMBER GRANDIS: The whole evening?

19 MS. BEYENE: -- we open, until we
20 close.

21 MEMBER GRANDIS: So if somebody pushed
22 it open to -- because, you know, they want to
23 exit, and also, they'll push it open to let
24 someone in, during the course of the evening, but
25 you're saying that would not happen, because of

1 --

2 MS. BEYENE: Absolutely not.

3 MEMBER GRANDIS: -- the training of
4 your security staff?

5 (Simultaneous speaking.)

6 MS. BEYENE: Yes, sir. Absolutely
7 not. No one can come in, through that door.

8 MEMBER GRANDIS: My last question --
9 my last question is, in any of the videos that
10 were presented today that we viewed, were your
11 security staff visible in any of those videos?

12 MS. BEYENE: Yes. One of the video,
13 you see, if I count right, five of the securities
14 were at the door. They, all, of them have
15 security shirt, it say security on the back of
16 their shirt.

17 (Simultaneous speaking.)

18 MEMBER GRANDIS: They're at the door,
19 but were they visible, were those five people
20 visible in the video?

21 MS. BEYENE: Yes.

22 MEMBER GRANDIS: Okay, I just -- just
23 wanted to make sure, because --

24 MS. BEYENE: Yes, you can see them --

25 (Simultaneous speaking.)

1 MEMBER GRANDIS: Okay. Well, thank
2 you. Mr. Chairman, I -- I -- I'm -- I -- that's
3 all I have. And, I want to thank you, ma'am, for
4 your good --

5 MS. BEYENE: Thank you

6 MEMBER GRANDIS: -- explanations of
7 what -- how you run your club, thank you.

8 (Simultaneous speaking.)

9 MS. BEYENE: Thank you, sir.

10 CHAIRPERSON ANDERSON: All right.
11 Thank you. All right. Any -- any questions, by
12 anyone of any other parties?

13 (No response.)

14 CHAIRPERSON ANDERSON: All right. Mr.
15 Kline, I've said this, of course, this is a fact
16 finding hearing, any final comments you want to
17 make, before I bring this hearing to closure?

18 MR. KLINE: No, I think we've covered
19 it and, I think, Ms. Beyene has demonstrated to
20 the Board her seriousness, as an operator, her
21 willingness to do whatever she can to minimize
22 and prevent these situations, and her willingness
23 to listen to suggestions that anyone might have,
24 whether it be MPD, the Board, investigative staff
25 from ABCA, about how things might be improved and

1 -- and be safer.

2 I -- I -- I think -- I hope it's
3 apparent to the Board that she's committed to
4 that and is serious about it. Thank you.

5 CHAIRPERSON ANDERSON: All right.
6 Thank you, Mr. Kline. What is it -- the only
7 agreement that we have, we have two agreements
8 today that your -- your client has agreed to.

9 And, I think, she stated that Officer
10 Hernandez had also spoke of that, to look at the
11 parking lot, to make a determination if
12 additional lighting could be installed.

13 And then, as far as the Board is
14 concerned, is that she will provide us with a --
15 a diagram of the cameras, and so I'll ask that
16 that be provided to the Board, within 30 days.

17 I -- as I stated before, it's a fact
18 finding hearing. The Board will take this matter
19 under advisement and the options that the Board
20 has, is to make a determination that there are no
21 -- no -- for take -- to take no further action.

22 Because, we have determined that there
23 -- that the licensee has complied with the law,
24 and so therefore, their action did not attribute
25 to the shooting.

1 Or, if the Board believes that there
2 are actions that this licensee could have taken,
3 then we will submit this matter to the Office of
4 Attorney General, for them to make a
5 determination, whether or not any laws have been
6 violated.

7 So that's -- that's our -- so --
8 currently, we'll take the -- the Board will take
9 this matter under advisement, for further action.
10 Thank you, very much, for your presence today.

11 Officer Hernandez, thank you, for
12 always being available to testify and, thank you,
13 very much, have a great day.

14 OFFICER HERNANDEZ: Thank you, Mr.
15 Chair, Members of the Board.

16 (Simultaneous speaking.)

17 CHAIRPERSON ANDERSON: All right.

18 MS. BEYENE: Thank you.

19 CHAIRPERSON ANDERSON: All right.

20 Thank you.

21 (Whereupon, the above-entitled matter
22 went off the record at 12:41 p.m.)
23
24
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C E R T I F I C A T E

This is to certify that the foregoing transcript

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Before: DC ABCA

Date: 09-27-23

Place: teleconference

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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