



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

2 11:06 a.m.

3 CHAIRPERSON ANDERSON: And our last  
4 case for the morning is a fact finding hearing,  
5 case number 22-251-00022, Toro Toro, license  
6 number 91165. Mr. Orellana, can you please  
7 elevate the rights of the licensee in this case  
8 and the Board's witness, please?

9 MR. ORELLANA: Igor Radakovic, your  
10 access has been elevated. Andrew Kline, your  
11 access has been elevated. Christopher Condon,  
12 your access has been elevated. That is all,  
13 Chairman.

14 CHAIRPERSON ANDERSON: Thank you very  
15 much. Mr. Condon, I do not see you. Thank you.  
16 Mr. Radakovic, do you have a camera you can turn  
17 on, sir?

18 MR. RADAKOVIC: Yes, here you go.

19 CHAIRPERSON ANDERSON: I still don't  
20 see you, but all right --

21 MR. RADAKOVIC: Oh.

22 CHAIRPERSON ANDERSON: -- that's fine.

23 MR. RADAKOVIC: It should be on.

24 CHAIRPERSON ANDERSON: Okay, fine,  
25 good morning. I can see you now.

1 MR. RADAKOVIC: Good morning.

2 CHAIRPERSON ANDERSON: Good morning.

3 All right, I would like the parties to identify  
4 themselves for the record, so let me start with  
5 our investigator. Can you please spell and state  
6 your name for the record, please?

7 INVESTIGATOR CONDON: Sure, it's  
8 Christopher Condon, C-H-R-I-S-T-O-P-H-E-R, last  
9 name is Condon, C-O-N-D-O-N.

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

13 MR. KLINE: Good morning, Mr. Chairman  
14 and members of the Board, Andrew Kline, A-N-D-R-  
15 E-W, Kline, K-L-I-N-E, counsel for the licensee.

16 CHAIRPERSON ANDERSON: Mr. Radakovic,  
17 can you please spell and state your name for the  
18 record, please?

19 MR. RADAKOVIC: Hi, my name is Igor  
20 Radakovic, I-G-O-R, last name R-A-D-A-K-O-V-I-C,  
21 and I'm the general manager of Toro Toro.

22 CHAIRPERSON ANDERSON: Good morning,  
23 sir. Good morning. All right, this is a fact  
24 finding hearing and the background for this case  
25 is that on July 31, 2022, Investigator Condon

1 reported a patron hit another patron with a  
2 bottle in the face. The victim sustained a  
3 laceration on their chin. It's unclear when the  
4 incident occurred.

5 MPD reported that the manager on duty  
6 was not authorized to view footage. There was  
7 also indication that the area where the incident  
8 occurred may have been uncleaned, but it has not  
9 been clear the establishment knew about the  
10 incident.

11 Now, this is a fact finding hearing.  
12 The Board has made no determination what the next  
13 step is. What we are here doing today is to  
14 gather the facts.

15 At the end of this fact finding  
16 hearing, the Board will make a determination  
17 whether or not we will submit this case for a  
18 show cause hearing or whether or not we will make  
19 a determination that no further action should be  
20 taken.

21 As Mr. Kline is an attorney, he is  
22 aware the Board cannot the licensee to take any  
23 specific action at a show cause, I'm sorry, at a  
24 fact finding hearing. The Board can ask the  
25 licensee to take certain action.

1           The licensee, however, is free to deny  
2 taking those actions, but again, the Board cannot  
3 force, order any specific actions at a fact  
4 finding hearing because we're just gathering the  
5 investigation.

6           This is informal. None of the parties  
7 will be sworn, and so therefore, as I stated  
8 before, we are just gathering information.

9           So, I will state we'll have Mr.  
10 Condon, he provided, he did a case report, so  
11 I'll just ask him to go through his case report.  
12 The Board members can ask questions of the case  
13 report.

14           Once Mr. Condon has presented his case  
15 report, I will have some questions I want to ask  
16 him and then other Board members are free to ask  
17 questions, and then you'll have an opportunity,  
18 Mr. Kline, to ask questions of the investigator.

19           Everyone now understands the process  
20 we'll be following this morning. All right, so  
21 go ahead, sir. So, can you tell us what is it  
22 that you found out as a result of your  
23 investigation?

24           INVESTIGATOR CONDON: Sure, yes, so on  
25 Saturday, July 23, I was able to determine that

1 the establishment failed to preserve the crime  
2 scene, which also led them to destroying the  
3 evidence related to the crime scene.

4 They also operated in a disorderly  
5 manner by allowing a female patron to get hit in  
6 the face by another female patron that led to a  
7 laceration on her left chin.

8 And I also determined that the  
9 establishment failed to provide any video footage  
10 to the Metropolitan Police Department within 48  
11 hours of their request at the time of the  
12 incident.

13 On Monday, July 25, at about 2:50  
14 p.m., I interview the ABC manager on duty by  
15 phone. His name was Vladimir Popovich. He  
16 stated that he saw a female walking about that  
17 was kind of tipsy looking as she was leaving and  
18 the promoter asked her if she was okay.

19 Basically, she said that someone had  
20 hit her on the head with a bottle and they tried  
21 to review footage. He said he was not sure who  
22 contacted the police as it relates to the  
23 incident, but he said they reviewed footage  
24 related to the incident, but couldn't find the  
25 incident, and they said that they just couldn't

1 see anything on the footage that relates to the  
2 incident.

3 He said the incident occurred between  
4 2:00 and 2:30 in the morning on Saturday, July  
5 23, 2022.

6 On that same day, I interviewed, at  
7 4:50 p.m., I interviewed the responding officer,  
8 Tate Cho. Officer Cho stated that the victim was  
9 with a female friend and that female friend's  
10 boyfriend, and she said that the female friend --  
11 she started dancing with her female friend's  
12 boyfriend and that female friend got jealous and  
13 ultimately hit her in the head with basically a  
14 bottle.

15 He said that he assisted the victim in  
16 the ambulance. He said he wasn't sure who  
17 contacted the police, but he said that he was  
18 assisting the victim while his field training  
19 officer, Officer Givens, entered the  
20 establishment to attempt to view footage, but he  
21 stated that no footage was available for review  
22 because there was no manager available that was  
23 authorized to view footage.

24 On Monday, July 25, at about 5:25  
25 p.m., I interviewed his field training officer,

1 Matthew Givens. Officer Givens stated that the  
2 victim was dancing with her male friend who was  
3 the boyfriend of another female that they were  
4 all with, and that female got jealous and hit the  
5 victim on the face with a bottle or the head  
6 area, and he said that no footage was viewed  
7 because the general manager was not present to  
8 view any of the footage.

9 Officer Givens stated he attempted to  
10 gather what had happened, but he said that  
11 overall it was very confusing as the story kept  
12 changing. Originally, she fell, and then someone  
13 else said that she was hit in the head.

14 But the promoter that night pointed to  
15 where the incident occurred and he said that he  
16 noted that was the only place within the  
17 establishment that was mopped up, wiped up, and  
18 there was no bottle, no broken bottle or anything  
19 on the ground. He said it was cleaned up, fully  
20 cleaned up.

21 And he said at the time of  
22 interviewing, he had yet to hear from the  
23 establishment with any footage of the actual  
24 incident.

25 The next day, I contacted Vladimir



1 Popovich again to make sure that he did provide  
2 footage. He said that he provided footage that  
3 night, but they couldn't find anything, and he  
4 also provided me the promoter's information. Her  
5 name was Melena Mejuscavic, who was there that  
6 night.

7 On that same day at about 3:15 p.m.,  
8 I interviewed that promoter, Melena Mejuscavic.  
9 She advised that as she was walking into the  
10 basement of the establishment, she saw two men  
11 basically assisting a female and she was in  
12 visible pain. She was kind of screaming.

13 She had told the promoter that she had  
14 been hit in the head. She contacted MPD. She  
15 called 9-1-1, but she said that the boyfriend  
16 wouldn't provide any information about the  
17 suspect. The suspect had already departed the  
18 establishment.

19 And she said it was overall very  
20 confusing. She was kind of screaming, yelling.  
21 She was just overall in a lot of pain and  
22 whatnot, but she said the incident occurred down  
23 in the basement by the booth area near the bar,  
24 I'm sorry, near the deejay booth. There's a  
25 booth and then the deejay stand. It happened,

1 according to her that's where it supposedly had  
2 happened.

3 On that same day at about 7:00 p.m.,  
4 I visited the establishment. I conducted an  
5 inspection. I didn't see any violations with the  
6 inspection. I viewed footage from 2:00 in the  
7 morning until 4:00 in the morning, I'm sorry,  
8 4:30 in the morning on Saturday, July 23, 2022.

9 I viewed it from two camera angles in  
10 the basement by the deejay booth and that booth  
11 alleged where the incident happened. I didn't  
12 see anything related to that incident at all on  
13 the camera angle.

14 Mr. Mikonovich is who I met with to  
15 view the footage. He actually didn't know how to  
16 work the system, but he had to contact Vladimir  
17 Popovich to gather and to learn how to work the  
18 camera system. I took photos of where the  
19 incident occurred, which is attached as exhibits  
20 as well.

21 The establishment has no security plan  
22 and no settlement agreement, and on that day,  
23 Saturday, July 23, I was able to determine the  
24 establishment operated in a disorderly manner.  
25 They destroyed evidence related to the incident.

1 They didn't provide footage within 48 hours to  
2 MPD as well.

3 CHAIRPERSON ANDERSON: I'm confused.  
4 You said you viewed the video. When did you view  
5 the video?

6 INVESTIGATOR CONDON: So, I went on  
7 Tuesday, July 26, at about 7:00 p.m. I went to  
8 the establishment and I looked at footage from  
9 two angles in the basement, and I didn't see  
10 anything related to the incident.

11 I didn't see anyone struck on the head  
12 or anything as it relates to that. I didn't see  
13 -- I saw it -- for two and a half hours, I was  
14 looking at footage and did not see the actual  
15 incident.

16 CHAIRPERSON ANDERSON: So, you're  
17 saying -- so again, when did the incident occur  
18 again?

19 INVESTIGATOR CONDON: According to  
20 Vladimir Popovich, between 2:00 a.m. and 2:30 in  
21 the morning on Saturday --

22 CHAIRPERSON ANDERSON: I'm sorry, the  
23 date?

24 INVESTIGATOR CONDON: Saturday, July  
25 23.

1 CHAIRPERSON ANDERSON: Oh, July 23,  
2 and so --

3 INVESTIGATOR CONDON: Correct.

4 CHAIRPERSON ANDERSON: -- the first  
5 time you were able to see the video was what date  
6 again?

7 INVESTIGATOR CONDON: July 26, three  
8 days later.

9 CHAIRPERSON ANDERSON: Three days  
10 later, and do you know why it took three days for  
11 you to see the video?

12 INVESTIGATOR CONDON: I only work  
13 Sunday through Thursday, so I was not even  
14 working Saturday, and then I got assigned the  
15 case on Monday, July 25.

16 CHAIRPERSON ANDERSON: Now, do you  
17 know why -- and on the 23 when -- who requested  
18 video on the 23, do you know?

19 INVESTIGATOR CONDON: The officer,  
20 Matthew Givens, who I interviewed. He was on  
21 scene with Officer Tate Cho, and Officer Givens  
22 requested footage inside the establishment. He  
23 said nobody was on site, no manager that had  
24 authorized access to view footage could provide  
25 the footage to him on site.

1                   CHAIRPERSON ANDERSON: So, do you know  
2 whether or not he ever received the video?

3                   INVESTIGATOR CONDON: At the time of  
4 interviewing him on Monday, July 25, over 48  
5 hours, he had not heard back from the  
6 establishment. I'm not sure if it's happened  
7 after, but at the time of interviewing, no  
8 footage was provided to him.

9                   CHAIRPERSON ANDERSON: And you're  
10 saying that -- so are you aware of where in the  
11 establishment did this incident occur?

12                   INVESTIGATOR CONDON: Through the  
13 interviewing of everyone, Melena Mejuscavic and  
14 Vladimir Popovich, the incident supposed happened  
15 in the basement by the booth area near the deejay  
16 stand in the basement, and that's the camera  
17 angle that I requested to view because that's the  
18 information that I had as to allegedly where the  
19 incident occurred.

20                   CHAIRPERSON ANDERSON: And were you  
21 able to substantiate that through the video that  
22 was provided to you at a later date?

23                   INVESTIGATOR CONDON: No, I was not.  
24 On July 26, I did not -- I saw people dancing and  
25 normal bar activity, but I did not see anyone

1 struck in the head, in the face.

2 CHAIRPERSON ANDERSON: Any questions  
3 by any Board members? Are you asking a question,  
4 Mr. Short? Yes, go ahead, Mr. Short.

5 MEMBER SHORT: Yes, I'd like to ask a  
6 question if I could. Investigator Condon, thank  
7 you for your report. And the charges today that  
8 we are investigating today for this fact finding,  
9 you stated that you talked with the police  
10 officers how soon after the incident occurred?

11 INVESTIGATOR CONDON: I talked to the  
12 officers two days, both officers Monday, July 25,  
13 two days after the incident as that's the date  
14 that I was, I was assigned the case that day. I  
15 was not working the day of the actual incident.

16 MEMBER SHORT: Okay, that's clear, and  
17 so it's also your testimony that the MPD officers  
18 requested footage the same night of the incident,  
19 is that correct?

20 INVESTIGATOR CONDON: That's correct,  
21 Mr. Short. Matthew Givens requested footage when  
22 he went. He said that they couldn't review  
23 footage and they wanted footage of it.

24 MEMBER SHORT: And to this date, to  
25 your knowledge, had any video been turned over to

1 MPD or ABRA?

2 INVESTIGATOR CONDON: As of Monday,  
3 July 25 at 5:25 when I interviewed him, there was  
4 none. In terms of after that date, I am unaware  
5 if it's ever been provided after that date, but  
6 Monday, July 25, at the time of interviewing, no  
7 footage was provided.

8 CHAIRPERSON ANDERSON: To whom?

9 INVESTIGATOR CONDON: To Matthew  
10 Givens, MPD.

11 CHAIRPERSON ANDERSON: And Mr. Short  
12 had asked you what about ABRA?

13 INVESTIGATOR CONDON: I went the next  
14 day on July 26 and viewed it myself, which, but  
15 it was MPD's request that they did not provide  
16 within 48 hours.

17 MEMBER SHORT: And so, when you viewed  
18 the video, were there any spots in the club with  
19 the cameras that you were unable to access or  
20 were you able to see the whole club?

21 INVESTIGATOR CONDON: Yes, I don't  
22 know exactly how many cameras they had. I  
23 remember they had a decent amount per their  
24 camera, their screen. I viewed two just for,  
25 one, because that's where the incident allegedly

1 occurred, and two, just for time purposes.

2 I viewed two, but if I wanted to go  
3 through the entire first floor basement, I  
4 believe they had camera footage for the vast  
5 majority of the establishment, Mr. Short.

6 MEMBER SHORT: Okay, now I guess what  
7 I want to ask also is there was -- who was in  
8 charge of the club that night when the incident  
9 occurred?

10 INVESTIGATOR CONDON: Mr. Vladimir  
11 Popovich was the ABC manager on duty during the  
12 time of the incident.

13 MEMBER SHORT: And there was also  
14 mention that someone had, they also had a third  
15 party who was part of the management that night  
16 or renting out portions of the club, is that  
17 correct?

18 INVESTIGATOR CONDON: Yeah, I don't  
19 believe they rented it out. I think they had  
20 just a promoter that evening, Melena Mejuscavic,  
21 and she was doing an event that night, correct.

22 MEMBER SHORT: So, I guess what I'm  
23 trying to find out, was the promoter in charge of  
24 things that night or was it under the direction  
25 of a management, or ABC manager, or owner that



1 night?

2 INVESTIGATOR CONDON: It was under the  
3 direction of the establishment. She was not  
4 controlling the establishment. She was just  
5 doing -- she was, I believe, deejaying, I  
6 believe, that night in the basement.

7 MEMBER SHORT: Okay, so the person who  
8 was injured, did they ever file a report?

9 INVESTIGATOR CONDON: So, her name was  
10 not in the report, the MPD report. I don't know.  
11 The suspect information was not gathered. She  
12 left the scene, so the suspect information was  
13 not given.

14 The name of the victim was given, but  
15 no contact information for the victim. I don't  
16 know why MPD did not obtain that, or they did and  
17 did not put it in the report.

18 MEMBER SHORT: Okay, thank you for  
19 your extra report, Investigator, and thank you  
20 for much. That's all I have, Mr. Chair.

21 INVESTIGATOR CONDON: Thank you, Mr.  
22 Short.

23 CHAIRPERSON ANDERSON: Thank you, Mr.  
24 Short. Any other questions by any other Board  
25 members? Mr. Kline, do you have any questions

1 you would like to ask the investigator?

2 MR. KLINE: Yes, I do. Thank you, Mr.  
3 Chair. Good morning, Investigator.

4 INVESTIGATOR CONDON: Good morning.

5 MR. KLINE: So, I mean, one of the  
6 issues that you were concerned with is failure to  
7 provide video footage, correct?

8 INVESTIGATOR CONDON: That, and as  
9 well as the actual incident as a whole, but yes,  
10 they didn't provide footage, and the failure to  
11 preserve the crime scene as well was a concern  
12 according to Matthew Givens.

13 MR. KLINE: Okay, the requirement is  
14 that the video be provided within 48 hours of  
15 request, correct?

16 INVESTIGATOR CONDON: That's correct.

17 MR. KLINE: And you were, indeed,  
18 provided video within 48 hours of your request,  
19 right?

20 INVESTIGATOR CONDON: I was. MPD was  
21 not.

22 MR. KLINE: Okay, now if that's the  
23 violation, it would be important to know when MPD  
24 made the request, right?

25 INVESTIGATOR CONDON: At the time of

1 the incident.

2 MR. KLINE: No, I'm asking you it  
3 would be important to note when MPD made the  
4 request, correct?

5 INVESTIGATOR CONDON: Correct.

6 MR. KLINE: That's an important part  
7 of -- if you're contending that that's a  
8 violation, it's important to know when the  
9 request was made, correct?

10 INVESTIGATOR CONDON: The request was  
11 made --

12 MR. KLINE: No, I'm not asking you  
13 when the request was made. I'm asking you if you  
14 agree that, in looking at this issue, it's  
15 important to know when the request was made and  
16 to note when the request was made, correct?

17 INVESTIGATOR CONDON: That's correct,  
18 yes.

19 MR. KLINE: All right, so looking at  
20 your report, can you show me where it is you  
21 noted when MPD made a request for video?

22 INVESTIGATOR CONDON: MPD told me,  
23 Officer Givens told me he made a request at the  
24 time of the incident, which according to the CCN  
25 report is 2:45 to 3:00 in the morning.

1 MR. KLINE: You didn't answer my  
2 question. My question to you is where in the  
3 report -- we agree that it's important to note  
4 when the request is made so that we can establish  
5 whether the video was provided within 48 hours,  
6 correct?

7 INVESTIGATOR CONDON: That's correct.

8 MR. KLINE: All right, so where is it  
9 in your report? Look at your report and tell us  
10 where it is that you noted a request for video  
11 was made?

12 INVESTIGATOR CONDON: I did not  
13 specify it in the report, but he told me that on  
14 the phone, that at the time of the incident when  
15 he was there, he went inside the establishment to  
16 look at footage and no one was there to provide  
17 the footage.

18 MR. KLINE: But you didn't put that in  
19 your report even though he had --

20 INVESTIGATOR CONDON: I put that in  
21 the report that he went into the establishment  
22 and was trying to find video footage.

23 MR. KLINE: All right, now --

24 INVESTIGATOR CONDON: And he said it  
25 was not available. And he said it was available

1 according to Vladimir Popovich. It was available  
2 in the upcoming week.

3 MR. KLINE: Okay.

4 INVESTIGATOR CONDON: So, that would  
5 be the time of the request, and according to the  
6 time, I was going by the CCN report, MPD's report  
7 as to the time of the incident, that's when we  
8 can assume he was making that request.

9 MR. KLINE: Well, but you're an  
10 investigator. You're doing a report. You're  
11 doing an investigation and you're contending  
12 that, and you've argued, and I don't know why,  
13 that this licensee is in violation of at least  
14 three sections of the ABC statute.

15 INVESTIGATOR CONDON: Correct.

16 MR. KLINE: So, I'm not really sure --  
17 may I finish, please? I'm not sure why you're  
18 arguing that. It seems to me your job is to  
19 investigate, but that's what you've done.

20 You've come before the Board and  
21 you're arguing that they're in violation, and we  
22 agree that one of the components of a violation  
23 of failing to provide video footage is noting  
24 when the request occurred, correct?

25 INVESTIGATOR CONDON: That's correct,

1 Mr. Kline, but I feel that I have adequately  
2 shown when the request was made even though it's  
3 not specifically stated in my report.

4 MR. KLINE: Now, in your discussions  
5 with both the deejay/promoter and the police,  
6 it's pretty clear there was quite a bit of  
7 confusion as to what went on, correct?

8 INVESTIGATOR CONDON: That is correct.

9 MR. KLINE: All right, now you also  
10 said pretty clearly that it's your contention  
11 that evidence in the control of the establishment  
12 was destroyed. What evidence are you contending  
13 was destroyed?

14 INVESTIGATOR CONDON: According to  
15 Matthew Givens, Officer Matthew Givens, he went  
16 into the establishment and asked where the  
17 incident occurred. He was pointed to the  
18 downstairs booth area.

19 He said it was the only area within  
20 the establishment that was wiped up, cleaned up.  
21 There was no bottle on the ground, nothing, and  
22 it was the only thing that he said was cleaned  
23 up. That's according to Officer Matthew Givens -

24 -

25 MR. KLINE: Okay.

1                   INVESTIGATOR CONDON:  -- who was on  
2 the scene at the time of the incident.

3                   MR. KLINE:  But since that time,  
4 you've had an opportunity to view a video of that  
5 area of the establishment, correct?

6                   INVESTIGATOR CONDON:  That is correct.

7                   MR. KLINE:  And you didn't see any  
8 incident in that area, did you?

9                   INVESTIGATOR CONDON:  That is correct.

10                  MR. KLINE:  So, I'm going to ask the  
11 question I asked before now in light of that.  
12 What evidence do you contend was destroyed?

13                  INVESTIGATOR CONDON:  I'm going by  
14 Matthew Givens' verbal statements, and that's, as  
15 ABRA investigators, we rely a lot on MPD and what  
16 their statements say.  So, according to all the  
17 confusion --

18                  MR. KLINE:  Do you give that more  
19 credibility than the video that you watched with  
20 your own eyes?

21                  INVESTIGATOR CONDON:  Well, according  
22 to you, Mr. Kline, as well, there was a lot of  
23 confusion, and maybe there was confusion that  
24 advised Officer Matthew Givens of where it  
25 happened, but he said that there was incident

1 that occurred and he said it was the only area  
2 that was cleaned up according to --

3 MR. KLINE: All right.

4 INVESTIGATOR CONDON: -- Officer  
5 Matthew Givens' statement.

6 MR. KLINE: So, let's assume that's  
7 correct. Your statement was not that anything  
8 was cleaned up. You said evidence was destroyed.  
9 What evidence is it that you contend was  
10 destroyed?

11 INVESTIGATOR CONDON: According to  
12 Officer Matthew Givens, the incident happened  
13 downstairs and it was the only area cleaned up,  
14 the booth area by the deejay board, so that would  
15 be the evidence that would be destroyed if they  
16 only cleaned up just the remnants of the assault.

17 MR. KLINE: So, what was the evidence?  
18 You keep telling me what --

19 INVESTIGATOR CONDON: A broken bottle.  
20 He didn't say any -- he didn't specify evidence.  
21 He said it was the only area that was wiped up.  
22 He said the floor was mopped and the table was  
23 cleared. It was the only area within the  
24 establishment at that time that was mopped and  
25 cleaned.



1                   What evidence, I don't know. It could  
2 be blood, a broken bottle, I'm not sure, but he  
3 said it was mopped, the floor was mopped and he  
4 said overall it was cleaned up.

5                   MR. KLINE: Okay, but in your view of  
6 the video, there wasn't any incident that you  
7 observed that would have caused any blood or  
8 anything else to be there, was there?

9                   INVESTIGATOR CONDON: That's correct.  
10 From those two hours between, I'm sorry, two and  
11 a half, 2:00 to 4:30 on Saturday, July 23, from  
12 those angles, I did not see anything. That's  
13 correct.

14                  MR. KLINE: Thank you. I have no  
15 further questions.

16                  CHAIRPERSON ANDERSON: Any follow-up  
17 questions by any Board members? I guess what I -  
18 - Mr. Kline, who told you that it appeared that -  
19 - who gave you a location of where the incident  
20 might have occurred?

21                  INVESTIGATOR CONDON: The promoter,  
22 Melena Mejuscavic, as well as Vladimir Popovich  
23 stated -- according to Vladimir Popovich, it  
24 happened downstairs near the bathroom area, which  
25 presumably is near the deejay booth and the booth

1 there, and that's also where Ms. Mejuscavic  
2 provided the information. She was the first one  
3 to assist the victim from the establishment.

4 CHAIRPERSON ANDERSON: And you  
5 reviewed the video, but you did not see -- when  
6 you reviewed the video, you did not see any  
7 incident, is that correct?

8 INVESTIGATOR CONDON: That's correct,  
9 yes.

10 CHAIRPERSON ANDERSON: Did there  
11 appear to be any blind spot in that area that  
12 wasn't captured by the camera?

13 INVESTIGATOR CONDON: I didn't see any  
14 blind spots. No, I did not.

15 CHAIRPERSON ANDERSON: Okay, all  
16 right, thank you. All right, Mr. Kline?

17 MR. KLINE: Yes, sir?

18 CHAIRPERSON ANDERSON: I mean, either  
19 you or your client can inform us. I mean, it's  
20 like what happened that night? And these are the  
21 questions that I'm curious about. I have a bunch  
22 of questions. I'll just generally let you know  
23 what my concerns are.

24 What happened that night? What's the  
25 establishment's process for preserving a crime

1 scene? What's the establishment's process of  
2 turning video over to either ABRA or MPD? Yeah,  
3 and, you know, what happened? And if this  
4 incident occurred, why was it not on camera?

5 MR. KLINE: Okay, so as the report  
6 states on its face, there was a lot of confusion  
7 as to exactly what occurred or what did not  
8 occur.

9 There's not a single person that  
10 witnessed what at least one person contends  
11 happened, which is that this woman was struck, so  
12 it's really unclear. If you look at the report  
13 on its face in terms of the interviews, there's  
14 no clarity in terms of what happened.

15 If it's not on the video, then there  
16 certainly appears to be some question as to  
17 exactly what happened. In our investigation, we  
18 haven't been able to discover anything else in  
19 terms of, you know, what the incident was, how it  
20 occurred, or what happened.

21 I think the Board has heard many, many  
22 cases in establishments. Sometimes things  
23 happen. This was not a situation -- this appears  
24 to be, at least according to the only witness  
25 testimony we have, which is from the victim and a

1 friend who refused to give their names, and  
2 refused to file a complaint, and a number of  
3 other things that call things into question, but  
4 a dispute among two women and a man, one of whom,  
5 one of the women was the man's boyfriend and he  
6 was dancing with the other woman, and according  
7 to them, that's what happened. We don't have any  
8 explanation as to why that's not on video if,  
9 indeed, that is what happened.

10 As the investigator has pointed out  
11 and as my client has informed me, there is  
12 coverage, adequate coverage of the public areas  
13 of the establishment, and nothing was noted in  
14 terms of anything happening.

15 So, in terms of the incident, we know  
16 as much as is in the report. You will see in the  
17 report that there were efforts to get medical aid  
18 to the person that was in distress, and that was  
19 done and that was handled.

20 The video, according to our witnesses,  
21 was made available that night, and it certainly,  
22 at worst, was made available within 72 hours to  
23 the ABC investigator, and certainly was made  
24 available to him within 24 hours of his request.  
25 So, I don't think we see any major failures here

1 in terms of the establishment's responsibilities.

2 And in terms of a crime scene, as, Mr.  
3 Chair, you said at the outset, one only knows not  
4 to clean up a crime scene if they know it's a  
5 crime scene, and at this point, even after the  
6 fact, there seems to be insufficient evidence  
7 that this was a crime scene because there's  
8 nothing on the video.

9 So, I think in sum, what we have here  
10 is just one of these incidents that occurs. The  
11 person that was injured was attended to. The  
12 video was provided and one can argue that it was  
13 a day late in terms of MPD. It was made  
14 available to the investigator.

15 It's interesting that there's no --  
16 you know, we hear MPD didn't have it. I don't  
17 know why ABRA wouldn't have immediately turned it  
18 over to MPD if that were an issue, but the fact  
19 of the matter is there's nothing to see. I mean,  
20 there's nothing on the video, so what happened  
21 here, we're not exactly clear.

22 So, I don't know that we see any  
23 failures. I think the video was promptly  
24 provided. We are looking at the video procedures  
25 to make sure there is no confusion in the future

1 in terms of making sure that it is available  
2 within 48 hours, and that staff is aware that  
3 even if there is no one there that evening, that  
4 MPD or an ABRA investigator should be advised  
5 that they will be contacted the next day and  
6 provided access to the video.

7 We think that addresses the only issue  
8 that we see with respect to this matter, and we  
9 would request that the Board look at the report  
10 and what's contended here, and that there was  
11 confusion in terms of nobody really knows what  
12 went on and follow-up was difficult because of  
13 the refusal of the parties to give their  
14 identities or the identity of the person that  
15 left that apparently was the perpetrator.

16 CHAIRPERSON ANDERSON: Mr. Kline,  
17 approximately how many cameras does this  
18 establishment have if you are aware?

19 MR. KLINE: I'm going to punt that one  
20 to Igor. Igor, how many cameras are there?

21 MR. RADAKOVIC: Around 30.

22 CHAIRPERSON ANDERSON: So, you have --  
23 there are around 30 cameras in the establishment.  
24 And Mr. Kline, shouldn't your client be concerned  
25 that an incident occurred inside of the

1 establishment and you have no video footage of  
2 this incident?

3 MR. KLINE: Well, we don't know, you  
4 know, we don't know what occurred. I mean, to  
5 presume that an incident occurred because of the  
6 statement of a person who refused to identify the  
7 party involved, I think, is suspect.

8 I mean, we just don't know what went  
9 on, and video was reviewed and nothing was found.  
10 So, I understand if there were, you know,  
11 witnesses before us who said yeah, we saw it all,  
12 and we don't have it on video.

13 I would understand the Board's  
14 concern, but absent that, simply based upon the  
15 word of a person who is so sketchy that won't  
16 even give the name of the person involved, I  
17 really have to question what standard the  
18 applicant is being held here to.

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: I'm sorry, who  
21 was asking a question? Mr. Grandis, yes, sir?

22 MEMBER GRANDIS: I apologize. He just  
23 made a statement. I just wanted to get  
24 clarification, but I can wait until you're done.  
25 I apologize.

1                   CHAIRPERSON ANDERSON: Go ahead, Mr.  
2 Grandis. You can ask whatever question you want  
3 to ask.

4                   MEMBER GRANDIS: Good morning, Mr.  
5 Kline.

6                   MR. KLINE: Good morning.

7                   MEMBER GRANDIS: It's a pleasure to  
8 have you here to give us your client's  
9 understanding of what occurred. I'm going back  
10 to the testimony of our investigator, who cited  
11 the investigation report, and it says here --

12                  CHAIRPERSON ANDERSON: Hold on. Mr.  
13 Grandis, hold on one minute. Mr. Radakovic, are  
14 you moving? Are you driving, walking? What are  
15 you doing, sir?

16                  MR. RADAKOVIC: I mean, like walking  
17 back and forth in one place.

18                  CHAIRPERSON ANDERSON: Well, I need  
19 you, sir, to be stationary, sir. It is somewhat  
20 distracting, so --

21                  MR. RADAKOVIC: Okay.

22                  CHAIRPERSON ANDERSON: -- I need you  
23 to be stationary for the duration of this matter.

24                  MR. RADAKOVIC: Okay.

25                  CHAIRPERSON ANDERSON: Okay, sir?



1 MR. RADAKOVIC: Yes.

2 CHAIRPERSON ANDERSON: All right,  
3 thank you. Go ahead, Mr. Grandis.

4 MEMBER GRANDIS: Thank you, Mr.  
5 Chairman. The investigator, I'm sorry, yeah, Mr.  
6 Condon read excerpts of the investigation report,  
7 and in it, he cited the promoter originally  
8 stated that the female fell on her own.

9 There was no general manager present  
10 who was authorized to view the security camera  
11 footage, but the promoter for the evening pointed  
12 to where the incident had occurred.

13 So, I think it's clear that the  
14 incident occurred inside the premises and I think  
15 you were not clear that you had heard that, is  
16 that right, Mr. Kline?

17 MR. KLINE: There are other statements  
18 that said it was overall confusing as she heard  
19 many different stories about what had happened,  
20 so --

21 MEMBER GRANDIS: That's not -- Mr.  
22 Kline, I'm going to the direct statement of the  
23 promoter. He or she does not seem confused. So,  
24 yes, other people may be confused, but this  
25 particular person who has stated in the report

1 clearly said that he could point out where the  
2 incident had occurred.

3 MR. KLINE: Are we talking about the  
4 same person? Are we talking about Melena  
5 Mejuscavic?

6 MEMBER GRANDIS: I don't know. I'm  
7 talking about -- I'm reading the language of the  
8 promoter.

9 MR. KLINE: Right, as am I. On page  
10 two, five lines from the bottom, Ms. Mejuscavic  
11 stated it was overall confusing as she heard many  
12 different stories about what had happened.

13 MEMBER GRANDIS: That's different than  
14 where it happened, okay? There may be confusion  
15 --

16 MR. KLINE: Well, I understand, but  
17 there isn't --

18 MEMBER GRANDIS: There may be --

19 MR. KLINE: She doesn't say that she  
20 saw it. She says that she saw a girl being held  
21 by two men. So, I think that if we had --

22 MEMBER GRANDIS: Mister, you're being  
23 selective, Mr. Kline, and I don't want to be --

24 MR. KLINE: I'm not being selective,  
25 Mr. Grandis, with all due respect.

1 MEMBER GRANDIS: Hold on, Mr. Kline.

2 MR. KLINE: You're saying --

3 MEMBER GRANDIS: I'm done on this  
4 question.

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: Gentlemen,  
7 gentlemen, gentlemen.

8 MR. KLINE: And the fact of the matter  
9 is she says that she heard many different stories  
10 as to what happened. Certainly one of them was  
11 likely it happened over there, but in terms of  
12 what happened, we don't have a clear story as to  
13 what happened.

14 MEMBER GRANDIS: Thank you. Thank  
15 you, Mr. Kline. Thank you, Mr. Chairman.

16 CHAIRPERSON ANDERSON: All right,  
17 thank you, Mr. Grandis. Any other questions by  
18 any other Board members? Mr. Kline, would you  
19 client consider -- does your client have a  
20 security plan?

21 MR. KLINE: No, they do not, and we  
22 would -- and I'm sorry that I didn't even get  
23 there because we never got there, but we would  
24 certainly agree that it would be appropriate that  
25 the establishment create and file with the Board

1 a statutory compliance security plan.

2 CHAIRPERSON ANDERSON: Can the  
3 establishment file such a plan with the Board  
4 within the next 30 days?

5 MR. KLINE: Yes, yes, sir, absolutely.

6 CHAIRPERSON ANDERSON: All right,  
7 well, thank you. Now, it's my understanding the  
8 establishment is voluntarily agreeing to file a  
9 security plan with the Board within the next 30  
10 days.

11 MR. KLINE: Yes, sir. We're very  
12 clear on that.

13 CHAIRPERSON ANDERSON: Now, I'm not  
14 sure if -- does the -- what type of training is  
15 provided to staff to ensure that over service  
16 does not occur? Are you aware of that or can you  
17 client provide that information?

18 MR. KLINE: Igor, you can provide  
19 that.

20 MR. RADAKOVIC: Yes, so all of the  
21 managers are TIPS certified, or the late night  
22 manager, they finish the security training  
23 provided by late night agencies. I just need to  
24 remember the name, and then also --

25 MR. KLINE: Is it Robert Smith, Igor?

1 MR. RADA KOVIC: Yes, yes, correct,  
2 Robert Smith's late night agency, and we do TIPS  
3 certified training for our bartenders as well.

4 CHAIRPERSON ANDERSON: Now, what night  
5 of the week was this that this incident occurred,  
6 specifically what night?

7 MR. KLINE: Friday night, Saturday  
8 morning.

9 CHAIRPERSON ANDERSON: Friday night,  
10 Saturday, so what's the capacity of the  
11 establishment and approximately how many security  
12 personnel do you have during this period of time?

13 MR. KLINE: Igor?

14 MR. RADA KOVIC: The capacity  
15 downstairs is 200, I'm sorry, 180, and we do have  
16 in the establishment eight security, and then  
17 after -- yeah, eight security.

18 CHAIRPERSON ANDERSON: You're saying  
19 eight security for the 200 downstairs or how is  
20 it? How many floors is the establishment?

21 MR. RADA KOVIC: There is a ground  
22 level, and then from the ground level, you go  
23 into the basement, and the basement is where the  
24 dance floor is and the deejay booth, so the  
25 capacity of downstairs is 180.

1                   CHAIRPERSON ANDERSON: 180, and so  
2 you're saying that there's approximately eight  
3 security personnel for the 200, which is the  
4 capacity of your certificate of occupancy?

5                   MR. RADAKOVIC: Yes.

6                   CHAIRPERSON ANDERSON: I'm sorry, any  
7 other questions by any other Board members?

8                   MEMBER GRANDIS: Mr. Chairman?

9                   CHAIRPERSON ANDERSON: Yes, Mr.  
10 Grandis?

11                   MEMBER GRANDIS: Yes, at this time, is  
12 it -- have I missed the opportunity to ask a  
13 question of the investigator?

14                   CHAIRPERSON ANDERSON: You can ask a  
15 question of the investigator, Mr. Grandis.

16                   MEMBER GRANDIS: Investigator Condon,  
17 thank you for your testimony today and the  
18 presentation you made. You made a statement that  
19 you did go back and were able to view footage of  
20 various cameras in the establishment, but that  
21 you could not, you did not see footage of the  
22 incident itself?

23                   INVESTIGATOR CONDON: That's correct,  
24 Mr. Grandis. I saw video footage from two angles  
25 where the incident allegedly occurred and I did

1 not see anything in those hours. I mean, there  
2 was a decent amount of people in the footage and  
3 I just, I didn't see anyone struck in the head by  
4 any bottle. I didn't see anything like that from  
5 those two angles.

6 MEMBER GRANDIS: I believe the owner  
7 testified just now that there are 30 cameras in  
8 that establishment. That's what I think I heard.  
9 What I just heard you say, am I correct that you  
10 stated that you believe that you were looking at  
11 a camera or cameras that were directed at that  
12 particular location near the deejay booth?

13 INVESTIGATOR CONDON: That's correct,  
14 Mr. Grandis, yes, two angles that were showing  
15 what I believe -- correct, and I also visited the  
16 establishment, so I did verify it looked to be  
17 the area where it allegedly occurred.

18 MEMBER GRANDIS: Did you look at the  
19 timestamp of those to see if perhaps the camera  
20 maybe malfunctioned or maybe there was some  
21 tampering that, because of the exact time, that  
22 footage wasn't available?

23 INVESTIGATOR CONDON: I didn't see  
24 any, Mr. Grandis, of any tampering. I just, I  
25 couldn't see anything. There was, again, there

1 was a decent amount of people in that basement  
2 standing together and whatnot. Could something  
3 have happened? Of course, something could have,  
4 but I didn't see anything on the footage, but I  
5 didn't view any other footage.

6 MEMBER GRANDIS: Would you think the  
7 investigators would be able if they go ahead and  
8 voluntarily do the security plan? Because 30  
9 cameras sounds like a sufficient number for a --

10 INVESTIGATOR CONDON: Right.

11 MEMBER GRANDIS: -- basement and a  
12 first floor. Would you believe you all have  
13 expertise to help maybe make sure how they're  
14 angled and where they're located? Because it  
15 does seem that an incident did occur and perhaps  
16 maybe changing the angle of a camera would be  
17 helpful to the owner as well as to investigators.

18 INVESTIGATOR CONDON: Yes, that's  
19 something that, that would definitely be helpful  
20 as well, and I think there were, I believe Mr.  
21 Kline or the owner said there was eight, is that  
22 correct, eight security present that night? Was  
23 it eight?

24 MR. KLINE: Right.

25 INVESTIGATOR CONDON: So, you know, I



1 don't know, maybe more security guards present to  
2 really notice so they could be like this is  
3 exactly what happened. Because nobody other than  
4 the promoter really was aware of the incident  
5 when it really occurred, which the promoter is  
6 not an employee of the establishment, so if --

7 (Simultaneous speaking.)

8 MEMBER GRANDIS: How many times did  
9 you visit this facility?

10 INVESTIGATOR CONDON: Just that one  
11 time on Tuesday, July 26 about 7:00 p.m.

12 MEMBER GRANDIS: 7:00 p.m., and were  
13 they open?

14 INVESTIGATOR CONDON: Yes, they were  
15 open. The basement was not in use at that time.  
16 It was -- so basically on Fridays and Saturdays,  
17 what I learned through Vladimir Popovich as well  
18 as Zarko Mikonovich, on Fridays and Saturdays  
19 they do kind of like a, I don't want to say a  
20 nightclub, but they turn it more into a  
21 nightclub, but on weekdays, it's closed by 8:00  
22 p.m. It's very restaurant like. So, when I was  
23 there, it was very restaurant like because it was  
24 a Tuesday night.

25 MEMBER GRANDIS: So, from my

1 understanding, if I'm understanding you  
2 correctly, the basement level is not used except  
3 for Fridays and Saturdays and --

4 INVESTIGATOR CONDON: I believe so,  
5 yes.

6 MEMBER GRANDIS: Okay, and the area  
7 that is used, which would be the first floor, is  
8 performing like a CR, which is what their license  
9 says, and they have a menu and that they actually  
10 close early?

11 INVESTIGATOR CONDON: Correct.

12 MEMBER GRANDIS: Are they open for  
13 lunch? Would you know?

14 INVESTIGATOR CONDON: I'm not sure,  
15 but I did verify on Fridays, Saturdays, I made  
16 sure that their kitchen is open, so they do serve  
17 food on those Fridays and Saturdays until at  
18 least two hours before closing, so I did verify  
19 that. I think they serve small plates, so  
20 they're still cooking and whatnot as they are  
21 required by the CR.

22 MEMBER GRANDIS: I want to thank you  
23 for your testimony. Thank you very much.

24 INVESTIGATOR CONDON: Thank you.

25 MEMBER GRANDIS: Thank you, Mr. Chair.

1                   CHAIRPERSON ANDERSON: Any questions,  
2 Mr. Kline, based on those questions that were  
3 asked by Mr. Grandis?

4                   MR. KLINE: No, I don't have any.  
5 Thank you.

6                   CHAIRPERSON ANDERSON: Any questions  
7 by any other Board members? Any final comments  
8 you want to make, Mr. Condon?

9                   INVESTIGATOR CONDON: No, I think, you  
10 know, I think a security plan is appropriate, but  
11 I think the big thing too is, the concern too is  
12 that the only person that really kind of saw what  
13 happened was not even an employee of the  
14 establishment. No security noticed it, none of  
15 the eight.

16                   Ms. Mejuscavic, as I stated, I don't  
17 believe is an employee, so I think that's  
18 definitely a concern that the only one that  
19 noticed it isn't an employee and the only one  
20 that called 9-1-1 is a non-employee.

21                   CHAIRPERSON ANDERSON: All right,  
22 thank you, sir. Mr. Kline, any final comments  
23 you want to make?

24                   MR. KLINE: I mean, yeah, I just have  
25 to say that, I mean, it's not clear that she saw

1 it from the report. It seems to reflect that  
2 it's based upon what was told to her by others.

3 She never says -- and if that's the  
4 information that was available, it should have  
5 been fleshed out in the report. I mean, there  
6 isn't any information here that she saw it. So,  
7 it's really unclear as to what happened here.

8 We agree it's troubling that someone  
9 would get injured in the establishment and that  
10 they would claim that this is what happened, but  
11 somehow nobody noticed it and it's not visible to  
12 anyone. Yeah, we find that very troubling.

13 I'm not sure what the solution to it  
14 is, but I would submit to the Board that the fact  
15 that those involved refused really to cooperate  
16 in any sort of investigation tells some sort of  
17 story.

18 I don't know what it is and I don't  
19 pretend to know what it is, but if someone were  
20 injured in the establishment, it would seem to me  
21 that they would cooperate with those that were  
22 investigating, and cooperate with MPD really, and  
23 wouldn't provide the information as to who was  
24 involved.

25 It's all very suspicious, not on the

1 part of the establishment. I think the  
2 establishment has been forthcoming about what it  
3 knew, and I think that Ms. Mejuscavic's statement  
4 that it was overall confusing as she heard many  
5 different stories about what happened means that  
6 we don't really know what happened.

7 And I'm not sure we even are sure  
8 where it happened, and maybe if one spent hours  
9 and hours and hours looking at the tapes from 30  
10 different cameras, maybe we'd find out.

11 But in the absence of that, we would  
12 ask the Board not to assume the worst, not to  
13 speculate, that there was a reasonable effort to  
14 cooperate, both with MPD and with the  
15 investigator, and that the big issue, which was  
16 someone was injured, that was attended to rather  
17 quickly. An ambulance was called and they were  
18 there.

19 However, the applicant will, as we've  
20 promised to you, submit within 30 days a security  
21 plan so that it is clear and the Board is clear  
22 as to how an incident like this might be handled  
23 in the future.

24 CHAIRPERSON ANDERSON: Thank you very  
25 much, Mr. Kline, and I am concerned and you raise

1 the same concern that an incident did occur, and  
2 although the establishment has over 30 cameras,  
3 it's not apparent that this was captured by  
4 cameras, so this is something that the  
5 establishment needs to be concerned about.

6 All right, the Board will take this  
7 matter under consideration and we will make a  
8 determination whether or not we will refer this  
9 matter to the Office of the Attorney General if  
10 we determine that there is some legal violation  
11 or no further action if the Board determines that  
12 no further action is necessary.

13 But as we have stated, the one  
14 agreement that we do have here is that your  
15 client will provide to the Board within the next  
16 30 days a legally compliant security plan, all  
17 right?

18 MR. KLINE: Yes, sir.

19 CHAIRPERSON ANDERSON: Thank you very  
20 much.

21 MR. KLINE: Thank you, Mr. Chairman  
22 and members of the Board.

23 INVESTIGATOR CONDON: Thank you.

24 (Whereupon, the above-entitled matter  
25 went off the record at 11:53 a.m.)

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Before: ABC Board

Date: 09-28-22

Place: Videoconference

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*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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