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

2 1:33 p.m.

3 CHAIRPERSON ANDERSON: Good afternoon,  
4 everyone. We're on the record.

5 Good afternoon, again, everyone.  
6 Welcome to the afternoon session of the ABC  
7 Board. My name is Donovan Anderson, I'm Chairman  
8 of the Board.

9 We're joined this afternoon by five  
10 other Board Members. Mr. Bobby Cato, Mr. James  
11 Short, Ms. Jeni Hansen, Ms. Rafi Crockett and Mr.  
12 Edward Grandis. The Board has six members in  
13 attendance this afternoon and that constitutes a  
14 quorum.

15 We have seven cases scheduled for this  
16 afternoon's calendar. And once your case is  
17 called I will take a moment for IT Specialist to  
18 elevate the rights for each party to enable their  
19 camera and microphone. Then and only then will  
20 you have the ability to enable your equipment.  
21 If your case has not been heard you will remain  
22 mute and your camera will be disabled.

23 At the conclusion of each case, the  
24 parties will have the option to leave. If the  
25 party chooses to stay all cameras and microphones

1 for the conclusion of the case will be disabled.

2 Should you have any questions or  
3 require assistance in the hearing please submit  
4 them using the question and answer feature.

5 Also, for any questions that you have  
6 if you're not sure what case has been called,  
7 please identify yourself in the Chat. If for  
8 some reason you need to be elevated for the case  
9 that's been called, please identify yourself in  
10 the Chat and we will elevate your rights.

11 All right. So, the first case the  
12 for the afternoon calendar we're calling is Case  
13 Number 21-CIT-00040, Living Room. The License  
14 Number 76906.

15 Mr. Orellana, can you please elevate  
16 the rights of the Government and the Licensee,  
17 and/or witnesses along with the Investigator for  
18 this case.

19 MR. ORELLANA: David C. Bailey, your  
20 access has been elevated.

21 Simiak Saadatian, your access has been  
22 elevated.

23 Mr. Southcott, your access has been  
24 elevated.

25 And Kevin Puente, your access has been

1 elevated.

2 That is all, Chairman.

3 CHAIRPERSON ANDERSON: Thank you.

4 All right. Good afternoon, everyone.

5 Mr. Southcott, can you please identify  
6 yourself for the record, please.

7 MR. SOUTHCOTT: Good afternoon. My  
8 name is Chris Southcott. I am an attorney with  
9 the Office of the Attorney General and I will be  
10 representing the District in this matter.

11 CHAIRPERSON ANDERSON: Good afternoon,  
12 sir.

13 Mr. Bailey, can you identify yourself  
14 for the record, please.

15 MR. BAILEY: It's spelled D-A-V-I-D,  
16 last name B-A-I-L-E-Y, for Living Room Nightclub.  
17 I am the ABC Manager and the representative for  
18 the establishment today. Also, should be on the  
19 line should be Siamak Saadatian.

20 CHAIRPERSON ANDERSON: Who was that?

21 MR. BAILEY: Siamak, one of the owners  
22 should be here as well. I'm not sure if I heard  
23 you say his name or not.

24 MR. SAADATIAN: I am here.

25 CHAIRPERSON ANDERSON: All right. I

1 have not -- all right. So, Mr. Siamak, can you  
2 please spell and state your name for the record,  
3 please.

4 MR. SAADATIAN: Good afternoon. My  
5 name is Siamak, S-I-A-M-A-K, last name Saadatian,  
6 S-A-A-D-A-T-I-A-N. I am one of the partners of  
7 Living Room.

8 CHAIRPERSON ANDERSON: Good afternoon,  
9 sir.

10 Mr. Southcott -- I'm sorry, Mr.  
11 Southcott, if this matter goes to a hearing,  
12 well, I'll just deal with this matter.

13 All right. So, this is a Show Cause  
14 Hearing for the Living Room.

15 Prior to starting, Mr. Southcott, do  
16 you have any preliminary matters?

17 MR. SOUTHCOTT: I'm not sure whether  
18 this would be properly addressed as a preliminary  
19 matter or something that should be addressed once  
20 we get into the actual presentation of evidence.  
21 But I did want to note that the Government has  
22 some problems with the one exhibit that the  
23 establishment has provided in the sense that the  
24 exhibit itself seem to just be a Word document  
25 that doesn't have any indication of who wrote it,

1 when it was signed or any corroborating  
2 information apart from the fact that it is a Word  
3 document. And so I would note up front that the  
4 Government does not believe that this is the type  
5 of evidence that could be included and should be  
6 considered by the Board. But if that's something  
7 you would rather save for when the evidence is  
8 being presented I can offer them.

9 CHAIRPERSON ANDERSON: You can raise it  
10 as an objection if that document has been  
11 presented in evidence and then we can deal with  
12 that at that time we can check on the  
13 authenticity of the document and so. So, we can  
14 address that preliminary later on in the hearing.

15 Mr. Bailey, do you have any  
16 preliminary matters that you need to bring to the  
17 attention of the Board?

18 MR. BAILEY: No, sir.

19 CHAIRPERSON ANDERSON: And, Mr. Bailey,  
20 for some strange reason you're very dark in your  
21 photograph. So, I would not recognize you if I  
22 was to see you on the street based on how dark  
23 you are on your camera. So, just as an FY.

24 MR. BAILEY: Let me see if I can get  
25 another light for you. Give me on moment. I'll

1 see if I can get another light in the camera.

2 I'm not sure if that's a little bit  
3 better or not, Mr. Chairman.

4 CHAIRPERSON ANDERSON: A little bit  
5 better but we can work on it, Mr. Bailey. You're  
6 there and your phone is there for an FY.

7 All right. That's fine. So, this is  
8 a Show Cause Hearing. The Government has the  
9 burden, the Government will, the process is that  
10 the Government will make an opening statement.

11 The Licensee can also make an opening  
12 statement at this time or they can defer until  
13 they present their case. Once the opening  
14 statements are presented then the Government will  
15 call its witnesses. The Government will do  
16 direct examination of its witness and, Mr.  
17 Bailey, if you so desire you can cross-examine  
18 the witness on the nature of his or her  
19 testimony. Once that is done, once the  
20 Government has presented its case, then you can  
21 call witnesses if you so desire. The Board will  
22 ask questions of the witnesses once there has  
23 been direct and cross-examination of the  
24 witnesses.

25 Are there any questions by anyone on



1 any procedural questions prior to us starting?

2 MR. SOUTHCOTT: None from the  
3 Government.

4 CHAIRPERSON ANDERSON: Mr. Bailey?

5 MR. BAILEY: None from the Licensee.

6 CHAIRPERSON ANDERSON: All right, thank  
7 you. All right.

8 Mr. Southcott, do you wish to make an  
9 opening statement?

10 MR. SOUTHCOTT: Yes, I do, Mr.  
11 Chairman.

12 Good afternoon, Members of the Board.  
13 The evidence in this case is fairly simple. On  
14 the evening of October 22nd, 2021, security  
15 personnel at Living Room used excessive force in  
16 their removal of a patron and assaulted him in  
17 the process. Security footage from the incident  
18 will show a member of Living room's staff  
19 grabbing a patron by the throat and pushing him  
20 back several feet. Subsequent security footage  
21 will show security personnel utilizing a very  
22 different approach and ultimately ejecting the  
23 patron, indicating that the establishment knows  
24 how to properly eject a patron but they declined  
25 to use that proper level of force in the first

1 incidence. And, in stead, choked the patron in  
2 violation of D.C. Code 25-823A2, which prohibits  
3 an establishment for used in an unlawful or  
4 disorderly purpose and D.C. Code 25-823A6, which  
5 prohibits an establishment from violating its  
6 Security Plan as the Security Plan for Living  
7 Room prohibits that type of conduct that members  
8 of the security personnel engaged in on the night  
9 of October 22nd.

10 The evidence will also show that  
11 Investigator Kevin Puente conducted a regulatory  
12 inspection of Living Room where he talked to the  
13 owner, Mr. Siamak Saadatian, who reviewed the  
14 security footage with Investigator Puente and  
15 admitted that he was very troubled by the  
16 incident, that he did not support that kind of  
17 behavior by his staff and that as a result he  
18 terminated the security guard who used the unjust  
19 force.

20 Because the security footage shows an  
21 assault and the owner admitted that an employee's  
22 excess force in ejecting a patron, the District  
23 asks that you find Living Room liable for being  
24 used for an unlawful or disorderly purpose and  
25 for violating its Security Plan.

1 Thank you.

2 CHAIRPERSON ANDERSON: Thank you, sir.

3 Mr. Bailey, do you wish to make an  
4 opening statement at this juncture or will you  
5 defer until you present your case?

6 MR. BAILEY: I will defer until I  
7 present the case, Chairperson.

8 CHAIRPERSON ANDERSON: All right.  
9 Thank you.

10 Mr. Southcott, do you have a witness  
11 you wish to call?

12 MR. SOUTHCOTT: Yes, I do. At this  
13 time the Government will call Investigator Kevin  
14 Puente.

15 CHAIRPERSON ANDERSON: One moment,  
16 please.

17 Mr. Bailey, it appears that you have  
18 another guest with you so I'll ask when you're  
19 not speaking can you please mute your microphone,  
20 sir, please.

21 MR. BAILEY: No problem.

22 CHAIRPERSON ANDERSON: All right. Mr.  
23 Puente, can you raise your right hand, please.

24 (Witness sworn.)

25 CHAIRPERSON ANDERSON: Your witness,

1 Mr. Southcott.

2 MR. SOUTHCOTT: Thank you, Mr.  
3 Chairman.

4 DIRECT EXAMINATION

5 MR. SOUTHCOTT: Mr. Puente, can you  
6 please state and spell your name for the record?

7 INVESTIGATOR PUENTE: Yes. Kevin  
8 Puente, K-E-V-I-N P-U-E-N-T-E.

9 MR. SOUTHCOTT: And where do you work?

10 INVESTIGATOR PUENTE: At the Alcoholic  
11 Beverage Regulation Administration.

12 MR. SOUTHCOTT: What is your position  
13 at ABRA?

14 INVESTIGATOR PUENTE: I'm an  
15 Investigator.

16 MR. SOUTHCOTT: And how long have you  
17 worked as an Investigator?

18 INVESTIGATOR PUENTE: Seven and a half  
19 years.

20 MR. SOUTHCOTT: As an Investigator what  
21 are your duties?

22 INVESTIGATOR PUENTE: I conduct  
23 inspection and investigations of licensed  
24 establishments in the District of Columbia.

25 MR. SOUTHCOTT: And what types of

1 things do you review in conducting those  
2 inspections?

3 INVESTIGATOR PUENTE: We do regulatory  
4 inspections. We called by MPD for assistance  
5 that there's a crime that occurs at or near by an  
6 ABC establishment, help them obtain surveillance  
7 video and investigate the establishment having  
8 wrongdoing.

9 MR. SOUTHCOTT: As part of your duties  
10 do you receive any training?

11 INVESTIGATOR PUENTE: Yes.

12 MR. SOUTHCOTT: Does some of that  
13 training include the appropriate levels of force  
14 that an establishment should use when dealing  
15 with patrons?

16 INVESTIGATOR PUENTE: Yes.

17 MR. SOUTHCOTT: So, you feel  
18 comfortable based on your training and experience  
19 being able to, rather, do you feel comfortable  
20 based on your training and experience identifying  
21 instances where excessive force has been used?

22 INVESTIGATOR PUENTE: Yes.

23 MR. SOUTHCOTT: Thank you. And one  
24 last thing on background. Is it a requirement  
25 that an individual be actually charged with a

1 crime or that a large be filed in order for ABRA  
2 to determine that excessive force has been  
3 utilized?

4 INVESTIGATOR PUENTE: No.

5 MR. SOUTHCOTT: Okay. I'd like to now  
6 direct your attention to the particulars of this  
7 case, Living Room. Are you familiar with the  
8 establishment?

9 INVESTIGATOR PUENTE: Yes.

10 MR. SOUTHCOTT: How are you familiar  
11 with it?

12 INVESTIGATOR PUENTE: I've been to the  
13 establishment a handful of times throughout my  
14 seven and a half years.

15 MR. SOUTHCOTT: And how did you become  
16 involved with the establishment as related to the  
17 October 22nd, 2021, incident?

18 INVESTIGATOR PUENTE: MPD reached out  
19 to ABRA.

20 MR. SOUTHCOTT: And what did MPD reach  
21 out and communicate to ABRA?

22 INVESTIGATOR PUENTE: The week of  
23 October 30th, 2021, Detective Wilfred Lawful from  
24 the Second District reached out to me and advised  
25 me that he's been having some trouble obtaining

1 surveillance video from Living Room.

2 MR. SOUTHCOTT: And what did you do in  
3 response to that communication?

4 INVESTIGATOR PUENTE: I reached out to  
5 my supervisors to see if anyone was investigating  
6 an incident and they advised me no one was and  
7 advised me to look into it. I contact Detective  
8 Yawful and told him that I'll be working and I'll  
9 go out there and see if I can get him the  
10 surveillance video that he needed. And I asked  
11 him what was the incident if he could send me the  
12 251 Report.

13 MR. SOUTHCOTT: And what is 251 Report?

14 INVESTIGATOR PUENTE: It's what MPD  
15 calls their report, 251s, to probably document an  
16 incident.

17 MR. SOUTHCOTT: Okay. And did you  
18 receive a public incident report in this case?

19 INVESTIGATOR PUENTE: Yes.

20 MR. SOUTHCOTT: Would you be able to  
21 recognize that document if I showed it to you?

22 INVESTIGATOR PUENTE: Yes.

23 MR. SOUTHCOTT: I'm going to ask the  
24 Board to allow me to share my screen.

25 CHAIRPERSON ANDERSON: Mr. Orellana,

1 can you please allow Mr. Southcott to share his  
2 screen, please.

3 MR. ORELLANA: One minute.

4 CHAIRPERSON ANDERSON: All right, sir.

5 MR. SOUTHCOTT: Can you folks see my  
6 screen?

7 INVESTIGATOR PUENTE: Yes, sir.

8 MR. SOUTHCOTT: Okay. Investigator  
9 Puente, do you recognize this document?

10 INVESTIGATOR PUENTE: Yes, I do.

11 MR. SOUTHCOTT: What is this document?

12 INVESTIGATOR PUENTE: This is the MPD  
13 251 Report.

14 MR. SOUTHCOTT: And this is the police  
15 report related to the incident at Living Room?

16 INVESTIGATOR PUENTE: Yes.

17 MR. SOUTHCOTT: Can you read the public  
18 narrative section of the police report?

19 INVESTIGATOR PUENTE: Yes. Sub 1  
20 states while at the listed location S1 pushed him  
21 out of a restricted area in the establishment.  
22 When Sub 1 asked S1 why he pushed him instead of  
23 just asking him to move, S1 became upset and  
24 grabbed Subject 1 above the neck and dragged him  
25 out of the establishment. Subject 1 was not



1 allowed to return to the establishment and is  
2 unaware of S 1's location after the assault. Sub  
3 1 contacted MPD and did not seek medical  
4 treatment.

5 MR. SOUTHCOTT: So, this incident  
6 report indicates that a patron was grabbed about  
7 the neck, is that right?

8 INVESTIGATOR PUENTE: Yes.

9 MR. SOUTHCOTT: Okay. And what did you  
10 do in response to receiving this police report?

11 CHAIRPERSON ANDERSON: I went to Living  
12 Room.

13 MR. SOUTHCOTT: So, did you conduct a  
14 regulatory inspection at Living Room?

15 INVESTIGATOR PUENTE: Yes, I did.

16 MR. SOUTHCOTT: And what date did you  
17 conduct that inspection?

18 INVESTIGATOR PUENTE: Saturday, October  
19 30th, 2021.

20 MR. SOUTHCOTT: And could you briefly  
21 describe what occurred in the course of your  
22 investigation of that?

23 INVESTIGATOR PUENTE: Yes. I arrived  
24 about 5:00 p.m. that day. The establishment was  
25 participating in a Pub Crawl, a Halloween Pub

1 Crawl that was taking place. I identified myself  
2 to the security and asked to speak to the ABC  
3 manager owner. Security went and got the owner,  
4 Mr. Siamak. I went downstairs, followed him. I  
5 started to conduct my regulatory inspection by  
6 the bar but it was too loud for us to walk so I  
7 asked to step into the office while we conducted  
8 the regulatory inspection.

9 MR. SOUTHCOTT: And in the course of  
10 your regulatory inspection did you find any  
11 violations?

12 INVESTIGATOR PUENTE: No violations  
13 from the regulatory inspection.

14 MR. SOUTHCOTT: Okay, thank you.

15 But in the course of your conversation  
16 you did discuss matters with the owner, did you,  
17 is that correct?

18 INVESTIGATOR PUENTE: Yes, I advised  
19 him MPD reached out to us regarding that they had  
20 reached out several times to get the video from  
21 the incident that occurred the week prior. I  
22 advised him that MPD said they observed the video  
23 on their screens but they needed a hard copy of  
24 it and that he needed to produce a hard copy to  
25 MPD as well as ABRA.

1           After watching the incident with him  
2 I advised him that from my experience it did not  
3 look good and that he should consider having his  
4 security staff possibly be retrained on their  
5 security protocols and just be ready in case if  
6 there was a fact-finding hearing or anything  
7 else. Mr. Siamak advised me that the security  
8 guard was terminated because he used excessive  
9 force and he was a former law enforcement  
10 officers and law enforcement officers tend to be  
11 a bit aggressive.

12           MR. SOUTHCOTT: So, I can go into that  
13 in a little bit. But right now with the  
14 conversation I just want to focus on the video  
15 footage.

16           So, did you review video footage from  
17 the night of the incident while you were in the  
18 owner's office?

19           INVESTIGATOR PUENTE: Yes, he pulled it  
20 up on his cell phone. We reviewed it for a few  
21 minutes and I asked him to send me an electronic  
22 version or a hard copy and I got a hard copy  
23 later that night from Mr. Bailey.

24           MR. SOUTHCOTT: Would you be able to  
25 recognize that footage if I were to play it for

1 you?

2 INVESTIGATOR PUENTE: Yes.

3 MR. SOUTHCOTT: I'll share my screen  
4 again and hopefully I can make this work.

5 Is this footage visible?

6 INVESTIGATOR PUENTE: Yes.

7 MR. SOUTHCOTT: Okay. Investigator  
8 Puente, can you briefly describe what is  
9 happening in this image? I have not played  
10 anything yet.

11 INVESTIGATOR PUENTE: This is  
12 overlooking the dance floor. There's a seating  
13 area to the left and dance floor in the middle.

14 MR. SOUTHCOTT: And is this the footage  
15 that you reviewed in the owner's office?

16 INVESTIGATOR PUENTE: Yes.

17 MR. SOUTHCOTT: Okay. This is only a  
18 15 second clip so I think I'm probably just going  
19 to play the whole thing and after I play it I  
20 will ask you to describe for me what happens in  
21 the club and I can obviously replay sections of  
22 it if you would like. But I'm playing the clip  
23 now.

24 Investigator Puente, can you describe  
25 what occurs in that 15-second clip.

1                   INVESTIGATOR PUENTE: It appears that  
2 one of the security guard has the subject in a  
3 choke hold while pushing him back.

4                   MR. SOUTHCOTT: And how far back would  
5 you say that the security guard pushes the  
6 patron?

7                   INVESTIGATOR PUENTE: Appears to look  
8 like almost 5 to 10 feet.

9                   MR. SOUTHCOTT: And in the process does  
10 the security guard or does that conflict result  
11 in anyone else being moved around in the  
12 problematic way?

13                   INVESTIGATOR PUENTE: Patrons are kind  
14 of moved out of the way as they're pushing him.

15                   MR. SOUTHCOTT: Do any patrons fall  
16 over?

17                   INVESTIGATOR PUENTE: Yeah, I believe  
18 a female does right in front of this guy you got  
19 up on the screen now.

20                   MR. SOUTHCOTT: So, based on your  
21 training and experience, do you believe that the  
22 force that was used by the establishment in this  
23 video clip is appropriate?

24                   INVESTIGATOR PUENTE: No.

25                   MR. SOUTHCOTT: Why not?

1                   INVESTIGATOR PUENTE: There were  
2 multiple security guards. They could of each  
3 grabbed a arm. Living Room is known to have an  
4 MPE reimbursable detail. So, if there is an  
5 issue they could have went and got the RDO  
6 officer outside.

7                   MR. SOUTHCOTT: Thank you. I am now  
8 going to pull up a second clip. Is this visible?

9                   INVESTIGATOR PUENTE: Yes.

10                  MR. SOUTHCOTT: Okay. This clip is 18  
11 seconds long. Is this clip also one of the ones  
12 that you reviewed in the owner's office in which  
13 you received from Mr. Bailey?

14                  INVESTIGATOR PUENTE: Yes.

15                  MR. SOUTHCOTT: Is it on the same night  
16 in question as the previous clip that you just  
17 reviewed?

18                  INVESTIGATOR PUENTE: Yes.

19                  MR. SOUTHCOTT: Okay. This clip is 18  
20 seconds long. I am, again, just going to play  
21 the whole thing and we can stop and replay  
22 portions of it as needed.

23                  What did you see in that clip, Mr.  
24 Puente?

25                  INVESTIGATOR PUENTE: The security

1 guard is grabbing the subject's back of his shirt  
2 and kind of lifting him up while bringing him up  
3 the stairs.

4 MR. SOUTHCOTT: Would you say that that  
5 is a different amount of force that is being used  
6 in this clip than what was used in the previous  
7 clip?

8 INVESTIGATOR PUENTE: Yes.

9 MR. SOUTHCOTT: Would you describe the  
10 amount of force that was used in the second clip  
11 as being an excessive amount of force for  
12 removing a patron?

13 INVESTIGATOR PUENTE: I would say it's  
14 not excessive as the first clip.

15 MR. SOUTHCOTT: And why is that?

16 INVESTIGATOR PUENTE: Because he's got  
17 him by the shirt, lifting his shirt up but he's  
18 also holding his hand as well as he's walking up  
19 the stairs. With the first clip he's like  
20 literally throwing him back while choking him it  
21 looks like.

22 MR. SOUTHCOTT: And so in your  
23 experience would it be fair to say that the  
24 establishment knows how to remove a patron from  
25 its premises without using an excessive amount of

1 force?

2 INVESTIGATOR PUENTE: Yes, I believe  
3 so.

4 MR. SOUTHCOTT: I'm going to play one  
5 more clip for you. Can you see this clip?

6 INVESTIGATOR PUENTE: Yes.

7 MR. SOUTHCOTT: Is this clip also one  
8 of the pieces of security footage that you  
9 received as part of your investigation?

10 INVESTIGATOR PUENTE: Yes.

11 MR. SOUTHCOTT: And it takes place on  
12 the same night?

13 INVESTIGATOR PUENTE: Yes.

14 MR. SOUTHCOTT: Okay. This clip is 35  
15 seconds along. Again, I'm going to play the  
16 whole thing for the Board.

17 Can you describe what occurred in that  
18 35-second clip?

19 INVESTIGATOR PUENTE: The security  
20 guard is escorting the patron out the front door.  
21 Then once he's outside the front door he kind of  
22 pushes him off to the side.

23 MR. SOUTHCOTT: And how does this clip  
24 relate to the second clip?

25 INVESTIGATOR PUENTE: It's a



1 continuation of what was occurring on the stairs  
2 up to the exit.

3 MR. SOUTHCOTT: In this third clip is  
4 there anyone that you are able to recognize?

5 INVESTIGATOR PUENTE: Yes, I believe  
6 Mr. David Bailey is outside in the dark suit  
7 outside.

8 MR. SOUTHCOTT: And so would Mr. Bailey  
9 be able to see the events that happened in the  
10 first clip?

11 INVESTIGATOR PUENTE: No, unless he  
12 reviewed the surveillance video.

13 MR. SOUTHCOTT: But he would not be  
14 able to see contemporaneously what occurred?

15 INVESTIGATOR PUENTE: No.

16 MR. SOUTHCOTT: Okay. I have no more  
17 further questions on the security footage.

18 Well, I guess, at least in terms of  
19 sharing that.

20 Mr. Puente, is that all of the  
21 security footage that you received?

22 INVESTIGATOR PUENTE: Yes.

23 MR. SOUTHCOTT: Okay. And so after  
24 you, in the process of reviewing this security  
25 footage you mentioned that you did so in the

1 office of the owner, is that correct?

2 INVESTIGATOR PUENTE: Yes.

3 MR. SOUTHCOTT: And did you have a  
4 conversation with the owner?

5 INVESTIGATOR PUENTE: Yes.

6 MR. SOUTHCOTT: Who was the person that  
7 you had a conversation with, can you identify  
8 them?

9 INVESTIGATOR PUENTE: Yes, Mr. Siamak  
10 Saadatian.

11 MR. SOUTHCOTT: And can you describe  
12 what happened in the course of that conversation  
13 with him?

14 INVESTIGATOR PUENTE: Yes. We were  
15 just having a casual conversation. I advised him  
16 from my experience it did not look good how  
17 security was handling the patron. I advised him  
18 to possibly reach out to his resources such as  
19 the Mayor's Office of Night Life and Culture  
20 about obtaining security training for his staff  
21 to get a refresh on training especially coming  
22 out of Covid. And also to provide any video to  
23 MPD as soon as possible.

24 MR. SOUTHCOTT: And what did he say in  
25 response to your statements?

1                   INVESTIGATOR PUENTE: He'll look into  
2 it.

3                   MR. SOUTHCOTT: Did the owner seemed  
4 troubled by the security footage when you  
5 reviewed it with him?

6                   INVESTIGATOR PUENTE: Yes, he seemed  
7 generally concerned. That's when he told me that  
8 they got rid of the security guard who was a  
9 former law enforcement officer and those  
10 individual tend to be more aggressive.

11                  MR. SOUTHCOTT: So, the owner told you  
12 that he no longer employs the security guard who  
13 engaged in the removal of the patron in the clips  
14 that we saw, is that correct?

15                  INVESTIGATOR PUENTE: Yes.

16                  MR. SOUTHCOTT: Did you ever later on  
17 or at any point reach out to the establishment to  
18 determine whether they had created their own  
19 incident report?

20                  INVESTIGATOR PUENTE: No, I did not.

21                  MR. SOUTHCOTT: Why did you not do  
22 that?

23                  INVESTIGATOR PUENTE: To be honest, I  
24 don't know. After the owner told me what he did  
25 I was satisfied with the results.

1 MR. SOUTHCOTT: Does ABRA have a policy  
2 of reaching out to establishments when there are  
3 ongoing MPD investigations?

4 INVESTIGATOR PUENTE: We have a policy  
5 if there's a staff member is a suspect in an MPD  
6 investigation we don't interfere in MPD's  
7 investigation by talking to any of the alleged  
8 suspects.

9 MR. SOUTHCOTT: And so at the time you  
10 created your report did you have reason to  
11 believe that MPD would be conducting an  
12 investigation?

13 INVESTIGATOR PUENTE: Yes, because  
14 Detective Yawful told me he was investigating the  
15 incident on the security guard.

16 MR. SOUTHCOTT: Thank you. As part of  
17 your, rather I'll just finish up.

18 How did your conversation with the  
19 owner sort of wrap up?

20 INVESTIGATOR PUENTE: Just that I was  
21 making sure would get me the video as soon as  
22 possible. I told him along with MPD. I had him  
23 sign my regulatory inspection form. And I  
24 exited.

25 MR. SOUTHCOTT: Okay. I'd like to move

1 onto a different part of your investigation.

2 As part of your investigation did you  
3 review the establishments Security Plan?

4 INVESTIGATOR PUENTE: Yes.

5 MR. SOUTHCOTT: And would you be able  
6 to recognize that Security Plan if you were shown  
7 it?

8 INVESTIGATOR PUENTE: Yes.

9 MR. SOUTHCOTT: I'm going to share my  
10 screen.

11 This is in the case report which is  
12 part of the record starting on page 8.

13 Investigator Puente, is this the start  
14 of the security plan?

15 INVESTIGATOR PUENTE: Yes.

16 MR. SOUTHCOTT: And as I scroll through  
17 it do you recognize this plan? We'll get into  
18 specific sections in a moment, but I believe it  
19 continues on until page 21. Is all of that the  
20 Security Plan?

21 INVESTIGATOR PUENTE: Yes.

22 MR. SOUTHCOTT: Okay. I'm going to  
23 direct your attention to a segment of this which  
24 starts on page 13 and there is that headline  
25 report at the bottom there that says Procedure

1 for Handling Incidents. Can you read the second  
2 paragraph that starts, It is extremely important?

3 INVESTIGATOR PUENTE: All staff are  
4 prohibited from assuming any alcohol or drugs  
5 that will -- oh, the second paragraph not that.

6 MR. SOUTHCOTT: Yes.

7 INVESTIGATOR PUENTE: It is extremely  
8 important that all guests are treated in a  
9 friendly and courteous manner. Whenever possible  
10 greet patrons with a smile and friendly words.  
11 Always address guests in a respectful and  
12 professional manner.

13 On occasion, patrons may become hard  
14 to deal with and uncooperative. In those  
15 instances use the EEE Strategy when reasonably  
16 possible.

17 MR. SOUTHCOTT: And moving on to the  
18 next page. Does the Security Plan explain what  
19 this EEE Strategy is?

20 INVESTIGATOR PUENTE: Yes.

21 MR. SOUTHCOTT: Can you indicate what  
22 the Security Plan says EEE means?

23 INVESTIGATOR PUENTE: It means,  
24 Explain, Explain again, and Eject.

25 MR. SOUTHCOTT: Okay. There is a

1 section that is bolded and in all caps. Could  
2 you read out that section.

3 INVESTIGATOR PUENTE: When in doubt or  
4 when necessary call the police.

5 MR. SOUTHCOTT: Did the establishment  
6 ever call the police to your knowledge related to  
7 this incident?

8 INVESTIGATOR PUENTE: Not that I know  
9 of, no.

10 MR. SOUTHCOTT: And then moving on to  
11 page 15. There is a section here that discusses  
12 use of force. Could you read that section?

13 INVESTIGATOR PUENTE: Yes. Are you  
14 able to zoom in a little bit?

15 MR. SOUTHCOTT: Yes. I can certainly  
16 do that. Okay.

17 INVESTIGATOR PUENTE: Use of Force.  
18 Sometimes second reminders are necessary followed  
19 by warnings that further conduct will result in  
20 being asked to leave the premises. Any patron  
21 that who aggressively rejects a reasonable  
22 request to behave should be asked to leave.

23 Staff cannot legally use force against  
24 a person unless in self defense and defense of  
25 others from imminent harm. When force is used it

1 must be a reasonable extent necessary. This  
2 means no tackling, no punching, no kicking, no  
3 choking, no head butts, no piling on top, no hog  
4 ties and no pain compliance holds.

5 At our venue, staff may use restraints  
6 or control holds, handcuff -- oh, at our venue  
7 staff may not use restraints or control holds,  
8 handcuffs, tackling, punching, kicking, choking,  
9 had butts, piling on top, hog ties, pain and  
10 compliance holds. Basically just use enough  
11 force to prevent the violater from harming  
12 anyone. When in doubt, call the police and  
13 management.

14 MR. SOUTHCOTT: Thank you. As you  
15 reviewed that Use of Force section does the  
16 security footage indicate that the establishment  
17 complied with the Use of Force as it is outlined  
18 in the Security Plan?

19 INVESTIGATOR PUENTE: No.

20 MR. SOUTHCOTT: Why is that?

21 INVESTIGATOR PUENTE: They were  
22 observed choking the patron.

23 MR. SOUTHCOTT: Thank you very much.

24 I'm going to now direct,, or I guess  
25 actually, I have a couple more questions on that.



1                   According to your understanding of the  
2 Security Plan would the establishment have  
3 violated the Security Plan even if security was  
4 covering the patrons mouth and nose as opposed to  
5 their throat?

6                   INVESTIGATOR PUENTE: Yes.

7                   MR. SOUTHCOTT: Why is that?

8                   INVESTIGATOR PUENTE: Because they're  
9 covering up the patron. They said just use  
10 enough force to prevent the violater from harming  
11 anyone. So, if he's not harming anyone they  
12 should be able to just escort him out with verbal  
13 commands or possibly get the RCO officer that's  
14 outside to escort the patron out.

15                  MR. SOUTHCOTT: And the establishment  
16 -- did th establishment do any of those things in  
17 this instance?

18                  INVESTIGATOR PUENTE: No.

19                  MR. SOUTHCOTT: Thank you. Did you  
20 summarize your investigation in a case report  
21 which you wrote up?

22                  INVESTIGATOR PUENTE: Yes.

23                  MR. SOUTHCOTT: Would you be able to  
24 recognize that case report if I showed it to you?

25                  INVESTIGATOR PUENTE: Yes.

1 MR. SOUTHCOTT: Now it's scrolling up.  
2 This is page 2 of the packet that has been  
3 admitted. And is this your case report that you  
4 drafted?

5 INVESTIGATOR PUENTE: Yes.

6 MR. SOUTHCOTT: I'm not going to ask  
7 for you to go through and read all of this or  
8 frankly in any particular section considering  
9 that what's contained in your case report is  
10 largely consistent with the testimony. But, I  
11 just want to clarify for the Board. Do you swear  
12 that everything you wrote in this case report is  
13 a truthful and accurate account of the events?

14 INVESTIGATOR PUENTE: Yes.

15 MR. SOUTHCOTT: Okay.

16 Thank you very much. At this time I  
17 have no further questions.

18 CHAIRPERSON ANDERSON: Mr. Bailey, do  
19 you have any questions?

20 MR. BAILEY: Yes. I'm sorry did you  
21 give consent to clarify --

22 CHAIRPERSON ANDERSON: Yes, go ahead.

23 MR. BAILEY: -- I wasn't sure if you  
24 heard me or not.

25 CROSS-EXAMINATION

1 MR. BAILEY: Investigator, were you  
2 aware that there was a detail outside of the  
3 establishment on this night in question?

4 INVESTIGATOR PUENTE: I'm not sure.

5 MR. BAILEY: Okay. So, if the  
6 establishment did have a detail outside there  
7 would be no reason for the establishment to  
8 actually have to call the police because of the  
9 detail already being positioned outside during  
10 the incident?

11 INVESTIGATOR PUENTE: No. If the  
12 detail is outside I would have someone from the  
13 staff and go outside and get the officer if the  
14 patron was being aggressive.

15 MR. BAILEY: Okay. Are you aware that  
16 the officers positioned outside the establishment  
17 have recently been informed by their Sargent to  
18 not enter an establishment, that the  
19 establishment must escort their patrons out to  
20 the MPD officer?

21 INVESTIGATOR PUENTE: No, sir. I'm a  
22 member of MPD.

23 MR. BAILEY: Okay. Did the owner ever  
24 describe to you why the patient was removed from  
25 the establishment?

1                   INVESTIGATOR PUENTE: I can't recall to  
2 be honest.

3                   MR. BAILEY: Did you ever question the  
4 Complainant in this matter?

5                   INVESTIGATOR PUENTE: No.

6                   MR. BAILEY: Are you aware of how many  
7 times the Complainant actually called MPD to the  
8 establishment that night and previous nights  
9 after that?

10                  INVESTIGATOR PUENTE: No, sir.

11                  MR. BAILEY: Okay. Did the detective  
12 in this case ever describe why he needed your  
13 help in obtaining the video footage?

14                  INVESTIGATOR PUENTE: Yes. When I  
15 spoke to him he said he observed that night and  
16 saw the video in the security guard put the  
17 patron in a choke hold so he needed a hard copy  
18 and made several requests for it. So, that's why  
19 I reached to see if we can get a hard copy for  
20 him.

21                  MR. BAILEY: And did he ever say what  
22 date he came and requested the video footage?

23                  INVESTIGATOR PUENTE: No, sir, he did  
24 not.

25                  MR. BAILEY: Okay. And, I mean, you

1 already made this statement but you did state  
2 that you did not request a copy of the written  
3 incident as described in the Security Plan that  
4 the establishment must have?

5 INVESTIGATOR PUENTE: No, sir.

6 MR. BAILEY: Okay. That's all the  
7 questions I have for the Investigator, Mr.  
8 Chairperson.

9 CHAIRPERSON ANDERSON: Thank you, Mr.  
10 Bailey.

11 Any questions by any Board Members?

12 MEMBER SHORT: I have a question.

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

15 MEMBER SHORT: Thank you very much, Mr.  
16 Chairman.

17 Good afternoon, Investigator Puente.  
18 Thank you for your report.

19 One or two questions dealing with the  
20 video.

21 What does the ABRA code that you work  
22 by, what are the requirements of a owner or a  
23 Licensee regarding video when requested by MPD or  
24 ABRA?

25 INVESTIGATOR PUENTE: When requested by

1 ABRA or MPD the establishment has 48 hours to  
2 give any video request to ABRA and MPD.

3 MEMBER SHORT: To your knowledge, when  
4 did MPD request video from the Licensee?

5 INVESTIGATOR PUENTE: Detective Lawful  
6 told me he made the request with a hard copy of  
7 the video that night when he reviewed the  
8 surveillance video of the incident that night.

9 MEMBER SHORT: And what date was that?

10 INVESTIGATOR PUENTE: I believe October  
11 22nd, 2021.

12 MEMBER SHORT: When was any video  
13 extended to yourself or MPD?

14 INVESTIGATOR PUENTE: After I visited  
15 on Saturday, October 30th, Mr. Bailey sent the  
16 video to myself and MPD.

17 MEMBER SHORT: October 30th would have  
18 been beyond the 48 hours required?

19 INVESTIGATOR PUENTE: Yes, sir, it was  
20 seven days later.

21 MEMBER SHORT: Now, the Use of Force in  
22 their Security Plan in your opinion as an  
23 investigator, how many years have you been an  
24 investigator?

25 INVESTIGATOR PUENTE: Going on seven

1 and a half years.

2 MEMBER SHORT: How many cases similar  
3 to this where let's say force was used where you  
4 put it on a report? In your seven years, just  
5 ballpark figure. Do you see this often?

6 INVESTIGATOR PUENTE: Not often, sir.  
7 I can probably count on my hands the number of  
8 establishments I saw that seen a force like this.

9 MEMBER SHORT: And most Security Plans  
10 outline what you read into the transcript for  
11 this hearing in which the manner of force and the  
12 amount of force is also in the Security Plan, is  
13 that correct?

14 INVESTIGATOR PUENTE: Yes, sir.

15 MEMBER SHORT: In your opinion as an  
16 investigator was the Security Plan, was the  
17 Security Plan followed?

18 INVESTIGATOR PUENTE: No, sir.

19 MEMBER SHORT: How would you grade the  
20 amount of force use, with your knowledge in which  
21 your experience as an investigator would you  
22 consider this over aggressive or egregious?

23 INVESTIGATOR PUENTE: I'll say  
24 egregious and over aggressive, sir, because on  
25 video observed the security guard choking him but

1 then observed two other staff members walking  
2 right behind the security guard. So, those two  
3 other staff members could have grabbed the  
4 patron's hands or arms and help to escort outside  
5 without choking the patron?

6 MEMBER SHORT: My last question. This  
7 security person I would imagine you never got his  
8 name or any information on that person who  
9 committed this violation of the code. Did you  
10 ever get the name of that person?

11 INVESTIGATOR PUENTE: No, sir.

12 MEMBER SHORT: So, would it fair to say  
13 even though this Licensee say she got rid of him  
14 or fired that person, could that person go right  
15 down the street and get another job in another  
16 establishment because ABRA does not track these  
17 types of violations and these security persons  
18 going from place to place committing these type  
19 of acts?

20 INVESTIGATOR PUENTE: Yes, sir.

21 MEMBER SHORT: In your experience as an  
22 investigator how could ABRA address that?

23 INVESTIGATOR PUENTE: We could reach  
24 out to the Security Office Management Bureau  
25 Branch with MPD and we can reach out to them and



1 see if we can create a list of security personnel  
2 that may not be qualified to obtain a license or  
3 security license based on any pending criminal  
4 charges or charges that they had against them.

5 MEMBER SHORT: I do thank you for  
6 answering my questions.

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

8 CHAIRPERSON ANDERSON:

9 MEMBER GRANDIS: Thank you, Mr.  
10 Chairman.

11 Assistant Attorney General Southcott,  
12 are you able to get the screen back and to show  
13 that first video where it looks like the patron  
14 is being dragged. You said it was only a few  
15 seconds long. Are you able to --

16 MR. SOUTHCOTT: I can bring that up  
17 again.

18 MEMBER GRANDIS: And could you,  
19 perhaps, slow it down since it's on a few seconds  
20 long or you don't have any control on that?

21 MR. SOUTHCOTT: I can certainly try.  
22 Let me see. One moment.

23 MEMBER GRANDIS: Mr. Chairman, does he  
24 need permission to share the screen?

25 MR. SOUTHCOTT: No, no, no. I'm just

1 trying to figure out how to -- how I can slow it  
2 down.

3 MEMBER GRANDIS: Don't worry about  
4 that. Just play it.

5 MR. SOUTHCOTT: Okay. All right.  
6 That's fine.

7 MEMBER GRANDIS: Thank you.

8 MR. SOUTHCOTT: I can repeat that for  
9 you if you'd like to see it again.

10 MEMBER GRANDIS: No, I'm fine. Unless  
11 another Board Member would like to. No, it just  
12 helped to review it.

13 You can take that down now.

14 Mr. Puente, I see in your report that  
15 you spoke with the owner who is, I think, present  
16 today who stated that this individual was laying  
17 on the ground. Am I reading that correctly? Do  
18 you know if any attempt was made to call an  
19 ambulance or medical assistance? It would seem  
20 unusual to be laying on the ground, particularly  
21 if he was asked to get up and he did not.

22 INVESTIGATOR PUENTE: No.

23 MEMBER GRANDIS: Do you know if there  
24 was any attempt to --

25 INVESTIGATOR PUENTE: No, sir, I do

1 not.

2 MEMBER GRANDIS: Mr. Chairman, I know  
3 we're having the Government right now so if I  
4 have questions regarding for the owner based on  
5 what I'm speaking about now about the patron on  
6 the ground and the video should I wait until he  
7 is a witness or --

8 CHAIRPERSON ANDERSON: Yes. If the  
9 owner decides to testify then you can ask him  
10 questions about the video.

11 MEMBER GRANDIS: Can I ask him  
12 questions on what he said to the investigator,  
13 during the investigation?

14 CHAIRPERSON ANDERSON: Not at this  
15 moment. Only if he's called as a witness.

16 MEMBER GRANDIS: Thank you. Mr.  
17 Southcott, thank you for time. Thank you, Mr.  
18 Chairman.

19 CHAIRPERSON ANDERSON: Any other  
20 question by any of the Board Members?

21 Mr. Bailey, any questions of the  
22 witness based on questions that were asked by the  
23 Board?

24 MR. BAILEY: Excuse me, I'm sorry. I  
25 was on mute.

1 I will go back to the question when  
2 the Board Member was asked about the video  
3 footage being obtained and requested.

4 So, Investigator, the MPD detective in  
5 question, he sated that he did request to view  
6 the video for which he was allowed to view at the  
7 time. And then requested a copy of it. And he  
8 said it was in a refusal from the establishment  
9 to give him a copy of the video footage. Did he  
10 say how he was going to receive the video  
11 footage?

12 INVESTIGATOR PUENTE: Not refusal. He  
13 said he tried reaching out several times calling  
14 the owner but kept getting Voicemail and that's  
15 when he decided to each out to us to see if we  
16 can assist.

17 MR. BAILEY: Okay. Are you aware of  
18 when the hours which the establishment is  
19 normally open for business?

20 INVESTIGATOR PUENTE: Usually it's  
21 Friday, Saturday, maybe Sunday from usually 7:00  
22 or 8:00 p.m. to 2:00 or 3:00 a.m, depending on  
23 the weekend.

24 MR. BAILEY: Okay. So, the detective  
25 never stated that he made an arrangement to pick

1 up the video footage from the establishment at a  
2 time that hen ever showed up for?

3 INVESTIGATOR PUENTE: No, he did not,  
4 sir.

5 MR. BAILEY: Okay. Thank you. That's  
6 all I have.

7 CHAIRPERSON ANDERSON: Mr. Southcott,  
8 do you have any Redirect?

9 MR. SOUTHCOTT: No further questions.

10 CHAIRPERSON ANDERSON: Thank you.

11 Do you have any witnesses, sir?

12 MR. SOUTHCOTT: At this time the  
13 Government rests.

14 CHAIRPERSON ANDERSON: All right.  
15 Thank you.

16 Mr. Bailey, do you wish to make an  
17 opening statement or do you wish to make an  
18 opening statement, sir?

19 MR. BAILEY: Yes, sir. Well, I will be  
20 testifying as the Head of Security and the nature  
21 of things that occurred during that evening. I  
22 don't know at what point you allow me to express  
23 what I observed and the accident that took place  
24 thereafter.

25 CHAIRPERSON ANDERSON: Well, normally,

1 are you the only witness in this case or --

2 MR. BAILEY: No, Mr. Siamak is also  
3 going to be one of the witnesses in the case, as  
4 well.

5 CHAIRPERSON ANDERSON: Well, why don't  
6 you call, like if you don't have an opening  
7 statement call your first witness and then if  
8 you're going to testify you are not a lawyer so  
9 if you're going to testify then I have to swear  
10 you in and then Mr. -- and this is normally  
11 someone needs to ask you questions. But, if  
12 you're going to testify then I'm not quite sure  
13 how we're going to -- who is going to ask you  
14 questions but Mr. Southcott will have an  
15 opportunity to cross-examine you on whatever  
16 testimony that you gave.

17 MR. BAILEY: Yes, sir.

18 CHAIRPERSON ANDERSON: But since you  
19 plan to call witnesses, why don't you call the  
20 owner and then we'll deal with your testimony at  
21 a later point in the hearing.

22 MR. BAILEY: Okay. I would like to  
23 call Mr. Siamak up to the witness stand, please.

24 CHAIRPERSON ANDERSON: Mr. Siamak, can  
25 you raise your right hand, please.

1 (Witness sworn.)

2 CHAIRPERSON ANDERSON: Your witness,  
3 sir.

4 DIRECT EXAMINATION

5 MR. BAILEY: Mr. Siamak, on the night  
6 in question did you employ an MPD reimbursable  
7 detail officers for the establishment to be open  
8 that night?

9 MR. SAADATIAN: Yes.

10 MR. BAILEY: After you were made aware  
11 of this incident that occurred, did you make a  
12 copy of the video footage for the MPD to pick up?

13 MR. SAADATIAN: Yes.

14 MR. BAILEY: And at no time, you know,  
15 prior to the investigator coming to the  
16 establishment  
17 had the mPD officer came to retrieve the video  
18 footage, am I correct?

19 MR. SAADATIAN: No.

20 UNIDENTIFIED PERSON: Objection,  
21 leading.

22 MR. BAILEY: Okay. Can you briefly  
23 describe what from your knowledge as to what  
24 happened the night of the incident

25 MR. SAADATIAN: So, based on what i saw

1 on the video and based on after talking to  
2 everybody what happened was that the customer was  
3 sitting at someone else's couch and the security  
4 guard asked him to get up because that's not  
5 where he can sit and that couch belongs to  
6 someone already because someone else reserved  
7 that couch. And he asked him a couple of time  
8 and he refused to do it and the customer  
9 apparently gets pissed off because, gets upset  
10 because like the security personnel keeps asking  
11 him and the customer spit on the security. And  
12 just the security guard to grab him by the, like  
13 he just tried to grab him by the jaw in order to  
14 stop him from spitting more. Obviously, and this  
15 is a year ago, but still it's a serious matter so  
16 that's what happened and that's why the security  
17 guard grabbed him from that area and took him  
18 out.

19 And one thing I just wanted to say.  
20 Based on what the Board Member said, laying on  
21 the ground and not calling MPD, I do not recall  
22 anyone laying on the ground.

23 MR. BAILEY: Okay. Did your security  
24 personnel receive any training after this  
25 incident?



1 MR. SAADATIAN: Yes, specific to  
2 security?

3 MR. BAILEY: No, your entire security  
4 staff?

5 MR. SAADATIAN: Our security staff go  
6 through trainings.

7 MR. BAILEY: Okay. Have you always  
8 cooperated with MPD and ABRA when asked for any  
9 information and any evidence that they may  
10 require?

11 MR. SAADATIAN: I am one of the few  
12 very, very hands-on owner in the city. All the  
13 AGRA investigators and police, MPD, our personnel  
14 they and even some of Mayor's Office confess to  
15 that. Every time I've been asked something I'm  
16 there to do it. I meet up with people to present  
17 them whatever they need video, incident reports,  
18 anything they need related to my establishment or  
19 anything outside. Even if you ask the detectives  
20 they know that and even the ABRA investigator  
21 points that he confess to that too that anytime  
22 anything is needed I am very, very, very  
23 cooperative.

24 I can use as an example, like not long  
25 ago there was -- we had an event in our

1 establishment and ABRA and MPD came and kind of  
2 showed their concern. I had no idea what the  
3 event would be. I usually don't do that kind --  
4 those kind of events, but he was booked and they  
5 came and they showed their -- they expressed  
6 their concern that this event might be not having  
7 a very good clientele, even though it was pre-  
8 paid, it was very good money and they told me --  
9 they didn't suggest anything. They said it's  
10 your call. And they're just there to make sure  
11 everything goes well. But because they expressed  
12 their concern, I decided to cancel that event.  
13 So, --

14 MR. SOUTHCOTT: Mr. Chairman, I would  
15 like to object on the grounds of relevance and  
16 the witness has not been asked a question for  
17 several minutes. This is just a monologue by the  
18 witness but it's not particularly relevant to any  
19 of the proceedings that are happening here.

20 CHAIRPERSON ANDERSON: Mr. Siamak, I  
21 need you to respond to a question that's been  
22 asked of you.

23 Mr. Bailey, I know that you're not an  
24 attorney but I need you to ask direct questions  
25 to the witness to testify to.

1 MR. BAILEY: I do apologize, Mr.  
2 Chairman, but I believe Mr. Siamak was addressing  
3 the relationship in which he responds to MPD and  
4 to investigators as well as to all D.C.  
5 Government agencies as --

6 CHAIRPERSON ANDERSON: But you need to  
7 ask him that question, sir and for him to  
8 respond. Nothing is wrong with the answer. I  
9 think what Mr. Southcott was coming was that  
10 there was no question presented and he was just  
11 speaking.

12 MR. BAILEY: Okay. Well, then I'll ask  
13 this question.

14 Mr. Siamak, has there been any other  
15 incidents where you've had to comply on your own  
16 free will to request or maybe a statement made by  
17 any District employee of concern for an event or  
18 way to handle an event at the establishment?

19 MR. SAADATIAN: It was just -- it was  
20 just once, the one that I just explained.

21 CHAIRPERSON ANDERSON: Answer the  
22 question though. All right.

23 MR. SAADATIAN: So, yes. There was  
24 just one then that District might show their  
25 extra concern and they just didn't tell me to,

1 not to open or close, they just told me there is  
2 some concern and just because I saw concern from  
3 the Mayor's Office, ABRA and I decided to cancel  
4 the event prior to it even though he was pre-  
5 paid.

6 MR. BAILEY: Okay. Mr. Siamak, have  
7 you been informed that MPD detail officers are  
8 not permitted inside of the establishment at any  
9 time?

10 MR. SAADATIAN: Yes. Like MPD officers  
11 they have advised me that a few times I have  
12 asked them to come inside and remove someone from  
13 my establishment and they said they've been  
14 advised they cannot come in. And they can't.

15 MR. BAILEY: So, you have asked MPD  
16 prior to always come inside and remove a patron  
17 that is refusing to leave the establishment?

18 MR. SAADATIAN: Absolutely. That's my  
19 preference because I do not want security to get  
20 involved because that's why we have police  
21 officers outside. And that's why us and ABRA pay  
22 for police officers to be --

23 MR. BAILEY: I think your mic kind of  
24 went out there, Mr. Siamak. I'm not sure.

25 MR. SAADATIAN: Yes, like I just said,

1 I just said, yes. Like I -- that's why I would  
2 like to have MPD at my establishment any night,  
3 any given night that we're open in order for them  
4 to diffuse any problem or any situation but they  
5 have been advised like not to go inside the  
6 establishment and let the security bring the  
7 patron outside and after that they can deal with  
8 it.

9 MR. BAILEY: And you do request that an  
10 MPD detail each time that the establishment is  
11 open being employed to your establishment,  
12 correct?

13 MR. SAADATIAN: Exactly. Every night  
14 two officers.

15 MR. BAILEY: Right. And is that always  
16 the case in which happens? Do you always get  
17 detail officers outside even though you have  
18 requested and paid?

19 MR. SAADATIAN: Unfortunately not.  
20 Unfortunately not. It's just like, especially  
21 recently it's been kind of like random.  
22 Sometimes we have, sometimes we don't have even  
23 though I have a set schedule, a set schedule for  
24 six years.

25 MR. BAILEY: And that's all the

1 questions I have, Mr. Chairman.

2 CHAIRPERSON ANDERSON: Thank you.

3 Mr. Southcott, any questions, sir?

4 MR. SOUTHCOTT: Just a couple.

5 CROSS-EXAMINATION

6 MR. SOUTHCOTT: Mr. Saadatian, is that  
7 how your last name is pronounced?

8 MR. SAADATIAN: Saadatian.

9 MR. SOUTHCOTT: Saadatian, thank you.

10 Mr. Saadatian, is the security member  
11 who was shown in that first clip does he still  
12 work for you?

13 MR. SOUTHCOTT: No.

14 MR. SAADATIAN: How did he lose his  
15 job?

16 MR. SAADATIAN: I mean after that  
17 incident he was pretty much suspended for further  
18 investigation. And then later on after I talked  
19 to -- I had a discussion with ABRA and MPD and  
20 everything, pretty much I -- like we both  
21 mutually decided to part ways.

22 MR. SOUTHCOTT: But that was because --  
23 that was initiated by your view of the security  
24 footage, is that right?

25 MR. SAADATIAN: I mean from my side and

1 side, yes.

2 MR. SOUTHCOTT: And do you recall the  
3 conversation that you had with Investigator  
4 Puente?

5 MR. SAADATIAN: Kind of.

6 MR. SOUTHCOTT: You do recall  
7 Investigator Puente coming to your establishment.  
8 Correct?

9 MR. SAADATIAN: Yes, yes.

10 MR. SOUTHCOTT: And you did have a  
11 conversation. You did review the security  
12 footage with him.

13 MR. SAADATIAN: Yes.

14 MR. SOUTHCOTT: And in your review of  
15 that security footage he did have a conversation  
16 with you about proper security procedures.

17 MR. SAADATIAN: Yes.

18 MR. SOUTHCOTT: And that point did you  
19 indicate to him that the security personnel was  
20 no longer on your staff?

21 MR. SAADATIAN: Yes.

22 MR. SOUTHCOTT: Okay. I have no  
23 further questions.

24 CHAIRPERSON ANDERSON: Any other  
25 questions by any of the Board Members?

1                   MEMBER SHORT: Chair, I'd like to ask  
2 a question.

3                   CHAIRPERSON ANDERSON: Go ahead, Mr.  
4 Short.

5                   MEMBER SHORT: Yes. This is for, I  
6 don't want to butcher your name, sir, please  
7 forgive me but I'll just call you the Licensee.

8                   Sir, prior to October the 22nd, 2021,  
9 the incident requires us to be unfortunately this  
10 afternoon, prior to that what type of training,  
11 especially, all of your employees but especially  
12 your security. What type of training do they or  
13 were they required to have to be hired there?

14                  MR. SAADATIAN: Sometimes we have some  
15 private sector to do it and sometimes like --  
16 pretty much most of the time when ABRA is holding  
17 one, one for different protocols and/or the ID  
18 part myself and staff are required to join.

19                  MEMBER SHORT: Well, I'm specially  
20 saying according to your Security Plan, according  
21 to your Security Plan how much training on that  
22 Security Plan did your security have prior to  
23 10/22, October 22nd, when this incident occurred?

24                  MR. SAADATIAN: I can say two times.  
25 Two, three times.



1                   MEMBER SHORT: A year or two or three  
2                   -- how many years have you been open?

3                   MR. SAADATIAN: Six, since 2016. Yes.

4                   MEMBER SHORT: Six years?

5                   MR. SAADATIAN: Yes.

6                   MEMBER SHORT: So, in six years how  
7                   much training prior to 10/22, October 22nd,  
8                   training on that Security Plan that you have, how  
9                   many times just approximately would you say your  
10                  security was trained and drilled on that Security  
11                  Plan?

12                  MR. SAADATIAN: I can say once a year  
13                  at least if I recall correctly.

14                  MEMBER SHORT: Once a year?

15                  MR. SAADATIAN: Yes.

16                  MEMBER SHORT: The employee that you  
17                  had to get rid of or you let go because of this  
18                  incident had he received any of that training?

19                  MR. SAADATIAN: I don't think so. He  
20                  was -- he was remotely in the report.

21                  MEMBER SHORT: How many years or how  
22                  many months -- how long had he been employed by  
23                  you prior to you having to let him go?

24                  MR. SAADATIAN: I think two months.

25                  MEMBER SHORT: Two months.

1 MR. SAADATIAN: Yes.

2 MEMBER SHORT: Can I ask you this.

3 Since that time are you familiar with the  
4 requirements by the Metropolitan Police  
5 Department for security personnel to be  
6 registered with them? Are you familiar with  
7 that?

8 MR. SAADATIAN: I think -- I think so.  
9 My head of security would know better.

10 MEMBER SHORT: Okay. Well, I would  
11 really like to just suggest that you and your  
12 security get together on that. I think that  
13 would have really helped your business and helped  
14 you and helped your clients because the footage  
15 that I saw that Board and hearing shown today it  
16 was disturbing to me. Was it disturbing to you?

17 MR. SAADATIAN: Yes, may I say  
18 something?

19 MEMBER SHORT: Excuse me?

20 MR. SAADATIAN: I said, --

21 MEMBER SHORT: That's a yes or no  
22 question, sir. Please forgive me. Yes or no was  
23 that footage to disturbing to you?

24 MR. SAADATIAN: Yes.

25 MEMBER SHORT: Now, since this happened

1 has there been any training since -- any training  
2 based on the violations that you're here facing  
3 today for the remaining security you have? Has  
4 there been any specific training specific to as  
5 in your Security Plan not choking people,  
6 handcuffing people and all of the other  
7 objectives that we use. Has there been any  
8 training and give you give us any dates when that  
9 training occurred?

10 MR. SAADATIAN: Yes, it's been -- Mr.  
11 Bailey can you give exact dates and details about  
12 it.

13 MEMBER SHORT: Okay. Thank you.  
14 That's a fair answer.

15 Would you consider having a  
16 professional training company come in, a  
17 professional company, security company, that does  
18 nothing but training like that. Because we have  
19 several licensees like yourself in an  
20 establishment who hire professionals to come in  
21 and they don't have any more problems after they  
22 get that professional training. That in-house  
23 training, professional training. Do you think  
24 that would help your business?

25 MR. SAADATIAN: Yes, absolutely and I

1 think that's what we do. We get professional  
2 training.

3 MEMBER SHORT: Are they certified  
4 trainers? Are they registered with the District  
5 Government?

6 MR. SAADATIAN: They should be but  
7 that's something that Mr. Bailey can tell you  
8 exactly.

9 MEMBER SHORT: I do thank you very much  
10 for your honesty. You've been quite interesting  
11 and thank you for your answers.

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

13 MR. SAADATIAN: Thank you so much.

14 CHAIRPERSON ANDERSON: Thanks, Mr.  
15 Short.

16 Are there any other questions by any  
17 of the Board Members?

18 I just have one question, sir. You  
19 said that you were advised by the MPD officers  
20 that they cannot come inside the establishment.  
21 When were you advised? When was this information  
22 provided to you?

23 MR. SAADATIAN: Is that for me?

24 CHAIRPERSON ANDERSON: Yes, sir.

25 MR. SAADATIAN: I don't exactly -- I

1 don't exactly recall the exact date but I have  
2 been told that like some of the sergeants, some  
3 of the sergeants advised her and police officers  
4 that not to go inside.

5 CHAIRPERSON ANDERSON: Now is it that  
6 they should not go inside the establishment  
7 period or if there's an incident side that they  
8 are not supposed to go in?

9 MR. SAADATIAN: That's what I've been  
10 told.

11 CHAIRPERSON ANDERSON: Was this -- were  
12 you told this prior to October 21st, -- October  
13 22nd, 2021?

14 MR. SAADATIAN: Yes.

15 CHAIRPERSON ANDERSON: So, you're  
16 talking about maybe what in -- because prior to  
17 October 2021, we had two years of Covid. So, are  
18 you saying

19 MR. SAADATIAN: I'm sorry for  
20 interrupting you. That might be for one of the  
21 reasons. That might be, I'm not sure.

22 CHAIRPERSON ANDERSON: I don't have any  
23 other questions.

24 Mr. Bailey, do you have any questions  
25 based on the questions that the Board asked, sir?

1 I'm sorry, not Mr. Bailey. Mr.  
2 Southcott? You have the last question.

3 MR. SOUTHCOTT: I have no further  
4 questions.

5 CHAIRPERSON ANDERSON: All right. So,  
6 Mr. Bailey do you have any Redirect questions you  
7 want to ask?

8 MR. BAILEY: Yes, Mr. Chairman.

9 REDIRECT EXAMINATION

10 MR. BAILEY: Sir, the security  
11 personnel in question that was involved in this  
12 incident, Mr. Siamak, was he terminated or was it  
13 as you say, I heard you say it was a mutual  
14 agreement for him leaving?

15 MR. SAADATIAN: Yes. Like he was after  
16 -- after the incident he was placed on leave or I  
17 said light suspension until further  
18 investigation. And then after that, we decide  
19 mutually to like just part ways.

20 MR. BAILEY: Thank you, Mr. Siamak.

21 CHAIRPERSON ANDERSON: Are you done  
22 with this witness, sir?

23 MR. BAILEY: Yes, sir, I'm done.

24 CHAIRPERSON ANDERSON: Do you have  
25 another witness, sir?

1 MR. BAILEY: Just myself, Mr. Chairman.

2 CHAIRPERSON ANDERSON: How do you plan  
3 to testify?

4 MR. BAILEY: Well, I just want to give  
5 my statement as to what occurred from my  
6 perspective being the Head of Security and  
7 reviewing of the video footage. And there so  
8 after, you know, from what, because I encountered  
9 the MPD officers that night and the next night  
10 and previous interactions about this incident.

11 CHAIRPERSON ANDERSON: All right. So,  
12 I'll swear you in. I will then, I guess you can  
13 give your statement and then your statement is  
14 subject to cross-examination by the Government  
15 and also by the Board if they so choose.

16 MR. BAILEY: Okay, sir.

17 (Witness sworn.)

18 DIRECT EXAMINATION

19 MR. BAILEY: Okay, on the night in  
20 question after reviewing of the video footage  
21 I've determined that and the questioning of Mr.  
22 Lorrie who was the security personnel in  
23 question, he has requested that the patron exit  
24 the establishment because he was sitting in an  
25 area which he was prohibited to sit in. The

1 patron repeatedly refused to leave, therefore,  
2 once again Mr. Lorrie asked him to remove himself  
3 from the establishment. At that point the patron  
4 became aggressive and then spat on security  
5 personnel. Mr. Lorrie then grabbed the patron in  
6 the area of the jaw area which could appear to be  
7 in close proximity to his neck by grabbed his jaw  
8 area to obtain him not to spit on him again.

9           Once he had cleared the area which  
10 other patrons were there, he then turned the  
11 patron around with additional security personnel  
12 standing beside him, turned him around and then  
13 escorted him up the steps. Once escorted outside  
14 MPD and myself were positioned outside. The  
15 officers were positioned immediately to the right  
16 of the establishment where the patron was  
17 escorted out to. They asked the patron, you  
18 know, what happened. He refused to speak to our  
19 MPD reimbursable detail saying that he wanted to  
20 call 911.

21           That night he went on and called 911.  
22 We sat and waited. MPD officers arrived but  
23 unfortunately the Complainant had left the area  
24 and was unable to be contacted at that time.

25           The very next day I got a call that



1 the patron upon me arriving to the establishment  
2 that the patron was outside and requested to  
3 speak to a manager. When I arrived I spoke to  
4 him. He said, well, I'm calling the police. I  
5 said feel free to do so, sir. I tried to ask him  
6 what happened so that we could, you know, be in  
7 front of, you k now, what's going on and anything  
8 that was going to be required. He said that he  
9 was going to call MPD and the officers to come to  
10 review the video footage.

11 At that time, he apparently did call  
12 MPD. MPD arrived and upon their arrival, once  
13 again, the Complainant was no where to be found.

14 Later on, the detectives had arrived  
15 to the establishment. We did get a brief  
16 understanding as to what possibly had occurred  
17 and when the detective arrived we provided the  
18 video, allowed him to watch the video footage.

19 I attempted to try to email the video  
20 footage to the detective which it was  
21 unsuccessful so we did have a copy there at the  
22 establishment for the detective to obtain.

23 The detective never, never came to  
24 obtain the video footage. During the time that  
25 he said he was going to come, he stated that he

1 had gotten tied up. The detective did get, I  
2 guess you want to say kind of frustrated because,  
3 you know, I mean, of course, you know, he wants  
4 to get his case resolved. But we did have the  
5 video footage there for him to pick up and had  
6 arranged for him to pick it up at the time that  
7 he was questioned to be able to pick it up.

8 After that the investigator, ABRA  
9 investigator requested a copy of the video  
10 footage which in that same night after he  
11 requested I also sent him a copy of the video  
12 footage as requested and as required for our  
13 establishment to provide.

14 Mr. Lorrie I've known him for several  
15 years prior to 2006 where he was employed as a  
16 police officer, municipality police officer. He  
17 was employed based upon his knowledge and  
18 background to bring to the establishment. The  
19 establishment afterwards did receive training  
20 from a certified security contractor for MDT  
21 certification which allows, which, they train as  
22 far as verbal judo, proper handling techniques  
23 when dealing with people, how to properly  
24 restrain someone and how to diffuse situations.

25 That is all, Mr. Chairman.

1 CHAIRPERSON ANDERSON: Mr. Southcott,  
2 any question in cross-examination?

3 MR. SOUTHCOTT: A couple of questions.

4 CROSS-EXAMINATION

5 MR. SOUTHCOTT: Mr. Bailey, you're the  
6 head of security at the establishment, correct?

7 MR. BAILEY: Yes, sir.

8 MR. SOUTHCOTT: And so you didn't see  
9 the initiation of this incident, correct?

10 MR. SOUTHCOTT: No, I did not see the  
11 initiation, no.

12 MR. SOUTHCOTT: You just reviewed on  
13 security footage?

14 MR. BAILEY: Yes, just like everyone  
15 else, yes.

16 MR. SOUTHCOTT: And as Head of Security  
17 do you believe that that is the appropriate way  
18 for one of your trained members who are under you  
19 as Head of Security to remove a patron?

20 MR. BAILEY: Well, there are several  
21 different methods in which a security personnel  
22 could use. And like I said, it depends on --

23 MR. SOUTHCOTT: I understand. But the  
24 question is, was the method that was shown in the  
25 video a method that is appropriate for you to

1 train the people who are under your security  
2 umbrella as Head of Security to utilize in  
3 removing a patron?

4 MR. BAILEY: If your asking whether or  
5 not if he, from his statement and what I viewed  
6 from the video of him trying to cover, you know,  
7 retrain him from spitting on him again, I can --  
8 I mean, could different situations have occurred?  
9 Yes. Do I condone of his force? Somewhat, yes.

10 MR. SOUTHCOTT: So, you believe that  
11 that was an appropriate technique to utilize?

12 MR. BAILEY: Well, I'm trying to be  
13 very clear on this because as your question is,  
14 you're thinking that he choked him. I have  
15 obtained that he grabbed him in the jaw to  
16 prevent him from spitting again.

17 MR. SOUTHCOTT: So, even assuming that  
18 he grabbed him in the jaw area as opposed to  
19 choking him, your testimony here is that grabbing  
20 someone by the jaw area, shoving them back across  
21 the room, knocking over several other patrons in  
22 the process, that is an appropriate way to  
23 restrain a patron and something that you would  
24 train your security personnel to do?

25 MR. BAILEY: I mean, unfortunately, I

1 do understand that when a patron is escorted out,  
2 if, you know, there are people asked to move  
3 because of the loud music, sometimes you know  
4 people fall over. And I don't condone a security  
5 personnel intentionally running over a patron at  
6 all. But I do understand that certain accidents  
7 to happen when an altercation, when a physical  
8 altercation is occurring.

9 MR. SOUTHCOTT: But do you believe  
10 that, so from where you stand you don't have any  
11 problem with how the employee removed the patron  
12 from the bar?

13 MR. BAILEY: I mean, as per your  
14 question I was not there during the incident.  
15 So, I can only go on what was being told and what  
16 the video had actually shown.

17 MR. SOUTHCOTT: Fine. Based on your  
18 review of the security footage, it is your  
19 testimony that you would not have a problem  
20 training staff to remove another patron in  
21 exactly the same manner?

22 MR. BAILEY: No. As in any incident,  
23 we also review all incidents that occurred and  
24 see which way it could be handled, maybe a little  
25 bit different than the very next time to avoid

1 certain situations from happening which were  
2 unperceived.

3 MR. SOUTHCOTT: So, you saw the second  
4 and third clips where the patron was being led  
5 out by the security personnel holding onto his  
6 shirt and from the side and behind him. You saw  
7 those slips, right?

8 MR. BAILEY: Yes, sir.

9 MR. SOUTHCOTT: So, that clip, that  
10 method of removing a patron is that a method that  
11 your security personnel would be trained on in  
12 terms of escorting a patron off the premises?

13 MR. BAILEY: That is the method in  
14 which security personnel is trained on once are  
15 able to.

16 MR. SOUTHCOTT: And so you said the  
17 same security personnel who is doing that  
18 escorting in the second and third clips that one  
19 is grabbing the patron in the first clip, is that  
20 right?

21 MR. BAILEY: Well, I can't say that he  
22 lounged forward. I did not see where he lounged  
23 forward and grabbed the patron.

24 MR. SOUTHCOTT: Fine. He grabbed the  
25 patron and pushed him back several feet in the

1 process knocking over other patrons. It's the  
2 same security guard who was engaged in the action  
3 in the first clip is in the second and third  
4 clips, is that right?

5 MR. BAILEY: Yes. In the second clip,  
6 yes, he was able to be in a clear area which he  
7 can then turn the patron around and escort him  
8 out.

9 MR. SOUTHCOTT: So, the same security  
10 guard was capable of doing it in the second and  
11 third clip. That's your testimony that he was  
12 incapable of doing so in the first clip?

13 MR. BAILEY: Because of the amount of  
14 patrons surrounding the incident he was unable to  
15 grab him, in a sense, to turn him around. He was  
16 able to turn around once he was clear, in a clear  
17 area away from everyone else.

18 MR. SOUTHCOTT: So, is it your  
19 testimony that it is more appropriate when it is  
20 in a crowded setting for a security guard to push  
21 a patron back, grabbing them around the head area  
22 rather than attempting to turn them around and  
23 walk them out of the establishment?

24 MR. BAILEY: Well, the grabbing around  
25 the head area was to prevent the spitting because

1 of Covid. And that is considered an assault.  
2 So, he did restrain him from spitting on himself  
3 as well as anyone else. Then to forcefully  
4 remove him into an area which he can then turn  
5 him around and then escort him out, yes.

6 MR. SOUTHCOTT: So, you talked about  
7 Covid as a justification for trying to grab  
8 someone around the mouth. Was the establishment  
9 enforcing social distancing guidelines?

10 MR. BAILEY: Yes, we were and as you  
11 can tell all our staff had on masks during this  
12 incident as well as the security personnel in  
13 question.

14 MR. SOUTHCOTT: But, patrons were  
15 certainly much closer together than six feet  
16 apart, weren't they?

17 MR. BAILEY: Like I said we went by the  
18 Mayor's guidelines in which no violations were  
19 found in this case regarding --

20 MR. SOUTHCOTT: I understand that. But  
21 I'm trying to understand your justification and  
22 so yes or no, were there patrons that were closer  
23 than six feet apart?

24 MR. BAILEY: I mean, we went by  
25 whatever the guidelines were at that time.



1                   MR. SOUTHCOTT: I'm not, you know,  
2                   questioning whether you were abiding by mayoral  
3                   guidelines but your justification for grabbing  
4                   this patron around the mouth is because you were  
5                   concerned about Covid. So, there were patrons  
6                   that were closer than six feet apart, weren't  
7                   they?

8                   MR. BAILEY: I can -- I can, I mean, of  
9                   course. I mean there are patrons that are  
10                  walking past each other, yes.

11                  MR. SOUTHCOTT: Right.

12                  MR. BAILEY: but --

13                  MR. SOUTHCOTT: Thank you, thank you,  
14                  Mr. Bailey.

15                  There were multiple patrons, in fact,  
16                  most of the patrons in the clip were unmasked,  
17                  weren't they?

18                  MR. BAILEY: Which they were permitted  
19                  to do so when consuming beverages, yes.

20                  MR. SOUTHCOTT: But they're still  
21                  unmasked and so the spread of Covid would be a  
22                  concern there. If you're concerned about the  
23                  transmission of GS Saliva were you ejecting  
24                  patrons who were kissing one another?

25                  MR. BAILEY: If we had obtained any

1 violations of the Mayor's policy, yes. We did --  
2 we would advise the patrons of what they could  
3 and could not do which we had signs posted up of  
4 what the mayor's order was. And then they would  
5 be asked to leave if they did not comply.

6 MR. SOUTHCOTT: Have you ever ejected  
7 a patron for kissing another patron when just  
8 based on the -- solely on the basis that their  
9 kissing constitute a Covid hazard?

10 MR. BAILEY: Never had to.

11 MR. SOUTHCOTT: Thank you. I have no  
12 further questions.

13 CHAIRPERSON ANDERSON: Any question by  
14 the Board Members?

15 MEMBER SHORT: Mr. Chair, I'd like to  
16 ask a question.

17 CHAIRPERSON ANDERSON: Go ahead, Mr.  
18 Short.

19 MEMBER SHORT: Thank you very much.

20 Good afternoon, Mr. Bailey.

21 MR. BAILEY: Good afternoon, Mr. Short.

22 MEMBER SHORT: Okay. Not, Mr. Bailey  
23 can you give for the record your credentials and  
24 who you were trained by to be a Head of Security  
25 and prior to 10/22 or the 22nd?

1                   MR. BAILEY: I have been trained by  
2 ABRA. Five years I was an investigator there.  
3 So, I have my training there. I've also had my  
4 training through several security companies and  
5 there's different backgrounds of training from  
6 outside of being an ABRA investigator training  
7 there at ABRA and training with other security  
8 personnel as well.

9                   MEMBER SHORT: Are you registered with  
10 the Metropolitan Police Department, the District  
11 of Columbia Metropolitan Police Department as a  
12 certified security person and a trainer?

13                   MR. BAILEY: No, I've not been made  
14 aware of this certification.

15                   MEMBER SHORT: In ABRA who trained you  
16 on security?

17                   MR. BAILEY: On security-wise. I can't  
18 recall --

19                   MEMBER SHORT: Forgive me for cutting  
20 in. When I asked the question your background on  
21 security and training you said the years you've  
22 had with ABRA if I'm hearing you correctly, I'm  
23 trying to repeat what you said, your answer. You  
24 said that you based your years with ABRA along  
25 with your security training. What security

1 training did you get at ABRA?

2 MR. BAILEY: Well, ABRA had -- I cannot  
3 recall the gentleman's name that would fly in and  
4 to the training for establishments on security  
5 procedures. I did attend majority, every one of  
6 those each year when he was here.

7 MEMBER SHORT: Thank you very much. I  
8 do remember the gentleman from California.

9 Let's move on. Mr. Bailey, in all of  
10 that training you got, especially from that  
11 expert from California, does he in that training  
12 say as best for a persons in job security that a  
13 report should be written right away?

14 MR. BAILEY: Yes, sir.

15 MEMBER SHORT: On the night of October  
16 22nd did you or any of your staff -- did anyone  
17 write a report on the incident that we saw in the  
18 clip today?

19 MR. BAILEY: Yes. I took down the  
20 initial statement via written and then later on  
21 typed up the incident report.

22 MEMBER SHORT: So, did you provide that  
23 to ABRA in any way for this case?

24 MR. BAILEY: I was never asked for it  
25 the incident report so therefore I n ever did

1 provide it but I did have it prepared.

2 MEMBER SHORT: Just a request from  
3 myself as a Board member now, the Chair supports  
4 this, at any rate would you be willing to provide  
5 that original or a copy of that original that you  
6 did on October 22nd? That would bring some light  
7 to the situation because it would be fresh in my  
8 mind at that time. Could you or would you, would  
9 you mind providing that?

10 MR. BAILEY: I have supplied a written  
11 copy, a typed up copy of the incident to ABRA as  
12 well as the Attorney General.

13 MEMBER SHORT: Who did you give that  
14 to?

15 MR. BAILEY: I provided it to the -- I  
16 emailed it to the Attorney General as well as I--  
17 as part of my exhibits as well.

18 MEMBER SHORT: Okay. And one of my  
19 last questions will be, do you keep a log or do  
20 you keep any way to record incidents of violence  
21 or fights or ejections as we saw on the tape ?

22 MR. BAILEY: Typically, I do document  
23 in writing because that's the quickest way to  
24 write everything down. So, I write everything  
25 down via paper and then later on type it up so

1 that we can have it digitally.

2 MEMBER SHORT: Thank you, Mr. Bailey.

3 I asked the question, do you keep a log so that

4 you can track from year to year and month to

5 month incidents where you have to write a report?

6 Is there a log?

7 MR. BAILEY: Yes. Yes.

8 MEMBER SHORT: So, you do have --

9 besides the report that you say you sent to the

10 Attorney General and to ABRA so if the

11 investigator would have to come back down and see

12 would you have a problem showing the investigator

13 or to the security staff he log that you keep of

14 that that showed that incident that night?

15 MR. BAILEY: Well, unfortunately, Mr.

16 Board Member, after I write all my information

17 out and then type it up I get rid of the actual,

18 my notes that I take.

19 MEMBER SHORT: I wasn't speaking of

20 notes, Mr. Bailey. My specific question was, and

21 I hope that you understood me that I just try to

22 be a little bit more plain. Sometimes I do speak

23 a little fast.

24 Do you have a log and did you write in

25 the log that night? I thought the initial answer

1 you gave me was yes.

2 MR. BAILEY: Well, it's not actually a  
3 log, it's just a copy of the incident report on  
4 the computer.

5 MEMBER SHORT: When you answered yes  
6 you answered incorrectly. You do not have a log?

7 MR. BAILEY: I mean our log is kept  
8 digital, not -- it's a digital log.

9 MEMBER SHORT: In the training that you  
10 got from the gentleman who came in from  
11 California doesn't he always in this training in  
12 most cases and hopefully in your case I would say  
13 95 or 99 percent, I've been through this training  
14 also, he says you should keep a log. Did you get  
15 that same training from him?

16 MR. BAILEY: Yes, I did.

17 MEMBER SHORT: Okay. Well, if you  
18 don't have a written log would it be too much to  
19 ask that you start keeping one?

20 MR. BAILEY: I can -- I can -- yes, Mr.  
21 Board Member.

22 MEMBER SHORT: Okay. Thank you very  
23 much.

24 Now you said Mr. Lorrie who you met in  
25 2006 if I remember correctly, who was an MPD

1 officer, when you knew him as a MPD officer do  
2 you know if he had any other incidents of  
3 violence or charges of over-reacting or did you  
4 do any background on him other than just knowing  
5 him as a personal friend?

6 MR. BAILEY: Correction. I met him as  
7 a municipality police officer. That's in another  
8 State of Maryland.

9 MEMBER SHORT: Okay.

10 MR. BAILEY: Okay. Yes, I'm not --  
11 I've known him since about 2005, 2006, when he  
12 was a municipality police officer.

13 MEMBER SHORT: So, that I don't prolong  
14 this any longer.

15 Do you or will you now just do a  
16 little background on persons before you hire them  
17 for security and find out if they do have this in  
18 their background because Mr. Lorrie probably can  
19 go right around the corner from you or down the  
20 street, the way things are now, just get another  
21 job with another company, couldn't he?

22 MR. BAILEY: I supposed so he can get  
23 a job anywhere.

24 MEMBER SHORT: I understand. But now  
25 would you hire someone like him? Or do you n ow



1 or would you start just doing a little background  
2 on the person that you hire?

3 MR. BAILEY: We typically do  
4 backgrounds on our staff members as much as we  
5 are able to obtain, you know, during that time.

6 MEMBER SHORT: Okay. Mr. Bailey, I do  
7 thank you for your testimony.

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

9 CHAIRPERSON ANDERSON: Thank you, Mr.  
10 Short. Any other questions by any other Board  
11 Members? Any other questions by any other Board  
12 Members?

13 All right. Mr. Southcott, any  
14 questions based on the question that were asked  
15 by the board?

16 MR. SOUTHCOTT: I do not have any  
17 further questions.

18 CHAIRPERSON ANDERSON: I guess I can't  
19 ask Mr. Bailey to redirect. Ask yourself  
20 redirect questions.

21 MR. BAILEY: I understand, sir.

22 CHAIRPERSON ANDERSON: All right. Do  
23 you have any other witnesses you wish to call?

24 MR. SOUTHCOTT: No, sir.

25 CHAIRPERSON ANDERSON: Do you rest?

1 MR. SOUTHCOTT: Yes, sir, we rest.

2 CHAIRPERSON ANDERSON: All right.

3 Mr. Southcott, do you wish to make a  
4 closing argument? And what I'm asking I want the  
5 parties to be specific in what they're asking the  
6 Board to do.

7 MR. WOODSON: Yes. I do have a closing  
8 argument that I would like to make.

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

11 MR. SOUTHCOTT: Thank you, Mr. Chair.

12 Members of the Board, the two charges  
13 that we brought as pertaining to this  
14 establishment both stem from the October 22nd,  
15 2021, incident in the use of excessive force that  
16 the Living Room employee utilized in ejecting a  
17 patron and how that constituted utilizing the  
18 establishment for an unlawful or disorderly  
19 purpose is one charge. And the second charge was  
20 violating the establishments Security Plan.

21 The evidence has demonstrated that in  
22 both circumstances those charges are warranted  
23 and that the board should fine the establishment  
24 liable for both of those charged.

25 Any other arguments that are being

1 made about whether the timeliness of recording  
2 videos or whether police officers did or did not  
3 or should or should not have intervened directly  
4 have no bearing on these particular charges.  
5 And, in stead, the evidence has demonstrated the  
6 establishment liable for being utilized for an  
7 unlawful and disorderly purpose and for violating  
8 its Security Plan.

9           You heard through the testimony of  
10 ABRA Investigator Kevin Puente that the  
11 establishment violated its Security Plan in  
12 several ways by utilizing excessive force.  
13 Investigator Puente walked you through the  
14 particular provisions that demonstrate how the  
15 establishment violated by using more force than  
16 it needed to. You heard Investigator Puente  
17 testify that based on his knowledge and  
18 experience that in the second and third clip  
19 there was much more appropriate means and a much  
20 more appropriate use of force than in the first  
21 clip where you can see the security personnel  
22 grabbing a patron around his head and neck area,  
23 pushing him back several feet, knocking over  
24 additional patrons in the process.

25           Now the establishment claims that

1 actually this wasn't choking the patron. This  
2 was rather trying to restrain him by placing a  
3 hand over his mouth because there were concerns  
4 about him spitting and because of Covid.

5 Now, the Board can review the video  
6 footage for itself and determine which of those  
7 things is more likely or plausible. But even if  
8 we were to accept the establishment's argument  
9 that they were just trying to prevent him from  
10 spitting on someone else because, you know, we  
11 have these Covid concerns, their other conduct  
12 indicates that that is not a particularly high  
13 concern for them that the only thing that they  
14 were concerned about was making sure that they  
15 were abiding by the directives of the Mayor when  
16 it came to Covid protocols and admittedly they  
17 were. But that does not mean that they were  
18 ejecting patrons, let alone forcibly, and let  
19 alone excuse the fact that they were engaging in  
20 the level of physical violence that you saw one  
21 of their security personnel engaged in in those  
22 security clips.

23 You also heard testimony from the  
24 owner who indicated that he was disturbed by the  
25 fact that this amount of violence had been used

1 and when he looked at the security footage he was  
2 disturbed seeing that occur. And testified that  
3 very same not only to, rather he said the very  
4 same thing not only to Investigator Puente in  
5 that initial conversation that he had as part of  
6 the regulatory inspection, but also testified to  
7 as much on questioning from the Board indicated  
8 that he was disturbed by the level of violence  
9 that was utilized by their own security  
10 personnel. And that is understandable and the  
11 establishment to its credit took appropriate  
12 steps in light of that degree of excessive force.

13 They placed the individual on  
14 suspension and although they say that they parted  
15 ways with him in a mutual setting, placing  
16 someone on a suspension as a direct result of  
17 this contact certainly indicates the  
18 establishment knew that they were utilizing  
19 excessive force and that that type of behavior  
20 was not to be permitted even in spite of what the  
21 Head of Security might testify but apparently has  
22 no problem with that degree of violence being  
23 utilized even when the owner himself indicated  
24 that he was concerned by the actions that were  
25 viewed in the security footage.

1                   So, what do we have here? We have  
2 clear video footage. We have uncontroverted  
3 testimony. We have a Security Plan that the  
4 owner reviewed and we have subsequent training  
5 and the firing of that employee that occurred by  
6 the establishment in light of this incident.

7                   While the establishment certainly can  
8 take steps and should take additional steps to  
9 prevent actions from this from occurring against,  
10 the fact remains that this incident did occur and  
11 there was excessive force that was utilized, the  
12 establishment did violate a Security Plan in the  
13 course of ejecting this particular patron and  
14 knows that it did so which is why it undertook  
15 additional training for its staff and why it  
16 placed the security member on administrative  
17 leave.

18                   Given those circumstances, it is only  
19 appropriate that this Board find the  
20 establishment liable for operating in an unlawful  
21 and disorderly purpose in violation of 25A23A2  
22 and for violation its Security Plan in violation  
23 of 25A23A6.

24                   Thank you.

25                   CHAIRPERSON ANDERSON: All right.

1 Thank you.

2 Mr. Bailey.

3 MR. BAILEY: In my closing I would like  
4 to say that it isn't unheard of for an  
5 establishment to place a person in any job to  
6 place a person on leave or suspension pending  
7 further review of an incident that occurred,  
8 especially when receiving a complaint from  
9 someone who they perceive as to be an  
10 authoritative figure above them.

11 In this matter, the parties agreed  
12 mutually to depart ways not only because of what  
13 the establishment perceived in the beginning, but  
14 because of his background, his other jobs as it  
15 pertains to his career life, to his career.

16 We'd ask the Board that I also  
17 recognize the fact that the investigator also  
18 stated that it appeared to be that he grabbed him  
19 in the neck area but that it could be possible  
20 that he did grab him in the jaw area to prevent  
21 him from spitting.

22 Although the Attorney General pointed  
23 out that other methods of Covid could, you know,  
24 be addressed by the establishment a concern, but  
25 that was the immediate concern of someone

1 actually spitting on that security personnel  
2 himself as well as others because he was  
3 uncooperative.

4           There is no indication to where the  
5 establishment did not, you know, at least, try  
6 all methods to make sure that patrons did so and  
7 necessary to make sure that Covid policies were  
8 met. As you can clearly see in the video all  
9 staff members were wearing masks and if an  
10 investigation was to take place regarding those  
11 issue would have seen that patrons were told to  
12 put on masks and provided masks when entering the  
13 establishment and only allowed to remove those  
14 masks when consuming a beverage which was allowed  
15 throughout the District of Columbia.

16           Unfortunately, the establishment did  
17 not take additional efforts into getting the  
18 patron moved by MPD because they had been  
19 instructed otherwise by a new sargent who has  
20 been in that area now telling them that they can  
21 no longer, MPD officers could no longer come in  
22 and eject a patron from the establishment that  
23 the establishment must remove the patron by its  
24 own methods.

25           In addition, yo also see that as the



1 owner had testified to that training was provided  
2 there so after. Training is also provided after  
3 every event, whether it be in-house or an out  
4 source of training provided.

5 He also testified to the fact that the  
6 staff has also, has received training provided by  
7 the District at all cost. You know, at anytime  
8 that has been available that the staff as well as  
9 the owner has attended those trainings and  
10 received certificates for those.

11 And I'd just also note that the fact  
12 that the establishment has always in compliance  
13 in the District of Columbia with any requests and  
14 any concerns in the matter of the operations of  
15 the establishment.

16 CHAIRPERSON ANDERSON: Thank you.

17 All right. The record is now closed.  
18 Do the parties wish to file a closing findings of  
19 fact and conclusion of law or waive their rights  
20 to do so.

21 MR. SOUTHCOTT: The Government waives.

22 MR. BAILEY: The establishment waives.

23 CHAIRPERSON ANDERSON: All right. So,  
24 the Bard will issue a decision within 90 days.

25 As Chairperson of the Alcoholic

1 Beverage Control Board for the District of  
2 Columbia in accordance with DC Code 2575 of the  
3 Open Meetings Act, I move that the ABC Board hold  
4 a closed meeting for the purpose of seeking legal  
5 advice from our counsel on Case Number 21-251-  
6 00040, Living Room, pursuant to D.C. Official  
7 Code Section 2575B of the Open Meetings Act and  
8 deliberate upon Case Number 21-251-0040, Living  
9 Room for the reasons cited in D.C. Official Code  
10 Section 2575B13 of the Open Meetings Act.

11 Is there a second?

12 MEMBER SHORT: Mr. Short has seconded.

13 CHAIRPERSON ANDERSON: Mr. Short has  
14 seconded the motion.

15 I will not take a Roll Call Vote on  
16 the motion before us now that has been seconded.

17 Mr. Short?

18 MEMBER SHORT: Mr. Short, I agree.

19 CHAIRPERSON ANDERSON: Mr. Cato? Mr.  
20 Cato?

21 Ms. Crockett?

22 MEMBER CROCKETT: Rafi Crockett, I  
23 agree.

24 CHAIRPERSON ANDERSON: Ms. Hansen?

25 Mr. Grandis?

1                   MEMBER GRANDIS: Edward Grandis, I  
2                   agree.

3                   CHAIRPERSON ANDERSON: Mr. Anderson, I  
4                   agree.    The matter passes four to nothing.

5                   Thank you.

6                   Thank you.    The Board will take this  
7                   matter under advisement and we'll issue a  
8                   decision within 90 days.

9                   Thank you very much.    Have a great  
10                  day.

11                  (Whereupon, the above proceeding was  
12                  concluded at 3:17 p.m.)

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**A**

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C E R T I F I C A T E

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Before: DC ABRA

Date: 10-26-22

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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*

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Court Reporter

**NEAL R. GROSS**

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