

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

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IN THE MATTER OF:           :
                               :
Voyager 888, LLC           :
t/a Assets                 :
1805 Connecticut Ave NW   : Protest
Retailer CN - ANC 2B      : Hearing
License No. 113585        :
Case #19-251-00157       :
                               :
(Allowed Establishment     :
to be Used for Unlawful   :
Purposes, Failed to      :
Follow Security Plan)     :
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Wednesday  
 November 2, 2022

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

**PRESENT:**

DONOVAN W. ANDERSON, Chairperson  
 BOBBY CATO, JR., Member  
 EDWARD S. GRANDIS, Member  
 JENI HANSEN, Member

**ALSO PRESENT:**

JOSE ORELLANA, DC ABRA Staff  
 JEFFREY SCHAEFFER, Applicant  
 RICHARD BIANCO, Applicant Counsel  
 STEPHEN ORTIZ, Assistant Attorney General  
 INVESTIGATOR GEORGE GARCIA

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

2 1:44 p.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is case number 19-251-00157,  
5 Assets, License No. 113585. Mr. Orellana, can  
6 you please have the parties for this case  
7 available to testify, please.

8 MR. ORELLANA: Richard Bianco, your  
9 access has been elevated. Jeffrey Schaeffer,  
10 your access has been elevated. Stephen Ortiz,  
11 your access has been elevated. George Garcia,  
12 your access has been elevated. That is all,  
13 Chairman.

14 CHAIRPERSON ANDERSON: Thank you very  
15 much. Good afternoon, everyone. Mr. Ortiz, can  
16 you please introduce yourself for the record,  
17 please?

18 MR. ORTIZ: Good afternoon. Stephen  
19 Ortiz on behalf of the District of Columbia. S-  
20 T-E-P-H-E-N O-R-T-I-Z.

21 CHAIRPERSON ANDERSON: Good afternoon,  
22 Mr. Ortiz. Mr. Ortiz, as this matter goes to a  
23 hearing, would the Government be calling any  
24 witness, and, if so, who is that witness?

25 MR. ORTIZ: Yes. The Government will

1 be calling one witness, the ABRA investigator,  
2 George Garcia.

3 CHAIRPERSON ANDERSON: Mr. Garcia, can  
4 you please identify yourself for the record,  
5 please?

6 MR. GARCIA: G-E-O-R-G-E G-A-R-C-I-A.

7 CHAIRPERSON ANDERSON: Mr. Bianco, can  
8 you please identify yourself for the record,  
9 please?

10 MR. BIANCO: Yes, Mr. Chair, good  
11 afternoon. Richard Bianco on behalf of the  
12 licensee. My name is spelled R-I-C-H-A-R-D B-I-  
13 A-N-C-O. With me I have the owner of the  
14 establishment, Jeff Schaeffer, and I will allow  
15 him to introduce himself at this point.

16 MR. SCHAEFFER: Good afternoon. Jeff  
17 Schaeffer, J-E-F-F, last name Schaeffer, S-C-H-A-  
18 E-F-F-E-R.

19 CHAIRPERSON ANDERSON: You are the  
20 owner of the establishment, sir?

21 MR. SCHAEFFER: Yes, sir.

22 CHAIRPERSON ANDERSON: Thank you.  
23 This matter is scheduled for show cause hearing.  
24 Mr. Ortiz, are there any preliminary matters in  
25 this case?

1 MR. ORTIZ: Petitioners would just  
2 like to know what witnesses opposing counsel will  
3 be calling in today's hearing. Posing counsel  
4 filed untimely his witness list. In that list it  
5 indicates at least roughly 14 potential witnesses  
6 and the District would like to know which, if  
7 any, of the witnesses opposing counsel shall be  
8 calling. And if so, what their proffer will be.

9 CHAIRPERSON ANDERSON: Mr. Bianco, do  
10 you plan to call any witnesses today, sir?

11 MR. BIANCO: Definitely not 14. So,  
12 my plan in my case in chief is to call Mr.  
13 Schaeffer only. The other witnesses names were  
14 individuals identified in the report, and I  
15 reserve the right to call them for impeachment or  
16 rebuttal purposes if needed, but I do not expect  
17 to have to do that.

18 CHAIRPERSON ANDERSON: Is that  
19 satisfactory to you, sir?

20 MR. ORTIZ: Yes, Mr. Chairperson.  
21 Thank you.

22 CHAIRPERSON ANDERSON: All right. So,  
23 this matter is scheduled for a show cause hearing  
24 today, and the Government goes first. The  
25 process is that the Government will give an

1 opening statement, then the licensee can either  
2 give an opening statement at this juncture or  
3 reserve their right once they present their case  
4 and once they have their opening statement. The  
5 Government goes first, present its case, call its  
6 first witness, cross examination. The Board will  
7 have an opportunity to cross examine, to ask  
8 questions of the witness. Once that's done then  
9 the licensee will present its case, and the  
10 Government can cross examine, the Board can cross  
11 examine. We will document the evidence. We have  
12 closing. And then, unless the findings decide to  
13 do a findings of fact and conclusion of law, then  
14 the Board will deliberate on the matter.

15 Mr. Ortiz, do you wish to make an  
16 opening statement, sir?

17 MR. ORTIZ: Yes, I do, at this time.

18 CHAIRPERSON ANDERSON: Sir, before,  
19 are there any other preliminary matters we need  
20 to address before we start?

21 MR. ORTIZ: Not from the District of  
22 Columbia.

23 CHAIRPERSON ANDERSON: Thank you. And  
24 Mr. Bianco said no. So, Mr. Ortiz.

25 OPENING STATEMENT OF STEPHEN ORTIZ, AAG

1 MR. ORTIZ: Good afternoon, Board  
2 members. We are here today in the show cause  
3 matters of Assets, an establishment located at  
4 1805 Connecticut Avenue NW in Washington, D.C.  
5 The show cause notice issued in this matter  
6 concerns the charges that the licensee, one,  
7 allowed the licensed establishment to be used for  
8 unlawful or disorderly purpose in violation of DC  
9 Code Section 25-823 A2, and charge two, that the  
10 establishment violated the terms of its Board  
11 approved security plan in violation of DC Code  
12 Section 25-823 A6.

13 The evidence will show that on October  
14 19, 2019 an altercation occurred between Assets  
15 security staff and a patron. The evidence will  
16 further show that the establishment engaged in a  
17 method of operation that was conducive to  
18 unlawful or disorderly conduct. The evidence  
19 will also show that the establishment failed to  
20 follow security plan by using excessive force on  
21 a patron, failure to contact police, and failing  
22 to create an incident report log.

23 The District will be calling one  
24 witness, ABRA investigator George Garcia. Thank  
25 you.

1 CHAIRPERSON ANDERSON: Thank you. Mr.  
2 Bianco, do you wish to make an opening statement  
3 at this time?

4 MR. BIANCO: Reserve for presentation  
5 of  
6 our case in chief, if that's okay.

7 CHAIRPERSON ANDERSON: Thank you.  
8 Does the Government wish to call its first  
9 witness?

10 MR. ORTIZ: The Government wishes to  
11 call its first witness, ABRA investigator, George  
12 Garcia.

13 CHAIRPERSON ANDERSON: Mr. Garcia, can  
14 you raise your right hand, please? Do you swear  
15 or affirm to tell the truth and nothing but the  
16 truth?

17 MR. GARCIA: (No audible response.)

18 CHAIRPERSON ANDERSON: All right.  
19 Thank you. Your witness, sir.

20 DIRECT EXAMINATION OF GEORGE GARCIA

21 BY MR. ORTIZ:

22 Q Investigator Garcia, where are you  
23 currently employed?

24 A At the Alcoholic Beverage Regulation  
25 Administration.



1 Q What is your position?

2 A Criminal investigator.

3 Q What are your duties and  
4 responsibilities as an investigator?

5 A Conduct investigations and inspections  
6 of ABC licensed establishments within the  
7 District of Columbia.

8 Q And how long have you been an  
9 investigator?

10 A Three years.

11 Q Are you familiar with an establishment  
12 called Assets?

13 A I am.

14 Q How are you familiar with this  
15 establishment?

16 A I conducted an inspection along with  
17 an investigation of the establishment.

18 Q When did you conduct this  
19 investigation?

20 A October 19, 2019.

21 Q Did you create a case report?

22 A I did.

23 Q Now I'm going to direct you to a  
24 document marked as Government Exhibit 1 for  
25 identification.

1 MR. BIANCO: I'd like to make an  
2 objection as to the case report at this time.  
3 I'd ask you to indulge me for a minute while I  
4 make my record. Is that all right?

5 CHAIRPERSON ANDERSON: Yes, Mr.  
6 Bianco.

7 MR. BIANCO: With the understanding of  
8 how the Board typically rules on these matters, I  
9 would like to make my record. Generally, case  
10 reports and police reports are hearsay, but  
11 admissible as public or business records.  
12 However, the hearsay within the reports must  
13 either fit an exception or be "reliable"  
14 according to the administrative procedures act;  
15 here it is not. The report contains multiple  
16 hearsay where the investigator is quoting what a  
17 third party told him about what a fourth party  
18 said. That is not reliable inherently,  
19 especially as here where the purported eye  
20 witness is not here to be cross examined. The  
21 incident took place three plus years ago, and the  
22 witness, the purported victim, has a direct  
23 interest in the statements that he made. So, my  
24 objection is that any hearsay be struck from the  
25 document, especially multiple hearsay where we're

1 three or four steps down the road. Thank you.

2 MR. ORTIZ: The hearsay is admissible  
3 in these proceedings and, therefore, should be  
4 allowed. Regarding any other objections, at this  
5 time I would state that counsel can make that  
6 objection if it comes into play with the  
7 investigators testimony. I think it's too early  
8 to make a ruling on that objection, that he  
9 alleges hearsay upon hearsay.

10 CHAIRPERSON ANDERSON: As you know,  
11 this is an administrative hearing, and the  
12 hearsay rule in administrative hearings are not  
13 as strict as it is in a court of law. Secondly,  
14 this is a case report. The case report is a  
15 matter of the agency's records. Certainly Mr.  
16 Garcia as the investigator spoke to the witnesses  
17 in this case, and so you'll also have an  
18 opportunity to cross examine the investigator  
19 regarding the facts and conclusions that are made  
20 in his reports. On that, I will overrule the  
21 objection. I'll overrule the objection at this  
22 juncture and allow the witness to testify, but  
23 you have created a record, Mr. Bianco.

24 Let's move on with the first witness.

25 MR. ORTIZ: Court's indulgence.

1 CHAIRPERSON ANDERSON: I want to make  
2 sure that everyone has, with the exception of Mr.  
3 Ortiz and the witness is going to (No audible  
4 response.)and Mr. Garcia, I'm asking that  
5 everyone has put their line on mute. I'm getting  
6 some feedback, and I'm not sure exactly where its  
7 coming from.

8 BY MR. ORTIZ:

9 Q Mr. Garcia, I'm directing you to a  
10 document marked as Government Exhibit 1 for  
11 identification. Do you recognize, and I'm going  
12 to scroll down on this and I'm going to ask you  
13 if you recognize it. Do you recognize this  
14 document?

15 A I do.

16 Q And what is it?

17 A It's my investigative case report.

18 Q Okay. And why did you create this  
19 report?

20 A I created the report to document the  
21 incident that took place at Assets.

22 Q What is the date on this report?

23 A October 19, 2019.

24 Q Did you attach any exhibits to this  
25 report?

1           A       I did.

2           Q       Having viewed this document almost in  
3 its entirety, is this a fair and accurate  
4 representation of the case report?

5           A       It is.

6           Q       That you created for Assets on October  
7 19, 2019?

8           A       That's correct.

9                   MR. ORTIZ: At this time, Mr.  
10 Chairperson, the Government would move Government  
11 Exhibit 1, the case report, into evidence,  
12 understanding its already part of the evidence,  
13 but it's just for the record.

14                   CHAIRPERSON ANDERSON: Yes, sir.  
15 Noted for the record, Mr. Bianco.

16                   BY MR. ORTIZ:

17           Q       Can you describe the events that led  
18 to the investigation of Assets?

19           A       My supervisor, my office was notified  
20 that an incident took place by MPD with a 251  
21 Investigation, and we were provided with that 251  
22 report, and from there that initiated the  
23 investigation.

24           Q       All right. Can you describe more of  
25 the events that occurred after you started your

1 investigation of Assets?

2 A After starting the investigation?

3 Q Yes. After receiving that.

4 A After receiving the 251 report and the  
5 notification, we just received information that  
6 the establishment had an assault take place, and  
7 they needed someone to determine what occurred  
8 during this incident when the incident took  
9 place.

10 Q What were the facts surrounding this  
11 alleged assault?

12 A The facts on the 251 or the facts that  
13 I determined?

14 Q The facts about the case that are  
15 found in your case report.

16 A So, I did find that the establishment  
17 was in violation of their security plan. And I  
18 also did find two violations within their  
19 security plan that occurred on that incident.

20 Q What exactly did you observe?

21 A That the establishment failed to  
22 document any incident on their incident log  
23 report or maintain their log reports within the  
24 establishment. And they also failed alert MPD  
25 during any incident or altercation that took

1 place within the establishment.

2 Q Can you please describe the incident  
3 that you're indicating?

4 A So, basically, after reviewing the  
5 investigation and the video footage and observed  
6 that an assault took place with a patron at the  
7 establishment and one of the members of the  
8 security staff.

9 Q Did the establishment have security  
10 guards working on October 19, 2019?

11 A They did.

12 Q As part of your investigation, did you  
13 speak to any of the security guards?

14 A I did.

15 Q Did you speak to a security guard by  
16 the name of Anthony Mays?

17 A I did.

18 Q What did he inform?

19 A He did inform me that the victim was  
20 taken out of the establishment because he was  
21 stealing money from strippers. So, he was taken  
22 out of the establishment, and while he was being  
23 taken out of the establishment that the victim  
24 dropped a phone, and Mr. Mays went to pick it up  
25 and give it back to the victim. The victim

1 assaulted him in the face and snatched his chain  
2 and ran away.

3 Q After the victim ran away, what, if  
4 anything, did Mr. Mays do?

5 A Mr. Mays advised me that he chased  
6 after the victim in order to obtain his chain  
7 back.

8 Q Did you ask him if MPD was called?

9 A I did.

10 Q What did he say?

11 A He replied no.

12 Q Did you also interview the Head of  
13 Security, Mr. Saheener?

14 A I did.

15 Q Did you ask him if MPD was called?

16 A I did.

17 Q What did he say?

18 A He also replied no.

19 Q when you interviewed Mr. Saheener,  
20 what did he indicate, if anything, regarding the  
21 assault that took place?

22 A He advised me that he didn't know of  
23 the assault that took place, and he also advised  
24 me that none of his security staff was involved  
25 in the matter.



1 Q You're saying now that he indicated  
2 that none of the security staff was, strike that.  
3 Did you also interview Mr. Saheener on November  
4 17, 2019?

5 A Yes.

6 Q And did he indicate, on November 17,  
7 did he indicate whether any of the security staff  
8 was part of the group of men in the altercation?

9 A Yes. On November 17, when I  
10 reinterviewed the head of security, he did advise  
11 me that two of his security men were involved I  
12 the altercation.

13 Q Thank you. Did you ask Mr. Saheener  
14 whether the incident was entered into the  
15 incident report log?

16 A I did.

17 Q What did he say?

18 A He replied no.

19 Q Okay. Now, regarding the allegations  
20 made by the security staff, specifically that the  
21 victim snatched a chain from a security guard's  
22 neck, did you find any evidence to corroborate  
23 that?

24 A I did not.

25 Q As part of your investigation, did you

1 review surveillance footage videos?

2 A I did.

3 Q I'm going to show you what has been  
4 marked as Government Exhibit 2 for  
5 identification.

6 MR. BIANCO: If we could stop here for  
7 a moment. Mr. Chair, I'm going to interpose an  
8 objection as to the video evidence again. I will  
9 ask your indulgence for a brief moment while I  
10 articulate it. The evidence has been, the two  
11 videos that the Government intends to show have  
12 been previously presented to us per the rules,  
13 and I've had the opportunity to review them.  
14 Although, in the case report there are specific  
15 time stamps as to time of day referenced and date  
16 stamps. The video being proffered by the  
17 Government in this hearing contains no time  
18 stamps and no date stamps, so there is no way to  
19 ascertain when the actual video is from or what  
20 times or how the two videos correspond to one  
21 another. This is a violation, not of the hearsay  
22 rule, which is liberally construed, but of the  
23 best evidence rule. The video is not admissible.  
24 In this proceeding we produced video that was  
25 appropriately time and date stamped, and for

1           whatever reason, perhaps because three years has  
2           elapsed, the Government is not presenting that in  
3           this hearing today. Thank you, Mr. Chairman.

4                   CHAIRPERSON ANDERSON: Mr. Ortiz.

5                   MR. ORTIZ: Yes, the video is the same  
6           video. This video was provided by Assets. Now,  
7           the time stamp is not an actual time stamp, it's  
8           the name of a file. So, when I provided this  
9           exhibit to the Board and opposing counsel, I  
10          named it Exhibit 2. So, the name of the file  
11          changed on my end. Now, the witness is going to  
12          testify that this video is the video that he  
13          observed and noted in the case report with the  
14          time stamp, not time stamp, with the name of the  
15          file. Now, if opposing counsel would like me to  
16          provide the exact video with the name of the  
17          file, which will give you the time stamp, I'm  
18          willing to do so. But my witness will testify  
19          that this is the same video he refers to in the  
20          case report that was provided by Assets.

21                   MR. BIANCO: If I may on that issue,  
22          looking at the case report, the case report  
23          specifically states that the investigator  
24          reviewed the camera and an incident began at 2:02  
25          a.m. and 31 seconds and then something occurred

1 at 2:05, 2:06, et cetera. And those time stamps  
2 and date stamps are not on the video that's being  
3 proffered. So, I think their biggest problem is  
4 the (No audible response.) to correspond those  
5 two videos as to time, not to mention the  
6 authentication and best evidence rule issues that  
7 they have with this video. The case report has  
8 been admitted, there is in the case report  
9 specific time stamps referenced. I think if he  
10 wants to testify about that, we've objected to it  
11 already, the Board can consider that, but the  
12 actual showing of the video, we would consider  
13 inappropriate based on the deficiencies of the  
14 evidence.

15 MR. ORTIZ: The case report is already  
16 introduced into evidence along with exhibits, and  
17 exhibits is the part of the case report. The  
18 time is not at issue in this case, it's what  
19 occurred, and the video will show what occurred,  
20 this altercation. Opposing counsel does not  
21 mention that this is not a video taken from the  
22 establishment. The concern here is the time  
23 here, and the time is not relevant to these  
24 proceedings.

25 CHAIRPERSON ANDERSON: I don't know

1           what this video, and I'm hearing that this is a  
2           video from the establishment. I mean, of course  
3           the establishment would have an opportunity to  
4           cross examine the witness regarding the video.  
5           So, I'm going to overrule the objection. We can  
6           address this issue if -- I don't know why this  
7           video is here. If the times are appropriate and  
8           there's no time stamp then I would be concerned,  
9           but let's see where the evidence takes us. I  
10          know you're a learned attorney, Ms. Bianco, that  
11          you will do vigorous cross examination of the  
12          witness who is going to testify about this video.

13                           MR. BIANCO: Thank you, Mr. Chair.

14                           BY MR. ORTIZ:

15                   Q       Investigator Garcia, do you recognize  
16                   this video?

17                   A       I do.

18                   Q       And what is it?

19                   A       It's video footage that I obtained  
20                   from the establishment.

21                   Q       And what date is this video depicting?

22                   A       October 19, 2019.

23                   Q       How do you know?

24                   A       Because it's the date that I obtained  
25                   the video footage.

1           Q     Is this is a true and accurate  
2 recording of the scene?

3           A     It is.

4           Q     Does it fairly and accurately depict  
5 the scene as it appeared on October 19, 2019?

6           A     It does.

7           Q     Besides the name change of the file,  
8 has there been any edits, changes, additions, or  
9 deletions to the recording?

10          A     No.

11               MR. ORTIZ: At this time the  
12 Government moves Exhibit 2 as this video from  
13 inside the establishment on October 19, 2019 into  
14 evidence.

15               MR. BIANCO: We object for lack of  
16 foundation at this point. We don't think it's  
17 admissible at all, but certainly not now,  
18 especially based on the case report which  
19 indicates that the investigator was not even in  
20 the establishment on October 19 and has no basis  
21 to testify about what it looked like or did not  
22 look like on that date. His investigation didn't  
23 even begin until November 2.

24               CHAIRPERSON ANDERSON: I guess the  
25 problem I'm having, I don't know what it is, I

1 mean, I think, Mr. Ortiz, maybe we need to see  
2 more of the video to have the witness testify  
3 about what's occurring here Because I don't even  
4 know why this video is being proffered. I mean,  
5 unless you can provide some more background, I  
6 mean, let's see the video, maybe the witness can  
7 talk about the video, but I'm not quite sure what  
8 is it that this video is supposed to provide the  
9 Board.

10 MR. ORTIZ: Understood.

11 By MR. ORTIZ:

12 Q Investigator Garcia, who provided you  
13 with this video?

14 A If I'm not mistaken, it was the ABC  
15 manager or the owner himself.

16 Q Okay. Do you have any doubt that this  
17 video is from Assets and taken from October 19,  
18 2019.

19 A You said do I have any doubt?

20 Q Yes.

21 A No, Because it's what I requested.

22 Q Okay. And is this the same video that  
23 you took notes on in your case report?

24 A It is.

25 Q And what is this video going to

1 depict?

2 A It's going to show the victim that was  
3 taken out of the establishment for stealing the  
4 stripper's money.

5 Q Okay. Thank you. So, you've viewed  
6 this as far as your investigation?

7 A I have.

8 MR. ORTIZ: The Government again moves  
9 Exhibit 2 into evidence.

10 CHAIRPERSON ANDERSON: Mr. Ortiz, the  
11 problem I'm having, why don't you play the video?  
12 I don't know what this is, I don't know, that's  
13 the problem that I'm having, and I think that's  
14 the problem, at least that's what's been raised,  
15 I don't know what this video is. So, maybe, it  
16 appears that this video is how long?

17 MR. ORTIZ: It's 30 minutes long, but  
18 I'm only going to show about one minute in total.

19 CHAIRPERSON ANDERSON: So, show the  
20 video, have the witness testify by the video, and  
21 then we can make a determination whether or not,  
22 Because as you said, a 30 minute video, I don't  
23 know what's on this video that I'm going to put  
24 into evidence.

25 MR. ORTIZ: Understood.



1 By MR. ORTIZ:

2 Q Investigator Garcia, can you please  
3 describe what you observe once I hit play.

4 A So, right here is the head of security  
5 removing the victim from the establishment, and  
6 along side him is another member of the security  
7 staff.

8 Q All right. I'm just going to rewind  
9 a little bit just so you can describe this  
10 patron, the clothing he's wearing.

11 A The patron is wearing a jean jacket,  
12 white or black Nike Dunks, black belt, blue  
13 jeans.

14 MR. ORTIZ: Mr. Chairperson, at this  
15 time that was the one snippet of the video I was  
16 going to show, and I would like to move this into  
17 evidence.

18 CHAIRPERSON ANDERSON: Mr. Bianco?

19 MR. BIANCO: Same objection.

20 MR. ORTIZ: I would argue one again  
21 that the case report and its attachments are part  
22 of the record and therefore this video, which is  
23 stated also in the case report should be entered  
24 in as an exhibit as well.

25 MR. BIANCO: I'm looking in the case

1 report, is there?

2 CHAIRPERSON ANDERSON: I'm looking at  
3 the case report myself.

4 MR. ORTIZ: Maybe if I ask my witness  
5 one more question.

6 By MR. ORTIZ:

7 Q Investigator Garcia, what was the name  
8 of the file you used in this report for this  
9 video?

10 A So, that is CH12\_20191019.

11 Q Thank you. Now, when you indicated  
12 the time in your case report, how did you  
13 determine, strike that. I'd like to move this  
14 exhibit into evidence.

15 MR. BIANCO: I'm looking at the case  
16 report, and I see where it lists exhibits  
17 attached. It says Exhibit 8, video camera  
18 footage. I don't see anything attached  
19 indicating what video camera footage. Is this  
20 the video that is Exhibit 8 to the case report,  
21 or is this some other video? I mean, I suppose  
22 that goes to my objection, but I guess I'm trying  
23 to figure out based on Mr. Ortiz's response to my  
24 objection where this is part of the report.

25 MR. ORTIZ: Exhibit A says video

1 camera footage, so this is probably the video  
2 footage that was provided by Assets to the  
3 investigator, which Assets had as part of the  
4 record Because they provided it to the ABRA  
5 investigator.

6 CHAIRPERSON ANDERSON: I'm waiting for  
7 you, Mr. Bianco.

8 MR. BIANCO: Oh, Mr. Ortiz's  
9 explanation that it's probably what was provided  
10 by Assets, I think it was to the heart of my  
11 objection. There are two videos he intends to  
12 show, one of them is identified as Exhibit 8,  
13 video camera footage, there's no indication in  
14 the report whether it's this video or some other  
15 video. There are two that he intends to show, I  
16 think, we don't know which is which, we don't  
17 know how to correlate the two, again, there's no  
18 time or date stamps, and this was three years  
19 ago. So, saying it was probably what Assets  
20 provide, I think, underscores the problem in this  
21 case.

22 MR. ORTIZ: The owner of Assets is  
23 here. If he wants to indicate whether or not  
24 that's his establishment then he can proffer us  
25 to that, but this was what was provided and the

1 investigator testified, this is what was provided  
2 by Assets, and he viewed it based on this  
3 investigation that took place.

4 MR. BIANCO: I'm a hundred percent  
5 sure that the owner of Assets cannot identify a  
6 video snippet that he did or did not provide  
7 three years ago. But he's here. It's the  
8 Government's burden, it's their case in chief,  
9 and they have to show the appropriate  
10 admissibility of the document. Seems that they  
11 can't do that.

12 MR. ORTIZ: Again, the investigator  
13 did testify that this video is the video  
14 pertaining to the case report indicates,  
15 CH12\_20191019.

16 CHAIRPERSON ANDERSON: I'm looking at  
17 the case report, and the case report says Exhibit  
18 8 is the video camera footage that was provided  
19 by Assets. Now, is there a dispute that this is  
20 not a video of Assets?

21 MR. BIANCO: Having been to the  
22 premises, it appears to be a video of Assets.  
23 Exactly when or why it's being proffered, I'm  
24 sorry, exactly when, that I can't speak to, and I  
25 think the Government can't either, and that's the

1 problem that they have here. They've alleged a  
2 specific incident, on a specific day, at a  
3 specific time and can't draw that straight line  
4 here based on the evidence that's on the record.

5 CHAIRPERSON ANDERSON: I'm not quite  
6 sure what the purpose of why this document has  
7 been introduced into evidence, but where we are  
8 is that it's been identified as part of the case  
9 report, and the investigator has testified that  
10 this is one of the videos that was provided to  
11 him by the establishment. I'm going to overrule  
12 the objection, however, I'm not sure, maybe at  
13 some point the Government will tell us what it is  
14 that this, if they're going to show us more of  
15 the video, and what it is that it is supposed to  
16 represent. It's a video, but because it's a part  
17 of the case report, Because it's a part of our  
18 records I'm going to admit it, but at this  
19 juncture I'm not quite sure the probative value  
20 of it to the Board unless we are shown later on  
21 what the relevance is of this document. I will  
22 overrule the objection Because it's part of the  
23 case report and by law the case report is  
24 automatically part of the administrative record.  
25 So, let's move on.

1 (Whereupon, the above-referred to  
2 document was marked as Government's Exhibit 2 for  
3 identification.)

4 By MR. ORTIZ:

5 Q I'm going to show you Exhibit 2, once  
6 again, since it's already admitted into evidence,  
7 Investigator Garcia. I'm going to fast forward  
8 it so that you can inform the Board what you're  
9 observing here. I'm going to fast forward  
10 Government Exhibit 2 to 7 minutes and 40 seconds  
11 on the video time. Can you describe what you see  
12 now? I'm going to pause it. Please describe to  
13 the Board what you observe.

14 A It looks like a member of the security  
15 staff is entering the establishment with a jacket  
16 and black and white Nike Dunks.

17 Q Who do you believe that those articles  
18 of clothing belong to?

19 A It seems to be items of the victim  
20 that was removed from the establishment.

21 Q Thank you. Moving forward now, you  
22 indicted earlier that the name of the file was  
23 CH20191019, correct?

24 A CH12\_20191019.

25 Q Thank you. And can you describe to

1 the Board what those numbers mean, if anything?

2 A CH12 is the camera that was provided  
3 to me, underscore, and 20191019 is the date.  
4 Original style originally came with the time  
5 stamp behind it, behind the title of the file as  
6 well.

7 Q Okay. So, what would be the date of  
8 this video based on the numbers?

9 A This one would be underscore 200  
10 underscore 0200.

11 Q I'm sorry, what was the date?

12 A The date was 20191019.

13 Q What date would that be?

14 A October 19, 2019.

15 Q Thank you. Now, I'm going to show you  
16 now what has been marked as Government Exhibit 3  
17 for identification purposes, which is a video as  
18 part of your exhibits as well. All right. Do  
19 you recognize it?

20 A I do.

21 Q What is it?

22 A It's camera footage that I obtained  
23 from the establishment.

24 Q And you reviewed this as far as your  
25 investigation?

1 A Yes.

2 Q What was the date of this recording?

3 A October 19, 2019.

4 Q Thank you. Does this fairly and  
5 accurately depict the scenes as it appeared on  
6 October 19, 2019?

7 A It appears to be.

8 Q Is this is a true and accurate  
9 recording of the scene?

10 A Yes.

11 Q Besides the name of the file, have  
12 there been any edits, changes, additions, or  
13 deletions to the recording?

14 A No.

15 MR. ORTIZ: The Government moves  
16 Exhibit 3, Assets video from Octobe3r 19, 2019  
17 into evidence.

18 MR. BIANCO: The Respondent has the  
19 same objection. If we can all agree I don't need  
20 to go through it point by point yet again that  
21 our objection on best evidence rule foundation,  
22 et cetera, is preserved, and to that I would add  
23 that there has been, at this point, no  
24 establishment of the relevance of the document as  
25 we haven't seen what it does or does not show.



1 MR. ORTIZ: I can followup with a  
2 couple more questions, I'm sorry, strike that.  
3 This is part of the record so it should also be  
4 admitted as Government Exhibit 2. I can ask  
5 Investigator Garcia what this video will depict  
6 so I can show the relevance of this video.

7 Investigator Garcia, can you just tell  
8 the Board what this video will show?

9 MR. GARCIA: This video is going to  
10 show the victim leaving the establishment,  
11 getting into some altercation, what appears to be  
12 security staff, and the victim running to the  
13 right side of the establishment into an alley.

14 CHAIRPERSON ANDERSON: Why don't you  
15 show the video, have the witness testify about  
16 the video and then try and move the evidence at  
17 that juncture. Because right now we have a video  
18 and I don't what we are trying to prove.

19 BY MR. ORTIZ:

20 Q Investigator Garcia it is now at the  
21 2 minute and 12 mark, can you please inform the  
22 Board members what you're observing, it's right  
23 on top of the screen.

24 A The victim was just removed from the  
25 establishment. It seems to me he's having an

1           altercation or a conversation with security  
2           staff.  Himself along with one more security  
3           member seems to get in some type of altercation,  
4           and all the security staff seems to run after  
5           him.

6           Q       Now I'm going to fast forward to 5  
7           minutes and 22 seconds.  Starting from the bottom  
8           of the screen, tell Board members what you see.

9           A       The victim is walking from the other  
10          side of the street and walking toward the  
11          establishment, and he stops in front of the same  
12          security staff there again.  The victim starts to  
13          walk away and then returns to security staff.  
14          I'm not sure what is being said or nobody advised  
15          me of that.  The victim goes back, the victim  
16          seems to go back and go back and forth.  At this  
17          point, security staff is moving toward the  
18          victim.  At this point, the victim put a few of  
19          his belongings on top of a white vehicle, and one  
20          of the members of the security staff walks around  
21          the black sedan vehicle to what seems to be  
22          surround the victim.  At this point, we can't  
23          really determine, this is when the altercation or  
24          the assault took place.  One of the security  
25          members goes on to the vehicle and removes the

1 victim's items from it. The victim approaches  
2 one of the security staff to obtain his  
3 belongings or whatever may be, and the security  
4 staff responds by swinging on the victim. The  
5 gentleman running toward all of the men  
6 surrounding the victim was the head of the  
7 security who is still there at this moment. I am  
8 not sure what's going on at this moment. This is  
9 when the altercation was taking place. The  
10 gentleman walking away with the black pea coat is  
11 the head of security. Everyone seems to be  
12 returning to the establishment now.

13 MR. ORTIZ: At this time, the  
14 Government moves Exhibit 3 into evidence.

15 MR. BIANCO: I would renew my  
16 objection and add to it that the video shown  
17 does not give any meaningful indication as to who  
18 is who or what is going on. It's very small  
19 figures on a street doing something and doesn't  
20 comport with the testimony being given. So, ant  
21 size figures on a video interacting in some  
22 manner in black and white is not relevant to the  
23 issue at hand.

24 MR. ORTIZ: I would argue that this  
25 video is relevant. The facts of the case are

1 that an altercation took place. The altercation  
2 is depicted on the video. Investigator Garcia  
3 did testify that he could observe the individual,  
4 head of security, in that video, and therefore it  
5 should be entered as an exhibit.

6 CHAIRPERSON ANDERSON: Again, I'll  
7 sustain the objection, but, again, on the basis  
8 that this is one of the documents that was  
9 included in the case report, and by operation of  
10 law the case report is a copy of record.

11 MR. ORTIZ: You indicated you  
12 sustained the objection?

13 CHAIRPERSON ANDERSON: I'm sorry.  
14 Yes. No, I'm sorry. I'm overruling the  
15 objection. I'm overruling the objection. As I  
16 stated before, the video is listed as part of the  
17 administrative record, and by operation of law  
18 the administrative record is a part of the  
19 record. Now, I think the issue as we move  
20 forward whether or not, based on the testimony,  
21 what weight, if any, the Board should give to  
22 this video. Yes, it's part of the record, but  
23 I'm not sure what weight, if any, the Board would  
24 give to this video whether or not it can, I'll  
25 just leave it at that. So, it's admitted,

1 because it's part of our administrative record,  
2 but towards making a decision, I'll leave it at  
3 that. I'll overrule the objection.

4 (Whereupon, the above-referred to document  
5 was marked as Government's Exhibit 3 for  
6 identification.)

7 By MR. ORTIZ:

8 Q Investigator Garcia, did you review  
9 the establishment's security plan?

10 A I did.

11 Q Was that part of your exhibit in your  
12 case report?

13 A It was.

14 Q Turning your attention to the security  
15 plan that's attached as an exhibit to the case  
16 report, which is Government's Exhibit 1 that's  
17 already been entered into evidence. Can you  
18 please read the second paragraph under  
19 altercations and conflict resolution? Board's  
20 indulgence. Sorry. Can you please read  
21 paragraph two.

22 A It is Asset's policy that any security  
23 personnel observing and altercation or potential  
24 problem that may result in an altercation will  
25 assist and/or intervene when necessary to avoid

1 escalation. Whenever possible security personnel  
2 should work to diffuse the situation and prevent  
3 further escalation.

4 Q Thank you. Can you also read the  
5 highlighted paragraph on page 20?

6 A The manager on duty shall be alerted  
7 to an altercation by security personnel  
8 immediat4ely. If the altercation becomes  
9 violent, security personnel or management shall  
10 contact MPD immediately.

11 Q Can you read, also on page 20, the  
12 paragraph that starts with, Once the offending  
13 patron, can you read that, please?

14 A Once the offending patron is under  
15 control and is no longer a threat to his or her  
16 surroundings, the use of additional restraint by  
17 security personnel will not be tolerated.  
18 Continue?

19 Q Yes, please.

20 A Any Assets security personnel member  
21 who exhibits excessive force will be subject to  
22 immediate termination of employment.

23 Q Thank you. Now, did an altercation  
24 occur?

25 A Yes.

1 Q Did the establishment call the police?

2 A It did not.

3 Q Once again, Government Exhibit 1, page  
4 21, in the case report, can you please -- my  
5 apologies, having some technical issues trying to  
6 share the screen. Under the incident report log,  
7 can you please read what that says, that  
8 paragraph?

9 A Sure. Assets' management will  
10 maintain a detailed incident report log in the  
11 management office. The log will be a  
12 chronological record of any incident at the  
13 establishment that involves an injury to a patron  
14 of any sort. Any altercation that results in the  
15 ejection of a patron, a violent altercation, a  
16 weapon, a call to MPD, or other emergency  
17 personnel.

18 Q Thank you. Now, did the establishment  
19 create an incident report log?

20 A They did not.

21 Q How do you know?

22 A Because the head of security advised  
23 me of it.

24 MR. ORTIZ: Court's indulgence. I  
25 have no further questions for Investigator

1 Garcia. That would present the Government's case  
2 in chief.

3 CHAIRPERSON ANDERSON: Thank you.  
4 Your witness, Mr. Bianco.

5 MR. BIANCO: Sure. Thank you, Mr.  
6 Chair.

7 CROSS EXAMINATION BY RICHARD BIANCO, ESQ.

8 BY MR. BIANCO:

9 Q Investigator Garcia, I am going to  
10 have some questions for you, mostly focused on  
11 your report. So, I'd like to share my screen and  
12 bring that up so I can direct you to different  
13 parts of it. On your screen you should see your  
14 investigative report, is that correct?

15 A Yes.

16 Q So, first I want to go to page 1 of  
17 your report, really in the summary paragraph  
18 here. You cite that the establishment allowed a  
19 third party to maintain control over the  
20 security. Sorry, the exhibit is a little  
21 crooked, but do you see where I'm highlighting  
22 there?

23 A No, I don't see your highlighted area.

24 Q Okay. So --

25 A Okay. I see it.



1 Q Okay. So, it says, allowing a third  
2 party to maintain control over security. What  
3 did you mean by that?

4 A Mr. Baurku-Vaneer, his company is not  
5 a part of Assets, so that would make it a third  
6 party company.

7 Q Okay. So, is it your understanding  
8 that Assets employed a third party contractor to  
9 run the security for their establishment at that  
10 time?

11 A According to the information I  
12 obtained, yes.

13 Q Okay. I want to move on to page 2 of  
14 the document. On page 2 of the document you  
15 indicate that you visited Assets on Saturday,  
16 November 2, 2019. Is that when your  
17 investigation began?

18 A My investigation began prior to that,  
19 but I visited the establishment on that date.

20 Q Is there a reason why you waited two  
21 weeks to visit the establishment?

22 A No, there is not.

23 Q Also on page 2, there is an indication  
24 that once the victim was removed from the  
25 establishment he ran away and later came back.

1 Is that your understanding of the facts?

2 A Where am I looking?

3 Q Bear with me one second, let me see if  
4 I can highlight it again for you. Mr. Briscoe  
5 stated that V1 came back to the establishment to  
6 curse and antagonize the security staff. Is that  
7 ultimately what you found? That he left and came  
8 back?

9 A Yes, according to the multiple  
10 interviews that I conducted as well, yeah.

11 Q Okay. Also, on page 2, you identify  
12 seven members of the security staff that were  
13 working on October 18, and I'm highlighting that  
14 section there. Based on my understanding and  
15 reading your report, you actually interviewed two  
16 of those folks, is that accurate?

17 A Yes.

18 Q Is there a reason why --

19 A Three.

20 Q Okay. Which three did you interview?

21 A Maurice Bistro, Anthony Mayes, and a  
22 Barack Saheener.

23 Q I'm sorry, what was the last one you  
24 said? I don't see him identified there.

25 A The head of security.

1 Q Okay. Mr. Saheener.

2 A Yes.

3 Q Did Mr. Saheener indicate whether or  
4 not he was working on that night?

5 A He did.

6 Q And he said he was working, is that  
7 accurate?

8 A Yes.

9 Q Okay. And if I understand your report  
10 correctly, Mr. Mayes and Mr. Saheener- I mean Mr.  
11 Briscoe stated to you that they did not call MPD,  
12 is that correct?

13 A Correct.

14 Q Do you know, how do you know whether  
15 or not one of the other four individuals did not  
16 call MPD?

17 A According to security, they advised me  
18 that they were the only ones who were aware of  
19 the matter.

20 Q I'm sorry. Who were the only ones  
21 that were aware of the matter?

22 A The three security that I interviewed.

23 Q Okay. Correct me if I'm wrong, you  
24 identified five individuals in the video that you  
25 say were involved in the altercation.

1 A That's correct.

2 Q Okay. So, how could only three of the  
3 security folks know about an altercation if five  
4 were involved?

5 A This is what I was told while  
6 interviewing the members of the security staff.

7 Q Okay. Did you go back to MPD and  
8 check if they received any calls with respect to  
9 the incident that evening?

10 A They did. The Detective was actually  
11 conducting an investigation on the matter and  
12 requested video footage from me.

13 Q Right. But did you ask whether or not  
14 MPD received any calls reporting this incident?

15 A No, I did not.

16 Q Is that something as an investigator  
17 that you would typically do, and I only ask  
18 Because I've seen that in other cases.

19 A No, it's not.

20 Q Now, on page 3 of the report, you  
21 indicate that you interviewed Detective White  
22 Jones of MPD, is that accurate?

23 A Yes.

24 Q Do you know the basis of Detective  
25 Jones' knowledge of the incident?

1 A I do.

2 Q And did he personally witness the  
3 occurrences?

4 A No, he did not.

5 Q Do you know whether or not he  
6 interviewed any of the witnesses?

7 A Yes.

8 Q Which witnesses did he interview?

9 A I do not recall.

10 Q And it doesn't indicate in the report  
11 which witnesses he interviewed, right?

12 A Correct.

13 Q The report, again, on page 3,  
14 specifically with respect to Detective Jones,  
15 indicated that the alleged victim was arrested.  
16 Did he indicate that any security staff was  
17 arrested in connection with this incident?

18 A He did not.

19 Q Do you know, or did you learn at any  
20 point subsequent, whether or not any member of  
21 the security staff was arrested?

22 A I do not.

23 Q Now, here it says on Sunday, November  
24 17 at approximately 12:45 a.m., Investigator  
25 Garcia interviewed the owner. Do you see where

1 it says that?

2 A Correct.

3 Q Is there a reason that you could  
4 recall why you waited a month to interview Mr.  
5 Schaeffer about this incident?

6 A No. Just for the record --

7 Q Mr. Garcia, there's no question  
8 pending. The Agency Lawyer can ask you  
9 additional questions on redirect, if he sees fit.  
10 Okay?

11 CHAIRPERSON ANDERSON: Not the Agency  
12 Lawyer, Mr. Bianco, the Government. Let's move  
13 on.

14 MR. BIANCO: We can call him the  
15 Government. That's fine, Mr. Chair,

16 BY MR. BIANCO:

17 Q So, again, still on page 3, you  
18 indicted that when you spoke with Mr. Schaeffer  
19 you told him that his security system is not  
20 helpful and should be revised. Why did you say  
21 that?

22 A There's no zooming function on his  
23 system.

24 Q And that made it difficult to see what  
25 was going on in the outside video, did it not?

1 A It made it difficult to identify.

2 Q Now, looking to page 4 of your report,  
3 I am specifically looking at the one, two, three,  
4 four paragraphs I'm highlighting right now that  
5 talks about the video. Do you see where I'm  
6 highlighting?

7 A Yes.

8 Q In each of those four paragraphs there  
9 are time stamps identifying when certain events  
10 occurred. For example 2:02.17 a.m., the victim  
11 could be seen being thrown out of the  
12 establishment, attempted to hit one of the  
13 security staff. Do you see where it says that?

14 A Correct.

15 Q And an I correct that those time  
16 stamps correspond to the time of day?

17 A Yes.

18 Q In the first line there where it says  
19 the review of CH12, that is the identifier of the  
20 camera, is that correct?

21 A Correct.

22 Q Okay. And looking at the four  
23 different paragraphs, I see each addresses a  
24 different camera, camera 12, camera 13, camera 7,  
25 and camera 16. Do you see that?

1 A Yes.

2 Q So, why were only two videos, then,  
3 discussed in your testimony if you actually  
4 reviewed four of them?

5 A I'm sorry, you said why is only two of  
6 the videos being discussed?

7 Q Yes.

8 A Because the attorney asked me about  
9 two of the videos.

10 Q Of these four, can you tell me which  
11 two were presented?

12 A CH12.

13 Q Is that the only one, or is there  
14 another one?

15 A There was another.

16 Q Okay.

17 A It was CH13.

18 Q Were those the only two that were  
19 appended to this report?

20 A Wait, I'm sorry, give me one minute.  
21 I'm sorry, it was CH12 and CH7 that were reviewed  
22 today.

23 Q And are those the only two, I'm sorry,  
24 let me ask you a different question. Of the  
25 videos identified here, which were appended to



1 this report?

2 A I'm sorry. Say that again.

3 Q Okay. So, we're looking at your  
4 report, and you have identified four separate  
5 videos from four separate cameras. Okay? Only  
6 two of them have been moved into evidence today,  
7 and what I'm asking you is, of the four videos  
8 that you have actually identified in your report,  
9 which ones were attached to the report?

10 A All four.

11 Q All four. Okay. Do you know why,  
12 then, the report and all of its exhibits has not  
13 been tendered in its entirety?

14 A I do not.

15 Q Looking, again, specifically at these  
16 paragraphs where you talk about the video, I want  
17 to look at the first one which addresses camera  
18 12. Really it's the first couple of sentences,  
19 and it says, though review of camera CH12  
20 disclosed that V1 could be seen being thrown out  
21 of the establishment at 2:02:17 a.m., attempted  
22 to hit one of the security staff at 2:02:31 a.m.,  
23 and run away from the three security staff. Do  
24 you see that?

25 A I do.

1           Q       The very next sentence says at 2:05:47  
2 a.m. V1 and the security staff are having a  
3 discussion and moving closer to V1. Do you see  
4 that?

5           A       Mm-hmm.

6           Q       Okay. So, do you know why the  
7 purported victim, after he ran away, then  
8 returned to the establishment that he had just  
9 been thrown out of?

10          A       I do not.

11          Q       Okay. And do you know whether upon  
12 his return, apparently two minutes after he ran  
13 away, I'm sorry, three minutes after he ran away,  
14 do you know whether or not he tried to re-enter  
15 the establishment?

16          A       I don't.

17          Q       Am I correct that the incident that is  
18 the subject of your report is what occurred  
19 outside and is, as you say, depicted in the video  
20 Exhibit 2, correct?

21          A       Correct.

22          Q       Okay. So, it's not your testimony  
23 that you made any findings that there was a  
24 violation inside the establishment, correct?

25          A       The establishment was in violation.

1 Q That's not what I'm asking. I'm  
2 asking the incident that you determined to be a  
3 violation occurred outside and not inside of the  
4 establishment.

5 A No.

6 Q Okay. So, what occurred inside the  
7 establishment that you contend in your report is  
8 a violation?

9 A The establishment failed to have their  
10 incident report log inside of the establishment.

11 Q Okay. But the physical incident is  
12 limited to outside. Is that a fair statement?

13 A Correct.

14 Q Now, the two video exhibits that were  
15 presented today do not have a time and date stamp  
16 on them as stated in your report. Do you know  
17 why that is?

18 A I do not.

19 Q Okay.

20 A The footage wasn't time stamped.

21 Q Okay. So, when you say the footage  
22 wasn't time stamped, when? When was it not time  
23 stamped?

24 A The original footage wasn't provided.  
25 The original footage, originally, the time stamp,

1 according to the establishment, the establishment  
2 advised me that the video stamp comes up for  
3 about two to three seconds, which is  
4 CH12\_20191019\_0200. 0200 is the time of the  
5 video footage. The video footage is 30 minutes  
6 long. The video footage was from 2:00 to 2:30.

7 Q Okay. So, when you state the time  
8 stamps in your report, you didn't read them off  
9 of the video, you extrapolated it based on the  
10 representations that were made to you about the  
11 name of the file. Is that what happened?

12 A I'm sorry. Can you say that one more  
13 time?

14 Q Sure. So, the times noted in your  
15 report were not time stamps on the video, rather,  
16 you extrapolated those times by adding time to  
17 the start point of the video, is that how you got  
18 to those times?

19 A No, it's not how I got to the times.  
20 The establishment advised me of how their system  
21 works and advised me that that's how the time  
22 works. That's how I determined what time to  
23 really review the video footage. I reviewed the  
24 video footage with the establishment first.

25 Q So, the establishment gave you these

1 times, or you did math to come up with them?

2 A I didn't do math to come up with them,  
3 it was provided by the establishment. So, the  
4 establishment told me the video footage was from  
5 2:00 to 2:30. If the video footage starts at 00  
6 and I rewind it six minutes, that 2:06. That's  
7 how I came to the determination of 02:02:17.

8 Q Okay. So, the establishment told you  
9 that the video started exactly at 2:00 a.m.

10 A Correct. They provided me multiple  
11 footages. They provided me from 2:00 a.m. and  
12 also 2:30.

13 Q And you just counted forward using the  
14 run times of the video to get the timing in your  
15 report, is that correct?

16 A Correct.

17 Q Thank you. I'm glad we cleared that  
18 up. Now, you indicate in your report that you  
19 never spoke with the victim, or the purported  
20 victim of this incident. Is that correct?

21 A Correct.

22 Q The officer investigating the incident  
23 on scene as being Officer Bacchus, is that  
24 correct?

25 A Correct.

1 Q And you never spoke with him either,  
2 right?

3 A No. His case was forwarded to  
4 Detective Jones.

5 Q Now, when you were giving testimony  
6 about video number 1, you described what the  
7 alleged victim was wearing including the colors  
8 of his outfit, correct?

9 A Correct.

10 Q So, how did you know what colors he  
11 was wearing if the video shown was black and  
12 white?

13 A That's my assumption, black and white,  
14 from reviewing the video page.

15 Q And I'll bring up the video if we need  
16 to, to refresh your recollection, but you  
17 testified at 7:14 in video number one that  
18 someone who appeared to be a member of security  
19 was re-entering with what you assumed to be the  
20 victim's clothing and shoe, is that fair and  
21 accurate representation of your testimony?

22 A Yes.

23 Q Okay. Now, it looked to me like guy  
24 in a hoodie. Can you tell me what identifies  
25 that person as security?

1                   A        The badge on his right arm.

2                   Q        And do you know which member of the  
3 security team that person was?

4                   A        No, I don't.

5                   Q        Do you know whether or not it's one of  
6 the folks, one of the three folks that you talked  
7 to, or one of the four others?

8                   A        I'm sorry. Can you repeat that?

9                   Q        Sure. Do you know whether or not that  
10 was one of the three people that you interviewed  
11 for purposes of your investigation, or if it was  
12 one of the four others?

13                  A        One of the three people I interviewed.

14                  Q        Okay. But you don't know which one.

15                  A        No.

16                  Q        Brief indulgence for one moment. I am  
17 looking at the video and hoping I don't have to  
18 show it. Okay. I am going to have to show the  
19 video. So, if you will indulge me while I bring  
20 it up. Okay. So, I am showing you what was  
21 marked as Government Exhibit 2, which is the  
22 video and is the person entering with the shoe  
23 and jacket. Can you tell me from that still of  
24 the video whether the person depicted is wearing  
25 a badge of any kind?

1 A In this angle, no.

2 Q Where do you contend the badge was on  
3 his hoodie?

4 A On the opposite side of his arm.

5 Q Okay. So, if this video that was  
6 proffered as Government 2 doesn't show the badge,  
7 what piece of information did you review to make  
8 that determination?

9 A A separate video footage that was also  
10 reviewed of the security staff leaving the  
11 establishment. On his right arm he had a badge.

12 Q Okay. And that is one of the four  
13 videos that was not produced as part of the  
14 investigative report, correct?

15 A I believe so.

16 Q I'm going to stop sharing that video,  
17 and I am going to bring up the second, which has  
18 been marked as Government 3. For some reason I  
19 can't get that one to play. Strike that. When  
20 you testified about Government 3, how did you  
21 determine in the video that the person who  
22 approached what you say, or the security staff,  
23 was in fact the victim?

24 A What's Exhibit 3?

25 Q Exhibit 3 is the second video showing



1 the exterior.

2 A Okay. And what's the question?

3 Q How did you determine that the victim  
4 returned to the premises from that video?

5 A He walked up to the establishment.

6 Q And it's your testimony that from that  
7 video you were able to determine that person's  
8 identity?

9 A Not his identity, but he was the one  
10 the establishment ejected, the security staff  
11 removed from the establishment.

12 Q Correct. That part I get. So, at  
13 2:12 in the video you testified that the victim  
14 was removed from the establishment and runs away,  
15 correct?

16 A Correct.

17 Q Okay. You then testified that at 5:22  
18 in the video the victim returns. What my  
19 question is, is how are you able to determine at  
20 5:22 in the video the person that appears is in  
21 fact the victim?

22 A By what he has on.

23 Q Let me just make sure I don't have  
24 anything else for you. I think I covered  
25 everything. Thank you very much, Investigator.

1 Both the Board and then your attorney may have  
2 some additional questions for you.

3 CHAIRPERSON ANDERSON: Any questions  
4 by any Board members? Go ahead, Mr. Grandis.

5 MEMBER GRANDIS: Investigator Garcia,  
6 thank you for your presentation today and for  
7 your investigative report. There's been a lot of  
8 dissection of your investigative report this  
9 afternoon. So, just for clarification, what  
10 potential violations are you asking the Board to  
11 consider?

12 CHAIRPERSON ANDERSON: The only thing  
13 I will say, Mr. Grandis, is that the Government  
14 was the one who drafted the charging document, so  
15 based on the report the Government issued the  
16 charging document. So, you'll need to go to the  
17 charging document because those are the issues in  
18 the case, not whatever potential violations.

19 MEMBER GRANDIS: I misspoke, and I  
20 want to thank you for that clarification. But  
21 going to the charging document, Investigator  
22 Garcia, what does that state?

23 MR. GARCIA: Under my case report?

24 MEMBER GRANDIS: Yes.

25 MR. GARCIA: It states DC Official

1 Code 25766, prohibited statements, DC Official  
2 Code 25797, limitation on transfer of  
3 responsibility for licensing security, and DC  
4 Official Code 25823.16, revocation or suspension  
5 for violation of the title or misuse of license.

6 MEMBER GRANDIS: Does your  
7 investigative report also speak towards the  
8 security plan?

9 MR. GARCIA: It does.

10 MEMBER GRANDIS: And that report, just  
11 for reminding me, what does your report state  
12 about compliance or non-compliance with the filed  
13 security plan?

14 MR. GARCIA: It's stating as far as--.

15 MEMBER GRANDIS: This incident.

16 MR. GARCIA: Per the security plan,  
17 there's a security plan that's very detailed, and  
18 it states everything that they're required to do,  
19 it just seems that the establishment failed to  
20 follow what is in their proposed security plan.

21 MEMBER GRANDIS: Specifically, is  
22 there a requirement in the security plan about  
23 contacting police?

24 MR. GARCIA: There is.

25 MEMBER GRANDIS: What is that

1 requirement? When does that get triggered?

2 MR. GARCIA: As soon as an incident  
3 takes place.

4 MEMBER GRANDIS: Thank you. Mr.  
5 Chairman, thank you very much.

6 CHAIRPERSON ANDERSON: Any other  
7 questions from any of the Board members?

8 Mr. Garcia, you testified about the  
9 security, I'm sorry, an incident log.

10 MR. GARCIA: Correct.

11 CHAIRPERSON ANDERSON: How did you  
12 know that they did not create that incident log?

13 MR. GARCIA: The head of security  
14 advised me of that.

15 CHAIRPERSON ANDERSON: What did the  
16 head of security specifically advise you to?  
17 What did he say?

18 MR. GARCIA: So, when I first started  
19 I asked him of the incident log, and I asked him  
20 could he provide me of the incident that take  
21 place. He said it's in his car. I advised him  
22 that the incident log was required to be inside  
23 the establishment. And then he stated that he  
24 didn't have an incident for that log Because he  
25 never logged one.

1 CHAIRPERSON ANDERSON: Did you ask him  
2 if anyone else, if anyone else had created one  
3 that they could provide you with?

4 MR. GARCIA: No. Because the log he  
5 had possession of. The entire log was I his  
6 possession.

7 CHAIRPERSON ANDERSON: So, you're  
8 saying the entire log was in his possession, and  
9 he said he did not have an entry for that  
10 specific incident?

11 MR. GARCIA: Correct.

12 CHAIRPERSON ANDERSON: Regarding  
13 contacting the police, who did you speak to  
14 regarding who contacted the police?

15 MR. GARCIA: The ABC manager, the head  
16 of security, everyone that I interviewed I asked  
17 if MPD was contacted.

18 CHAIRPERSON ANDERSON: What did they  
19 say?

20 MR. GARCIA: No.

21 CHAIRPERSON ANDERSON: MPD was ever  
22 contacted by anyone, the victim, the potential  
23 victim, or anyone from the establishment?

24 MR. GARCIA: The victim did contact  
25 MPD and advised them of an assault that took

1 place. That's why the MPD's officer's case got  
2 transferred to the detective.

3 CHAIRPERSON ANDERSON: So, you're  
4 saying that the victim contacted the police to  
5 say that he was assaulted at the establishment?

6 MR. GARCIA: Yes. Without that  
7 notification we wouldn't have been made aware of  
8 the incident that took place.

9 CHAIRPERSON ANDERSON: I don't have  
10 any further questions. Any other questions by  
11 the Board members? Mr. Ortiz, any recross?

12 MR. ORTIZ: Yes, I do. Thank you.

13 RECROSS

14 BY MR. ORTIZ:

15 Q Investigator Garcia, on November 17,  
16 2019 did you interview the head of security?

17 A I did.

18 Q What did he say regarding the fight?

19 A I'm sorry?

20 Q What did he state regarding the  
21 altercation that took place?

22 A He did say that he observed a group of  
23 men who were fighting and attempted to break it  
24 up.

25 Q Did he mention if the security staff

1 was part of the group of men in that?

2 A He advised later that two of his  
3 security staff were among the men who were in the  
4 fight.

5 Q Thank you. Now, you testified that  
6 you had difficulty identifying the people on the  
7 video, is that correct?

8 A Correct.

9 Q Were you able to identify the victim?

10 A I was.

11 Q How were you able to identify the  
12 victim besides the clothing?

13 A With the multiple video footages I was  
14 able to follow the trail.

15 Q Thank you. Were you also able to  
16 identify the head of security?

17 A Yes.

18 Q How were you able to identify him?

19 A A black peacoat with fur on the  
20 collar.

21 Q And once again, who provided you with  
22 security footage?

23 A The establishment.

24 Q And now, was the victim removed from  
25 inside the establishment?

1 A He was.

2 Q Now, does Assets' security plan  
3 indicate that they must log an incident for any  
4 altercation that results in the ejection of a  
5 patron?

6 A It does.

7 Q Was the patron ejected?

8 A He was.

9 MR. ORTIZ: Thank you. I have no  
10 further questions.

11 REDIRECT

12 BY MR. BIANCO:

13 Q It goes to Mr. Ortiz's last question.  
14 You testified that the security plan requires  
15 that the establishment call MPD following an  
16 altercation that results in a patron being  
17 ejected. There was no altercation prior to the  
18 ejection here, was there? Or did I miss  
19 something?

20 MR. ORTIZ: I would object to that.  
21 My question was based on the incident report log,  
22 not the MPD.

23 MR. BIANCO: Oh, yes. Sorry. Strike  
24 that.

25 BY MR. BIANCO:



1 Q Same question but with the report log.  
2 Any altercation that results in patron's ejection  
3 has to be logged. It's my understanding of the  
4 testimony that there was no altercation prior to  
5 the ejection, is that correct?

6 A I can't determine that.

7 Q So, in your report you made no  
8 determination that there was an altercation prior  
9 to the ejection, is that correct?

10 A That's correct.

11 Q Thank you. No further questions.

12 CHAIRPERSON ANDERSON: I think you  
13 stated, Mr. Ortiz, that the Government rests.  
14 Does the Government have another witness you wish  
15 to call?

16 MR. ORTIZ: No, the Government does  
17 not have any other witnesses. The Government  
18 rests.

19 CHAIRPERSON ANDERSON: Thank you. Mr.  
20 Bianco, do you wish to make an opening statement?

21 MR. BIANCO: Mr. Chair, I can open and  
22 close simultaneously. We're going to rest on  
23 burden of proof. I will be asking for briefings,  
24 but I can quickly outline my position if it  
25 pleases the Board.

1 CHAIRPERSON ANDERSON: Go ahead, sir.  
2 OPENING/CLOSING BY RICHARD BIANCO, ESQ.

3 MR. BIANCO: So, here we are,  
4 everybody, three years after the incident that  
5 took place, arguing about it. Our motion to  
6 dismiss was denied, I get that. We've preserved  
7 the issue. Hopefully we won' t have to argue it  
8 again after post-hearing briefs. I will just say  
9 that the only reason given by the Government for  
10 a three year delay is COVID, which flies in the  
11 face of the hundreds of cases that were filed and  
12 adjudicated by this Board from March of 2020  
13 until today. It's weak at best, if not  
14 disingenuous. The evidence you heard shows that  
15 the Government has not met its burden. They have  
16 to show a violation took place by clear and  
17 convincing evidence, they did not. There was no  
18 violent incident. There was no altercation or  
19 anything else that occurred inside the  
20 establishment prior to the removal of the patron,  
21 triggering any obligation by the establishment to  
22 call MPD or issue any kind of report. By all  
23 accounts, they handled the ejection of the patron  
24 in a compliant and appropriate manner.

25 Again, once outside, the patron fled,

1 he disengaged, he left, he was no longer a patron  
2 at that moment. He decided to come back to have  
3 a confrontation, looking for a fight. He didn't  
4 need to, that's just what he did. Perhaps the  
5 result of that was predictable. But what you  
6 have here is a person who was not a patron  
7 walking up to a group of independent contractors  
8 standing on the street doing nothing to  
9 accomplish the business purpose of the entity  
10 engaging in some type of altercation, not on the  
11 licensed premises.

12 That work licensed premises is an  
13 important one Because that Is the specific  
14 language of the statute under which this  
15 particular respondent is charged. Use of the  
16 licensed premises for an unlawful purpose or  
17 allowing the licensed premises to be used for an  
18 unlawful purpose. That did not happen. Let me  
19 just speak to the unlawfulness aspect of it.  
20 There was no arrest, there was no prosecution,  
21 there is nothing indicating that outside of the  
22 licensed premises an alcohol law was violated or  
23 an obligation to report or log was triggered.  
24 Now, what I'm not getting into is the gross  
25 deficiency of the evidence that was presented.

1 The report is essentially completely from top to  
2 bottom, not only hearsay but double and in some  
3 cases triple hearsay. It is inherently  
4 unreliable and based on the evidence that has  
5 been presented, it is specifically unreliable as  
6 to the evidence that was presented in this  
7 particular case.

8 Now, I would also note that by the  
9 investigator's own admission, the report was  
10 incomplete. The report contained, by the  
11 investigator's testimony, four videos. We were  
12 only shown two. The report as a whole, being  
13 three years old and with the representations  
14 contained therein that are not corroborated by  
15 anybody's testimony, is not worth the paper that  
16 it's printed on. It underscores our case as to  
17 why the Government should not be waiting three  
18 years to prosecute stale cases.

19 There is a Court of Appeals case that  
20 specifically addresses the applicable standard  
21 for the unlawful purpose statute for incidents  
22 that occur outside of the establishment. That  
23 case is Lavelle, L-A-V-E-L-L-E, vs the DC  
24 Alcoholic Control Board. I don't have the  
25 citation with me, but it will certainly be

1 featured in our briefing. What that case  
2 essentially establishes is that incidents occur  
3 outside the licensed premises without more,  
4 without evidence of the manner in which the  
5 respondent has carried out their business, is not  
6 sufficient to trigger a violation of that  
7 statute. We, of course, understand that single  
8 incidents can constitute a violation of the  
9 unlawful purpose statute, so we get that that's  
10 there. But more information is needed other than  
11 an incident perhaps, based on the video I saw,  
12 might not even have, but perhaps occurred outside  
13 of the licensed premises.

14 Based on that, we don't think there is  
15 any legal basis on this record to find that the  
16 Government proved by clear and convincing  
17 evidence that there was any violation of any  
18 alcohol law in this case. And as I mentioned at  
19 the outset, and I think once during, I would like  
20 to submit proposed findings of fact and  
21 conclusions of law since our defense is  
22 essentially a legal one as opposed to a factual  
23 dispute. Thank you.

24 CHAIRPERSON ANDERSON: Thank you, Mr.  
25 Bianco. So, that's your opening and closing, or

1 do you anticipate doing a closing?

2 MR. BIANCO: That's my opening and  
3 closing. Asking me to go on longer is dangerous,  
4 as you know, so I will be quiet now and let Mr.  
5 Ortiz say his piece.

6 CHAIRPERSON ANDERSON: I just want to  
7 know what the expectation. So, your presentation  
8 is an opening and closing, so you have rested, is  
9 that correct?

10 MR. BIANCO: I have rested, that is  
11 correct. Thank you very much, Mr. Chair.

12 CHAIRPERSON ANDERSON: Mr. Ortiz, do  
13 you wish to make a closing statement?

14 CLOSING BY STEPHEN ORTIZ, AAG

15 MR. ORTIZ: Yes, I do. Thank you.  
16 The Government has proven to the Board by  
17 substantial evidence that the licensee allowed  
18 the establishment to be used for an unlawful or  
19 disorderly purpose in violation of DC Code  
20 Section 25823.82 and violates terms of the Board  
21 approved security plan in violation of DC Code  
22 Section 25823.86.

23 We heard from Investigator Garcia that  
24 investigated Assets, and he stated a patron was  
25 removed Because he was stealing, a patron was

1 removed from the establishment Because he was  
2 stealing the stripper's money from the ground.  
3 That altercation resulted in the removal of a  
4 patron. We reviewed surveillance footage taken  
5 from Assets depicting that removal of the patron.  
6 Investigator Garcia described that members of the  
7 Assets security surrounded the victim and  
8 assaulted him. We also saw footage of that  
9 assault. We also observed a member of the  
10 security team retrieve the victim's property and  
11 take it inside the establishment.

12 Investigator Garcia interviewed  
13 several members of the security team.  
14 Specifically, Investigator Garcia spoke to the  
15 head of security, and he informed Investigator  
16 Garcia that two of his security were among the  
17 men in the fight. Investigator Garcia also  
18 testified that a member of security team took the  
19 victim's belongings and brought them inside the  
20 establishment.

21 Now, turning to the evidence  
22 supporting charge two, violating the terms of the  
23 Board approved security plan, Investigator Garcia  
24 testified that the terms of the security plan  
25 requires Assets to maintain a detailed incident

1 report log and must record any incident at the  
2 establishment that involves an altercation that  
3 results in the ejection of a patron.

4 Investigator Garcia testified, and we saw footage  
5 that the victim was ejected from the  
6 establishment. Investigator Garcia also  
7 indicated the security plan states that a manager  
8 or security personnel shall contact the MPD if an  
9 altercation becomes violent. We heard from  
10 Investigator Garcia that the MPD was not called.  
11 He spoke to the head of security, and the other  
12 security staff, and the ABC manager. He was  
13 informed they did not call MPD.

14 We also heard from Investigator Garcia  
15 the security plan does not allow for the security  
16 personnel to use excessive force. Based on this,  
17 the Government has therefore proven the charge  
18 and the notice to show cause. The Government  
19 recommends that the Board apply a penalty  
20 consistent with DC Code Section 25-830. Thank  
21 you.

22 CHAIRPERSON ANDERSON: Okay. Mr.  
23 Ortiz. The record is now closed. Mr. Bianco has  
24 already informed us that he intends to file  
25 proposed findings of fact and conclusion of law.



1 Is that correct, Mr. Bianco?

2 MR. BIANCO: Yes, that's correct.

3 CHAIRPERSON ANDERSON: So, the  
4 transcript should be available within  
5 approximately three weeks. The proposed findings  
6 of facts and conclusion of law are required to be  
7 submitted to the agency 30 days after receipt of  
8 the transcript. It is my belief that the agency  
9 will release their decision within 90 days after  
10 that period of time.

11 MR. ORTIZ: Just a quick question, the  
12 Government does not wish to issue its own facts  
13 and conclusion of law, the Board is deciding that  
14 it is going to rule on that and provide the  
15 transcript?

16 CHAIRPERSON ANDERSON: I'm not  
17 following you, sir.

18 MR. ORTIZ: I'm sorry. So, do both  
19 parties have to provide the facts and the  
20 conclusion of law? Is that the ruling that the  
21 Board is going to basically give what opposing  
22 counsel wishes?

23 CHAIRPERSON ANDERSON: That's not my  
24 decision. As part of these hearings I always as  
25 the question, are the parties going to file

1 proposed findings of fact and conclusion of law,  
2 and the licensee in this particular case informed  
3 us that he intends to do that. So, I have no say  
4 whether or not the Government wishes to do that  
5 also. I have to honor the request of the  
6 licensee that this is what he intends to do. So,  
7 therefore, we will hold off on making a decision  
8 until we receive this information. I would hope  
9 that the Government would also do the same, but  
10 that's not the Board's call. Procedurally this  
11 is where we are.

12 MR. ORTIZ: Understood. I just wanted  
13 a little bit of clarity Because, as you  
14 mentioned, typically the Board submits the  
15 findings of fact. Thank you.

16 CHAIRPERSON ANDERSON: We'll do that,  
17 but in these show cause hearing status, one party  
18 or the other always says that they want to do it,  
19 and I think a lot of times the other party waits  
20 to see what the other side is going to say. If  
21 one side says that I'm going to do it, then the  
22 other party will say, I guess I'll do it, or both  
23 parties jointly waive that option. But in this  
24 case, even before I asked him the question,  
25 counsel for the licensee has affirmatively stated

1 that this is what he intends to do, therefore,  
2 the Board can't make a final determination until  
3 we have received these proposed findings of fact  
4 and conclusion of law.

5 MR. ORTIZ: Understood.

6 CHAIRPERSON ANDERSON: Any other  
7 questions before I close?

8 MR. ORTIZ: No sir.

9 CHAIRPERSON ANDERSON: Mr. Bianco?

10 MR. BIANCO: Nothing from the  
11 respondent. Thank you, Mr. Chair and members of  
12 the Board. I appreciate it.

13 CHAIRPERSON ANDERSON: As chairperson  
14 of the Alcoholic Beverage Control Board for the  
15 District of Columbia in accordance with DC  
16 Official Code Section 2575 of the Open Meetings  
17 Act, I move that ABC Board hold a closed meeting  
18 for the purpose of seeking the advice from our  
19 counsel on case number 19-251-00157, Assets,  
20 pursuant to DC Official Code Section  
21 2575(b)(4)(a) of opening upon case number 19-251-  
22 00157 Assets for the reasons cited in DC Official  
23 Code Section 2575(b)(13) off the opening of that.  
24 Is there a second?

25 MEMBER CATO: I'll second.

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MEMBER HANSEN: Yes.

CHAIRPERSON ANDERSON: Ms. Hansen and Mr. Cato second the motion. I will now take a roll call vote on the motion.

Mr. Cato.

MEMBER CATO: Bobby Cato, I agree.

CHAIRPERSON ANDERSON: Ms. Hansen.

MEMBER HANSEN: Jeni Hansen, I agree.

CHAIRPERSON ANDERSON: Mr. Grandis.

MEMBER GRANDIS: (No audible response.)

CHAIRPERSON ANDERSON: Mr. Anderson, I agree.

As it appears the motion has passed, I hereby give notice that ABC Board will recess these proceedings to hold a closed meeting pursuant to Section 2575 of the Open Meetings Act.

Again, the transcript should be available in about three weeks, and the proposed findings of fact and conclusion of law, they're due to the Board 30 days upon receipt of the transcript.

Thank you very much for your presentation today. Have a great day.

1                   We have come to the end of our  
2                   calendar for the day, and since we're at the end  
3                   of our calendar for the day, let me close the  
4                   record for the day.

5                   As Chairperson of the Alcoholic  
6                   Beverage Control Board for the District of  
7                   Columbia, in accordance with DC Official Code  
8                   Section 2575(b) and Section 2575(b)(14) of the  
9                   Open Meetings Act, I move that ABC Board hold a  
10                  closed meeting on November 9, 2022 for the  
11                  purpose of discussing and hearing reports  
12                  concerning ongoing or planned investigations of  
13                  alleged criminal or civil misconduct or  
14                  violations of law or regulations and seek legal  
15                  advice from our legal counsel on the matters  
16                  identified on the Board's legal licensing and  
17                  investigative agenda for November 9, 2022 as  
18                  published in the DC Register on November 4, 2022.  
19                  Is there a second?

20                  MEMBER HANSEN: Jeni Hansen will  
21                  second.

22                  CHAIRPERSON ANDERSON: Mr. Grandis and  
23                  Ms. Hansen have seconded the motion. I will now  
24                  take a roll call vote to the motion now that it's  
25                  been seconded.

1 Mr. Cato.

2 MEMBER CATO: Bobby Cato, I agree.

3 CHAIRPERSON ANDERSON: Ms. Hansen.

4 MEMBER HANSEN: Jeni Hansen, I agree.

5 CHAIRPERSON ANDERSON: Mr. Grandis.

6 MEMBER GRANDIS: Edward Grandis, I

7 agree.

8 CHAIRPERSON ANDERSON: Mr. Anderson,

9 I agree.

10 As it appears that the motion has  
11 passed, I hereby give notice that ABC Board will  
12 hold this closed meeting pursuant to the Open  
13 Meetings Act. Notice will also be posted on the  
14 ABC Board hearing room bulletin board, placed on  
15 the electronic calendar on ABRA's website and  
16 published in the DC Register in as timely manner  
17 as practical.

18 I want to thank members of the public  
19 who participated in our hearings today, the Board  
20 members who participated in our hearings today.  
21 We are now adjourned for the day. I will now  
22 direct all Board members to return to executive  
23 session for further developments.

24 (Whereupon, the above-entitled matter  
25 was concluded at 3:40 p.m.)

**A**

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Date: 11-02-22

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Court Reporter

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