

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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MEETING

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IN THE MATTER OF:
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:
Rocdo, LLC :
t/a Nellie's :
Restaurant & Sports Bar :
900 U Street NW : Fact Finding
Retailer CT - ANC 1B : Hearing
License No. 75240 :
Case #23-251-00028 :
:
(Possession of a :
Firearm Inside of :
the Establishment) :
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Wednesday
December 6th, 2023

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

PRESENT:

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

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
DOUG SCHANTZ, Licensee
ALEX CAMPBELL, Licensee
ANDREW KLINE, Licensee Counsel
CAMERON MIXON, Licensee Counsel
INVESTIGATOR MARK RUIZ
INVESTIGATOR JON FLEMING

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

2 11:21 a.m.

3 CHAIRPERSON ANDERSON: All right. The  
4 next case in our calendar, it's a fact-finding  
5 hearing, Case No. 23-251-00028, Nellie's  
6 Restaurant & Sports Bar, License No. 75240.

7 Mr. Orellana, can you please elevate  
8 the rights of the Licensee -- the Government, the  
9 Licensee, the investigator, and any other  
10 witnesses. And I see a police officer, I  
11 believe, who will be testifying.

12 MR. ORELLANA: Sure thing. Andrew  
13 Kline, your access has been elevated. Cameron  
14 Mixon, your access has been elevated. Lieutenant  
15 Jonathan Fleming, your access has been elevated.  
16 And that -- oh, Investigator Mark Ruiz, your  
17 access has been elevated. That appears to be  
18 all, Chairman.

19 MR. KLINE: I'm in.

20 CHAIRPERSON ANDERSON: Yes, Mr. Kline?

21 MR. KLINE: We'd also ask that Doug  
22 Schantz, principal of the Licensee, be elevated  
23 along with Alex Campbell who heads up security.  
24 I think they may be together.

25 CHAIRPERSON ANDERSON: Thank you, sir.

1 I was just about to ask that question because I  
2 did not hear the Licensee. Okay.

3 MR. KLINE: Thank you.

4 CHAIRPERSON ANDERSON: All right.  
5 Good morning, everyone. Let me have the parties  
6 identify themselves for the record. I will  
7 start. Go ahead, Mr. Kline.

8 MR. KLINE: Yes, good morning, Mr.  
9 Chair, members of the Board. Andrew Kline here  
10 on behalf of Nellie's Restaurant.

11 CHAIRPERSON ANDERSON: Mr. Kline,  
12 although we know that everyone knows how to spell  
13 your name. But can you just for the record, sir?

14 MR. KLINE: Of course. A-N-D-R-E-W,  
15 last name is spelled K-L-I-N-E.

16 CHAIRPERSON ANDERSON: Mr. Mixon?

17 MR. MIXON: Good morning. Cameron  
18 Mixon with Veritas Law Firm. Also counsel to the  
19 Licensee. That's first name Cameron, C-A-M-E-R-  
20 O-N. Last name, Mixon, M-I-X-O-N.

21 CHAIRPERSON ANDERSON: Good morning,  
22 sir. Let's have the owners, can they identify  
23 themselves for the record by spelling and stating  
24 their names?

25 MR. SCHANTZ: Doug Schantz, D-O-U-G S-

1 C-H-A-N-T-Z, owner of Nellie's Sports Bar. And I  
2 also have Alex Campbell here.

3 MR. CAMPBELL: Alex, A-L-E-X C-A-M-P-  
4 B-E-L-L.

5 CHAIRPERSON ANDERSON: Thank you.  
6 Officer Fleming, can you please identify yourself  
7 for the record?

8 LIEUTENANT FLEMING: Hello, I'm  
9 Lieutenant Jon Fleming with the Metropolitan  
10 Police Department. First name, J-O-N. Last  
11 name, F-L-E-M-I-N-G.

12 CHAIRPERSON ANDERSON: Good morning,  
13 Lieutenant. Mr. Ruiz? You're on mute, sir.

14 INVESTIGATOR RUIZ: M-A-R-K R-U-I-Z,  
15 ABCA Investigator.

16 CHAIRPERSON ANDERSON: Good morning,  
17 sir. All right. I thank everyone for your  
18 attendance today. This is Nellie's Restaurant &  
19 Bar, ABRA License No. -- ABCA License No. 075240,  
20 located at 900 U Street, Northwest.

21 The matter comes before the Board for  
22 a fact-finding hearing at the request of the  
23 Chief of Police in a letter dated October 29th,  
24 2023. MPD raised concerns regarding an incident  
25 that occurred at Nellie's on Saturday, October

1 21st, 2023, specifically MPD reports that a  
2 female patron was involved in a verbal argument  
3 with a male patron. During the verbal argument,  
4 the male patron dropped a handgun onto the floor,  
5 picked it up, and waved it in a threatening  
6 manner.

7 He then left the establishment.  
8 According to the complainant, she notified the  
9 establishment's security staff and then went  
10 home. MPD obtained video footage that  
11 corroborates the facts alleged by the female  
12 patrol.

13 MPD also confirmed that staff was  
14 notified of the incident yet failed to call 911  
15 or notify MPD. Without going into further  
16 detail, it appears that the respondent may not  
17 have handled the incident in a manner that would  
18 ensure public safety for its employees, patrons,  
19 or members of the public, thus a need for this  
20 hearing. This incident resulted in Investigative  
21 Report No. 23-251-00028 which is the subject of  
22 today's fact-finding hearing.

23 The Board will first hear from  
24 Investigator Mark Ruiz who handled the  
25 investigation and authored the report followed by

1 3rd District Lieutenant Jon Fleming who will  
2 represent the MPD. Mr. Kline or Mr. Mixon,  
3 counsel for Nellie's, is welcome to ask questions  
4 of the Board's witnesses and then they may  
5 present any witnesses that they have with them  
6 will be subject to questioning by the Board. And  
7 so Mr. Ruiz, can you identify yourself for the  
8 record, please?

9 INVESTIGATOR RUIZ: Yes, first name is  
10 Mark, M-A-R-K. Last name is Ruiz, R-U-I-Z,  
11 Investigator with ABCA.

12 CHAIRPERSON ANDERSON: Are you  
13 familiar with this case, sir?

14 INVESTIGATOR RUIZ: Yes.

15 CHAIRPERSON ANDERSON: How are you  
16 familiar with this case?

17 INVESTIGATOR RUIZ: I was assigned to  
18 investigate the 251 provided by MPD, CCN-  
19 23177055.

20 CHAIRPERSON ANDERSON: Can you give us  
21 a background of what occurred?

22 INVESTIGATOR RUIZ: Yeah, so according  
23 to the MPD report, a patron of the establishment  
24 reported another patron pulling a firearm on her,  
25 threatening, waving a gun at her. And then she

1 left the establishment for fear of her safety. I  
2 went to the establishment on October 31st.

3 After receiving a CCN, speak to  
4 establishment where I was able to speak to an ABC  
5 manager, Christopher Garrett who was also the  
6 general manager and controls the surveillance  
7 video for the establishment. And he was able to  
8 provide me with surveillance video and the  
9 contact for the security company that is employed  
10 by Nellie's Restaurant which is AFS Enterprises  
11 where I followed up with them on further details  
12 of the incident. I spoke to the victim of the  
13 incident who described the incident as reported  
14 to MPD and did state that she had left shortly  
15 after, not knowing where the individual was at  
16 the time and feared for her safety and then after  
17 a few days decided to report it to ensure that  
18 the matter was looked at.

19 After requesting information from the  
20 security company, they provided me with an  
21 incident report that was written for the night of  
22 the incident which detailed what occurred, the  
23 video that was also observed by the security. So  
24 the security for that evening on October 21st,  
25 they had security at the front door, two members,

1 one conducting IDs and another one conducting  
2 pat-downs and package checks, purse checks,  
3 another guard at the exit door on 9th Street and  
4 another one up at the restroom. And I also  
5 observed a security officer roving throughout the  
6 establishment continuously.

7 Through the investigator, security  
8 officer company was also able to provide reports.  
9 Indicated that they had a scanning -- that  
10 scanned identification. I was able to assist in  
11 determining the patron who brandished the weapon.  
12 And I believe they provided that to the  
13 detectives investigating the case.

14 I also received the surveillance video  
15 which did detail the incident that occurred on  
16 the roof deck of the establishment which is  
17 available for review in our exhibits. I also  
18 reviewed the operations from the establishment  
19 that evening. It appeared that they were  
20 operating within their license capacity, although  
21 the rooftop was crowded with minimal space to  
22 move around.

23 It was determined that they were  
24 within their license capacity. A view of the  
25 security plane does indicate that pat-downs of



1 the establishment for the purpose of detecting  
2 metal objects including weapons being carried by  
3 patrons would be performed as needed. Through  
4 the investigation while observing the  
5 surveillance video of the suspect entering as  
6 well as other patrons entering, I had observed  
7 the pat-down process.

8 The pat-down process consisted of  
9 patrons being patted down top and bottom of arms  
10 and down the sides of the bodies' pockets to  
11 their pockets and any coat pockets that they were  
12 wearing. The pat-downs did not include the  
13 waistband area, the front or the rear, or down to  
14 the ankles from what was observed. And that's  
15 basically it for the investigation.

16 CHAIRPERSON ANDERSON: So Mr. Ruiz, so  
17 you're stating that this establishment does have  
18 a security plan. Is that correct?

19 INVESTIGATOR RUIZ: That's correct.

20 CHAIRPERSON ANDERSON: And is there  
21 any mention in the security plan regarding  
22 weapons?

23 INVESTIGATOR RUIZ: Just that they  
24 conduct pat-down searches to detect any weapons  
25 as needed.

1 CHAIRPERSON ANDERSON: So it doesn't  
2 explain. So it's not mandatory that everyone go  
3 through a pat-down. So you're saying it's as  
4 needed?

5 INVESTIGATOR RUIZ: Yes, that's how I  
6 read the security plan.

7 CHAIRPERSON ANDERSON: Is there any  
8 provision within the security plan that talks  
9 about reporting or documentation of incidents?

10 INVESTIGATOR RUIZ: Yes, it does have  
11 provisions for when a violent incident occurs.  
12 MPD should be notified immediately. An incident  
13 report to be completed by security personnel and  
14 the staff shall attempt to defuse the situation  
15 and gather information and then to assist the  
16 police. Emergencies, for handling emergencies,  
17 the personnel will help the individual to their  
18 abilities and will dial 911 whenever necessary so  
19 that properly trained personnel will arrive to  
20 the scene. And if MPD needs to be contacted, the  
21 manager on duty or security staff will dial 911  
22 for the dispatch and gather any information.

23 CHAIRPERSON ANDERSON: So when is the  
24 MPD or 911 needs to be called? When specifically  
25 is it that the security plan mentions that?

1 INVESTIGATOR RUIZ: When a violent  
2 incident occurs.

3 CHAIRPERSON ANDERSON: Is there any  
4 description in the security plan what's  
5 considered a violent incident?

6 INVESTIGATOR RUIZ: No.

7 CHAIRPERSON ANDERSON: Is there any  
8 provision within the security plan regarding what  
9 actions should be taken by the establishment if a  
10 weapon is found?

11 INVESTIGATOR RUIZ: It did not. No,  
12 I did not receive one.

13 CHAIRPERSON ANDERSON: In conducting  
14 your investigation, do you know whether or not  
15 security was aware of the argument before the gun  
16 was brandished?

17 INVESTIGATOR RUIZ: No, it was not  
18 apparent there were while the argument was  
19 occurring.

20 CHAIRPERSON ANDERSON: So you're not  
21 able to ascertain whether or not security was  
22 aware of the incident prior to the gun -- the  
23 weapon. Is that correct?

24 INVESTIGATOR RUIZ: Correct.

25 CHAIRPERSON ANDERSON: Now did you

1 view security -- the video to see when the  
2 suspect entered the building?

3 INVESTIGATOR RUIZ: Yes, yes, I did  
4 review video from the entrance.

5 CHAIRPERSON ANDERSON: So what does it  
6 -- I mean, do you have the video available to  
7 show to us because I'm trying to figure out how  
8 is it that this -- how was this individual able  
9 to enter the establishment with a weapon?

10 INVESTIGATOR RUIZ: Yes, a video is  
11 available to be played.

12 CHAIRPERSON ANDERSON: So can you play  
13 that video for us, please?

14 INVESTIGATOR RUIZ: Yes, I just need  
15 permission to share.

16 CHAIRPERSON ANDERSON: I'm sorry. Mr.  
17 Orellana. Thank you. Go ahead. You have  
18 access, sir.

19 INVESTIGATOR RUIZ: Okay. The  
20 entrance, so I'm going to show Exhibit No. 6  
21 which is of the dining room area.

22 (Video played.)

23 CHAIRPERSON ANDERSON: The dining  
24 room, I'm trying to find out how the weapon get  
25 into the -- so will this video show us how the

1 weapon got into the establishment? Okay.

2 INVESTIGATOR RUIZ: Yeah, so this is  
3 the dining room area, a camera that was provided  
4 which does have the front door where the pat-down  
5 process and check in process is completed. So  
6 you see the video on your screen now?

7 CHAIRPERSON ANDERSON: Yes, sir.

8 INVESTIGATOR RUIZ: All right. So if  
9 you're looking at the dining room to your left,  
10 you will see the front door. And you will see  
11 security, black polos, and they also have white  
12 writing on the back indicating security. And I'm  
13 just going to go up a little bit to 9:24. There  
14 we go. It's going.

15 CHAIRPERSON ANDERSON: We're still at  
16 9:22. Okay.

17 INVESTIGATOR RUIZ: Yes, it's a little  
18 lagging in switching times. Another 20 seconds,  
19 I will indicate the suspect entering. Okay.  
20 Entering the frame now is the suspect wearing the  
21 hat, being patted down at this time.

22 You'll see -- I just want to replay  
23 that a little bit. You'll see security patting  
24 him down through the sides and the arms. And the  
25 firearm at the time of the incident was pulled

1 from the front of his body from the front  
2 waistband area it appeared.

3 CHAIRPERSON ANDERSON: All right. And  
4 I don't know what's considered a pat-down. So  
5 can you explain to us what is it that we just  
6 saw? What is it that we're looking at, at these  
7 pat-downs?

8 INVESTIGATOR RUIZ: So you're seeing  
9 basically security is checking, feeling for any  
10 objects that may be within the arms and in their  
11 pockets. So your pockets are within the range of  
12 motion that they're doing and their front pants  
13 pockets is the motions that they're taking here.  
14 It's not a full pat-down. And just briefly, I'm  
15 not sure why they don't conduct a full pat-down.

16 CHAIRPERSON ANDERSON: Do you have the  
17 video of the incident itself, I mean, where the  
18 gun -- I mean, do you have videos of the incident  
19 itself?

20 INVESTIGATOR RUIZ: Yes. So now I'll  
21 bring up Exhibit No. 4 which will be of the roof  
22 deck.

23 (Video played.)

24 INVESTIGATOR RUIZ: This is the roof  
25 deck. That came a little quick. So it's paused

1 currently. You can see the video, correct?

2 CHAIRPERSON ANDERSON: Yes, sir.

3 INVESTIGATOR RUIZ: All right. So  
4 just about center frame you will see a Black male  
5 with a black hat, white brim with the red.

6 CHAIRPERSON ANDERSON: With the red --  
7 can you use your cursor to -- I want to make sure  
8 it's the right person. Okay.

9 (Simultaneous speaking.)

10 INVESTIGATOR RUIZ: -- suspect. Over  
11 here, the individuals that he bumped into.

12 CHAIRPERSON ANDERSON: Okay.

13 INVESTIGATOR RUIZ: They turn around.  
14 They engage in verbal back and forth. Security  
15 does walk past. I'm not sure if he actually  
16 heard anything. It does indicate that he heard  
17 anything that they were saying to be threatening.

18 The guy continues to speak to them.  
19 At this time, he reaches. He pulls the gun out  
20 which flies in the air and falls down. He picks  
21 it up, pointing it at them and at which time the  
22 acquaintance he's with or another male subject  
23 pulled him away and guided him off the rooftop.  
24 And then there's another video of him going out  
25 the stairwell and exiting the establishment

1 immediately.

2 CHAIRPERSON ANDERSON: So you're  
3 saying you have another video of that? I'm  
4 confused. So are you saying that is this a  
5 regular entrance or exit or is this an emergency  
6 exit?

7 INVESTIGATOR RUIZ: No, it would be --  
8 so he'll exit out of that room and go down the  
9 stairs to the exit door which is a separate door  
10 from what we've viewed before. There's an exit  
11 going straight out onto 9th Street side of the  
12 establishment.

13 CHAIRPERSON ANDERSON: That comes from  
14 the roof?

15 INVESTIGATOR RUIZ: Yes, so it comes  
16 from the room and goes directly down to the door.  
17 And watching that video, he had already re-  
18 concealed the weapon on the way out was not  
19 visible that the security at the exit door would  
20 have seen. And he left directly after that. And  
21 then followed behind that, the victim goes and  
22 reports to security at the front door what  
23 happened.

24 CHAIRPERSON ANDERSON: Okay. All  
25 right. Any questions by the Board members of the



1 -- go ahead, Mr. Short.

2 MEMBER SHORT: Thank you, Investigator  
3 Ruiz, for an excellent report. How long have you  
4 worked for ABCA?

5 INVESTIGATOR RUIZ: Going on five  
6 years.

7 MEMBER SHORT: Do you have any  
8 knowledge or history of this Licensee or this  
9 establishment?

10 INVESTIGATOR RUIZ: I'm familiar with  
11 the establishment being a licensee and then  
12 conducting investigations in the past, yes.

13 MEMBER SHORT: Are you familiar that  
14 in their investigative history? I think it  
15 would've been Case No. 21-251-00012 on June 13,  
16 2021. Are you familiar with anything that  
17 happened in June of 2021 dealing with this  
18 establishment?

19 INVESTIGATOR RUIZ: Yes.

20 MEMBER SHORT: Can you explain to the  
21 Board and to the audience that what is this  
22 incident involving?

23 INVESTIGATOR RUIZ: This involved  
24 altercations between security and patrons in  
25 which it erupted into multiple assaults that were

1 observed between security and patrons, security  
2 attempting to remove subjects from -- patrons  
3 from the establishment. And in doing so,  
4 injuries were caused to patrons.

5 MEMBER SHORT: Thinking back on that  
6 incident, how did that incident impact or affect  
7 the community to your knowledge?

8 INVESTIGATOR RUIZ: I believe that  
9 incident drew a lot of public attention, social  
10 media, and such. They were pretty angry with  
11 that.

12 MEMBER SHORT: Well, not only social  
13 media, did the Washington Post or other major  
14 newspapers carry that story that you remember or  
15 don't remember?

16 INVESTIGATOR RUIZ: I don't recall  
17 that exactly, no.

18 MEMBER SHORT: Okay. Were they closed  
19 down for a while after that incident, the  
20 establishment?

21 INVESTIGATOR RUIZ: Yeah, it was my  
22 understanding they closed for a while, yes.

23 MEMBER SHORT: And that was because of  
24 the multiple fights inside of the establishment?

25 INVESTIGATOR RUIZ: Deriving from the

1 incident, I believe. If I recall correctly,  
2 there were protests and they voluntarily closed  
3 while everything was going on.

4 MEMBER SHORT: Does their history --  
5 investigative history in any way indicate how  
6 long they were closed and the reason?

7 INVESTIGATOR RUIZ: History indicated  
8 seven days from December 20th to December 26th  
9 and 17 days for a year. I believe they were  
10 closed -- I think -- I believe they were closed a  
11 little longer than that because on a voluntary  
12 basis after that --

13 (Simultaneous speaking.)

14 MEMBER SHORT: I think those days that  
15 you mentioned were imposed by the Board, correct?

16 INVESTIGATOR RUIZ: Correct, correct.

17 MEMBER SHORT: And that they  
18 voluntarily closed because of the demonstration  
19 that were in front of the club -- on the corner  
20 of the club. Is that correct?

21 INVESTIGATOR RUIZ: Yeah, that's what  
22 I recall, yes.

23 MEMBER SHORT: So the incident  
24 happened in June. And when did the seven days  
25 from this Board kick in?

1 INVESTIGATOR RUIZ: December 20th.

2 MEMBER SHORT: So they were closed  
3 from June until December 20th. Is that correct?

4 INVESTIGATOR RUIZ: I don't recall if  
5 they were closed for the complete time period.  
6 They may have been. I can't recall exactly.

7 MEMBER SHORT: Okay. Well, that's a  
8 fair answer. So as a result, the security plans  
9 that you were mentioning earlier, can you give us  
10 approximate date when that security plan was  
11 given to the Board, the one that's in the record  
12 today?

13 INVESTIGATOR RUIZ: I don't have an  
14 exact date, but I believe it was submitted  
15 shortly after this hearing.

16 MEMBER SHORT: In December of 2021, is  
17 that when the security plan would have been  
18 submitted?

19 INVESTIGATOR RUIZ: I believe so. I'm  
20 not sure exactly. I'd have to look it up.

21 MEMBER SHORT: Do you think that this  
22 security plan if it were to be brought up to date  
23 or a new one submitted where pat-downs not as  
24 needed but pat-downs that would be needed to  
25 prevent weapons from entering this establishment,

1 do you think a new pat-down procedure would help  
2 keep guns out of this establishment?

3 INVESTIGATOR RUIZ: Yeah, I believe a  
4 full body pat-down or weapons check metal  
5 detector would assist -- greatly assist in --

6 MEMBER SHORT: Oh, greatly assist?  
7 Okay.

8 INVESTIGATOR RUIZ: -- preventing  
9 weapons from entering.

10 MEMBER SHORT: Thank you. And are you  
11 familiar with what we call wandering?

12 INVESTIGATOR RUIZ: Yes, with a metal  
13 detector, yes.

14 MEMBER SHORT: Do you think that  
15 would've helped on the evening of this event?

16 INVESTIGATOR RUIZ: I certainly  
17 believe it could assist with locating, yes.

18 MEMBER SHORT: We saw your video or  
19 the videos that were produced here for the record  
20 today. And in your opinion, did this pat-down or  
21 lack of a more affirmative pat-down would've  
22 probably caught that gun if someone had patted  
23 down his waist or down his leg or toward his  
24 ankles? Because a lot of people carry guns on  
25 their ankles also. So if they were wandering or if

1 the pat-down was a little more thorough, do you  
2 think they would have caught that gun coming into  
3 the establishment?

4 INVESTIGATOR RUIZ: Yeah, a pat-down  
5 check of the waistband and even the ankles for  
6 some has known -- weapons are known to be carried  
7 on the ankles as well. A check of the front  
8 waistband would more than likely caught that  
9 weapon.

10 MEMBER SHORT: Would it be fair for me  
11 to suggest that their pat-down procedure are very  
12 lax?

13 INVESTIGATOR RUIZ: From my  
14 observation, it appeared to be lax.

15 MEMBER SHORT: Okay. Now can you  
16 please for my sake or for the Board's sake bring  
17 back up -- I think that was Exhibit 4 with the  
18 gun being fallen to the floor?

19 INVESTIGATOR RUIZ: The video?

20 MEMBER SHORT: Yes, please. The  
21 video, can you go back to Exhibit No. 4 video on  
22 the second floor when the gun fell out? In fact,  
23 go back to the portion where the security guard  
24 walked by the incident just before the gun fell.

25 INVESTIGATOR RUIZ: Okay. You're

1 observing the video now?

2 CHAIRPERSON ANDERSON: No.

3 MEMBER SHORT: I think you got to  
4 share your screen again.

5 INVESTIGATOR RUIZ: Oh, yeah. Hold on  
6 one second.

7 MEMBER SHORT: There you go.

8 INVESTIGATOR RUIZ: There we go.

9 MEMBER SHORT: With a cursor, would  
10 you show again the suspect?

11 INVESTIGATOR RUIZ: So right where it  
12 stops now if you look straight ahead into the  
13 frame, it appears to be a Chicago Bulls hat,  
14 white brim, black hat, glass. That's where the  
15 suspect currently is.

16 MEMBER SHORT: And that's at 11:01,  
17 correct?

18 INVESTIGATOR RUIZ: Correct.

19 (Simultaneous speaking.)

20 INVESTIGATOR RUIZ: And then --

21 MEMBER SHORT: Had the security guard  
22 already gone by? Oh, here comes the --

23 (Simultaneous speaking.)

24 INVESTIGATOR RUIZ: Oh, yeah. I'm  
25 circling around the security.

1                   MEMBER SHORT: So he's looking right  
2 at him and looking right at the young lady,  
3 security. He walks past them. And the suspect  
4 goes right back into the young lady's face,  
5 correct?

6                   INVESTIGATOR RUIZ: Correct.

7                   MEMBER SHORT: Please stop it whenever  
8 you think the gun -- is that the gun now?

9                   INVESTIGATOR RUIZ: Oh, no. I believe  
10 it's getting ready to.

11                  MEMBER SHORT: Okay.

12                  INVESTIGATOR RUIZ: Yeah, yeah, just  
13 pulled it out. It flipped in the air and fell on  
14 the floor. He's picking it up now.

15                  MEMBER SHORT: I know you're not a gun  
16 expert and I'm not either. But when a gun --  
17 some guns fall to the ground, can that cause them  
18 to go off?

19                  INVESTIGATOR RUIZ: Yes.

20                  MEMBER SHORT: Endangering everyone  
21 who was standing so close to them?

22                  INVESTIGATOR RUIZ: Correct.

23                  MEMBER SHORT: Can you tell us if you  
24 possibly can looking at your record, what is the  
25 capacity for that second floor?



1 INVESTIGATOR RUIZ: 179.

2 MEMBER SHORT: Just from your  
3 experience as an investigator, were they at full  
4 capacity up there?

5 INVESTIGATOR RUIZ: They would be at  
6 full capacity.

7 MEMBER SHORT: The gun comes out,  
8 drops on the floor. The suspect picks the gun up  
9 and is escorted out by a friend. Is that  
10 correct?

11 INVESTIGATOR RUIZ: Correct.

12 MEMBER SHORT: Can we see the rest of  
13 that? And there's supposed to be security on the  
14 top floor. We saw one security person come past.  
15 Is that correct?

16 INVESTIGATOR RUIZ: That's correct.

17 MEMBER SHORT: Okay.

18 INVESTIGATOR RUIZ: Yes.

19 MEMBER SHORT: So did anyone from the  
20 establishment ever call MPD?

21 INVESTIGATOR RUIZ: No.

22 MEMBER SHORT: The young lady did say  
23 that she did address security and told someone  
24 that someone had just pointed a gun at her and it  
25 dropped to the floor. Is that correct?

1 INVESTIGATOR RUIZ: That's correct.

2 MEMBER SHORT: Did security at any  
3 time call MPD or call a search to try to find  
4 this individual who had dropped the gun in the  
5 establishment?

6 INVESTIGATOR RUIZ: They locked the  
7 doors and then conducted a search of the  
8 establishment --

9 MEMBER SHORT: Okay. Let me ask you  
10 this.

11 INVESTIGATOR RUIZ: -- for a  
12 description of the suspect.

13 MEMBER SHORT: When they locked the  
14 doors, did they stop selling drinks or did they  
15 do -- did everything just continue as, like,  
16 nothing had happened or they just locked the  
17 doors?

18 INVESTIGATOR RUIZ: I understand they  
19 just locked the doors and continued to search for  
20 a description and requested from patrons that  
21 matched the description if they could conduct a  
22 pat-down. But everything else was operating.

23 MEMBER SHORT: If you know this  
24 answer, you can give it to me. If you don't know  
25 it, don't worry about it. But establishments

1 allowed to lock the doors with the bar full, any  
2 establishment that has an ABC license, are they  
3 allowed to lock the doors? If you don't know the  
4 answer, that's all right. But just to your  
5 knowledge as an investigator, when the doors are  
6 locked and someone does fire a gun, how fast can  
7 you get all those people out of there with the  
8 door locked?

9 INVESTIGATOR RUIZ: For safety  
10 purposes, it shouldn't be locked and --

11 (Simultaneous speaking.)

12 INVESTIGATOR RUIZ: -- it'd be very  
13 difficult.

14 MEMBER SHORT: They locked the door.  
15 They didn't call the police. Unlocked the door  
16 and went right back to business like nothing had  
17 every happened?

18 INVESTIGATOR RUIZ: Correct. After  
19 the search, they didn't locate anyone with a  
20 firearm and continued operation, yes.

21 MEMBER SHORT: Did you find any ABRA  
22 violations when you did your investigation? Did  
23 you find any ABRA violations while looking at the  
24 videos and whatever else involving this incident?

25 INVESTIGATOR RUIZ: I didn't conclude

1 to any specific ABRA violations, no.

2 MEMBER SHORT: In your opinion as an  
3 investigator, should they have notified the  
4 police there was a gun inside of the  
5 establishment?

6 INVESTIGATOR RUIZ: Yes, they should  
7 have.

8 MEMBER SHORT: And they did not?

9 INVESTIGATOR RUIZ: They did not.

10 MEMBER SHORT: Is that a violation of  
11 their security code -- security plan. Forgive  
12 me.

13 INVESTIGATOR RUIZ: Well, yeah, I  
14 would indicate this to a violent incident because  
15 of the threat. And for them to not call MPD is a  
16 hazard to safety of others.

17 MEMBER SHORT: And we saw the crowd.  
18 Pretty crowded, correct, upstairs?

19 INVESTIGATOR RUIZ: Correct, correct.

20 MEMBER SHORT: Is there any exit off  
21 of the second floor to get out of the building?

22 INVESTIGATOR RUIZ: No, everything  
23 goes down a stairwell.

24 MEMBER SHORT: Just one stairway for  
25 all of the 179 people that are upstairs where the

1 gun fell out?

2 INVESTIGATOR RUIZ: Correct.

3 MEMBER SHORT: You're not an expert on  
4 guns. I'm not either. But just want to ask you  
5 this. If somebody fires a gun in that crowd,  
6 it's more than likely a bullet might go through  
7 the target or the bullet might ricochet. So it  
8 could've injured a lot of people with that gun up  
9 there, couldn't it?

10 INVESTIGATOR RUIZ: I would cause  
11 chaos and potential for multiple injuries, yes.

12 MEMBER SHORT: So we have 179 people  
13 up there. We saw it looked pretty crowded to me.  
14 I don't know if you observed it looked pretty  
15 crowded or they were at full capacity.

16 Only one stairway to get out there,  
17 and they locked the door at the bottom of those  
18 steps. So everybody was locked in. Is that  
19 correct?

20 INVESTIGATOR RUIZ: That was my  
21 understanding that the procedure security took  
22 place, yes.

23 MEMBER SHORT: That's all I have for  
24 you, Investigator Ruiz. Thank you for your  
25 excellent report, and thank you for your

1 excellent testimony. That's all I have at this  
2 time, Mr. Chair.

3 CHAIRPERSON ANDERSON: Thank you, Mr.  
4 Short. Any other questions by any of the Board  
5 members?

6 MEMBER GRANT: Yes, Mr. Chair.

7 CHAIRPERSON ANDERSON: Yes, Mr. Grant.

8 MEMBER GRANT: Thank you, Mr. Ruiz.

9 Thank you for your testimony as well and  
10 background on the incident from your vantage  
11 point. Just a quick question. Has this  
12 establishment ever had any cases of guns on the  
13 establishment's premises in previous times?

14 INVESTIGATOR RUIZ: I don't -- I don't  
15 recall. I don't believe so.

16 MEMBER GRANT: Okay. Just one follow-  
17 up question. Given your history of investigating  
18 this establishment, have there ever been any  
19 other incidents that would've warranted you to  
20 intervene to recommend that the pat-down process  
21 be more strenuous than what it was on that video?

22 INVESTIGATOR RUIZ: No.

23 MEMBER GRANT: Okay. That's all,  
24 Chairman. Thank you again, Mr. Ruiz.

25 CHAIRPERSON ANDERSON: Thank you. Mr.

1 Kline, any questions?

2 MR. KLINE: Thank you, Mr. Chair.

3 Good morning, Investigator Ruiz.

4 INVESTIGATOR RUIZ: Good morning.

5 MR. KLINE: So you were asked about  
6 the incident on 6-13-21. There wasn't a weapon  
7 involved in that incident, was there?

8 INVESTIGATOR RUIZ: No.

9 MR. KLINE: And the current security  
10 company was not involved at that time?

11 INVESTIGATOR RUIZ: No, they were not.  
12 No, they were not.

13 MR. KLINE: And in fact, the  
14 establishment was voluntarily closed you said  
15 because of protests and demonstrations. But  
16 isn't it a fact that was also done so that the  
17 establishment could reexamine its security  
18 procedures and institute new procedures?

19 INVESTIGATOR RUIZ: Yeah, that's what  
20 I understood.

21 MR. KLINE: Okay. And you said that  
22 you were asked upon questioning about whether  
23 this was, in your opinion, a violent incident.  
24 And you concluded it is a violent incident. Is  
25 that my understanding?

1                   INVESTIGATOR RUIZ: I would consider  
2 it a violent incident with threat with a firearm.  
3 Yes, I would consider it, yeah.

4                   MR. KLINE: You would. So at what  
5 point did this become a violent incident?

6                   INVESTIGATOR RUIZ: Brandish the  
7 weapon, being pointed at other patrons.

8                   MR. KLINE: Okay. And you don't  
9 understand violence to involve physical contact  
10 or some sort of injury to a person?

11                  INVESTIGATOR RUIZ: I believe the  
12 violence could come from the threat to harm and  
13 then --

14                  MR. KLINE: A threat to harm.

15                  INVESTIGATOR RUIZ: -- follow-up of  
16 physical would just make it more violent.

17                  MR. KLINE: All right. So you've been  
18 an investigator for five years, correct?

19                  INVESTIGATOR RUIZ: Yes, with ABCA,  
20 yes.

21                  MR. KLINE: Yeah, and there are, in  
22 your experience, threats in bars all the time,  
23 aren't there?

24                  INVESTIGATOR RUIZ: Yes.

25                  MR. KLINE: So you're not suggesting



1 that over time there's a threat that that  
2 constitutes violence and somebody should call  
3 MPD, are you?

4 INVESTIGATOR RUIZ: You have verbal  
5 threats made. But then you have threats made  
6 with a weapon.

7 MR. KLINE: Okay. But --

8 INVESTIGATOR RUIZ: It was reported  
9 that a firearm was observed. MPD would be  
10 called.

11 MR. KLINE: But you reviewed their  
12 security plan and they were in compliance  
13 completely with their security plan, weren't  
14 they?

15 INVESTIGATOR RUIZ: Yeah, I mean, pat-  
16 downs were conducted. My thing with the security  
17 plan is that it did not give a definitive on the  
18 pat-down. It was just as necessary.

19 MR. KLINE: Okay.

20 INVESTIGATOR RUIZ: So they did  
21 conduct pat-downs to, I guess, they thought was  
22 necessary. So that is why I did not sense that  
23 to be a violation.

24 MR. KLINE: Got it. Now you also upon  
25 questioning you were asked about how the weapon

1 might've gotten in. We don't really know how  
2 this weapon got in, do we, and when it was  
3 brandished by this individual. We don't know  
4 whether he brought it in, someone else brought it  
5 in, whether he brought it in on ankle, in his  
6 pants. We don't really know, do we?

7 INVESTIGATOR RUIZ: No, just based on  
8 the video and him entering the establishment  
9 where he pulled the firearm from his person.  
10 That's how I determined that he had the firearm.

11 MR. KLINE: Okay. But I mean, in  
12 terms of the getting in and what a failure  
13 might've been from the evidence that we have,  
14 we're not exactly sure what that failure might've  
15 been, are we?

16 INVESTIGATOR RUIZ: I guess from your  
17 perspective, not the exact failure. But pat-down  
18 process was conducted for -- same process  
19 conducted for everybody. So there was the miss  
20 of those locations. I guess anyone could have  
21 brought a firearm in if it was in their waistband  
22 or passed it off. That's always plausible.

23 MR. KLINE: Okay. Now you testified  
24 that you understood that they locked down the  
25 establishment?

1                   INVESTIGATOR RUIZ: That's what I  
2 understood. And a patron reported that after it  
3 was reported. She wanted to leave, but they had  
4 already locked the front door.

5                   But she had asked if she can just  
6 leave because she feared for her safety. So they  
7 did unlock it to let her out. It was my  
8 understanding that they relocked it.

9                   (Simultaneous speaking.)

10                  INVESTIGATOR RUIZ: But that was based  
11 on her --

12                  MR. KLINE: That's somebody that you  
13 --

14                  (Simultaneous speaking.)

15                  INVESTIGATOR RUIZ: Yes, a patron that  
16 was threatened who made the report.

17                  MR. KLINE: Okay. And you also said  
18 that there's only one stairwell. Isn't it true  
19 that there are two stairwells that are labeled as  
20 exits from the second floor?

21                  INVESTIGATOR RUIZ: I only am -- the  
22 public stairwell. I did not notice the emergency  
23 stairwell.

24                  MR. KLINE: Okay. So --

25                  (Simultaneous speaking.)

1 MR. KLINE: Okay. So if there's a  
2 service stairwell that doubles as an emergency  
3 exit, you're just simply not aware of that?

4 INVESTIGATOR RUIZ: Correct.

5 MR. KLINE: Okay. All right. That's  
6 all the questions I have. Thank you.

7 CHAIRPERSON ANDERSON: Thank you. Let  
8 me -- I'm going to pause that for a minute. I  
9 know you have been waiting, Lieutenant, for a  
10 very long time. And this was a fact-finding  
11 request that came from the MPD. So Lieutenant,  
12 can you tell us how did MPD find out about this  
13 incident and what is it that MPD did?

14 LIEUTENANT FLEMING: On October 27th,  
15 the victim came into the 3rd District station and  
16 reported the incident. When she described what  
17 happened, I had officers go to Nellie's and  
18 recover the video, confirm what she said or  
19 corroborate what she said. When the officers  
20 went to view the video, the staff was already  
21 aware of it and was able to show the officers the  
22 video.

23 We looked at the same video you all  
24 just saw and confirmed that the incident did  
25 occur. She reported it. So we initiated beyond

1 the criminal investigation and wanted to see why  
2 we weren't notified because I believe this  
3 happened on October 21st, but we weren't notified  
4 till October 27th. Our investigation led to  
5 identifying the person who pointed the gun. And  
6 he was placed under arrest for assault with a  
7 dangerous weapon.

8 CHAIRPERSON ANDERSON: So was the gun  
9 located?

10 LIEUTENANT FLEMING: Yes, the gun was  
11 recovered.

12 CHAIRPERSON ANDERSON: All right. Now  
13 what concerns, if any, did you have? You saw the  
14 video. You saw the pat-down that was utilized --  
15 that's been utilized -- that was utilized on the  
16 assailant when they came in the establishment.  
17 Do you have an opinion on the procedure that's  
18 followed by the security guard?

19 LIEUTENANT FLEMING: The pat-down left  
20 a lot of room for improvement. People could've  
21 easily snuck a gun into the establishment with  
22 pat-downs like that. I heard someone mention the  
23 magnetometer, the wand. That would be a great  
24 help to turn to that in the future.

25 CHAIRPERSON ANDERSON: In your

1 investigation, did anyone -- did MPD ask the  
2 Licensee why did they not report this incident to  
3 the police?

4 LIEUTENANT FLEMING: I do not know.  
5 If that was asked, I'm not sure of it.

6 CHAIRPERSON ANDERSON: All right. Is  
7 there anything else you want to add to what was  
8 stated by the investigator?

9 LIEUTENANT FLEMING: No, I think the  
10 investigator covered it pretty clearly.

11 CHAIRPERSON ANDERSON: Thank you, sir.  
12 Any questions? Yes, Mr. Short. You're on mute,  
13 Mr. Short.

14 MEMBER SHORT: Thank you, Mr. Chair.  
15 Good afternoon, Lieutenant.

16 LIEUTENANT FLEMING: Good afternoon.

17 MEMBER SHORT: Thank you for taking  
18 time out and thank you for your service to our  
19 city, especially at a time like this. In your  
20 professional -- well, how many years have you  
21 been with the Metropolitan Police Department?

22 LIEUTENANT FLEMING: I've been with  
23 the Metropolitan Police Department for 11 years.

24 MEMBER SHORT: Eleven years. In your  
25 professional opinion, is someone pointing a gun

1 at someone else in the District of Columbia a  
2 violent crime?

3 LIEUTENANT FLEMING: Yes. According  
4 to D.C. code, that's a crime of violence and the  
5 judge that signed the arrest warrant agreed with  
6 that.

7 MEMBER SHORT: So aren't most security  
8 companies especially with the District of  
9 Columbia supposed to be aware of that?

10 LIEUTENANT FLEMING: Yes, I would like  
11 to think all security companies are aware that  
12 someone walking around with a pistol waving it at  
13 people is something that the police should be  
14 notified about.

15 MEMBER SHORT: Now we do have a  
16 conceal carry license permit here in Washington,  
17 D.C., correct?

18 LIEUTENANT FLEMING: Correct.

19 MEMBER SHORT: Does that allow a  
20 person who has that CC, conceal carry permit to  
21 carry a gun within an establishment that sells  
22 alcohol?

23 LIEUTENANT FLEMING: It does that.  
24 But this person was not carrying it under that.  
25 He was carrying it as some sort of law

1 enforcement.

2 MEMBER SHORT: Can you -- I'm just a  
3 little bit taken. What did this person have to  
4 do with law enforcement?

5 LIEUTENANT FLEMING: According to the  
6 detective with MPD that investigated this, he was  
7 an air marshal.

8 MEMBER SHORT: On airplanes?

9 LIEUTENANT FLEMING: Correct.

10 MEMBER SHORT: And he pointed -- as  
11 far as we know, was his pistol loaded when he was  
12 there that night? Is there any indication  
13 whether or not the pistol was loaded?

14 LIEUTENANT FLEMING: We have no way of  
15 telling.

16 MEMBER SHORT: Was it loaded when he  
17 was arrested?

18 LIEUTENANT FLEMING: I'm not sure. I  
19 didn't check to see that. I believe he willingly  
20 turned it over.

21 MEMBER SHORT: Was he a D.C. resident?  
22 Do you know if you can get that information out?

23 LIEUTENANT FLEMING: He's a resident  
24 of Maryland.

25 MEMBER SHORT: And when he was



1 arrested, did he give an excuse for having a  
2 handgun in this establishment?

3 LIEUTENANT FLEMING: He did not admit  
4 to it?

5 MEMBER SHORT: He was arrested for a  
6 violent crime that was committed in the District  
7 of Columbia?

8 LIEUTENANT FLEMING: Correct, assault  
9 with a dangerous weapon.

10 MEMBER SHORT: It's been questions  
11 asked that it wasn't violent or it couldn't come  
12 off as. So would you have classified what we saw  
13 on the video as a violent crime within the  
14 District of Columbia?

15 LIEUTENANT FLEMING: Yes.

16 MEMBER SHORT: Should that company  
17 once that young lady said that she had been  
18 threatened with a gun and wanted to get out of  
19 there, should MPD had been called?

20 LIEUTENANT FLEMING: Yes, they  
21 definitely should have. We may have been able to  
22 stop him a lot quicker.

23 MEMBER SHORT: Lieutenant, we thank  
24 you for the time you've given today, thank you  
25 for your testimony, and you be safe out there.

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

2 CHAIRPERSON ANDERSON: Thank you. Any  
3 other questions by any other Board members?

4 MEMBER GRANT: No, sir.

5 CHAIRPERSON ANDERSON: Thank you, Mr.  
6 Grant. Mr. Kline?

7 MR. KLINE: Thank you, Mr. Chair. Mr.  
8 Chair, I think this is -- and members of the  
9 Board, I think this is, I don't know, the fifth  
10 or sixth fact-finding I've had concerning a  
11 firearm in an ABC licensed establishment. And  
12 all of them have occurred within the last two  
13 years.

14 Prior to that, I can't remember a time  
15 that I was before the ABC Board in my many years  
16 of doing this where this was an issue. And I've  
17 said to the Board before, this is part of a  
18 larger problem. Now this history of this  
19 establishment was there were never any issues  
20 with weapons despite what happened on 6-13-21 as  
21 tragic as it was, as upsetting as it was, it  
22 didn't involve a weapon.

23 And the security plan was filed and it  
24 met the statutory requirements. And there was  
25 compliance with the security plan. I don't

1 really think there's a serious question about  
2 that.

3 But in these cases, as I've said to  
4 the Board, what we try to do is a number of  
5 things. One, look at what happened. I think we  
6 have a very clear picture of what happened based  
7 upon the excellent investigation that was done by  
8 both your agency and MPD along with the  
9 cooperation of the establishment which had the  
10 video, made it available.

11 There's every indication that they  
12 cooperated with the investigation in every way.  
13 And the perpetrator was found. He was arrested.  
14 So I think we know what happened.

15 The second thing we try to do is look  
16 at what we learned, what could be done better,  
17 and whether the Board determines that this needs  
18 to go for show cause or not. That, I think, the  
19 Board knows we agree is a very important  
20 functions of these fact-finding hearings.  
21 Because, look, I hope we're not at the point  
22 where every single ABC licensed establishment in  
23 the District of Columbia has to automatically  
24 employ procedures to make sure that people don't  
25 bring handguns into their establishment.

1                   But when an incident happens, I think  
2                   -- and that's why the Wards had six fact-finding  
3                   hearings, or however many that there have been,  
4                   involving a weapon. Yeah, it's time to take  
5                   another look and see what could be done better.  
6                   So what the Licensee is doing is the following:  
7                   number one --

8                   CHAIRPERSON ANDERSON: Hold on, Mr.  
9                   Kline. I thought you had questions for the  
10                  lieutenant. But --

11                  (Simultaneous speaking.)

12                  CHAIRPERSON ANDERSON: -- I guess you  
13                  don't. Okay. All right. All right. All right.  
14                  You can go ahead. I just want to make sure.  
15                  Okay. All right.

16                  MR. KLINE: I'm sorry, Mr. Chair. I  
17                  apologize. So all right. So in terms of what  
18                  the Licensee has done and will continue to do, is  
19                  number one, wanding will be done after 9:00 p.m.  
20                  on Fridays and Saturdays and after 6:00 p.m. on  
21                  Fridays because in the judgment of the business,  
22                  those are the times that that would be  
23                  appropriate and when the checks need to be done  
24                  to make sure weapons are not getting in.

25                  CHAIRPERSON ANDERSON: Mr. Kline, I

1 don't understand. You said wandng will be done  
2 after 9:00 p.m. Fridays and Saturdays. But then  
3 you said after 6:00 p.m. on Fridays.

4 MR. KLINE: No, on Sunday.

5 CHAIRPERSON ANDERSON: Okay.

6 MR. KLINE: Perhaps I misspoke.

7 (Simultaneous speaking.)

8 CHAIRPERSON ANDERSON: Yes. So 6:00  
9 p.m. on Sundays?

10 MR. KLINE: Yeah.

11 CHAIRPERSON ANDERSON: Okay.

12 MR. KLINE: There's a sign that will  
13 be posted to advise people because we think this  
14 is a deterrent also, just let people know. A  
15 security notice, metal detector screening  
16 required before entering the facility. That sign  
17 will be posted and visible during the hours that  
18 wandng is required.

19 And it's the old notion that security  
20 cameras have really two purposes. One is to see  
21 what happened but also to put people on notice  
22 that if you do something bad, they're going to be  
23 seen and they're going to be caught. So the idea  
24 is not only are we going to wand them, but we're  
25 going to tell people that we're going to wand

1       them.

2                       We're also going to amend the security  
3 plan to add that any incident involving a firearm  
4 will require that MPD be contacted. We can  
5 certainly squabble over whether or not that's a  
6 violent incident, whether it is under the  
7 criminal code, whether it isn't. But in  
8 hindsight, we don't disagree that MPD should be  
9 called.

10                      So we are going to voluntarily amend  
11 the security plan to make it crystal clear that  
12 in addition to a violent incident, if there's an  
13 incident involving a firearm on the premises that  
14 that warrants and mandates that MPD be notified.  
15 We have -- oh, and also staff is being retrained  
16 with respect to the pat-downs. Not only do we  
17 want to do the wanding, we don't want to just  
18 relay on that.

19                      As the Board knows, the more ways and  
20 the more efforts that are made to determine  
21 whether weapons are coming in, the less  
22 likelihood that people are going to try to get  
23 weapons in and the greater likelihood that those  
24 weapons are going to be detected. So yes, we  
25 think the pat-down procedure needs to be relooked

1 at. And staff will be retrained on pat-downs.

2 But in addition, we're going to do the  
3 wandering that we've mentioned. I have the -- oh,  
4 and just a couple comments on what was said,  
5 yeah. There are two exits from the  
6 establishment.

7 Our understanding and my understanding  
8 is that the lockdown wasn't a lockdown. The  
9 doors were locked to prevent anyone else from  
10 coming in. We're not aware of people being  
11 prohibited from leaving the establishment.

12 The doors have panic bars on them as  
13 they're required under the fire code to have. So  
14 we're not aware that the doors were locked except  
15 to prevent others from coming in while it was  
16 determined whether this person was still on the  
17 premises. It was a bad judgment call.

18 Frankly, when the person wasn't  
19 discovered on the premises, MPD was involved.  
20 And in hindsight, wrong decision, isn't going to  
21 happen again. It's going to be clarified in the  
22 security plan.

23 I have the Director of Security, Alex  
24 Campbell. He's with AFS Enterprises. He's on  
25 today. So if the Board has questions of him or

1 wants to explore any other aspects of revamped  
2 security, then we're happy to try to address  
3 this.

4 CHAIRPERSON ANDERSON: I have some  
5 questions for the establishment and whoever can  
6 answer it. I mean, what I saw on the video --  
7 and I know it's an establishment. I don't know  
8 if music was being -- I don't know if music was  
9 being played.

10 But clearly, you saw some type of  
11 verbal altercation going on between two  
12 individuals. And you see security walk through  
13 that. How could you not notice that? It was  
14 clear. It's clear to me that --

15 MR. KLINE: It wasn't clear to me, Mr.  
16 Chair. I saw people talking to each other.

17 CHAIRPERSON ANDERSON: The body  
18 language to me, Mr. Kline, I saw the security  
19 walk through it. And the body language appeared  
20 that there was -- that didn't appear to be a  
21 conversation. So I'm just saying if -- so maybe  
22 someone can explain.

23 Maybe I'm wrong. Maybe because I know  
24 what happened and so therefore I'm seeing the  
25 body language. But maybe someone can explain to



1 me what is it that I saw. Was security aware of  
2 -- because security walked through -- it appeared  
3 to me that security walked through the middle of  
4 an argument. And, like, as soon as security --  
5 and so, like --

6 MR. KLINE: What I saw -- we can look  
7 at it again. But when security walked through,  
8 what I saw, it seemed like everybody stopped  
9 talking and kind of stood back and let security  
10 go through. But at least from a visual  
11 inspection, and again, I mean, I guess it's all  
12 subject to interpretation.

13 I mean, the investigator said, well,  
14 he was in her face. And I was, like, he wasn't  
15 in her face. Like, what are you talking about?  
16 They were four feet apart.

17 I mean, so I think that maybe we're  
18 colored by the fact that we know what happened.  
19 But I didn't see him in her face. I didn't see  
20 that at all.

21 It seemed to me if you're in  
22 somebody's face, you're at least within a foot of  
23 them. And he was several feet from her. So I  
24 don't necessarily agree, but I'm happy to have if  
25 you can Mr. Schantz or Mr. Campbell address that

1 if either of them can.

2 CHAIRPERSON ANDERSON: Mr. Schantz --  
3 I'm sorry. Let me see. Mr. Campbell, you're the  
4 head of security. So you saw the video. Tell me  
5 what you saw as far as security through the  
6 middle of the event.

7 MR. CAMPBELL: Can you hear me okay?

8 CHAIRPERSON ANDERSON: I can hear you,  
9 sir.

10 MR. CAMPBELL: Okay. You don't see  
11 the couple minutes before. But security, they do  
12 rounds of that second floor area. And so I don't  
13 know if there was a radio call that he was  
14 answering and trying to get to or where he was  
15 headed.

16 He just moved right through the  
17 people. If you look at the video closely, the  
18 subject with the firearm, he's walking by. And  
19 the female pushes him slightly to get him to move  
20 away from her.

21 That's when he turns around and  
22 engages her. And there was distance between  
23 them. And it wasn't right in the face, and  
24 that's how security was able to get through in  
25 the first place.

1                   And security, like I said, he may have  
2                   been answering a call. He might've been --  
3                   usually, they keep their ears open for certain  
4                   things, raised voices, elevated -- somebody with  
5                   a temper that might look like they're off. But  
6                   there was no sign of that in the video that I  
7                   could see. There was a conversation and then the  
8                   gun was pulled afterwards.

9                   CHAIRPERSON ANDERSON: Do you know  
10                  what day of the week this was? I guess what I'm  
11                  trying to find out, it appears that the rooftop  
12                  was at capacity. So what's the complement of  
13                  security that works if -- on this night? And I  
14                  know that Mr. Kline had said on Friday and  
15                  Saturday. So it might appear that it was either  
16                  Friday, Saturday, or Sunday.

17                  (Simultaneous speaking.)

18                  CHAIRPERSON ANDERSON: All right.  
19                  Thank you. It's a Saturday. So on a typical  
20                  Saturday night because it appears that from Mr.  
21                  Ruiz said that the certificate of occupancy says  
22                  179. We have 179 individuals.

23                  It appears that there's 179  
24                  individuals on the rooftop. So what's a  
25                  complement? How many securities works at the

1 establishment? Is there security permanently  
2 assigned to the rooftop?

3 MR. CAMPBELL: So we have six total on  
4 a Friday, Saturday, or Sunday. You have two at  
5 the main entrance, one at the back door on 9th  
6 Street, and then one on either side of the main  
7 dance floor. So there's -- I don't know if  
8 you're familiar with the setup at Nellie's. But  
9 there's two main bars. So one post right at that  
10 main -- the corner of those two connecting main  
11 bars. And then right across the dance floor by  
12 one of the (audio interference).

13 CHAIRPERSON ANDERSON: Hold up, Mr.  
14 Schantz. We lost you. Either we lost you or I  
15 lost you for a moment. So I need you to repeat  
16 what's going on with the security.

17 MR. CAMPBELL: Six total, two at the  
18 main entrance, one at the rear entrance. The  
19 setup at Nellie's, there's a main bar on the  
20 second floor and a side bar. So one post at the  
21 corner of that of those two connecting bars. And  
22 then across the dance floor near one of the  
23 outside decks, one post there. And then there's  
24 one roaming throughout the space which is the one  
25 that you saw in the video.

1                   CHAIRPERSON ANDERSON: All right. So  
2 the rooftop is the second floor. Is that what  
3 you're saying?

4                   MR. CAMPBELL: Yes, yes.

5                   CHAIRPERSON ANDERSON: Is that  
6 sufficient security for 179 people?

7                   MR. CAMPBELL: We believe so.

8                   CHAIRPERSON ANDERSON: Tell me a  
9 little bit about your company, sir. Is it your  
10 company or what's your title again?

11                  MR. CAMPBELL: I am the owner of the  
12 company, but I portray myself as just a  
13 supervisor.

14                  CHAIRPERSON ANDERSON: All right. So  
15 tell me about the company.

16                  MR. CAMPBELL: What would you like to  
17 know?

18                  CHAIRPERSON ANDERSON: How old is your  
19 company? I mean, what type of training do you  
20 provide? I mean, are you licensed in D.C. to  
21 provide the service?

22                  MR. CAMPBELL: Yes. So the company --

23                  CHAIRPERSON ANDERSON: Sometimes is  
24 going on with your internet, sir.

25                  MR. CAMPBELL: I can't really fix

1 that.

2 CHAIRPERSON ANDERSON: I'm sorry. You  
3 said what? I can't hear you, so you have to  
4 start back. You're frozen, so you have to start  
5 at the beginning.

6 MR. CAMPBELL: Okay. Is this okay?

7 CHAIRPERSON ANDERSON: I can hear you  
8 now, I believe.

9 MR. CAMPBELL: Okay. So the company  
10 originated in 2017. It really picked up after  
11 the pandemic, 2020, 2021. We currently provide  
12 security for 10 to 12 bars, lounges, nightclubs  
13 in D.C.

14 We are licensed through -- what is it  
15 called? We have a security license, SAB200588.  
16 It is updated. It's been active for three years,  
17 I think. We are insured as well.

18 CHAIRPERSON ANDERSON: So what  
19 training do you provide the staff -- your  
20 employees or your contractors?

21 MR. CAMPBELL: We provide an  
22 onboarding. We have a whole SOP manual which  
23 we've since added in the -- since the incident,  
24 we've added in the MPD requirement -- or not the  
25 MPD requirement but the requirement to call MPD

1 if a firearm is found in an establishment. But  
2 we have SOPs that we onboard people with. We  
3 have a -- and we have a handbook as well.

4 CHAIRPERSON ANDERSON: Now I see the  
5 pat-down. Is this how your employees --  
6 contractors, is this how they are instructed to  
7 pat-down an individual?

8 MR. CAMPBELL: No, sir.

9 CHAIRPERSON ANDERSON: So you're  
10 saying that the pat-down, at least in your view  
11 of the pat-down that was provided by the security  
12 personnel, that was not appropriate?

13 MR. CAMPBELL: Inadequate, yes.

14 CHAIRPERSON ANDERSON: So is this  
15 person still working for your company?

16 MR. CAMPBELL: Yes. He's since been  
17 trained.

18 CHAIRPERSON ANDERSON: And what type  
19 of training was provided?

20 MR. CAMPBELL: It was a two-hour, I  
21 think, if I remember the date. But all the  
22 security staff at Nellie's, the Monday before  
23 Thanksgiving went through a pat-down and wand  
24 training.

25 CHAIRPERSON ANDERSON: Okay. I don't

1 have any other questions. Any questions for any  
2 Board members? Go ahead, Mr. Short.

3 MEMBER SHORT: Thank you, Mr.  
4 Chairman. Again, your name, sir. I didn't write  
5 it down the first time.

6 MR. CAMPBELL: Alex, A-L-E-X, Campbell  
7 like the soup, C-A-M-P-B-E-L-L.

8 MEMBER SHORT: And what is the name of  
9 your company, Mr. Campbell?

10 MR. CAMPBELL: Capital A-F-S, Alpha,  
11 Frank, Sam --

12 MEMBER SHORT: How do you pronounce  
13 that?

14 MR. KLINE: AFS Enterprises.

15 CHAIRPERSON ANDERSON: Mr. -- I don't  
16 know what's going on with your WiFi, sir. But  
17 you temporarily --

18 MR. CAMPBELL: I froze again?

19 CHAIRPERSON ANDERSON: Frozen, yes.

20 MR. CAMPBELL: Okay. Well, just let  
21 me know when it freezes and I'll say what I say  
22 again. It's AFS Enterprises.

23 CHAIRPERSON ANDERSON: Okay. Go  
24 ahead, Mr. Short.

25 MEMBER SHORT: Mr. Campbell, would you



1 have any -- can you tell me how many training  
2 certificates you have received as the owner of  
3 the club and who provided your training to have  
4 the company?

5 MR. CAMPBELL: For what kind of  
6 certificates are you asking?

7 MEMBER SHORT: Training. I know for  
8 you to run a security company, you just can't  
9 say, I'm a security company. You have to be  
10 trained by someone or I thought maybe it would be  
11 required that you have some training from someone  
12 other than just yourself. Or do you or don't  
13 you?

14 MR. CAMPBELL: So I am an ABRA -- I'm  
15 currently an ABRA manager's license or ABCA.

16 MEMBER SHORT: Mr. Campbell, we're  
17 dealing with training. We're dealing with  
18 training for security.

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: He's answering  
21 your question, Mr. Short.

22 (Simultaneous speaking.)

23 MEMBER SHORT: Can I finish my  
24 question, Mr. Chairman? Can I repeat my  
25 question?

1 CHAIRPERSON ANDERSON: Go ahead, Mr.  
2 Short.

3 MEMBER SHORT: Thank you. Maybe you  
4 didn't understand, Mr. Campbell. The question  
5 I'm asking you is you started a security company.  
6 What credentials did you have to start a security  
7 company in the District of Columbia?

8 MR. CAMPBELL: (Audio interference.)

9 CHAIRPERSON ANDERSON: Mr. Campbell,  
10 you have to start at the beginning. You were  
11 frozen. So you have to start at the beginning in  
12 responding, sir.

13 MR. CAMPBELL: Not a problem. I have  
14 since let it expire, but I had an active armed  
15 SBO license in 2020 and 2021. And I went through  
16 handcuff, baton, ASP, and -- yeah, I went through  
17 training with Archangel.

18 MEMBER SHORT: Okay. Can I ask this  
19 question of you?

20 MR. CAMPBELL: Yes, sir.

21 MEMBER SHORT: If you don't mind,  
22 because most people I know who own security  
23 companies are very proud of it, and you should be  
24 proud of yours. Can you provide this Board -- or  
25 would you have any problems providing this Board

1 with all of your credentials dealing with the  
2 training that you received? And since you have  
3 responsibility of -- as you mention yourself,  
4 that was pretty lax security on the night of this  
5 event with the gun. So can you provide us what  
6 credentials you had going back to that date why  
7 we're here?

8 MR. CAMPBELL: Sure.

9 MEMBER SHORT: When can you do that?  
10 I mean, you're voluntarily doing this and I thank  
11 you for that. When can you provide that to Mr.  
12 Ruiz or ABCA?

13 MR. CAMPBELL: I can do it by email  
14 probably later this evening.

15 MEMBER SHORT: So you will do that?  
16 It's nothing I can make you do. But I'm just  
17 asking you and you're answering the question. I  
18 thank you very much. So you're going to have  
19 that to Mr. Ruiz today or as soon as possible?

20 MR. CAMPBELL: Sure.

21 MR. KLINE: Could we make that by the  
22 end of the week so we're --

23 MR. CAMPBELL: End of the week?

24 MEMBER SHORT: Okay. Well --

25 MR. KLINE: Is that okay, Mr. Short?

1                   CHAIRPERSON ANDERSON: Hold on. Hold  
2 on a minute. Hold on a minute. Mr. Kline will  
3 provide -- I think Mr. Short asked the question  
4 about his credentials. And so, therefore, we're  
5 asking -- counsel is stating that he will provide  
6 us the information. He'll provide the Agency the  
7 information by the end of the week. So --

8                   MR. KLINE: Yeah, simply because I  
9 want to look at it and make sure it's complete  
10 and you get everything.

11                  MEMBER SHORT: Okay. Thank you very  
12 much for that, Mr. Kline. Thank you for your  
13 cooperation. We always appreciate your  
14 cooperation.

15                  Now, Mr. Campbell, are you aware of  
16 the District of Columbia City Council passed  
17 recently, or sometime in the past -- recent past,  
18 promised security personnel in Washington, D.C.  
19 be registered with the Metropolitan Police  
20 Department?

21                  MR. CAMPBELL: Can you repeat that  
22 question?

23                  MEMBER SHORT: Are you aware that the  
24 District of Columbia City Council, especially in  
25 light of all of the gun violence we've been

1 having in the city last several years, passed  
2 legislation into law that all security personnel  
3 working in the District of Columbia should be  
4 registered with the Metropolitan Police  
5 Department?

6 MR. CAMPBELL: Security personnel  
7 meaning SPOs, or --

8 MEMBER SHORT: It just says security  
9 persons, sir. And I know Mr. Kline has a copy of  
10 it. We've had this conversation before. So Mr.  
11 Kline can provide you with that I'm almost sure.

12 MR. KLINE: And for the record, I  
13 disagree with your analysis and your conclusion  
14 that's what's required. I know we expressed it  
15 before.

16 MEMBER SHORT: Not a problem. Let me  
17 ask you this question, Mr. Campbell. To better  
18 help your company, would you be willing to get  
19 registered with the Metropolitan Police  
20 Department as a person head of a security  
21 company?

22 MR. KLINE: My understanding is his  
23 company is already registered.

24 MR. CAMPBELL: Yeah, we're registered  
25 through SOMB.

1                   MEMBER SHORT: But didn't you say it  
2 expired, your District of Columbia credentials  
3 had expired?

4                   MR. CAMPBELL: My personal SBO license  
5 expired. But the company's security agency  
6 business license is active.

7                   MEMBER SHORT: And is it registered  
8 with the District of Columbia government?

9                   MR. CAMPBELL: SOMB.

10                  MEMBER SHORT: Metropolitan Police  
11 Department.

12                  MR. CAMPBELL: I'm not sure what SOMB  
13 provides to MPD, but it's registered with SOMB.

14                  CHAIRPERSON ANDERSON: What's SOMB?

15                  MR. CAMPBELL: Security Officers  
16 Management Branch.

17                  LIEUTENANT FLEMING: It's a part of  
18 Metropolitan Police Department.

19                  CHAIRPERSON ANDERSON: Thank you,  
20 Lieutenant.

21                  MEMBER SHORT: And so did you have to  
22 go -- Mr. Campbell, you're frozen again.

23                  MR. CAMPBELL: I'm here.

24                  MEMBER SHORT: Okay. So when you got  
25 those credentials, did you have to go through any

1 training? Or did they give you a certificate  
2 stating that you had been trained?

3 MR. CAMPBELL: For my personal SPO,  
4 yes, I went through training and I got a  
5 certificate. For the security agency business, I  
6 don't think there's any requirement.

7 MEMBER SHORT: Okay. You simply said  
8 also in your testimony that you have worked  
9 several other ABC establishments for security.  
10 Is that correct?

11 MR. CAMPBELL: That's correct.

12 MEMBER SHORT: Can you name some of  
13 them if it's okay?

14 MR. CAMPBELL: Can I ask Mr. Kline?

15 CHAIRPERSON ANDERSON: I mean, you  
16 can't ask your lawyer. I mean, sir. Fine. Hold  
17 on. Hold on. Hold on. Hold on. This is a  
18 fact-finding hearing.

19 No one is under oath. I did not swear  
20 anyone in. This is just -- the Board is just  
21 asking questions, sir. So therefore, whatever  
22 you testify today, I can because -- because I  
23 can't -- because you're not under oath, I can't  
24 use it against you because I did not swear you  
25 in. If you can't answer the question, don't

1 answer the question if you can't answer the  
2 question. All right. While you think about this  
3 question --

4 (Simultaneous speaking.)

5 MEMBER SHORT: I'll withdraw that  
6 question. I have another question, Mr. Chair.

7 CHAIRPERSON ANDERSON: Hold on -- hold  
8 on, Mr. -- just hold it one minute. I'm going to  
9 go off the record for five minutes. So we're off  
10 the record for five minutes.

11 (Whereupon, the above-entitled matter  
12 went off the record at 12:37 p.m. and resumed at  
13 12:40 p.m.)

14 CHAIRPERSON ANDERSON: We're back on  
15 the record. I'm waiting for Mr. Short. All  
16 right. So --

17 MEMBER SHORT: Can I finish my  
18 question now, Mr. Chair.

19 CHAIRPERSON ANDERSON: Hold on a  
20 minute, Mr. Short. You'd asked about his --

21 (Simultaneous speaking.)

22 MEMBER SHORT: I withdrew that  
23 question.

24 CHAIRPERSON ANDERSON: I was just  
25 clarifying the record, Mr. Short.



1 MEMBER SHORT: Thank you.

2 CHAIRPERSON ANDERSON: So I just let  
3 him know that you withdraw the question. So do  
4 you have another question?

5 MEMBER SHORT: Yes, I do. I would  
6 like if someone would put back on the screen when  
7 the suspect entered. And I think that was the  
8 first exhibit. That would've been 11:20, I  
9 believe, or whatever it was. At any rate, Mr.  
10 Ruiz, can you put that back on the screen for us,  
11 please? Is that possible, Mr. Chair?

12 CHAIRPERSON ANDERSON: Yes, it is.  
13 But I just want to -- I do have a full show cause  
14 hearing that I need to move on. I didn't realize  
15 this fact-finding hearing was going to go on this  
16 long. Yes, go ahead. We can go ahead.

17 Are you still able to share your  
18 screen, Mr. Ruiz?

19 INVESTIGATOR RUIZ: Yes, sir. Let me  
20 just pull it up.

21 MEMBER SHORT: I think that would've  
22 been 11:24, I believe, Mr. Ruiz. I believe.

23 INVESTIGATOR RUIZ: Yeah, I was just  
24 looking at it to make sure I had the right  
25 exhibit number.

1                   MEMBER SHORT: And can we just go to  
2 where the suspect comes in?

3                   INVESTIGATOR RUIZ: Yes.

4                   MEMBER SHORT: Thank you.

5                   (Pause.)

6                   INVESTIGATOR RUIZ: And here's the  
7 suspect.

8                   MEMBER SHORT: Okay. You can stop  
9 right there, please. And back it up to where the  
10 suspect comes in.

11                   INVESTIGATOR RUIZ: He's at the door.  
12 Replay?

13                   MEMBER SHORT: Yes, just stop it when  
14 he gets through security, when the suspect gets  
15 through security.

16                   INVESTIGATOR RUIZ: Okay.

17                   MEMBER SHORT: Stop it right there.  
18 Stop. That's good. That's good. Now I'd just  
19 like to ask Mr. Campbell. Mr. Campbell, were you  
20 working that night at Nellie's, Saturday, October  
21 the 21st, 2023?

22                   MR. CAMPBELL: No, I was not  
23 personally on site.

24                   MEMBER SHORT: Okay. Now if I wanted  
25 to hire your security company and I saw this

1 video, do you think I would be likely to hire  
2 your company to pat-down folks at my  
3 establishment?

4 MR. CAMPBELL: No, sir.

5 MEMBER SHORT: Do you think that was  
6 good, the night of Saturday, October the 21st?

7 MR. CAMPBELL: I'm sorry?

8 MEMBER SHORT: Do you think it was  
9 adequate -- the security was adequate that night  
10 at Nellie's on the 21st of October 2023?

11 MR. CAMPBELL: I understand what  
12 you're getting at. It was a failure on my part  
13 as --

14 MEMBER SHORT: This is a yes or no  
15 question, Mr. Campbell. Was security adequate,  
16 yes or no?

17 MR. CAMPBELL: No, sir.

18 MEMBER SHORT: Would you hire the  
19 company that -- or those persons who did that  
20 pat-down? Are they still in your employ?

21 (Simultaneous speaking.)

22 MR. CAMPBELL: Yes.

23 MEMBER SHORT: Okay. Can we go to the  
24 -- Mr. Ruiz, take us to the second floor to just  
25 before the gun dropped when it was being pointed

1 -- when the gun was being pointed at the young  
2 lady who went through security and asked for  
3 assistance.

4 (Pause.)

5 MEMBER SHORT: And stop it whenever we  
6 see the gun up here. The gun is dropped now,  
7 right?

8 INVESTIGATOR RUIZ: Yeah.

9 MEMBER SHORT: Now Mr. Campbell,  
10 Lieutenant Fleming testified that was a crime.  
11 That was a crime scene. When someone points a  
12 gun at someone, that's a violent crime. What is  
13 your security people train to do when there's a  
14 violent crime in the District of Columbia?

15 MR. CAMPBELL: Are you asking my  
16 opinion?

17 MEMBER SHORT: No, I'm asking you  
18 about the law. You run a security company in the  
19 District of Columbia. Your company was  
20 responsible for security that particular evening  
21 when the gun was pointed and dropped. The  
22 question for you is was there adequate security,  
23 yes or no?

24 CHAIRPERSON ANDERSON: Are you frozen,  
25 Mr. Campbell or are you unable to answer the

1 question?

2 MR. CAMPBELL: I'm here. I said yes.  
3 I said yes.

4 CHAIRPERSON ANDERSON: I didn't hear  
5 you. So that's why I asked the question.

6 MEMBER SHORT: I'm going to ask the  
7 question again. In your opinion after hearing  
8 the testimony of Lieutenant Fleming with the  
9 Metropolitan Police Department stating that was a  
10 crime for that gun to be pointed and dropped, and  
11 I'll ask you in your opinion as an owner of  
12 security for that company that night, was that  
13 adequate security?

14 MR. CAMPBELL: My team did what they  
15 could to find the person with the firearm. They  
16 followed every procedure that I had given them as  
17 the owner of the company. They locked the doors.  
18 They stopped all entry.

19 They attempted to search for that  
20 person with the firearm. They patted down every  
21 single person with a matching description. And  
22 then as everything was reported --

23 MEMBER SHORT: Mr. Campbell, I like  
24 your explanation. But I just asked you again for  
25 the record yes or no, is that appropriate

1 security.

2 CHAIRPERSON ANDERSON: Hold on.

3 MR. KLINE: He's just being belittled  
4 at this point. We're here to find facts. Like,  
5 what's the point?

6 (Simultaneous speaking.)

7 MR. KLINE: He's already admitted that  
8 it wasn't -- that there were failures. We've  
9 already said what we're going to do. What are we  
10 doing now?

11 CHAIRPERSON ANDERSON: We need to move  
12 on. Do you have another question you want to  
13 ask, Mr. Short? He's answered the question. He  
14 has also answered the question --

15 MEMBER SHORT: One last question, Mr.  
16 Chair. If you could go back to Saturday, October  
17 the 21st, if you could do anything differently  
18 than what you did or your company did that night?

19 MR. CAMPBELL: The pat-downs would be  
20 more thorough.

21 MEMBER SHORT: Okay. Thank you.  
22 That's all I have, Mr. Chair.

23 CHAIRPERSON ANDERSON: Thank you.

24 MEMBER SHORT: Thank you for allowing  
25 me to ask questions.

1 CHAIRPERSON ANDERSON: You're welcome.  
2 Do you have any questions, Mr. Grant?

3 (No audible response.)

4 CHAIRPERSON ANDERSON: Thank you, Mr.  
5 Grant. All right. I want to bring this hearing  
6 to closure.

7 As I stated before, this was a fact-  
8 finding hearing. The Board -- I should've stated  
9 at the beginning, but I did state it during the  
10 middle of the hearing that none of the people who  
11 were speaking were sworn in. We were just trying  
12 to gather some facts.

13 The Board has not made a decision what  
14 the next step is. So what the Board will do is  
15 that these are the options available to the  
16 Board. We can send this to the Office of the  
17 Attorney General if we believe that some type of  
18 -- if we believe that the Government should make  
19 a determination whether or not they did not  
20 comply with our rules and regulations or the  
21 Board can say no further action.

22 I know that Mr. Kline had stated some  
23 changes that would be made. And we expect that  
24 the establishment will provide us an updated  
25 security plan. When is it that you believe you

1 can provide the updated security plan, Mr. Kline,  
2 that addresses the issues that you stated would  
3 be added?

4 All right. So within ten days you'll  
5 provide us an updated security plan for review.  
6 So prior to bringing closure to this matter, is  
7 there a final statement that you wish to make?

8 MR. KLINE: Just very briefly. As I  
9 said at the outset, Mr. Chair, guns continue to  
10 be a problem and even more so given some rulings  
11 by the Supreme Court and decisions by Congress.  
12 And it's unfortunate.

13 Further steps need to be taken. And  
14 we've indicated that further steps will be taken.  
15 One, in the establishment, as time goes on and  
16 things happen, sometimes more needs to be done.  
17 And this is certainly one of those times and it  
18 will be done.

19 CHAIRPERSON ANDERSON: Thank you, Mr.  
20 Kline. All right. Lieutenant Fleming, thank you  
21 for your appearance today. I know that you've  
22 been here.

23 I thought this hearing would have been  
24 shorter. That's one of the reasons why I put it  
25 -- I accelerated it by moving it ahead of the



1 show cause hearing that we had scheduled today.  
2 But thank you, Lieutenant, for being here today.

3 I want to thank the rest of the  
4 parties for being here and their testimony today.  
5 The Board will take this matter under advisement.  
6 And so we'll make a determination.

7 As I stated before, the option that  
8 the Board has, we'll either take no further  
9 action or we will submit this to the Office of  
10 the Attorney General and for them to make a  
11 determination whether or not they believe that  
12 any violation of the law had occurred during this  
13 matter. So with that, I would like to again  
14 thank everyone for their participation today.  
15 And this matter is adjourned.

16 MR. KLINE: Thank you.

17 CHAIRPERSON ANDERSON: Thank you very  
18 much.

19 (Whereupon, the above-entitled matter  
20 went off the record at 12:53 p.m.)  
21  
22  
23  
24  
25

**A**

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**A-L-E-X** 4:3 56:6  
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Nellie's

Before: DC ABCA

Date: 12-06-23

Place: teleconference

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



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Court Reporter

**NEAL R. GROSS**

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