



**ALSO PRESENT:**

**CANDACE FITCH, Licensee's Attorney**

**FARID NOURI, Licensee**

**YONAS MULUGETA, Manager**

**FIKRE AMELEGA**

**COUNTEE GILLIAM, ABRA Investigator**

**DANILO AMBROCIO**

**KEVIN WHITE**

**LIEUTENANT PATRICK LOFTUS, MPD**

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

2 2:50 p.m.

3 CHAIRPERSON ANDERSON: All right. We  
4 are back on the record. Our next case, we have a  
5 Fact-Finding Hear, Case No. 18-251-00036, 18th  
6 Street Lounge.

7 Would -- do we have anyone -- I'm  
8 sorry. Can we have everyone identify themselves  
9 for the record? We will start with the ABRA  
10 Investigator.

11 INVESTIGATOR GILLIAM: Investigator  
12 Countee Gilliam. That's spelled G-I-L-L-I-A-M.

13 CHAIRPERSON ANDERSON: Officer?

14 LIEUTENANT LOFTUS: Lieutenant Patrick  
15 Loftus, P-A-T-R-I-C-K last name L-O-F, as in  
16 Frank, T-U-S.

17 CHAIRPERSON ANDERSON: Thank you.

18 MS. FITCH: Candace Fitch, attorney  
19 for the licensee, 18th Street Lounge.

20 MEMBER SILVERSTEIN: Can't hear you.

21 MS. FITCH: Candace Fitch, attorney  
22 for the licensee, YFE, Inc.

1                   MEMBER SILVERSTEIN: Thank you, Ms.  
2 Fitch.

3                   MR. NOURI: Farid Nouri, vice  
4 president of YFE, Inc.

5                   MR. MULUGETA: Yonas Mulugeta. I'm  
6 manager of 18th Street Lounge.

7                   CHAIRPERSON ANDERSON: I didn't hear  
8 your name, sir.

9                   MR. MULUGETA: Yonas Mulugeta. I'm  
10 the manager of 18th Street Lounge.

11                  CHAIRPERSON ANDERSON: Spell your last  
12 name for the record, also, too.

13                  MR. MULUGETA: M-U-L-U-G-E-T-A.

14                  CHAIRPERSON ANDERSON: M-U?

15                  MR. MULUGETA: L-U-G-E-T-A.

16                  CHAIRPERSON ANDERSON: And what's your  
17 role there, sir?

18                  MR. MULUGETA: Manager.

19                  CHAIRPERSON ANDERSON: You're the  
20 manager?

21                  MR. MULUGETA: Yes.

22                  CHAIRPERSON ANDERSON: Yes, sir?

1                   MR. AMELEGA: My name is Fikre T.  
2 Amelega. My position is the bartender at the  
3 18th Street Lounge.

4                   CHAIRPERSON ANDERSON: What was your  
5 last name, sir?

6                   MR. AMELEGA: Amelega, A-M-E-L-E-G-A.

7                   CHAIRPERSON ANDERSON: All right. We  
8 are having this Fact-Finding Hearing because of  
9 an incident that occurred on December 20th at,  
10 approximately, 1:22 a.m. There was an assault  
11 with a dangerous weapon that occurred at the  
12 establishment.

13                   And that's why the Board believes that  
14 this was serious enough and significant enough  
15 for us to have a Fact-Finding Hearing for you to  
16 explain to us what happened and whether or not  
17 this is just a matter that the Board will say no  
18 further action or whether or not the Board will  
19 decide that we need to do something more  
20 significant regarding this.

21                   So I'll ask Mr. Gilliam to start the  
22 process off by telling us what is it that he

1 knows about this event.

2 INVESTIGATOR GILLIAM: Okay. Thank  
3 you, Mr. Chairman. During the course of the  
4 investigation, what happened was the victim  
5 entered 18th Street Lounge with some of his  
6 friends. Some of his -- yeah, he had friends of  
7 male and female with his party. Some of this  
8 female friends were dancing together at the bar  
9 and two suspects, one of the suspects started  
10 dancing behind one of the females in the victim's  
11 entourage.

12 The victim seen this and he could see  
13 that his friends was trying to turn -- the  
14 sequence of events is that he went to approach  
15 them and tried to do the situation like hey,  
16 look, my friends, they don't want to dance with  
17 you. And when that happened, then both the  
18 suspects engaged. One of them engaged and  
19 grabbed him from behind and he broke free  
20 momentarily, but then the other suspect grabbed  
21 him again from behind. And that's when the  
22 suspect started stabbing with an unidentified

1 object.

2           When I interviewed the police officer,  
3 the first one on the scene, he stated that he  
4 believed from the stab wound was like a champagne  
5 flute from a champagne glass. But then when I  
6 talked to the detective that was assigned to the  
7 case, he said it was -- he was assaulted with a  
8 bottle. So that goes from there.

9           So continuing through the course of  
10 the investigation, I talked to the detective and  
11 that's when the detective told me about what I  
12 just said about the bottle. The detective said  
13 that the establishment, by the time he arrived on  
14 the scene, had cleaned up the crime scene and  
15 didn't immediately secure up the area.

16           So when I interviewed the general  
17 manager, which is Mr. Mulugeta, sorry for my  
18 mispronunciation. He stated that the incident  
19 only lasted about 45 seconds and he didn't see  
20 anything that warranted him to secure that area  
21 where the incident happened.

22           During viewing the videotape, I see

1 where the bartender -- I never got a chance to  
2 interview him, but I think the establishment  
3 identified him as a bar hop. He went to the  
4 area, the general area where the incident took  
5 place and he started taking bottles and glasses  
6 and took them back around the bar. And that was  
7 the only thing I was able to discern from the  
8 videotape.

9 But another thing that was of concern  
10 during my investigation was when I interviewed  
11 the security staff, they both was like okay, they  
12 knew something had occurred and then their  
13 biggest thing was why wanted to tell the ABC  
14 Manager.

15 One of the security guards actually  
16 seen the victim slump over in the corner and  
17 instead of going to check on him, you know, they  
18 would -- like I just said, they was mostly  
19 concerned with notifying the general manager that  
20 an incident occurred. But if they would have  
21 actually checked on the victim then, they might  
22 have had a chance to either, you know, stop the



1       assailants until MPD got there, but their biggest  
2       concern was just to do a notification. They  
3       really didn't check on things.

4               And because of that, the victim, we  
5       bring into the back and we clean his wounds, he  
6       also got reassaulted again, but the reason why he  
7       didn't was because there was another witness that  
8       actually held both suspects.

9               You know, basically, he didn't hold  
10      them, but, you know, told them aloud, told them  
11      to get out of the bathroom, so they scared off  
12      and they was able to leave the establishment.

13              CHAIRPERSON ANDERSON: Now, based on  
14      your investigation, did you make any conclusion  
15      whether or not there was any ABRA violation by  
16      the establishment?

17              INVESTIGATOR GILLIAM: Not during the  
18      course of my investigation, no, sir. I looked at  
19      their security plan and the settlement agreement  
20      and I didn't find any.

21              CHAIRPERSON ANDERSON: Lieutenant  
22      Loftus?

1                   LIEUTENANT LOFTUS: Yes, sir.

2                   CHAIRPERSON ANDERSON: What can you  
3 add, if anything, to what was -- to what  
4 occurred?

5                   LIEUTENANT LOFTUS: Oh, our detectives  
6 identified a possible suspect and did a photo  
7 array with the victim, but he was unable to  
8 identify somebody from that photo array. So no  
9 arrests were made at this time.

10                  CHAIRPERSON ANDERSON: Okay.

11                  LIEUTENANT LOFTUS: And the  
12 Investigator did a great job of summarizing what  
13 happened.

14                  CHAIRPERSON ANDERSON: All right.  
15 Thank you. Ms. Fitch, who is going to tell us  
16 from the licensee's perspective what occurred  
17 that night and what actions, if any, did they  
18 take?

19                  MS. FITCH: Well, the general manager,  
20 Mr. Mulugeta was in the office, so he didn't see  
21 anything. He was requested to come, but he  
22 didn't see anything. So the bartender is here

1 and the security guards or the security folks are  
2 here to tell what they saw that evening.

3 CHAIRPERSON ANDERSON: So they can  
4 come and tell us. So who do you want speaking  
5 and what is it that they want to share with us?

6 MS. FITCH: Okay. So --

7 CHAIRPERSON ANDERSON: Please, start  
8 by identifying yourself for the record, please,  
9 sir.

10 MR. MULUGETA: My name is Yonas and my  
11 last name is Mulugeta. When the incident  
12 happened, I was in the office. And the security  
13 call me. I came on a downstairs check whether or  
14 not fight. Then I spoke to whoever is -- one of  
15 the customers, she told me the guys left. And I  
16 go the front door, then I see two guys and one  
17 guy was a police officer, so I asked him where is  
18 the guy? You know, what are you talking about?

19 And then I came back inside. When I  
20 came back inside, the guy he got the incident and  
21 the group of friend, they was leaving. Then I  
22 stopped them. The guy, I need you to get medical

1 attention and we got a report to police. But  
2 they was arguing. Your friend, they say no,  
3 we've got to go. We've got to go. So they was  
4 try to leave by the 18th Street, M Street, and I  
5 grabbed one of his friend. Hey, the officer is  
6 here. We've got to report.

7 Then his friend he grabbed him and  
8 they do report. Then I go upstairs. I check the  
9 camera with the officer. That's the only thing I  
10 know.

11 CHAIRPERSON ANDERSON: Okay. Anyone  
12 else?

13 MR. AMELEGA: I was bartending that  
14 night. My name is Fikre Amelega, bartender. I  
15 was bartending that night with my barback. And  
16 the fight happened so quick, that I was turned  
17 back. When I turned down, the fight was broken  
18 down. The only reason as I came out of the bar  
19 to get the security. I informed the security,  
20 the security informed the manager. That's the  
21 only thing I can add to it.

22 If you have any questions, I'm willing

1 to answer.

2 MS. FITCH: Which one of you got the  
3 manager?

4 CHAIRPERSON ANDERSON: So identify  
5 yourself for the record, please, and everyone who  
6 comes up, there is a sign-in sheet. I need  
7 everyone to sign their name and you can pull up  
8 more chairs. You don't have to -- you can pull  
9 more chairs up. Pull up more chairs to the  
10 table, you don't have to sit back there. And  
11 identify yourself for the record and sign-in your  
12 name on the sheet, please.

13 MS. FITCH: The barback. Okay. Say  
14 your name.

15 MR. AMBROCIO: My name is Danilo  
16 Ambrocio.

17 CHAIRPERSON ANDERSON: Can you spell  
18 also your name for the record, please?

19 MR. AMBROCIO: A-M-B-R-O-C-I-O,  
20 Ambrocio.

21 CHAIRPERSON ANDERSON: Yes, sir. And  
22 who are you there? What role do you play at this

1 establishment?

2 MR. AMBROCIO: I'm the barman that  
3 night.

4 CHAIRPERSON ANDERSON: Speak into the  
5 microphone, please.

6 MR. AMBROCIO: I'm the --

7 MEMBER ALBERTI: Please, leave it on  
8 the table. Please, leave it on the table.

9 MR. AMBROCIO: I'm the barman that  
10 night. And then like when I see like a big group  
11 and like they leave the bar, what's going on and  
12 I like -- it's like big group like 10 and they  
13 separate and then once he saw me, he come to call  
14 the security. And then I come back behind the  
15 bar and the security came. I don't know what is  
16 going on after that.

17 CHAIRPERSON ANDERSON: All right. Who  
18 else wants to speak?

19 MR. WHITE: My name is Kevin White.  
20 The Bartender came and got me. I'm the security  
21 at the establishment, 18th Street Lounge. When I  
22 went back to the patio, the fight was broken up.

1 And I guess Officer Gilliam -- I did see the  
2 victim, he was taking his sweatshirt off, but it  
3 looked like he was taking his whole shirt off.  
4 It was like a sweatshirt and a T-shirt under it.  
5 So you could see his skin. So I just told him he  
6 can't take his sweatshirt off.

7 And that was maybe 8 to 10 people that  
8 was with him, guys and girls, and he didn't -- he  
9 never showed his face. He just kind of dispersed  
10 in the crowd. The next thing I know, I called my  
11 manager who came down and that's when he wasn't--  
12 I guess we had seen his face, he had a couple  
13 cuts on his face.

14 CHAIRPERSON ANDERSON: Now, are -- the  
15 other person, is he a security also?

16 MR. WHITE: Yes.

17 CHAIRPERSON ANDERSON: Yeah, all  
18 right. Are you planning to say something, sir?

19 MR. NOURI: Yes.

20 CHAIRPERSON ANDERSON: No? Yes? You  
21 don't have to. I'm asking. I'm just trying to  
22 find out. Then I have a question I want to ask,

1 but if you plan to say something, say it, if not,  
2 I will just ask my question.

3 MS. FITCH: Do you have anything to  
4 add?

5 CHAIRPERSON ANDERSON: No, you don't  
6 have to. If you don't -- all right. The  
7 question I'm asking like what role did security  
8 play? I guess what I -- I don't know what  
9 happened. I mean, from the establishment's  
10 perspective, I don't know what happened. So from  
11 the establishment's perspective, what happened?  
12 And what did you do?

13 I mean, from what I'm hearing,  
14 everyone says that we don't know, we don't know,  
15 we don't know. So from the -- an incident  
16 occurred at your establishment. I need someone  
17 to tell me from the applicant, from the  
18 licensee's perspective what happened and how did  
19 you deal with this incident? Because I'm hearing  
20 like it was so fast. It was a fight. I didn't  
21 know there was a fight.

22 So while you are here, so from your



1 perspective, what happened? That's what I'm  
2 trying to find out. Can someone tell me?

3 MEMBER ALBERTI: May I ask them some  
4 specific questions?

5 CHAIRPERSON ANDERSON: We are going to  
6 -- I'm going to do that, Mr. Alberti, but this is  
7 their opportunity --

8 MEMBER ALBERTI: All right.

9 MS. FITCH: Yes.

10 CHAIRPERSON ANDERSON: -- to tell --  
11 this is the licensee's application. We brought  
12 you in for a Fact-Finding Hearing. Now, we gave  
13 the report to say this happened. We were  
14 concerned when we read the report.

15 So this is your opportunity. The ABRA  
16 Investigator told us from his perspective, this  
17 is the information I'm gathering. The Lieutenant  
18 also, from his perspective, said this is the  
19 information that -- now, is it -- is the licensee  
20 stating that yes, I agree with everything in the  
21 report? Or is the licensee saying that it didn't  
22 happen that way? From our perspective, this is

1 what happened. This is what we did. That's what  
2 I'm trying to find out.

3 The Board is going to ask questions,  
4 but I'm giving you an opportunity to present from  
5 your perspective what happened and how did you  
6 react and respond to what happened.

7 MR. NOURI: Chairman, I would like to  
8 add to this. My name is Farid Nouri. I'm the  
9 vice president. So from our perspective, the  
10 ABRA Investigator report, what he just mentioned,  
11 was pretty concise and I understand our response  
12 hasn't been 100 percent up to now, but mainly  
13 it's because you have asked them what had  
14 happened on that night and that's probably what  
15 they understood.

16 But what we have done is -- what  
17 happened from our perspective was it was a group  
18 of people who looked like from, when I start the  
19 video, that they knew each other, but I guess  
20 not. But it was a big group who got involved  
21 with the assailant that, you know, he committed  
22 this act.

1           It did take us a while to react from  
2 behind the bar. And since the owner, the general  
3 manager was in the office and the security was in  
4 the other room, you know, they did not have the  
5 good viewpoint from behind the bar. Although,  
6 it's not an excuse.

7           So and the cleaning up of the  
8 evidence, I don't think that's exactly what the  
9 goal was. I mean he is kind of trained to make  
10 sure the place is cleaned up and there is not  
11 broken glasses or bottles on the floor or on  
12 tables. So that's the perspective that he might  
13 come from, so I don't think it's like an  
14 intentional cleaning up the crime scene.  
15 Although, we will keep it in mind for future  
16 events, if it happens.

17           And we have taken some actions as well  
18 to make sure that this thing does not happen  
19 again in this way and we react to it in a more  
20 efficient way.

21           CHAIRPERSON ANDERSON: So what are  
22 some of the actions that you -- what measures are

1 you -- have you put in place to say --

2 MR. NOURI: Sure.

3 CHAIRPERSON ANDERSON: -- moving  
4 forward, this is what we are going to do.

5 MR. NOURI: Well, after reviewing the  
6 tape, we have decided to make sure that Mr. Fikre  
7 and the Danilo behind the bar are well-versed in  
8 our security plans one more time. And we  
9 actually are working with our camera person to  
10 install HD cameras, more visibility. And we  
11 decided to keep the lights up.

12 But rather on nights that we are not  
13 too busy, because usually on evenings that we are  
14 busy, we get our regular crowd and it's easier to  
15 control, but then say on slower nights where like  
16 random people might come in or like a big group  
17 might come in from -- you know, already drinking  
18 out -- you know, earlier or whatnot and it's kind  
19 of hard to control that.

20 So we also decided to add more  
21 security on those nights on Tuesdays. And as I  
22 said, with our cameras being HD, we can have a

1 better view of who might have committed that  
2 incident. And also reiterating to our staff,  
3 especially the two in charge of that night, to  
4 review the plan, our security plan and be tested  
5 on it.

6 And also, Yonas will add more to this  
7 if you allow him.

8 CHAIRPERSON ANDERSON: Sure.

9 MR. MULUGETA: Yes. Since we get --

10 MR. NOURI: Introduce your name.

11 MR. MULUGETA: My name is Yonas.

12 Since we get the report, April 11, so then we  
13 holding a meeting all employees, security end of  
14 this month. So we try to do a better job and a  
15 better security by adding security. So hopefully  
16 work this.

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

19 MEMBER ALBERTI: Yeah, I had a bunch  
20 of questions, but the gentleman, the vice  
21 president have -- I think for me, I think you  
22 cleared some things up.

1                   But I want to ask one question, so I'm  
2                   trying to get the timing here. The security  
3                   guard, the gentleman in the black shirt, so you  
4                   said that at some point you saw this guy's face,  
5                   the victim's face. You realized then that he was  
6                   hurt, right?

7                   MR. WHITE: I saw his face at the end  
8                   of the night when he was leaving, by the time I  
9                   got my manager, but --

10                  MEMBER ALBERTI: So what -- I mean,  
11                  how --

12                  MR. WHITE: He had some --

13                  MEMBER ALBERTI: I know at the end of  
14                  the night, I mean, how long did it take? When  
15                  was that?

16                  MR. WHITE: Oh, literally, like five  
17                  minutes. He held --

18                  MEMBER ALBERTI: Okay. So my question  
19                  is how long after this incident did you discover  
20                  that he was injured badly?

21                  MR. WHITE: Five minutes.

22                  MEMBER ALBERTI: Okay. So you will

1 understand why I'm asking in a moment.

2 MR. WHITE: Oh, I understand.

3 MEMBER ALBERTI: Okay.

4 MR. WHITE: Ask me anything.

5 MEMBER ALBERTI: So I was encouraged  
6 that the vice president recognized that one of  
7 the issues was cleaning up the crime scene.

8 MR. WHITE: Sure.

9 MEMBER ALBERTI: All right. That's --  
10 as an individual Board Member, here, that is my  
11 primary concern. I read everything and it's not  
12 clear to me that the club is lacking in  
13 preventing this. I can see how you might see the  
14 group and not realize what was going on. I'm not  
15 saying that is the case, but I can see where that  
16 might be the case from what I have read.

17 So I can't be concerned about that,  
18 but I can be -- I'm really concerned about you  
19 not -- you cleaning up the crime scene. So  
20 quickly going out you realize -- the bartender  
21 says he realizes an incident happened. All  
22 right? He realizes at that time it wasn't just

1 friends talking, an incident happened and he goes  
2 out to see what -- comes out from behind the bar  
3 and goes out to see what happened.

4 All right. And then less than five  
5 minutes later, you realize that the guy is  
6 injured. All right. And so it seems to me in  
7 that time span, you had time to say to staff just  
8 let's clear this area. Let's clear this -- shut  
9 down this area and not -- make sure that we don't  
10 mess with the crime scene, because that is --  
11 when incidents like this happen, I know you don't  
12 want to interrupt the fun that is going on, it's  
13 not good for business, but when incidents happen,  
14 like this happen, that is very important.

15 And that's something that this Board  
16 is always concerned about is that you recognize  
17 that you need to preserve the crime scene in case  
18 the police need to come in and take a look. All  
19 right? So I'm glad that you recognize that that  
20 may have been a failing that night. You said it  
21 yourself.

22 MR. WHITE: Yes.



1                   MEMBER ALBERTI: And I'm encouraged by  
2 that and, please, please, think about that. Get  
3 whatever training for staff is appropriate, but  
4 make sure that they understand that that's part  
5 of their duty --

6                   MR. WHITE: Sure.

7                   MEMBER ALBERTI: -- is to -- you know,  
8 it's part of the cost of doing business. When  
9 something like this happens, you just kind of  
10 have to eat the loss for an hour or so, but  
11 you've got to preserve the crime scene.

12                  MR. NOURI: Yeah, that's -- I do admit  
13 that's an oversight from our part from the staff  
14 management and ownership included.

15                  MEMBER ALBERTI: Okay.

16                  MR. NOURI: So we will follow-up on  
17 that and we will make sure from now on it's  
18 written in our security plan and also enforced on  
19 a regular basis as a test and then hopefully  
20 these incidents won't happen again.

21                  MEMBER ALBERTI: Okay.

22                  MR. NOURI: But if they do happen, we

1 don't want to be here again with the same  
2 questions.

3 MEMBER ALBERTI: Sure.

4 MR. NOURI: Okay. Thank you.

5 MEMBER ALBERTI: Thank you, sir.

6 MEMBER SILVERSTEIN: Mr. Chairman?

7 CHAIRPERSON ANDERSON: Any other  
8 questions by any other Board Members?

9 MEMBER SHORT: Yes.

10 CHAIRPERSON ANDERSON: Go ahead, Mr.  
11 Short.

12 MEMBER SHORT: Okay. Thank you very  
13 much. I would just like to ask the Investigator,  
14 does this security plan comply with ABRA  
15 standards?

16 INVESTIGATOR GILLIAM: In my opinion  
17 it doesn't. I don't have a copy of it right now,  
18 but their security plan doesn't address what  
19 happens if you clean up a crime scene, which I  
20 see that in almost all of our security plans.

21 MEMBER SHORT: Okay. Now real quick,  
22 to the owner. Would you be willing to work with

1 ABRA in submitting a security plan that is  
2 compliant with what we have here at ABRA?

3 MR. NOURI: Sure. The security plan  
4 we have filed as far as my understanding has been  
5 in compliance, but it looks like maybe that one  
6 part of it is not included.

7 MEMBER SHORT: Yeah.

8 MR. NOURI: So we will make sure.

9 MEMBER SHORT: Okay.

10 MR. NOURI: We will add it.

11 MEMBER SHORT: So I can count on you  
12 doing that?

13 MR. NOURI: 100 percent.

14 MEMBER SHORT: All right. Now, can we  
15 also count on you when you redo the security plan  
16 that you give us a new copy of your new cameras  
17 and the camera angles and work with the  
18 Investigator, so he can come in and make sure  
19 there are no blind spots?

20 MR. NOURI: Certainly. We will take  
21 care of that as well, yeah, sure.

22 MEMBER SHORT: All right. Now, and my

1 last question or last concern is training. So  
2 now once you get your brand new security plan  
3 that is ABRA-approved --

4 MR. NOURI: Um-hum.

5 MEMBER SHORT: -- what we found out to  
6 be quite healthy and quite workable with most  
7 establishments is that once you get a security  
8 plan that is approved by ABRA, that all of your  
9 staff, especially security, is trained and  
10 everybody knows what its saying, because I can  
11 understand reading your security plan that if  
12 everybody is not on the same page when something  
13 happens like this stabbing, then one person might  
14 think to do one thing, another person thinks to  
15 do another --

16 MR. NOURI: It's okay.

17 MEMBER SHORT: -- and all of a sudden  
18 starts cleaning up the crime scene. But if  
19 everybody is on the same page, and I'm quite sure  
20 the Investigator will work with you, you will  
21 find that incidents like this probably will be a  
22 lot less likely to happen. But if they do

1 happen, then they will be handled a little  
2 differently.

3 I was looking at a picture of the  
4 person that was cut on the face --

5 MR. NOURI: I haven't seen it, sir.

6 MEMBER SHORT: -- you haven't seen it?

7 MR. NOURI: No.

8 MR. WHITE: He don't want to.

9 MS. FITCH: They only black out our  
10 face.

11 LIEUTENANT LOFTUS: Yeah, we probably  
12 blacked it out.

13 MEMBER SHORT: One second, one second.

14 LIEUTENANT LOFTUS: That was  
15 probably --

16 MEMBER SHORT: Are you going to take  
17 care of that?

18 MEMBER ALBERTI: It may have been  
19 redacted from theirs. Okay. Well, I don't  
20 particularly -- it should be redacted.

21 MEMBER SHORT: I was asking -- but any  
22 rate, Martha doesn't think it's feasible.

1 MR. NOURI: Yeah.

2 MEMBER SHORT: But again, this doesn't  
3 look like something, a club I want to go into.

4 MR. NOURI: I understand.

5 MEMBER SHORT: But I understand you  
6 probably run a pretty good business, but here is  
7 what we will want you to do.

8 Again, submit a new plan working  
9 through the Investigator.

10 Okay. Let me ask you this. Now that  
11 you have agreed to do these things, when can we  
12 expect that to happen?

13 MR. NOURI: Do you have a time frame  
14 for me? I can abide by your time frame, just  
15 tell me.

16 MEMBER SHORT: Today is Wednesday, can  
17 we have it by next Wednesday? Can you have it  
18 all completed by next Wednesday?

19 MR. NOURI: Sure, sure.

20 MEMBER SHORT: All right. So we can--  
21 Investigator Gilliam, you're going to work with  
22 them with that?

1 INVESTIGATOR GILLIAM: Yes, sir.

2 MEMBER SHORT: Okay. All right. So  
3 now that's the new security plan.

4 MR. NOURI: With the new cameras.

5 MEMBER SHORT: With the cameras and  
6 training for everybody after the security plan is  
7 put in place.

8 MR. NOURI: Yes, basic training,  
9 obviously, as expected and also regular testing.  
10 Okay. Regular testing of the staff with the  
11 security plan.

12 MEMBER SHORT: Yeah, after the -- so  
13 everybody would know about the new security plan.

14 MR. NOURI: Exactly.

15 MEMBER ALBERTI: That was before we  
16 put it in there.

17 MS. FITCH: Mr. Short, do you want the  
18 training done by next Wednesday also?

19 CHAIRPERSON ANDERSON: No.

20 MEMBER ALBERTI: No.

21 CHAIRPERSON ANDERSON: We will --

22 MEMBER SHORT: The training should --

1 if I can answer that, Mr. Chair. The training  
2 should take place after the plan is approved by  
3 ABRA.

4 MS. FITCH: Right. Okay.

5 CHAIRPERSON ANDERSON: All right. Let  
6 me say something. Okay. This is a Fact-Finding  
7 Hearing. We can't order you to do anything. So  
8 once this is over, I'm going to ask you -- I  
9 mean, I know Mr. Short has asked for certain  
10 things and you have agreed, but I'm going to put  
11 that on the record and see whether or not this is  
12 something that you are going to agree to do,  
13 because legally we can't tell you to do anything.

14 So but I'll address that. If you --  
15 I do have a security plan. It's attached to this  
16 report. It is dated in 2013. Maybe it needs to  
17 be updated. And so I think what I heard is that  
18 you are in agreement to do that and I will  
19 probably give you some timelines and you can work  
20 with our Agency to make sure that you are up --  
21 your security plan is updated.

22 And you can also address your cameras,



1 if you believe that there are some concerns with  
2 that. And I will see if you are -- if -- and  
3 again, this is all voluntary, because as --  
4 because this is a Fact-Finding Hearing, we cannot  
5 force you to do anything.

6 MR. NOURI: Um-hum.

7 CHAIRPERSON ANDERSON: This is just  
8 something that -- and if you -- whether or not  
9 you volunteer to do it or not, it's not punitive,  
10 so therefore I'm not going to take it as okay,  
11 because you didn't volunteer to do a security  
12 plan, then -- that's your choice.

13 So it's not -- at least from my  
14 perspective, it will not be punitive from your  
15 part if you say that I don't want to do it. I  
16 just wanted that to be clear.

17 Go ahead, Mr. Short.

18 MEMBER SHORT: Okay. Thank you very  
19 much. Again, as the Chairman said, that's the  
20 reason why I asked you.

21 MR. NOURI: Right.

22 MEMBER SHORT: Would you be willing to

1 do that.

2 MR. NOURI: I'm offering.

3 MEMBER SHORT: I hope that not  
4 everyone took it that I said you have to do  
5 anything.

6 MR. NOURI: If you're asking, I'm  
7 offering. How about that?

8 MEMBER SHORT: Okay. Thank you very  
9 much. Thank you very much. Okay. So we are all  
10 working together and just so the Chairman's  
11 happy.

12 MR. NOURI: Yeah.

13 MEMBER SHORT: But the bottom line is  
14 this, I think that you will find that your  
15 business will run a lot smoother once you do  
16 that.

17 MR. NOURI: I totally agree.

18 MEMBER SHORT: And lastly, I just want  
19 to thank the Lieutenant for coming here testify  
20 today. Lieutenant, do you know anything else  
21 that we -- to add to this hearing?

22 LIEUTENANT LOFTUS: Just in general.

1 My Club Zone Unit has a good relationship with  
2 the 18th Street Lounge and the staff members  
3 there. On Thursday, Friday and Saturday nights  
4 we are out there. We actually put -- stage kind  
5 of in that block, so they work with the security  
6 there in and out.

7 And I ran the numbers for reports in  
8 the last 12 months and it's really, really low.

9 CHAIRPERSON ANDERSON: Can you tell us  
10 what -- just tell us what the numbers are,  
11 please.

12 LIEUTENANT LOFTUS: Well, this is just  
13 in the last 12 months, from May 2, 2017 to May 2,  
14 2018, we have 26 reports, but a lot of those are  
15 lost properties, miscellaneous reports, like a  
16 family disturbance, which is an argument, there  
17 is a couple, you know, minor crimes. There is  
18 one sexual abuse allegation. But for the most  
19 part, it's very, very minor stuff. Most of them  
20 or a lot of them aren't even crimes.

21 CHAIRPERSON ANDERSON: Well, I mean,  
22 that's good to hear.

1                   LIEUTENANT LOFTUS: Oh, yeah, I mean  
2                   that's --

3                   CHAIRPERSON ANDERSON: That's why I  
4                   meant I would like you to put that on the record,  
5                   so to have -- I mean, you care about this event  
6                   and the -- once the Board reads this report and  
7                   it's like okay, we are shocked and appalled, so  
8                   therefore, you need to come in. So it's good  
9                   that the Lieutenant is here and he has some good  
10                  things to share with you.

11                  So but your purpose, that's why I'm  
12                  asking to put that on the record to say that you  
13                  have been a good operator for the -- at least the  
14                  statistics that he has in the past 18 months it  
15                  has been -- it's showing that your establishment  
16                  appears to be, we could say, incident free based  
17                  on what I'm hearing.

18                  So all right. And one of the reasons  
19                  I'm asking you these questions, this is your  
20                  opportunity to defend yourself. This is your  
21                  opportunity to put on the record for yourself.  
22                  It's not for the Board to ask you questions. We

1 are going to -- we know -- we are concerned,  
2 that's why we brought you here.

3 But so therefore, you need to say to  
4 us no, you shouldn't be concerned. We basically,  
5 you know, are a good establishment. I mean, this  
6 is what I expect to hear from you. It's like  
7 that's why I'm saying, someone telling me from  
8 the Board's perspective at least from the  
9 licensee's perspective, what happened. Just  
10 that's why I was asking those questions.

11 MR. NOURI: Well, also Mr. Chairman,  
12 you know, since -- within all these years, we  
13 haven't had many incidents. We have the  
14 experience of coming here and explaining and  
15 knowing what to do. So this will teach us to  
16 make sure that we don't have any oversight within  
17 our operation and to make sure that, you know, we  
18 don't keep coming here and answering these kind  
19 of questions, which are very, you know, pointed  
20 to begin with.

21 So we appreciate you giving us this  
22 opportunity to come here and explain ourselves.

1 And hopefully we are up to your standards, at  
2 this point.

3 CHAIRPERSON ANDERSON: All right. Any  
4 other questions by any of the Board Members?  
5 Yes, Mr. Silverstein?

6 MEMBER SILVERSTEIN: Very briefly.  
7 First, Mr. Nouri, thank you for bringing all  
8 these people. Thank you for your responsiveness  
9 to this. Thank you, gentlemen, for your work on  
10 this. My question is just to wrap-up to  
11 Investigator Gilliam and to Lieutenant Loftus and  
12 thank you for the work that you are doing out  
13 there with the club group.

14 LIEUTENANT LOFTUS: Thank you.

15 MEMBER SILVERSTEIN: Were there any  
16 areas here where the licensee, this is to both of  
17 you, might have fallen short in their response?  
18 And if so, two parts, one, how many of those were  
19 unavoidable? And two, the ones that -- where  
20 they might have fallen short that were avoidable,  
21 are you comfortable with what they are doing to  
22 address those shortcomings?

1                   INVESTIGATOR GILLIAM: Mr.  
2 Silverstein, I'll go first. Based on my  
3 investigation, it's like if I asked the Board, my  
4 biggest concerns with this entire incident was  
5 that once the car went out, that a fight or  
6 something happened inside the establishment, all  
7 the staff, their primary focus was just to notify  
8 the general manager that something happened.

9                   They didn't -- none of the security  
10 actually went to find out okay, what exactly  
11 happened, like they testified. They said well,  
12 when we got there, the fight was over. Nobody  
13 took steps to actually try to locate a suspect,  
14 locate a victim and I think that's where the ball  
15 got dropped, because if somebody did their due  
16 diligence, like if the gentleman wanted to  
17 follow-up with the guy with pulling his shirt up  
18 over him, that might have changed the whole  
19 situation of the matter.

20                   MEMBER SILVERSTEIN: Are you  
21 comfortable with how they have --

22                   INVESTIGATOR GILLIAM: Yes, based on

1       what they say, because the vice president said he  
2       is going to do some training and I think that's  
3       what they need, in my professional opinion. And  
4       they train on how to respond to incidents. I  
5       think if they cover that, then I'll be fine.

6                   MEMBER SILVERSTEIN: Lieutenant?

7                   LIEUTENANT LOFTUS: I would agree.

8       And also, like we already said with the crime  
9       scene preservation, you know, from our  
10      perspective, that stuff is crucial and I  
11      understand they want to get stuff going, but we  
12      will come in there and take a few quick pictures  
13      and recover evidence and help get the things  
14      moving.

15                  MEMBER SILVERSTEIN: Sure.

16                  LIEUTENANT LOFTUS: But we only get  
17      one chance to get -- you know, preserve that  
18      crime scene. But what you said makes sense with  
19      the training and I'm sure moving forward you guys  
20      will preserve scenes, so --

21                  MR. NOURI: Yes.

22                  MEMBER SILVERSTEIN: Thank you very



1 much. Nothing further.

2 CHAIRPERSON ANDERSON: Thank you, Mr.  
3 Silverstein. Any other comments by any of the  
4 Board Members?

5 All right. This is what I had heard  
6 and I just want to memorialize it. That is it my  
7 understanding that the -- from what I see, there  
8 is a security plan that was provided to ABRA in  
9 2018. 2013, I'm sorry, 2013.

10 And I would like you agreeing that  
11 would you be able to meet with -- and I think in  
12 this particular case with Inspector Gilliam  
13 within the next 30 days to update your security  
14 plan to comply with the current rules and  
15 regulations of ABRA?

16 MR. NOURI: Sure.

17 CHAIRPERSON ANDERSON: All right. And  
18 so within the plan, we can look at our camera  
19 angles to make sure that the club is covered. So  
20 within the next 30 days, I believe that you guys  
21 can get together and provide us with a new  
22 security plan.

1 MR. NOURI: Sure.

2 CHAIRPERSON ANDERSON: That is  
3 compliant with the rules and regulations. I  
4 don't have any other concerns. I will say that  
5 the Board will take this matter under advisement  
6 and will make a decision whether or not we  
7 believe that this should be further or this will  
8 be an NFA. I'm not sure yet. I'll need to  
9 discuss it with our Board Members.

10 All right. Unless if anyone else has  
11 any other questions or concerns they want to  
12 raise?

13 MEMBER ALBERTI: I just quickly want  
14 to recognize that your plan was submitted in 2013  
15 and since then, we have updated the requirements  
16 for security plans.

17 MR. NOURI: Okay.

18 MEMBER ALBERTI: So we are not  
19 faulting you for falling short on the security  
20 plan.

21 MR. NOURI: Okay. If I may?

22 MEMBER ALBERTI: Now is your chance to

1 make it.

2 MR. NOURI: Sure. We really  
3 appreciate working with ABRA Investigators and  
4 MPD Investigators and other issues. So to  
5 continue this process, we will be grateful as to  
6 be in contact with the Investigator in Charge and  
7 hopefully we can get some help from those  
8 requirements.

9 INVESTIGATOR GILLIAM: Oh, exactly,  
10 yeah.

11 MR. NOURI: Yeah.

12 INVESTIGATOR GILLIAM: I'll be in  
13 charge every step of the way.

14 MR. NOURI: All right.

15 CHAIRPERSON ANDERSON: Yes, sir?

16 INVESTIGATOR GILLIAM: I've got a  
17 question for the vice president. This is like my  
18 -- you know, this is my third time doing an  
19 investigation at your establishment.

20 MR. NOURI: Sure.

21 INVESTIGATOR GILLIAM: One thing I do  
22 take notice is that your surveillance system, are

1 you going to change the surveillance system or  
2 just add cameras?

3 MR. NOURI: We are installing HD  
4 cameras from the existing ones. I think angle-  
5 wise up to the last review, everything is pretty  
6 much covered. But if you need -- if you think it  
7 is not, we can add more cameras, sir.

8 INVESTIGATOR GILLIAM: Well, no, as  
9 relates to -- well, let me ask the gentleman, I  
10 can't pronounce the last name. Did you all  
11 change your system because the concern I have is  
12 like when we ask for video surveillance footage,  
13 the ABRA system is not compatible with -- when we  
14 tried to come back and bring someone else to view  
15 it.

16 Like one time I had to actually sit  
17 there and go over the video surveillance footage,  
18 so when did you all change?

19 MR. NOURI: Yeah, we change the whole  
20 system.

21 INVESTIGATOR GILLIAM: So like if you  
22 provide me with a thumb drive, I can't read it.

1 It's no computer program I can open it up to  
2 view. I've got to completely --

3 MR. NOURI: This one is better. It's  
4 a better system.

5 INVESTIGATOR GILLIAM: That's what  
6 makes -- you all changed the system?

7 MR. NOURI: Yes, sir.

8 INVESTIGATOR GILLIAM: Okay. Good.

9 CHAIRPERSON ANDERSON: Okay. So --

10 INVESTIGATOR GILLIAM: So that needs  
11 to be on the record.

12 CHAIRPERSON ANDERSON: -- well, I  
13 think one of the things that can be discussed  
14 during the updated security plan is also the  
15 camera system. And I mean, we are not going to  
16 ask that you buy a new security system. But I  
17 think that if you have a security system, it  
18 should be -- what normally occurs is that someone  
19 could give a copy to thumb drive and then someone  
20 can leave and be able to utilize that.

21 So I assume, I'm not sure how old your  
22 system is, but if it's relatively new, then that

1 should be a no-brainer.

2 CHAIRPERSON ANDERSON: Yeah, well,  
3 that's something that you guys can discuss.

4 MR. NOURI: If I may add, you know, we  
5 have updated our system about what maybe two  
6 years ago or so with the existing cameras, but  
7 now we change the actual camera heads, so it's  
8 like HD cameras with a better view. And the  
9 software is compatible to the standard players,  
10 so it should be fine.

11 CHAIRPERSON ANDERSON: All right.

12 MR. NOURI: Yeah, yeah, yeah.

13 CHAIRPERSON ANDERSON: All right. I  
14 want to thank Investigator Gilliam for being here  
15 today, Mr. -- Lieutenant Loftus, thank you for  
16 being here.

17 LIEUTENANT LOFTUS: Thank you.

18 CHAIRPERSON ANDERSON: And I forget  
19 all -- I know Ms. Fitch on behalf of you and your  
20 team, thank you for being here today. And as I  
21 said before, the Board will take this under  
22 advisement.

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MR. NOURI: Thank you.

CHAIRPERSON ANDERSON: Okay. Thank  
you very much.

(Whereupon, the Fact-Finding Hearing  
was concluded at 3:26 p.m.)

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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: YFE, Inc.  
t/a 18th Street Lounge

Before: Alcoholic Beverage Control Board

Date: 05-02-18

Place: Washington, D.C.

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
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