

ALSO PRESENT:**KIJUN SUNG, APPLICANT****DAVID CHUNG, APPLICANT****DETECTIVE KENNETH ZAW, DC MPD****INVESTIGATOR TAVRIL PROUT, DC ABRA****SUPERVISORY INVESTIGATOR JOHN FIORENTINE, DC ABRA**

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

2 10:51 a.m.

3 CHAIRPERSON ANDERSON: All right. Our
4 next case is Case Number -- it's a fact-finding
5 hearing, Case Number 19-251-00148, Abigail Room.
6 Would all the parties having -- here for Abigail
7 Room, please appear.

8 MR. SUNG: Good morning.

9 CHAIRPERSON ANDERSON: Is the licensee
10 here? I was told that there is an officer -- is
11 there? Please come forward, sir.

12 MR. SUNG: Morning.

13 CHAIRPERSON ANDERSON: You can sit
14 over there.

15 MR. SUNG: Kijun Sung for licensee.

16 CHAIRPERSON ANDERSON: Good morning,
17 Mr. Sung.

18 MR. SUNG: Good morning.

19 CHAIRPERSON ANDERSON: Now, you're not
20 going to be -- it's not that formal. It's more
21 informal, so you can sit next to the --

22 MR. SUNG: Oh, okay.

23 CHAIRPERSON ANDERSON: Yes, you can
24 pull up a chair and sit next to him. And please
25 identify yourself for the record, sir.

1 DET. ZAW: Detective Zaw, D.C. Police,
2 MPD --

3 CHAIRPERSON ANDERSON: Your last name?

4 DET. ZAW: Z-A-W, Zaw.

5 CHAIRPERSON ANDERSON: Zaw.

6 Detective. Okay.

7 DET. ZAW: Yes.

8 MR. PROUT: Good morning. My name is
9 ABRA Investigator Tavril Prout. Good morning,
10 Board. My name is ABRA Investigator Tavril
11 Prout.

12 CHAIRPERSON ANDERSON: Good morning,
13 Mr. Prout. This is a fact-finding hearing about
14 an incident that occurred at your establishment,
15 sir, on September 9, 2019. Just as an FYI, the
16 Board has not made any determination whether or
17 not we're going to forward this over to show
18 cause or whether or not we're going to NFA it.

19 So this is just for us to get some
20 further investigation about what happened,
21 because we haven't made a decision, so I just
22 want to let you know that.

23 So, Mr. Prout, can you tell us -- just
24 give us some background information about the
25 incident that occurred at this establishment,

1 sir.

2 MR. PROUT: Yes, sir. So on Monday,
3 September 9, 2019, myself and Supervisory
4 Investigator John Fiorentine, received a phone
5 call from Sergeant Travis Maguire of the
6 Metropolitan Police Department in reference to an
7 assault that occurred at the Abigail Room,
8 located at 1730 M Street, NW, D.C., at
9 approximately 0200 hours.

10 Once we received the phone call from
11 Sergeant Maguire, Supervisory Investigator
12 Fiorentine was the first person on the scene. He
13 arrived at approximately 0220 hours at the
14 Abigail Room.

15 Upon his arrival, he met with the
16 responding Sergeant, Travis Maguire, Badge Number
17 S442, and he stated that an assault occurred in
18 the establishment and Metropolitan Police
19 Department's preliminary investigation was being
20 hindered, specifically by a promoter by the name
21 of Wayne Johnson, and he prevented Metropolitan
22 Police Department from gaining access to the
23 establishment.

24 Upon Supervisor Investigator John
25 Fiorentine's arrival to the establishment, he

1 made contact with the unidentified male employee
2 at the establishment.

3 He was able to gain access once he
4 identified himself as an ABRA investigator. He
5 requested to speak with an owner or ABC manager.
6 That's when Mr. David Chung appeared and he was
7 asked by Supervisory Investigator John Fiorentine
8 on whether or not the establishment delayed or
9 denied Metropolitan Police Department entrance
10 into the establishment.

11 Mr. Chung advised that the
12 establishment did not impede Metropolitan Police
13 Department's access to the establishment. Upon
14 my arrival at approximately 0236 hours that
15 morning, I conducted a regulatory inspection of
16 the establishment with the manager on duty, Ms.
17 Susanna Rivero.

18 I'm sorry, once the regulatory
19 inspection was conducted, I noticed that there
20 was a violation that Ms. Rivero's ABC manager's
21 license expired as of April 1, 2019. She also
22 did not have a driver's license or any type of
23 identification cards, such as a U.S. passport or
24 a state and/or District of Columbia
25 identification card on her person at that time.

1 So I took a picture of her bank card
2 to identify her as Ms. Rivero. Once I completed
3 my inspection, I requested video footage from all
4 of the cameras in the establishment on the night
5 of the incident.

6 I had the opportunity to interview Ms.
7 Rivero and she stated that she did not observe
8 the incident of the assault occurring on that
9 night. She stated that she was at the server's
10 station behind the main bar on the 1st floor of
11 the establishment.

12 Subsequently, after that, I had the
13 opportunity to ask Ms. Rivero to contact Mr.
14 Chung, who had left the establishment once I
15 arrived on scene, she did make contact with Mr.
16 Chung via her cellphone on the night of the
17 incident.

18 I had the opportunity to ask Mr. Chung
19 whether or not he saw the incident at the
20 establishment. He stated that he did not see it,
21 that he was located in an office behind the main
22 bar area of the establishment.

23 And in addition, I also asked Mr.
24 Chung to provide the camera footage from the
25 establishment within 48 hours. I had the

1 opportunity to then speak with the security
2 manager, Mr. Andre Shestaakov, in which he stated
3 that he had no knowledge that an assault occurred
4 inside or outside of the establishment on the
5 night of.

6 On September 30, 2019, I had the
7 opportunity to speak with the victim of the
8 assault. Upon my arrival, the victim had already
9 left the scene, and she stated that the
10 establishment did not contact Metropolitan Police
11 Department and/or render any type of medical
12 attention to her.

13 She stated that her friends were in
14 the VIP section of the establishment and there
15 was a promoter by the name of Mr. Fred Primus,
16 who had rented out the section of the club.

17 And she stated that he asked two of
18 her friends to leave the section and he was being
19 blatantly disrespectful towards them. And once
20 the verbal altercation occurred, alcoholic
21 beverages were being thrown between both parties.

22 Ms. Maxwell stated that she then
23 pushed him and then he spit on her, and he hits
24 her, and her lip. She loses consciousness, and
25 then she doesn't recall what occurred after that.

1 She stated that there is lapse of what
2 occurred on that evening due to the alcohol that
3 was consumed and to her also losing consciousness
4 on the night of.

5 I had the opportunity to review the
6 camera footage, however, the initial camera
7 footage was provided on September the 11th,
8 however, the footage was not able to be viewed by
9 myself due to the incompatibility of the files
10 which were provided.

11 They were .dav files, in which it was
12 an issue for OCTO to assist me with being able to
13 access that footage, so I sent Mr. Chung an email
14 to ask for additional footage, since we had
15 issues with the USB drives that were provided.

16 And then so I was not provided any
17 additional footage until October -- I'm sorry,
18 the Board's indulgence.

19 CHAIRPERSON ANDERSON: I believe
20 you're on the third page of your report.

21 MR. PROUT: So on October -- so on
22 Sunday, September 29, 2019, and Wednesday,
23 October 2, 2019, I requested footage, via email,
24 from Mr. Chung for additional footage to be
25 provided. However, additional footage was not

1 provided until Thursday, October 10, 2019.

2 Once I reviewed the footage on Sunday,
3 October the 14th, I was provided two cameras for
4 the establishment, Camera Number 3, which viewed
5 the front main bar area, and Camera Number 5,
6 which overlooks the front exterior of the
7 establishment.

8 Once I reviewed the footage that was
9 on Camera Number 5 of the establishment, I was
10 able to view two females -- I'm sorry, a female
11 having an altercation with a male in front of the
12 camera.

13 She walks away from him, he pulls on
14 her purse, once he pulls on her purse, pulls away
15 from him, she exits out of the camera angle of
16 Camera Number 3, and then he subsequently follows
17 her.

18 And then a few minutes after that, a
19 Metropolitan Police Department enters into the
20 establishment and two males and two females were
21 escorted out of the establishment by that MPD
22 officer.

23 What I noticed during my walkthrough
24 of the establishment that there were six
25 additional cameras in the establishment, however,

1 the security plan that was provided to the Board
2 at that time only provides three cameras, and
3 which are the camera that overlooks the main bar
4 area, as well as the front entrance and the rear
5 entrance of the establishment.

6 The security plan also does not
7 mention any type of body-worn cameras, at which
8 the security personnel at the establishment wear
9 as well. I requested the body-worn camera
10 footage from Mr. Chung, however, it was not
11 provided.

12 CHAIRPERSON ANDERSON: You requested
13 what?

14 MR. PROUT: The body-worn camera
15 footage of Mr. Shestaakov, which was the security
16 manager on duty the night of the incident.

17 CHAIRPERSON ANDERSON: Why would he
18 have -- he would have body-worn camera?

19 MR. PROUT: So the security personnel
20 at the establishment wear body-worn cameras, yes.

21 CHAIRPERSON ANDERSON: Oh.

22 MR. PROUT: So --

23 CHAIRPERSON ANDERSON: I'll get some
24 clarification. Go ahead.

25 MR. PROUT: And that completes my

1 testimony, sir.

2 CHAIRPERSON ANDERSON: Now, what
3 camera footage did you request from the
4 establishment?

5 MR. PROUT: I requested the camera
6 footage from all of the cameras in the
7 establishment.

8 CHAIRPERSON ANDERSON: And what were
9 you provided?

10 MR. PROUT: I was only provided camera
11 footages for two cameras, however, I counted
12 approximately nine cameras total, so Camera 3,
13 which overlooks the main bar area, and Camera
14 Number 5, which overlooks the front exterior of
15 the establishment.

16 CHAIRPERSON ANDERSON: And when did
17 you specifically request the camera footage?

18 MR. PROUT: So I requested the footage
19 on September the 9th, the night of the incident.

20 CHAIRPERSON ANDERSON: Tell me, what
21 did you receive and when?

22 MR. PROUT: I received USB drives on
23 the 11th, however, they were not able -- the
24 footage was not able to be accessible at that
25 time, so I requested additional footage on the

1 14th.

2 CHAIRPERSON ANDERSON: On September
3 14th?

4 MR. PROUT: Yes, sir.

5 CHAIRPERSON ANDERSON: And when was
6 this provided to you?

7 MR. PROUT: That was not provided to
8 me until October -- sorry, so I requested the
9 footage on Sunday, September 29, 2019, and I
10 requested footage on Wednesday, October 2nd of
11 2019, however, the additional footage was not
12 provided until Thursday, October the 10th of
13 2019.

14 CHAIRPERSON ANDERSON: All right. So
15 the incident occurred on September 9th, you
16 requested the camera -- I just want to be clear,
17 so you requested all camera footage or did you
18 request specific --

19 MR. PROUT: All cameras.

20 CHAIRPERSON ANDERSON: All cameras.
21 And on September 11th, it was a USB drive, but
22 you don't know what's on it; what was on the
23 drive that was provided.

24 MR. PROUT: I was not able to access
25 the footage that was on that drive.

1 CHAIRPERSON ANDERSON: All right. And
2 then so that was September 11th, so when did you
3 -- so you did not go back to the establishment to
4 request footage again until when?

5 MR. PROUT: I sent an email to Mr.
6 David Chung on Sunday, September 29th of 2019,
7 and --

8 CHAIRPERSON ANDERSON: That's what I'm
9 saying. So there was no contact between the 11th
10 and the 29th. So the next time you contact him
11 was the 29th.

12 MR. PROUT: Yes, sir.

13 CHAIRPERSON ANDERSON: And you didn't
14 get a response. You're stating that you
15 contacted him again on the 2nd?

16 MR. PROUT: Yes, sir.

17 CHAIRPERSON ANDERSON: And then you
18 receive the footage on the 10th?

19 MR. PROUT: Yes, sir.

20 CHAIRPERSON ANDERSON: And the footage
21 you receive on the 10th was how many cameras?

22 MR. PROUT: It was two cameras, Camera
23 3 and Camera 5.

24 CHAIRPERSON ANDERSON: Now, did you
25 contact him to say that I requested all cameras,

1 but you only provided two?

2 MR. PROUT: Yes.

3 CHAIRPERSON ANDERSON: And so what was
4 the response?

5 MR. PROUT: That the security plan
6 only references three cameras.

7 CHAIRPERSON ANDERSON: The security
8 plan referenced three cameras, right? But how
9 many cameras did you receive?

10 MR. PROUT: Two of the three.

11 CHAIRPERSON ANDERSON: Did you ask
12 him, then, if his security plan said three
13 cameras, although you saw six, why did he not
14 provide you with the three then that the security
15 plan required?

16 MR. PROUT: I did not get an answer.

17 CHAIRPERSON ANDERSON: Now, tell me
18 about, now, the body-worn cameras by security.
19 Tell me about that. How did you know about the -
20 -

21 MR. PROUT: So while reviewing the
22 footage, Exhibit Number 18 shows the security
23 manager, Mr. Shestaakov --

24 CHAIRPERSON ANDERSON: All right.

25 MR. PROUT: -- wearing a body-worn

1 camera that's lit in red on his blazer.

2 CHAIRPERSON ANDERSON: The picture I
3 have, I can't -- how do you know that's a body-
4 worn camera?

5 MR. PROUT: When I interviewed him, I
6 saw it, and I asked him whether or not his body-
7 worn camera footage was on, he told me, no.

8 CHAIRPERSON ANDERSON: No, but I'm
9 just saying, how did you know that -- but did you
10 ask him, was that a camera or -- that's why,
11 because he said -- that's what I'm trying to find
12 out from you, did you -- how did you know that
13 was a camera; body-worn camera?

14 MR. PROUT: So from my experience, I
15 noticed that it was a body-worn camera footage,
16 based on my experience, and I asked him --

17 CHAIRPERSON ANDERSON: Tell me
18 specifically what experience do you have to make
19 that determination.

20 MR. PROUT: Working with Metropolitan
21 Police Department, it looked similar to the body-
22 worn cameras in which they use, so I asked him
23 during my interview the night of the incident,
24 whether or not his body-worn camera was on, and
25 he told me no.

1 CHAIRPERSON ANDERSON: All right. So
2 he confirmed that -- so he did confirm to you
3 that he was wearing a body-worn camera.

4 MR. PROUT: Yes.

5 CHAIRPERSON ANDERSON: Now, do you ask
6 him, is it always on or did it just happen to be
7 off that night? Do you have any further
8 conversation with him regarding that?

9 MR. PROUT: No, I just asked him
10 whether or not the body-worn camera was on while
11 I was conducting the interview of him on the
12 night of.

13 CHAIRPERSON ANDERSON: Okay. Now,
14 what response, if any, did security -- this
15 incident occurred, so how did security respond to
16 the incident from -- did you receive any -- based
17 on your interview with him, how did they respond
18 to the incident?

19 MR. PROUT: So the security manager
20 stated that he didn't have any knowledge that an
21 assault occurred in the establishment at all that
22 evening, and based on the testimony of the
23 victim, she stated that the establishment didn't
24 provide any type of medical attention to her at
25 all on the night of the incident.

1 CHAIRPERSON ANDERSON: All right. You
2 said that the camera -- based on the camera
3 footage you saw, there was something happened,
4 someone -- so the female victim you saw, was --
5 I'm sorry, the female you saw on the camera, was
6 that the victim that you spoke to?

7 MR. PROUT: The pixelation of the
8 camera footage is not of high quality for me to
9 be able to identify whether or not she was the
10 victim.

11 CHAIRPERSON ANDERSON: What I'm trying
12 to find out, you said -- I remember you said you
13 saw that someone pulled her pocketbook, a male
14 victim, did you ask her if that occurred?

15 MR. PROUT: She stated no.

16 CHAIRPERSON ANDERSON: No. So I guess
17 the camera -- it appeared, then, that's a
18 different person then.

19 MR. PROUT: Yes. And that was the
20 reason why I was requesting all of the footage
21 from all of the cameras to ascertain exactly what
22 happened. I have not been able to find out
23 whether or not an assault even occurred inside of
24 the establishment on that night because of the
25 footage that has been provided up to this current

1 point by the establishment.

2 CHAIRPERSON ANDERSON: All right.
3 Now, when is it that you ran into Mr. Chung?

4 MR. PROUT: When I got on to the scene
5 that evening, I did not see Mr. Chung. I spoke
6 with him over the phone. I requested him to come
7 back to the establishment and he did not come
8 back to the establishment on that evening.

9 CHAIRPERSON ANDERSON: No, I thought
10 you had said that -- was there any allegation
11 that he was there; that he was there that
12 evening?

13 MR. PROUT: Yes, so Supervisory
14 Investigatory Fiorentine met with David Chung
15 once he arrived on scene, but once my -- once I
16 arrived on scene at 2:36 a.m., Mr. Chung was
17 already gone from the establishment.

18 So Supervisory Investigator Fiorentine
19 arrived at 2:20 a.m.

20 CHAIRPERSON ANDERSON: And you arrived
21 at what time?

22 MR. PROUT: 2:36 a.m.

23 CHAIRPERSON ANDERSON: And Mr. Chung,
24 in the ensuing time, he left?

25 MR. PROUT: Yes.

1 CHAIRPERSON ANDERSON: Was the
2 establishment closed after -- what time -- was
3 the establishment still open?

4 MR. PROUT: So the assault occurred at
5 0200 --

6 CHAIRPERSON ANDERSON: Right.

7 MR. PROUT: -- hours, so once I got on
8 scene at 2:36, there was only staff inside of the
9 establishment at that time.

10 CHAIRPERSON ANDERSON: All right.
11 Now, I'm getting some -- I'm confused, maybe, so
12 let me ask you again, how many promoters were
13 there that night?

14 MR. PROUT: So I met with Mr. Wayne
15 Johnson, that was still there, who was a promoter
16 --

17 CHAIRPERSON ANDERSON: Right.

18 MR. PROUT: -- Mr. Fred Primus, I
19 never saw him, the victim mentioned him, I --
20 nobody else has referenced him, other than the
21 victim. He's not on the internal PD-251 or the
22 public version.

23 CHAIRPERSON ANDERSON: Now, let me --
24 you have this report, you have some -- tell me,
25 what are these exhibits you have in your report?

1 MR. PROUT: Okay. So Exhibit 1 is the
2 public version of the 251 report, Exhibit Number
3 2 is the front exterior glass and front door of
4 the Abigail Room, Number 3 is the promoter, Mr.
5 Wayne Johnson, who allegedly prevented
6 Metropolitan Police Department from gaining
7 access into the establishment the night of the
8 incident.

9 Exhibit Number 4 is the expired ABC
10 manager's card of Ms. Susanna Rivero, as well as
11 her Bank of America bank card, which verified
12 that she was who she was the night of.

13 Exhibit Number 5 is Abigail Room
14 personnel cleaning up the establishment upon my
15 arrival to the establishment. Exhibit 6 shows
16 Abigail Room cleaning up the establishment as
17 well, and which is a possible area in which the
18 crime could have occurred.

19 Exhibit Number 7 is the regulatory
20 inspection I was conducting in which the no ABC
21 manager violation is documented. Exhibit Number
22 8 is the security plan which was provided by the
23 establishment the night of the incident.

24 CHAIRPERSON ANDERSON: Is there a date
25 on the security plan?

1 MR. PROUT: October 1, 2017.

2 CHAIRPERSON ANDERSON: Okay. 2017.

3 Now, where in the security does it talk about
4 cameras?

5 MR. PROUT: Number 6, it says there
6 are at least three security cameras, one at the
7 entrance, one at the rear emergency exit, and one
8 at the bar area.

9 CHAIRPERSON ANDERSON: All right.

10 MR. PROUT: And right after the
11 security plan, there is the establishment's
12 settlement agreement as well. Exhibit Number 9
13 shows a camera that overlooks the main bar area
14 outwards toward the establishment, so it's not
15 facing the main bar area, which is referenced as
16 Camera Number 3 in the security plan.

17 Exhibit 10 shows a better location of
18 that camera, so there's two cameras, there's a
19 pink camera with -- there's a pink camera with
20 two focal points on it and then there's a bubble
21 camera that is on the ceiling of the
22 establishment.

23 Camera Number 12 -- I'm sorry, Exhibit
24 Number 12 shows personnel cleaning the
25 establishment the night of the incident. Camera

1 Number 13 shows more personnel cleaning the
2 establishment the night of the incident.

3 Exhibit Number 14 continues with still
4 cleaning up the establishment the night of the
5 incident. Camera Number 15 shows a camera on the
6 ceiling tile that is over the proposed VIP
7 section of the club.

8 Exhibit Number 16 is -- shows the rags
9 of the personnel in which they were using to
10 clean the club. Exhibit Number 17 is another
11 area of the club in which the assault could have
12 taken place in front of the DJ booth and it also
13 shows two cameras over the DJ booth.

14 There's a pink camera and there is a
15 white camera. The pink camera's over the phrase,
16 "You can't sit with us", and then there is a
17 white camera in the top left corner of the
18 picture over top of the HP computer.

19 Number 18 is the picture of security
20 manager, Mr. Andre Shestaakov, with the body-worn
21 camera on his blazer. Number 19 was the copy of
22 the surveillance footage.

23 Exhibits 20, 21, and 22 are email
24 requests for additional footage, dated September
25 29, 2019, October 2, 2019, and then the

1 additional footage that was provided on October
2 the 10th, 2019.

3 The camera footage that was provided
4 by Mr. Chung there has been some type of
5 technological issues, so I'm not able to play the
6 footage that was provided this morning.

7 CHAIRPERSON ANDERSON: Okay.
8 Detective Zaw, are you familiar with this
9 incident that occurred at the Abigail Room?

10 DET. ZAW: Yes.

11 CHAIRPERSON ANDERSON: So what can you
12 provide to us? What information can you provide
13 to us?

14 DET. ZAW: All right. So I wasn't
15 there on the initial scene when all this
16 occurred. Officers show up on the scene, I
17 wasn't there. I got the case assigned to me on
18 the 12th.

19 CHAIRPERSON ANDERSON: Of what month?

20 DET. ZAW: September 12th, I believe,
21 around that time, I got to see actually what day.
22 Assigned to me -- and on the 12th, September
23 12th, is when I got the case.

24 I spoke with the victim and her
25 parents, and then one of the witnesses, or the

1 female that was at the club with her. The
2 provided me details of what happened. The victim
3 wasn't -- she didn't really remember after the
4 incident occurred.

5 She didn't even remember if she got
6 punched by Mr. -- the person, the defendant,
7 Primus, his name, Fred, she didn't even really
8 remember anything. All she remembered, she was
9 in an altercation with an individual in that VIP
10 section.

11 However, the witness identified the
12 defendant as the person who struck the
13 Complainant in the face.

14 CHAIRPERSON ANDERSON: And who was the
15 defendant?

16 DET. ZAW: We made an arrest on him.
17 Hold on. Defendant is -- I'm sorry, I have my
18 case file on my phone. Fred Primus. Had a
19 chance to talk to him also.

20 CHAIRPERSON ANDERSON: You said you
21 have or have not?

22 DET. ZAW: Excuse me?

23 CHAIRPERSON ANDERSON: You said you
24 have or have not had a chance to speak to him?

25 DET. ZAW: I talked to him that night.

1 CHAIRPERSON ANDERSON: Okay. All
2 right.

3 DET. ZAW: Or a few days later.

4 CHAIRPERSON ANDERSON: Okay.

5 DET. ZAW: Based on the witness
6 statements and the complainant -- or allegations,
7 and we had probable cause to believe that, you
8 know, a crime has been committed and occurred in
9 that club.

10 CHAIRPERSON ANDERSON: Okay.

11 DET. ZAW: However, I requested video
12 footage. I went to the Abigail nightclub a few
13 times, they were closed the times that I went, I
14 don't know what time they usually open, I work in
15 the daytime --

16 CHAIRPERSON ANDERSON: Okay.

17 DET. ZAW: -- and when I went, the
18 door was shut. It was expected. So I left my
19 card there, never got a phone call back or
20 anything. That could have been lost or anything,
21 so I --

22 CHAIRPERSON ANDERSON: You're so
23 generous. Go ahead.

24 DET. ZAW: I contacted ABRA because I
25 couldn't get in touch with the owners or the

1 managers, so I spoke with one of the
2 investigators from ABRA and I got the footage --
3 one second.

4 I talked to a couple of ABRA
5 investigators. One of them was Jason Peru and I
6 got the video footage on September 25th. It was
7 delivered to me by Sergeant Maguire, brought it
8 to my office, and left it on my desk.

9 And I had a chance to review the
10 footage, however, the footage, the cameras, like,
11 the investigator here said, did not show all of
12 the cameras inside of the nightclub.

13 It only showed the, I believe, bar
14 area by the exit door, I believe. I wasn't able
15 to see any other complainants or witnesses in the
16 video due to camera pixelation and quality. I
17 could not identify anybody in there and that was
18 it for me.

19 And I requested -- I talked to another
20 investigator over the phone to get the extra
21 footage. I never got extra footage from anybody.
22 I talked to the Sergeant, never got any footages
23 after that.

24 CHAIRPERSON ANDERSON: Okay.

25 DET. ZAW: A few days -- the

1 complainant allegedly had interaction with this
2 assault, the defendant, prior to the incident.
3 They had met in the club a few months before that
4 and he had tried to talk to her on social media,
5 or something like that, or Instagram, I believe,
6 and he gave her his phone number to her through a
7 direct message, and I was able to run that phone
8 number, and was able to positively identify him
9 as the person with his real name and everything.

10 CHAIRPERSON ANDERSON: Okay.

11 DET. ZAW: Once I have him ID'd,
12 identified, he showed up at another club, another
13 location, a few days later, and all the alcohol
14 officer that works in the nightclub zone, had
15 made a stop, and since I already have him ID'd,
16 we made an arrest on scene. That's when I had a
17 chance to talk to him.

18 We brought him back to the 2nd
19 District Detective's Office, put him in the
20 interview room, I read him his rights, he waived
21 his rights to talk to me, asked him what
22 happened, he -- from based on my knowledge, he
23 told me that there was an incident between him
24 and that complainant, that he said he never
25 struck the complainant.

1 He said there was an argument between
2 a drink thrown at each other, he even said that
3 she even tried to hit him, or something like
4 that, and they had an interaction, prior to that
5 incident, they had something that happened a week
6 or two prior, and that he was getting jumped by
7 this other -- the complainant's friends, which
8 was not confirmed. I don't have that
9 information.

10 That's what he stated. He denied to
11 the fact that he never assaulted or anything like
12 that, and ever since I made the arrest, the case
13 has been turned over to the U.S. Attorney's
14 Office, prosecution phase, I haven't heard
15 anything yet.

16 CHAIRPERSON ANDERSON: Now, let me ask
17 you a question. Now, is Mr. Primus, was he a
18 promoter or was he just a regular guest, a
19 regular customer, at the Abigail Room?

20 DET. ZAW: Mr. Primus told me he was
21 a promoter.

22 CHAIRPERSON ANDERSON: He told you
23 that he was a promoter at -- so he was promoting
24 an event that night?

25 DET. ZAW: Ye. He promotes, like,

1 every day, almost, at different clubs. That's
2 what he told me. He brings a lot of guests over.
3 That's why a lot of nightclubs want him there, or
4 something like that, to that effect.

5 CHAIRPERSON ANDERSON: All right.
6 Now, did you have a chance that night to
7 interview any staff members of the Abigail Room?

8 DET. ZAW: I have never went to the --
9 I've never met with any members of Abigail
10 Nightclub. I've never met with anybody or spoke
11 with anyone.

12 CHAIRPERSON ANDERSON: All right.
13 Anything else you want to add?

14 DET. ZAW: No, sir.

15 CHAIRPERSON ANDERSON: All right. Mr.
16 Sung, now, let me start off, what do you know
17 about this? Did an event occur that -- did
18 something happen at your establishment that night
19 that would give you the impression that your
20 security should have investigated?

21 MR. SUNG: You mean after the fact or
22 --

23 CHAIRPERSON ANDERSON: I'm hearing
24 that drinks were being thrown at each. I mean,
25 we might, at a minimum, not know what happened to

1 this young woman, but I guess what I'm asking
2 you, from what I'm hearing, that at least people
3 were throwing drinks at each other.

4 Did any of this happen?

5 MR. SUNG: There was an alleged
6 incident where a woman claimed --

7 CHAIRPERSON ANDERSON: No, no, there
8 was an incident or there -- you can't say there
9 was an alleged incident. So I'm asking you, from
10 your position, like, do you know from your club's
11 -- you have cameras, I would hope that you have
12 cameras, and I don't know what is it you're
13 seeing, so I'm asking you, because if you said,
14 nothing happened that night, it was a regular
15 night, we have no -- we don't have any indication
16 that anything happened, and so this is all new to
17 me.

18 So that's why I started off to say,
19 from your perspective, what, if anything,
20 happened that night?

21 MR. SUNG: Something happened which
22 led to a young woman claiming that she was
23 punched.

24 CHAIRPERSON ANDERSON: Okay.

25 MR. SUNG: We have spoken to the

1 employees and no one witnessed this incident.
2 Plenty of people saw what happened outside
3 afterwards where she came out and she claimed,
4 along with her friends, that she had been struck
5 --

6 CHAIRPERSON ANDERSON: Okay.

7 MR. SUNG: -- by someone. So here we
8 are. I think it would be instructive to, sort
9 of, give you a proffer of --

10 CHAIRPERSON ANDERSON: Sure. Go
11 ahead.

12 MR. SUNG: -- the evidence that we
13 have. There are a lot of allegations. I think
14 we can take the easy ones first. From my count,
15 there are six violations of the ABRA regs or
16 statutes that are alleged.

17 CHAIRPERSON ANDERSON: We haven't
18 charged you with anything. I just wanted to know
19 --

20 MR. SUNG: Yes. I'm just addressing
21 the --

22 CHAIRPERSON ANDERSON: All right.

23 MR. SUNG: -- concerns that the --

24 CHAIRPERSON ANDERSON: Okay.

25 MR. SUNG: -- Investigator Prout has

1 made. The first is this making 25-120I(A)(III),
2 in Roman numerals, there's an allegation that Mr.
3 Chung made a false statement to an investigator
4 and when you read the report, this false
5 statement appears to be the fact, and you can see
6 it in the last page of the report, Mr. Prout
7 seems to take issue with Mr. Chung claiming that
8 he was at the club on the night in question, and
9 this is directly contradicted by his testimony
10 that his supervisor, Mr. Fiorentine, had been at
11 the club before he arrived and had spoken to Mr.
12 Chung.

13 CHAIRPERSON ANDERSON: Right.

14 MR. SUNG: But for some reason, he
15 states that he reviewed the camera footage from
16 the club, did not see Mr. Chung in that camera
17 footage, and therefore, he made a false statement
18 about being at the club.

19 CHAIRPERSON ANDERSON: Well, Mr. Chung
20 isn't -- I mean, Mr. Chung actually sits in the
21 room, so I mean, I know that we're talking about
22 this person, so was he or was he not there. I
23 mean, I say we can easily answer this since Mr.
24 Chung is actually -- he's not sitting at the
25 table.

1 I've been here long enough so I know
2 who Mr. Chung is, and so we shouldn't be talking
3 about him as a third person, so if he's here, we
4 can say -- we can -- all that we're doing here is
5 gathering information.

6 So I'm just -- for us to make a
7 determination, so if Mr. Chung was there, you're
8 going to say he was there for the duration of the
9 night, he was there, he left, and then let's move
10 on from there.

11 MR. SUNG: Right. I think we can
12 strike that from the show-cause issue.

13 CHAIRPERSON ANDERSON: There's no
14 show-cause stuff. I mean, all we're gathering
15 information, so you can tell me, was Mr. Chung
16 there and how long was he there for?

17 MR. SUNG: Yes, he was there for the
18 whole night.

19 CHAIRPERSON ANDERSON: But he left
20 before the investigator, our investigator, got
21 there.

22 MR. SUNG: Yes, the proffer of
23 testimony is that he left after the club was
24 closed because Mr. Prout's supervisor, Mr.
25 Fiorentine, told him that he could go home, that

1 nothing further was needed from the club that
2 night.

3 So if you recall the testimony of Mr.
4 Prout before Mr. Prout arrived --

5 CHAIRPERSON ANDERSON: And Mr.
6 Fiorentine is also here too, so when I hear --
7 why don't you come to Mr. Fiorentine, because
8 we're trying to gather information, so when I
9 hear people throw names out, just let -- just put
10 it all out, because this is -- we're not -- we're
11 just gathering information.

12 No one is under -- I'm putting anyone
13 under oath, so we're just gathering information,
14 so go ahead, Mr. Chung.

15 MR. SUNG: Yes, so Mr. Chung was told
16 by Mr. Fiorentine, am I pronouncing your name
17 correctly?

18 MR. FIORENTINE: Fiorentine. It's an
19 I.

20 MR. SUNG: Fiorentine. Okay. Mr.
21 Fiorentine arrived at the club before Mr. Prout
22 did, he had conversations with staff as well as
23 Mr. Chung, and at the conclusion of his
24 conversations, he told Mr. Chung that he could
25 leave the premises.

1 CHAIRPERSON ANDERSON: Okay. And
2 before you go, I haven't -- can you identify
3 yourself for the record?

4 MR. FIORENTINE: Certainly. I'm
5 Supervisory Investigator John Fiorentine with the
6 Alcoholic Beverage Regulation Administration.

7 CHAIRPERSON ANDERSON: Mr. Fiorentine,
8 are you familiar with the Abigail Room?

9 MR. FIORENTINE: I am, sir.

10 CHAIRPERSON ANDERSON: And were you --
11 what is it that you know about this incident at
12 the Abigail Room?

13 MR. FIORENTINE: Certainly. So at
14 approximately 2:10 in the morning, of the night
15 in question, I was contacted by Sergeant Maguire
16 of the Metropolitan Police Department, who was
17 having -- who reported an incident had transpired
18 inside of Abigail Room and staff from the
19 establishment was preventing himself and his
20 officers from entering the establishment,
21 impeding the investigation.

22 CHAIRPERSON ANDERSON: Okay.

23 MR. FIORENTINE: So I contacted
24 Investigator Prout and responded in person. I
25 arrived to the scene first, got a briefing from

1 Sergeant Maguire in the officers on scene, in
2 front of the establishment, and then approached
3 the establishment to make entry, and try to
4 ascertain what had transpired at the front door
5 that had prevented the Metropolitan Police from
6 entering, or having the impression that they
7 could not enter.

8 CHAIRPERSON ANDERSON: Okay.

9 MR. FIORENTINE: I was met by the
10 promoter --

11 CHAIRPERSON ANDERSON: What promoter?
12 And the reason I'm asking is because there is
13 allegations there were two promoters there that
14 night.

15 MR. FIORENTINE: Certainly. So --

16 MR. PROUT: Wayne Johnson.

17 MR. FIORENTINE: -- Wayne Johnson --

18 CHAIRPERSON ANDERSON: Okay.

19 MR. FIORENTINE: -- who sought to
20 clarify the statements he had made to the
21 Metropolitan Police Department, and the
22 Metropolitan Police Department, Sergeant Maguire,
23 questioned the authenticity of the clarified
24 statements.

25 CHAIRPERSON ANDERSON: Okay.

1 MR. FIORENTINE: And iterated that he
2 had, you know, everything on body-worn camera and
3 we would find out eventually. At that point, I
4 was permitted entry, without interference, and
5 sought the ABC manager, or owner.

6 At that point, I met Mr. Chung at the
7 front entrance, just inside the glass doors of
8 the establishment, in which he stated that there
9 had been no interference, that, I'm summarizing
10 and paraphrasing, to the effect of, we know
11 better, we wouldn't do that, we know the rules,
12 we've been in business for quite some time, that
13 it wouldn't have transpired like that.

14 At that point, we had gained entry and
15 I had then sought to figure out what was the
16 initial purpose of the police trying to make
17 entry and figure out, had there been, there was,
18 at a time, a report of two assaults, that there
19 had been an assault inside the establishment and
20 then an assault outside the establishment, that
21 there was the potential for one of the
22 reimbursable detail officers had perhaps been
23 assaulted, but it turned out that a patron had
24 just tripped.

25 So there was a lot of stories that

1 needed to be vetted and figured out. At that
2 point, Investigator Prout had arrived and we
3 proceeded inside the establishment to get camera
4 footage and try to ascertain what had actually
5 transpired and kind of do away with the noise.

6 CHAIRPERSON ANDERSON: One quick
7 question, so did you tell Mr. Chung that he could
8 leave?

9 MR. FIORENTINE: I told Mr. Chung that
10 we had gained entry and that we were going to try
11 to figure out what had transpired. I do not
12 recall specifically stating to Mr. Chung that we
13 were done and that this was good to go.

14 CHAIRPERSON ANDERSON: And that he
15 could leave.

16 MR. FIORENTINE: Yes, I do not recall
17 making that statement.

18 CHAIRPERSON ANDERSON: Okay. All
19 right. Thank you. Go ahead, Mr. Sung.

20 MR. SUNG: So as I was saying, I think
21 we can strike the making a false statement about
22 --

23 CHAIRPERSON ANDERSON: The false
24 statement was that --

25 MR. SUNG: That Mr. Chung was not

1 there.

2 CHAIRPERSON ANDERSON: -- Mr. Chung
3 was not there and so we have confirmed that he
4 was at the front entrance of the establishment.
5 That's what we can confirm.

6 MR. SUNG: That's correct.

7 CHAIRPERSON ANDERSON: That's what I
8 was told, he was at the front entrance of the
9 establishment. Okay.

10 MR. SUNG: And there was testimony
11 that there was an ABRA manager whose license was
12 expired. That is moot because Mr. Chung was
13 there, an owner of the business, so to the extent
14 there's an allegation that there was no manager
15 on duty.

16 CHAIRPERSON ANDERSON: But if Mr.
17 Chung was there, you are correct, it's an ABC
18 manager, owner, and I think -- but that's not --
19 I'm not aware that there's a charge that her --
20 it's clear that the ABC manager, her license had
21 expired, but since Mr. -- sine we have
22 established that Mr. Chung was at the door of the
23 establishment, for some point, so okay, he was
24 there.

25 MR. SUNG: Okay. Regulation of

1 statute --

2 CHAIRPERSON ANDERSON: Well, you know,
3 Mr. Sung, what I'm trying to find out from you is
4 for you to tell me from your perspective -- I
5 mean, remember, we're not at a show-cause
6 hearing, so when we're at a show-cause hearing, I
7 know we all put our lawyer's hat on and we move
8 along, but we're just here -- I'm trying to find
9 out from your perspective what happened.

10 That's all I'm trying to find out,
11 from your -- this is your business. I'm just
12 trying to find out what happened that night, and
13 so -- and maybe you could tell me -- all right.
14 Let me ask you a question, since -- how many
15 cameras do you have in your establishment?

16 MR. SUNG: We have at least nine
17 cameras.

18 CHAIRPERSON ANDERSON: You have at
19 least nine cameras in your establishment. And
20 how many camera angles did you provide, your
21 establishment provide, to investigators?

22 MR. SUNG: Three.

23 CHAIRPERSON ANDERSON: And if you have
24 nine -- the investigator stated that he asked for
25 all cameras. Why did you only provide him two?

1 MR. SUNG: I gave him all the footage
2 we have. Not all the cameras record.

3 CHAIRPERSON ANDERSON: I have nine
4 cameras in there. So how many cameras actually
5 record in your establishment?

6 MR. SUNG: Three.

7 CHAIRPERSON ANDERSON: Three. You
8 have nine cameras, only three record?

9 MR. SUNG: That's correct.

10 CHAIRPERSON ANDERSON: So what do you
11 have the other six for?

12 MR. SUNG: What do you mean?

13 CHAIRPERSON ANDERSON: Why do you have
14 six cameras that don't record?

15 MR. SUNG: So that you can monitor
16 what's going on inside the club. A manager or an
17 owner can be in the office and see what's going
18 on at all times.

19 CHAIRPERSON ANDERSON: So the other
20 six cameras, they don't record. They just --

21 MR. SUNG: As the Board is aware,
22 there is a requirement that we archive 30 days
23 worth of footage and the footage is useless if
24 you don't have a high frames per second recording
25 on --

1 CHAIRPERSON ANDERSON: But why you
2 don't have that? I mean, the information that
3 was given to me is that the -- and I don't know
4 if the USB drive, maybe it had great angles, but
5 then for some reason, we couldn't -- and as you
6 know and Mr. Chung knows, this is not the first
7 rodeo, and so --

8 MR. SUNG: Absolutely. Absolutely.

9 CHAIRPERSON ANDERSON: And so you know
10 --

11 MR. SUNG: I've been here before.

12 CHAIRPERSON ANDERSON: Right. So we
13 know what's required, and I know that the
14 incident occurred on the 9th. A request was made
15 again -- I'm sorry, the USB drive was provided on
16 the 11th, and I guess we came back to you on the
17 29th to say that we can't read what's on the
18 11th, so that's still within the 30 days.

19 MR. SUNG: We have provided footage
20 from Abigail prior to this, and --

21 CHAIRPERSON ANDERSON: To whom?

22 MR. SUNG: To ABRA, before this
23 incident for another hearing that we had in this
24 very room, in the same exact format, we provided
25 that footage, so it is very puzzling to us why

1 ABRA could not open the footage that we provided
2 them.

3 CHAIRPERSON ANDERSON: Maybe the USB
4 drive was corrupted. I mean, it's like -- I'm
5 just saying, if you give them the same, in a USB
6 drive, and they say, we can't read it, yes, it
7 might have worked another time. And I don't know
8 what happened because I'm not an IT person, but
9 it could be corrupted.

10 MR. SUNG: Could be.

11 CHAIRPERSON ANDERSON: So if he says,
12 I see in the communication between Mr. Chung and
13 the investigator was, there is, like, some
14 language, like, do you know how to review a file,
15 but I'll leave that alone, but I'm just saying,
16 it could be corrupted. Technology can -- in
17 transferring the document from one -- so if ABRA
18 says that we can't read it, it shouldn't be that
19 -- I mean, are you stupid or something?

20 Don't you know how to read it? I
21 mean, it's just that we can't. But did your
22 establishment provide it to MPD? Because I'm
23 hearing has stated that they had requested and
24 they've never received anything.

25 MR. SUNG: We did not provide any

1 footage to MPD because we did not receive a
2 request from MPD. We were not made aware of a
3 request by MPD, through ABRA, that there was a
4 request.

5 CHAIRPERSON ANDERSON: Okay.

6 MR. SUNG: Just so that you have the
7 full flavor of what's going on, we asked Mr.
8 Prout for the USB back so that we could review it
9 to see if, in fact, it was corrupt, as you
10 stated, to eliminate the possibility that the USB
11 drive, that there was something wrong with it.

12 CHAIRPERSON ANDERSON: All right.

13 MR. SUNG: He never replied to that
14 request.

15 CHAIRPERSON ANDERSON: All right. But
16 there's no allegation here that you didn't
17 provide information timely to the -- at least
18 here, because you did provide the USB drive, and
19 so if he says that he couldn't read it, just take
20 it at face value. I can't read it, can you
21 provide me another -- make another copy of it,
22 because I don't -- the allegation is that you did
23 not provide -- the only allegation, in a sense,
24 that I've heard is that he said he saw six
25 cameras, he asked you for all, you only provide

1 two, and because you said Mr. Chung said because
2 my security agreement said that I only have to
3 provide you three, well, if your security --
4 that's the allegation by the investigator.

5 And so if your security agreement said
6 that you should provide three, why did you
7 provide him two?

8 MR. SUNG: We provided three.

9 CHAIRPERSON ANDERSON: Mr. Prout said
10 you only gave -- he only got two. Only got two.
11 But be that as it may --

12 MR. SUNG: Are you talking about the
13 initial USB drive or the subsequent USB drive?

14 CHAIRPERSON ANDERSON: I think he said
15 he only got -- I heard he said today, he only got
16 two.

17 MR. SUNG: Right.

18 CHAIRPERSON ANDERSON: I mean, and --

19 MR. SUNG: And we're disputing that
20 testimony.

21 CHAIRPERSON ANDERSON: Because --

22 MR. SUNG: We provided three camera
23 angles footage on September 11th, within 48 hours
24 of Mr. Prout's request.

25 CHAIRPERSON ANDERSON: There's no

1 dispute, at least in my mind, that at least to
2 ABRA, that you responded immediately to provide
3 camera footage.

4 MR. SUNG: Yes, sir.

5 CHAIRPERSON ANDERSON: The issue is
6 that, how many camera footage did you provide,
7 and what happened -- and when we told you that
8 the -- we could not read the USB drive, what
9 happened after that, so I'm not --

10 MR. SUNG: Yes, what happened after
11 that, as I told you, is that, we said, can we
12 have the USB stick back so we can take a look at
13 it? Maybe we can help you figure out what the
14 problem is, and there was -- we were stonewalled.

15 CHAIRPERSON ANDERSON: Mr. Prout, do
16 we still have this USB drive?

17 MR. PROUT: I can go grab it for you,
18 Mr. Chairperson. I can grab them for you and --

19 MR. FIORENTINE: To answer your
20 question, yes. We were provided, I believe, in
21 total, three USB drives.

22 CHAIRPERSON ANDERSON: All right.

23 MR. FIORENTINE: The first USB drive
24 was unplayable and we obtained technical
25 assistance from OCTO, and we believe that the

1 factor was the inability to load the driver in
2 which to play the recordings.

3 The recordings were in a format that
4 could not be played by the technology software
5 currently installed in the D.C. standard build
6 and required additional software.

7 On the second thumbdrive, we were able
8 to then go on the Internet and find the necessary
9 files, through OCTO assistance, load the player
10 in order to play the security footage. But we
11 have only reviewed Cameras 3 and 5, were the only
12 cameras that we were provided.

13 CHAIRPERSON ANDERSON: Now, is it that
14 ABRA's technology is behind the curve or is there
15 something particular about this USB drive that
16 was provided to us?

17 MR. FIORENTINE: In normal practice,
18 the software that's provided to us by the
19 establishment, along with the camera's footage,
20 is playable. We can upload the executable file
21 to load the player, and then play the
22 surveillance footage.

23 CHAIRPERSON ANDERSON: Okay.

24 MR. FIORENTINE: In this case, we were
25 unable. Whether that's because there was some

1 corruption or inability to load the player, is
2 beyond my experience, but we were just unable to
3 play the segments provided.

4 CHAIRPERSON ANDERSON: I think what
5 Mr. Sung, he's now asking for it back so they can
6 look at it, so maybe I'll direct the agency to
7 give him back the USB drive so he can tell us how
8 is it that -- what's wrong with it from our
9 perspective, since he can review it.

10 And maybe if he's able to review it on
11 some technology he has, then maybe it's -- maybe
12 it'll give us a clearer picture, because from
13 what I'm told, the camera angles or the picture
14 itself was not useful.

15 MR. FIORENTINE: The --

16 CHAIRPERSON ANDERSON: From the
17 subject's point.

18 MR. FIORENTINE: Correct. It's not
19 the highest quality video.

20 CHAIRPERSON ANDERSON: All right, Mr.
21 Sung.

22 MR. SUNG: If I could get
23 clarification, he mentioned he received three USB
24 sticks, so he talked about two, what about the
25 third one?

1 MR. PROUT: I'm not understanding what
2 the question is.

3 CHAIRPERSON ANDERSON: We have to
4 speak up in the microphone.

5 MR. PROUT: I'm not understanding what
6 the question is.

7 CHAIRPERSON ANDERSON: Speak in the
8 microphone. Right.

9 MR. PROUT: I'm sorry. I'm not
10 understanding what Mr. Chung's question is.

11 CHAIRPERSON ANDERSON: All right. Mr.
12 Fiorentine, you said that there were three.

13 MR. FIORENTINE: There were three
14 provided USB drives.

15 CHAIRPERSON ANDERSON: Three. But we
16 only -- so how many did we view?

17 MR. FIORENTINE: One.

18 CHAIRPERSON ANDERSON: Only one, so
19 what happened to the other -- one --

20 MR. FIORENTINE: It's a copy.

21 CHAIRPERSON ANDERSON: All right.
22 Hold on. The first one, we couldn't see.

23 MR. FIORENTINE: Correct.

24 CHAIRPERSON ANDERSON: And the other
25 two were --

1 MR. FIORENTINE: The exact same thing.

2 CHAIRPERSON ANDERSON: The exact same
3 thing. All right.

4 MR. SUNG: You were saying the second
5 and third USB had the same exact content.

6 MR. FIORENTINE: Correct.

7 MR. SUNG: And they both contained
8 only two camera angles.

9 MR. FIORENTINE: Correct.

10 MR. SUNG: It's not a case of, there
11 was a third angle you could not open on the
12 second and third USB stick.

13 MR. FIORENTINE: Correct.

14 CHAIRPERSON ANDERSON: All right. But
15 let me ask, do you -- have your establishment
16 maintained this camera and any footage since you
17 have been aware -- I'm not sure when -- when were
18 you aware -- as of what date were you aware that
19 this incident occurred that was being
20 investigated?

21 MR. SUNG: Within minutes of this
22 incident.

23 CHAIRPERSON ANDERSON: Well, what is
24 it that your establishment did to preserve camera
25 angles to protect your establishment?

1 MR. SUNG: We just follow our standard
2 protocol.

3 CHAIRPERSON ANDERSON: Which is what?

4 MR. SUNG: The cameras that are listed
5 on our security plan are constantly recording --

6 CHAIRPERSON ANDERSON: That's not the
7 question I asked you.

8 MR. SUNG: Okay. Please ask the
9 question.

10 CHAIRPERSON ANDERSON: I didn't say to
11 turn over to ABRA, I said, to protect your
12 establishment. Did you guys go back to go review
13 the camera angles, all the camera angles, all the
14 monitors, you said you had three cameras and six
15 monitors, since you heard within minutes, to go
16 review the cameras to see, well, you know,
17 someone said they came into my establishment and
18 they were injured.

19 So I'm asking you, did you preserve
20 any camera footage to protect your business,
21 because you know that we're in a very litigious -
22 - not as far as ABRA's concerned, I mean, do you
23 have any?

24 MR. SUNG: As I mentioned before,
25 there's no footage to review, aside from these

1 three camera angles, because the other cameras
2 are not recording.

3 CHAIRPERSON ANDERSON: And are they
4 being monitored at any point?

5 MR. SUNG: Yes. When a manager or an
6 owner has an opportunity, they are looking at
7 that feed live.

8 CHAIRPERSON ANDERSON: Live. But the
9 --

10 MR. SUNG: There is no way to turn
11 back the clock, travel back in time, and try to -
12 -

13 CHAIRPERSON ANDERSON: But let me --
14 so are all these nine -- so is the nine feeds, or
15 the six feeds, is it in the back office, so I can
16 sit in your back office and see the feed on all
17 the other six cameras?

18 MR. SUNG: Yes, sir.

19 CHAIRPERSON ANDERSON: The problem I'm
20 having, say if something happens, and if a
21 manager or the owner is not sitting in the office
22 to monitor these nine feeds, then it never
23 happened because they never saw it and you don't
24 have any other camera angle to catch it.

25 MR. SUNG: If something happens,

1 something happened. It's just that it was not
2 recorded.

3 CHAIRPERSON ANDERSON: That's what I'm
4 saying. How are you -- how can you look at it --
5 if an allegation -- if someone makes an
6 allegation to say this happened, you have these
7 nine camera -- six cameras --

8 MR. SUNG: Yes, sir.

9 CHAIRPERSON ANDERSON: -- so
10 therefore, how is it that you're going to protect
11 yourself to say it didn't happen?

12 MR. SUNG: We have employees, we have
13 security --

14 CHAIRPERSON ANDERSON: Let me ask you
15 a question, does -- tell me about your security.
16 What type of security and do they have body
17 cameras?

18 MR. SUNG: Yes, some of them do. Yes.

19 CHAIRPERSON ANDERSON: So are they --
20 is the cameras always on?

21 MR. SUNG: Yes, typically, they are.

22 CHAIRPERSON ANDERSON: And how many
23 security did you have this night?

24 MR. SUNG: We probably had around ten
25 or more security.

1 CHAIRPERSON ANDERSON: And do all of
2 them have body cameras?

3 MR. SUNG: No.

4 CHAIRPERSON ANDERSON: So how many of
5 them normally have body cameras?

6 MR. SUNG: At that time, I believe,
7 maybe, two.

8 CHAIRPERSON ANDERSON: Two. And did
9 you ever ask to review their body cameras to see
10 if any one of them -- whether or not their camera
11 picked up anything?

12 MR. SUNG: No, no, because the primary
13 -- the security with the best footage was Mr.
14 Andre Shestaakov --

15 CHAIRPERSON ANDERSON: Okay.

16 MR. SUNG: -- whom Mr. Prout made
17 mention of, he was not inside when, apparently,
18 this incident occurred. So there is no footage
19 of the incident.

20 CHAIRPERSON ANDERSON: All right. And
21 how many promoters did you have that night in
22 your establishment?

23 MR. SUNG: So I'm glad you asked that
24 question, the term, promoter, is thrown about
25 quite easily in this industry. We had one

1 promoter, Wayne Johnson.

2 CHAIRPERSON ANDERSON: And who was
3 that? Who?

4 MR. SUNG: Wayne Johnson.

5 CHAIRPERSON ANDERSON: All right. So
6 he was a promoter.

7 MR. SUNG: Yes.

8 CHAIRPERSON ANDERSON: Do you know Mr.
9 Fred Primus?

10 MR. SUNG: I do not know who he is,
11 but apparently he is someone who has brought --
12 or who, on that particular evening, brought
13 people to the club through an arrangement made
14 with Mr. Johnson.

15 CHAIRPERSON ANDERSON: So Mr. Johnson
16 knows him.

17 MR. SUNG: Yes.

18 CHAIRPERSON ANDERSON: So he's a sub-
19 promoter with Mr. Johnson.

20 MR. SUNG: Yes, if you will.

21 CHAIRPERSON ANDERSON: Is this
22 allowable by your establishment? I mean, you
23 have an agreement with a promoter, Mr. Johnson,
24 so he can go and sign an agreement with sub-
25 promoters to bring -- is that something that you

1 allow to happen?

2 MR. SUNG: Yes, it's an independent
3 contract. We don't tell them how to do their
4 job, we just ask them to make sure everyone's
5 over age and bring a clean crowd to the club.

6 CHAIRPERSON ANDERSON: All right. You
7 know, I forgot you guys are here. I'm so
8 engrossed in this.

9 MEMBER SHORT: You're doing a great
10 job.

11 CHAIRPERSON ANDERSON: And I
12 apologize. Sorry. Any questions by anyone else?

13 MEMBER SHORT: I just wanted to ask
14 about --

15 CHAIRPERSON ANDERSON: Go ahead, Mr.
16 Short.

17 MEMBER SHORT: And I'd really like to
18 ask this to both of the licensee and the ABRA
19 investigator.

20 CHAIRPERSON ANDERSON: Turn on your
21 mic.

22 MEMBER SHORT: It's on.

23 CHAIRPERSON ANDERSON: Well, pull it
24 closer.

25 MEMBER SHORT: The security plan

1 that's been submitted as part of Investigator
2 Prout's report, was this security plan submitted
3 and approved by ABRA?

4 MR. PROUT: I checked the ABRA records
5 this morning and it's not on file with ABRA.

6 MEMBER SHORT: So this is not an
7 approved security plan with this agency.

8 MR. PROUT: Based on the records I
9 conducted this morning, no, sir, Mr. Short.

10 MEMBER SHORT: Okay. Can we try to
11 get an updated one to be submitted that can be
12 sent through our administration to be approved?

13 CHAIRPERSON ANDERSON: Well, let me
14 ask, Mr. Sung, does ABRA have -- have you
15 provided ABRA with a security plan?

16 MR. SUNG: Yes.

17 CHAIRPERSON ANDERSON: When was that?
18 Is this the same security plan that's in his --

19 MR. SUNG: Yes, it is.

20 CHAIRPERSON ANDERSON: And this is
21 from -- when is this from, 2000 what?

22 MR. SUNG: Whenever we received their
23 ABRA license, which I believe was either in late
24 2017 or some time in 2018.

25 CHAIRPERSON ANDERSON: Okay. Go

1 ahead, Mr. Short.

2 MEMBER SHORT: Okay. I just would
3 like to know if we could just the security plan
4 that we could look at, observe, and find out
5 whether or not it meets our requirements here at
6 District Government.

7 MR. PROUT: Yes, sir.

8 MEMBER SHORT: That's all I have, Mr.
9 Chair.

10 CHAIRPERSON ANDERSON: Mr. Sung, would
11 you agree for ABRA to come into your
12 establishment and look into your cameras to see
13 whether or not the three cameras that you have,
14 whether or not there are any blindspots and then
15 make recommendations to you where you could make
16 improvements?

17 MR. SUNG: Well, I do have an
18 objection to that.

19 CHAIRPERSON ANDERSON: All right.
20 Let's move on. All right. You have anything
21 else you want to add?

22 MR. SUNG: I would like to have Mr.
23 Chung just speak on behalf -- on the issue of
24 whether Mr. Fiorentine told him that he could
25 leave, if you want to hear.

1 CHAIRPERSON ANDERSON: I mean --

2 MR. SUNG: If that's not important --

3 CHAIRPERSON ANDERSON: It's not
4 important. I mean, Mr. Chung was there, I mean,
5 whether or not Mr. Fiorentine told Mr. Chung --
6 Mr. Chung is an attorney, we know that, and ABRA
7 shows up at your establishment to say that there
8 is an incident that occurred.

9 You're the owner of the establishment
10 and you're an attorney, and if somebody tells you
11 that, I'm doing an investigation of your
12 establishment, but you can leave, and you decide
13 to leave, so be it. It's irrelevant because you
14 then make a -- you made -- you're an attorney --
15 and I'm saying that because I know Mr. Chung is
16 an attorney, and everyone knows, when attorneys -
17 - yes, Mr. Sung, and I know you're also an
18 attorney too.

19 And as an attorney, there's certain
20 assumptions that I make. So therefore, if
21 there's an investigation at your establishment,
22 someone comes in to investigate and you decide
23 that, you know, the police officer told you you
24 can leave, and you don't want to stay around to
25 figure out what's going on with your

1 establishment, so be it.

2 So he doesn't need to -- no, I'm
3 saying, from the perspective, if you're saying
4 that you left because Mr. Fiorentine told you to
5 leave. That's all this is about, but if you want
6 to say something, Mr. Chung, go ahead. Identify
7 yourself for the record, please.

8 MR. CHUNG: Okay. David Chung. I'm
9 one of the owners of Abigail.

10 CHAIRPERSON ANDERSON: So the
11 microphone can pick you up, yes.

12 MR. CHUNG: Good afternoon, Board
13 Members. David Chung. I'm one of the owners of
14 Abigail and as Chairperson Anderson has stated, I
15 have represented clients before this Board, been
16 before this Board for the last 23 years.

17 I think it is important because I
18 think in real life and practical purposes,
19 licensees are held to a different standard than
20 prosecution.

21 If I were to say something and I got
22 it wrong, you can bet your life that I'm going to
23 lose my license. I asked Mr. Fiorentine if
24 there's anything else that needs to be done and
25 if I could go home. Monday's a school day. We

1 all had to be up early. Okay?

2 He said, you can go. I went home. My
3 managers called me, I think, around 2:40 in the
4 morning, said, there's another investigator here.
5 I said, what the heck, why? I would have stayed
6 had I known that. He's doing a regulatory
7 inspection.

8 Meanwhile, busboys, who also want to
9 go home, are cleaning up. So it is important,
10 Chairman Anderson, and you asked the right
11 questions, it's important because the
12 investigator here is saying, you cleaned up a
13 crime scene. No. We're cleaning the bathrooms
14 and the floors, and trying to get home.

15 We got lives the next day. We got to
16 take our kids to school. I memorialized our
17 conversation. I woke up, because my phone was
18 blowing up. I was in bed. I woke up. I spoke
19 to this gentleman. I said, what do you need?
20 What can I do?

21 He said, I need the security plan, I
22 need the settlement agreement, whatever. Got on
23 my computer. Do I need to come back? Just send
24 me that, and I said, follow-up with an email. No
25 problem. You will see correspondence for two

1 days, hey, I'm following up again, what else do
2 you need? Nothing. Nothing. Okay?

3 We have proof Mr. Fiorentine said, go
4 home. We have proof. If I would have told you I
5 don't recall and later you showed me evidence,
6 video evidence, of me saying something else,
7 trust me, I'd lose my license.

8 CHAIRPERSON ANDERSON: No, well, you
9 know, Mr. Chung, you say, I don't recall, that's
10 not stating that I don't -- I never said that. I
11 said that --

12 MR. CHUNG: It's very cute.

13 CHAIRPERSON ANDERSON: No, I think
14 it's, if you don't recall, you don't recall. If
15 you don't remember, I believe that it's a good
16 answer to provide because I can provide the video
17 and it says, oh, yes, my recollection has been
18 refreshed, based on the video, that yes, I did
19 tell you that.

20 MR. CHUNG: Okay. All right. As a
21 personal matter, a little bit disappointed
22 because he and I had a fantastic conversation.
23 He's right. There was a lot of he said, she
24 said, I was in the office, hey, if you want to
25 litigate it now, we can, but do you think this is

1 really the right course of action? He said, no.

2 We'll write-up a report, send it in,
3 go home. Thank you. Have a great night. So it
4 was very cordial. I was trying to be as
5 cooperative as possible. Okay.

6 So it is important because we talk
7 about this crime scene, and I know how serious
8 this Board takes that, about crime scenes. I've
9 seen it. I read all your decisions on a weekly
10 basis, okay?

11 Some other stuff that is in that
12 report that I find to be misstatements of fact,
13 that really lead to culpability. Number one, the
14 office is behind the bar. The office is not
15 behind the bar.

16 The office is in a different hallway
17 by the entrance. Mr. Chung was not there. I was
18 there all night. Okay? The only time I left was
19 when I told -- just like when I'm in court, Your
20 Honor, may I be excused? The judge says, yes,
21 you may be excused. I'm not expected to come
22 back.

23 That's how I took it, so that's the
24 only statement I want to make before this Board.
25 We are treated on a different standard if we make

1 misstatements of fact or we don't remember. I
2 hope it applies to the other side.

3 CHAIRPERSON ANDERSON: Well, as you
4 said, Mr. Chung, and as an attorney, I do hold
5 attorneys to certain standards because I know
6 that there is another body that I can report that
7 attorney to.

8 Unfortunately, for folks who do not
9 have that license, I can hold them to the same
10 standards, however, there is nothing I can do
11 about it, but you, I can do something about it.
12 The other person, I can't. I can just, that's
13 what they say, if it turns out later on that it's
14 a misstatement or it's untrue, so be it, but for
15 you, I can go file a bar complaint against you
16 because you have a license and I do have some --
17 not because I'm a lawyer, but anyone can do that
18 if you can prove that an attorney lies, knowingly
19 lie, about an event, but that's neither here or
20 there.

21 Anything else? Any other
22 representation that you guys -- I'm sorry, that
23 either of you want to make before I bring some
24 closure to this hearing?

25 MR. SUNG: Yes, I think the most

1 serious allegation in my review of the report is
2 this allegation that we impeded or obstructed MPD
3 from --

4 CHAIRPERSON ANDERSON: Right, because
5 that's what started -- that's why we became aware
6 of this incident, so --

7 MR. SUNG: That's correct. And we can
8 tell you that the officer in question, who was
9 allegedly blocked from entering the club, was on
10 overtime detail that evening, and we spoke to him
11 that evening, as well as after the fact, because
12 he has been at the club since this incident, and
13 he has denied ever making a statement that
14 anybody stopped him from going inside the club.

15 In fact, he stated that he went in and
16 out of the club several times before this alleged
17 incident on the night in question.

18 CHAIRPERSON ANDERSON: Well, hold on,
19 hold on. Mr. Fiorentine, why do we -- why did
20 ABRA go to this establishment?

21 MR. FIORENTINE: We went to this
22 establishment because Sergeant Maguire made the
23 request for assistance because he was denied
24 entry.

25 CHAIRPERSON ANDERSON: We would not --

1 and so irrespective of what he might or might
2 have said later on, ABRA wouldn't have known
3 about anything going on at your establishment if
4 Sergeant Maguire had not contacted us. He
5 contacted us to say, I need your assistance.

6 So whatever was done or said, whatever
7 he subsequently said or did after the fact, he's
8 the one who made ABRA aware that there is an
9 issue.

10 MR. SUNG: And again --

11 CHAIRPERSON ANDERSON: It wasn't the
12 victim who called us, right.

13 MR. SUNG: -- just to make it clear,
14 it wasn't Sergeant Maguire who was at the club.
15 He was not there when this alleged --

16 CHAIRPERSON ANDERSON: Well, he called
17 us.

18 MR. SUNG: He did, but he was not
19 there.

20 CHAIRPERSON ANDERSON: All right. But
21 I'm saying, he called ABRA, but not for his phone
22 call, not the victim --

23 MR. SUNG: I agree.

24 CHAIRPERSON ANDERSON: -- not the
25 promoter --

1 MR. SUNG: I agree.

2 CHAIRPERSON ANDERSON: -- but not for
3 his call, ABRA would not have known about this
4 incident -- well, would not have known because as
5 you stated, there's no incident, from your
6 perspective, nothing happened.

7 MR. SUNG: I didn't say that. I said,
8 there was, apparently, an incident. Something
9 happened. We don't know exactly what.

10 CHAIRPERSON ANDERSON: And you don't
11 have enough camera footage. You were unable to
12 review your own camera to -- you can't tell me
13 today that nothing happened, based on your own
14 camera footage.

15 MR. SUNG: I can't tell you today that
16 nothing happened.

17 CHAIRPERSON ANDERSON: Yes. Because
18 you keep on saying, there is an allegation.

19 MR. SUNG: Yes.

20 CHAIRPERSON ANDERSON: You're speaking
21 to me as an attorney, not as a --

22 MR. SUNG: I'm speaking to you clearly
23 so that there's --

24 CHAIRPERSON ANDERSON: But you're
25 saying there's an allegation, because that's what

1 -- I'm giving you an opportunity to say to me,
2 I'm hearing something here, and so I'm saying,
3 from your perspective, what happened? You have
4 not said to me, we have reviewed our cameras,
5 nothing happened that night.

6 You're saying to me there is an
7 allegation that something happened. You should
8 not be telling me at this juncture that there's
9 an allegation. You should be either saying that
10 this happened or nothing happened.

11 You can't tell me there's an
12 allegation. It's your establishment. Whatever
13 happened, someone can -- if say, someone could
14 have been raped, or anything happened in your
15 establishment, and you're going to tell me that,
16 well, there's an allegation.

17 This is what? This happened in
18 September, we're now in February. I still don't
19 know what happened in my establishment, and
20 that's all I'm saying. And I'm not saying that
21 because you didn't provide us cameras or
22 anything, I'm just saying, from your perspective,
23 I'm giving you an opportunity to just tell, from
24 your perspective, say to me, this is what
25 happened from our perspective, based on our

1 investigation, this is what happened at our
2 establishment that night.

3 You have not told me that, so --

4 MR. SUNG: That's what I'm trying to
5 tell you.

6 CHAIRPERSON ANDERSON: But you start
7 off by saying, there's an allegation.

8 MR. SUNG: Yes. That's like me saying
9 that you should know everything that happens in
10 this building.

11 CHAIRPERSON ANDERSON: No, no, you
12 have --

13 MR. SUNG: There is no --

14 CHAIRPERSON ANDERSON: You have nine
15 cameras in your establishment. Three work, then
16 six do something else, okay?

17 MR. SUNG: That's incorrect. That's
18 a mischaracterization.

19 CHAIRPERSON ANDERSON: All right.
20 Hold on, hold on.

21 MR. SUNG: They all work.

22 CHAIRPERSON ANDERSON: All right.
23 Three records and six is a live feed. Is that
24 correct?

25 MR. SUNG: Correct.

1 CHAIRPERSON ANDERSON: So you have
2 said to me that you have nine cameras and you're
3 unable -- and you became aware of the incident
4 almost instantaneously, so therefore, we didn't
5 have to worry about --

6 MR. SUNG: I didn't say, almost
7 instantaneously, I said, after the fact.

8 CHAIRPERSON ANDERSON: If you look at
9 the transcript, will say that you said, almost
10 instantaneously, almost -- what I'm saying is
11 that, you were told within that same -- within an
12 hour or so after the incident occurred, so
13 therefore, you could have quickly gone back to
14 the three cameras that work to review it, to see
15 if this incident that -- this allegation of this
16 incident was not -- it occurred or not. That's
17 all I'm saying to you.

18 So you had camera angles within that
19 you could have reviewed or I'm not sure if you
20 have sufficient camera angles, I don't know, but
21 that's the problem I'm having. I can't even make
22 a decision because I still -- I'm in the same
23 position today, right now, prior to the hearing.

24 The investigator says something
25 happened based on the complaint and you're unable

1 to confirm whether or not anything even happened
2 there that night.

3 MR. SUNG: Something happened.

4 CHAIRPERSON ANDERSON: But you don't
5 know what happened.

6 MR. SUNG: That's correct. That's
7 correct. Now, going back to -- this is sort of,
8 I think we're conflating two issues here.

9 CHAIRPERSON ANDERSON: What's that,
10 sir?

11 MR. SUNG: One issue is the -- this
12 woman who says that she was struck by this
13 gentleman, Fred Primus.

14 CHAIRPERSON ANDERSON: Right.

15 MR. SUNG: I'm trying to address the
16 issue of whether MPD officer was denied or
17 impeded access to the club.

18 CHAIRPERSON ANDERSON: Right. And you
19 said, no. You have responded that your response
20 is no, because you said that I've spoken to
21 Sergeant Maguire --

22 MR. SUNG: No, I have not spoken to
23 Sergeant Maguire. Sergeant Maguire did not
24 witness this alleged impedance into the club.

25 CHAIRPERSON ANDERSON: Hold on, hold

1 on. Maybe I'm not following.

2 MR. SUNG: That's what I was trying to
3 clarify and you went into talking about the
4 assault, and you took offense to the use of the
5 word, alleged. I'm not just trying to be
6 absolutely clear here.

7 Sergeant Maguire responded to the
8 scene after any alleged incident of whatever. It
9 was, I believe the officer's name is Devin Smith,
10 who was on overtime detail that evening, on the
11 reimbursable detail.

12 CHAIRPERSON ANDERSON: Why did
13 Sergeant Maguire call this agency?

14 MR. SUNG: We don't know. We don't
15 know. And so I think it is -- there's a couple
16 of ways to solve this mystery. Number one, try
17 to determine if the officer that evening had a
18 body cam on, we can review that footage, that
19 will tell us if his access into the club was
20 denied.

21 CHAIRPERSON ANDERSON: Do you have a
22 camera -- where are the three cameras located in
23 your establishment?

24 MR. SUNG: The three cameras that
25 record are the exit, the rear exit, a view above

1 the bar, and the front entrance.

2 CHAIRPERSON ANDERSON: So did you
3 review that camera at the front entrance of the
4 establishment --

5 MR. SUNG: Yes.

6 CHAIRPERSON ANDERSON: -- and so you
7 never saw -- did you provide that to the agency?

8 MR. SUNG: Yes, we did. We did.

9 MR. CHUNG: Chairman Anderson, Devin
10 Smith, we call him mouse. He works overtime
11 detail every Sunday. So somehow, somehow, Mr.
12 Sung is right. The Sergeant showed up and then
13 Mr. Fiorentine showed up, I think, maybe the
14 Sergeant called Mr. Fiorentine, said, hey, mouse,
15 how did -- I wasn't there.

16 I said, hey, what happened? He said,
17 how would Wayne stop you, you know, with a
18 bulletproof vest, gun, MPD badge, and he just
19 kind of clamored up, because I think he was
20 nervous that his Sergeant was there and if he's
21 supposed to be inside or outside.

22 I mean, I think there were a lot of
23 other things going on, but I do want you to know,
24 I think about three weeks later, maybe four weeks
25 later, right before we got this report, I said,

1 hey, I was coming into work, I said, you didn't
2 file a report against us or anything, or complain
3 that Wayne did whatever was alleged, all that
4 gossip?

5 He goes, no, man, I didn't do that.
6 So I'm a little bit perplexed that we're here
7 today.

8 CHAIRPERSON ANDERSON: Well, you're
9 here --

10 MR. CHUNG: I'm perplexed at the
11 statements as to -- that the security plan was
12 never filed with ABRA, Member Short, that's a
13 great question, that's a great technical
14 violation to fine someone on, come on, we have a
15 settlement agreement.

16 The settlement agreement is filed with
17 the security plan to get your license. The
18 procedure should speak for themselves. So many
19 misstatements of fact by Investigator Prout.

20 It's almost the reporting, I don't
21 want to take it that far, but the reporting is
22 very flawed. I don't know if he's new. I don't
23 know if someone's read over it, but it's very
24 flawed, and this is a huge waste of resources to
25 be in front of you because it's flawed.

1 And we have no restitution whatsoever
2 to get that time or money back, if proven true.

3 CHAIRPERSON ANDERSON: Anything else,
4 you guys? I'm sorry. I keep on saying --
5 anything else you want to -- any other
6 representation you want to make?

7 MR. SUNG: Not at this time. Thank
8 you.

9 CHAIRPERSON ANDERSON: All right. Mr.
10 Fiorentine, Detective Zaw, thank you for being
11 here. Investigator Prout, thank you for being
12 here. Mr. Sung, Mr. Chung, the Board will take
13 this matter under advisement.

14 MR. SUNG: Thank you.

15 CHAIRPERSON ANDERSON: Thank you.
16 We're in recess until our 1:30 hearing.

17 (Whereupon, the hearing in the above-
18 entitled matter was concluded at 11:55 a.m.)

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