

ALSO PRESENT:

I.V. MILLER, Licensee

MATTHEW MINORA, Licensee's Counsel

ANTHONY HOWZE, ABRA Investigator

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

2 (11:48 a.m.)

3 CHAIRPERSON ANDERSON: We're back on
4 the record. Our next case is a Fact Finding
5 Hearing, Case Number 18-251-00118, Bar Louie,
6 License Number 84428. Will the parties please
7 approach and identify themselves for the record
8 please?

9 MR. MINORA: Good morning. Matthew
10 Minora from law firm Mallios and Brien, ABC
11 License Council for Licensee.

12 CHAIRPERSON ANDERSON: Good morning,
13 Mr. Minora.

14 MR. MILLER: My name is I.V. Miller.
15 I'm the director of operations for Bar Louie in
16 the Mid-Atlantic.

17 CHAIRPERSON ANDERSON: Good morning,
18 Mr. -- I'm sorry. Give me your name one more
19 time.

20 MR. MILLER: It's I.V., initials I.V.
21 Miller.

22 CHAIRPERSON ANDERSON: Good morning,

1 Mr. Miller. There's a sign-in sheet. Please
2 sign in on the sign-in sheet.

3 INVESTIGATOR HOWZE: I'm investigator,
4 Anthony Howze.

5 CHAIRPERSON ANDERSON: Good morning,
6 MR. Howze.

7 We're brought here today for a fact
8 finding hearing on Bar Louie. And the purpose of
9 the fact finding hearing, I think there's an
10 allegation -- a report that there was a customer
11 passed out in the establishment because there is
12 an allegation that they were over served. So Mr.
13 Howze, can you bring us up to speed about what is
14 it that you were able to ascertain that's gone on
15 in this case please?

16 INVESTIGATOR HOWZE: The 251 incident
17 report --

18 CHAIRPERSON ANDERSON: Speak up
19 please, Mr. Howze.

20 INVESTIGATOR HOWZE: -- a sick person
21 to the hospital occurred at 701 7th Street NW
22 where a patient consumed alcoholic beverages on

1 the licensed premises and passed out inside the
2 establishment. The 251 police report was
3 received by ABRA. I myself received this report
4 on April 12th of 2018.

5 The report was generated by Officer
6 Jerron Weatherfort. And it states that C1 had
7 been drinking at Bar Louie. And was heavily
8 intoxicated to the point that he was barely
9 conscious. Ambulance 13 arrived on the scene for
10 medical treatment. And was transported to
11 Washington Hospital Center.

12 Later, Officer Jerron Weatherfort
13 submitted a statement to ABRA. And I'm going to
14 just summarize what he submitted. He said when
15 he got there that the subject was passed out on a
16 bar stool and his girlfriend was trying to prop
17 him up and pretend that he was perfectly fine.
18 He said that he was clearly unconscious and not
19 in any state of mind to deny treatment.

20 He said that he spoke with the ABC
21 manager on duty that night and told the ABC
22 manager that the complainant was way too

1 intoxicated. And he said that the ABC manager
2 agreed. However, this ABC manager is not
3 employed with the establishment anymore.

4 The bartender stated that she only
5 gave him two drinks, but didn't specify what kind
6 of drinks. He said he was unable to interview
7 the victim because the victim was not in any
8 shape to answer questions. Doesn't remember
9 interacting with security specifically. And he
10 said the establishment's immediate response was -
11 - He said the establishment's immediate response
12 was very pertinent and the establishment called
13 EMS and the police to respond.

14 When I visited Bar Louie on Thursday,
15 April 26th, I was able to speak with Ms. Cynthia
16 Williams who was the investigator on that day --
17 who was the ABC manager on that day, but she was
18 not the ABC manager on the night of the incident.
19 She wasn't able to give me any information from
20 that evening, but did direct me to the bartender
21 from that evening.

22 The bartender's name was Ms. Lydia

1 Foster who stated that there were three patrons
2 who entered the establishment, coming from the
3 Washington Capitals game; two males, one female.
4 And she stated that the patrons seemed to be
5 sober before entering the establishment. She
6 then said that she served alcoholic beverages to
7 them in increments of 20 minutes. The first
8 being a Happy Hour beer. It was Sam's seasonal,
9 which was 14 ounces. A shot of Crown apple
10 whiskey and a shot of vodka.

11 Later after those drinks were
12 consumed, one of the patrons tried to retrieve
13 another alcoholic beverage where she denied him
14 service because of his slurring words and
15 mannerisms. And she said that she offered him --
16 Well, she gave him a glass of water and gave him
17 his bill. She said five to maybe ten minutes
18 roughly after that, he ended up passing out on
19 the establishment floor, where he was talking to
20 other patrons in the establishment.

21 And that's what I have for the summary
22 of what happened that day.

1 CHAIRPERSON ANDERSON: And as a result
2 of this incident, did the investigator believe
3 that there were any ABRA violations?

4 INVESTIGATOR HOWZE: It is really
5 unclear whether it was or wasn't. Speaking from
6 what the bartender said, she might have over
7 served maybe. It depends on what you consider
8 over consumption for that person. But there
9 isn't any security plan or settlement agreement
10 in place for any procedures for policy for sick
11 persons or incidents or any accident that may
12 happen inside the establishment.

13 CHAIRPERSON ANDERSON: Mr. Minora, how
14 does your client plan to respond?

15 MR. MINORA: I mean the summary that
16 the investigator is fairly accurate. There's
17 just a couple of items that we'd like to -- that
18 didn't make it into the report that we just
19 wanted to bring to the board's attention.

20 Earlier in the evening Ms. Foster who
21 unfortunately couldn't join us today, did place
22 an order for food for the patrons.

1 CHAIRPERSON ANDERSON: You said she
2 did what?

3 MR. MINORA: There was an order of
4 food placed for the patrons between the first few
5 rounds of drinks, as well as right before she
6 denied the guests service when they were trying
7 to order the last round of shots. That's when
8 she noticed -- she overheard the man who was then
9 taken the hospital and the woman discussing the
10 fact that they had just taken something. And
11 that's when she overheard that. Saw that he was
12 slurring his words. Realized that they were not
13 as sober at least as she believed when they came
14 in. And whatever they were taking -- whatever
15 they had taken, the effects were starting to hit
16 them. And that's when she sort of, you know,
17 pulled the plug, refused service and closed their
18 bar tab and continued to give them water.

19 And then obviously like the
20 investigator said, once they noticed that he was
21 having effects -- starting to pass out at the
22 bar, that's when they called security. And the

1 ABRA manager on duty at the time, after the
2 security came, called the police. And then the
3 ambulance was called as well.

4 CHAIRPERSON ANDERSON: So what is it
5 that the establishment believe happened?

6 MR. MINORA: That the patrons came
7 into the establishment appearing sober because
8 they did appear sober. But they had taken
9 something prior to coming to the establishment.
10 And that's why the effects of two rounds of
11 drinks were much more amplified than the
12 bartender had expected at the time. Despite the
13 fact that they had food and water throughout the
14 evening. Once they began to show physical signs
15 of intoxication, they were immediately stopped
16 service.

17 MR. SHORT: Mr. Chair?

18 CHAIRPERSON ANDERSON: No, I was just
19 trying -- I was trying to figure out if there was
20 any more that -- that's the extent?

21 MR. MINORA: That's my extent.

22 CHAIRPERSON ANDERSON: Yes, Mr.

1 Silverstein?

2 MEMBER SILVERSTEIN: Investigator
3 Howze, thank you for your report. It was
4 thorough. Is there any indication whatsoever
5 that the licensee served a person who was already
6 intoxicated or was already impaired?

7 INVESTIGATOR HOWZE: No, sir.

8 MEMBER SILVERSTEIN: Is there any
9 reason to doubt the possibility that these
10 individuals may have taken something, either
11 beforehand or even surreptitiously at the
12 establishment that may have multiplied the
13 effects of what they drank?

14 INVESTIGATOR HOWZE: When I spoke to
15 Ms. Foster, she didn't mention any indication of
16 any extracurricular supplements. She just told
17 me about the alcoholic beverages that were
18 served. She didn't mention anything that they
19 had taken prior to entering their establishment
20 or overheard them say that they had taken.

21 MEMBER SILVERSTEIN: So there's
22 nothing to disprove it, nothing to prove it.

1 INVESTIGATOR HOWZE: Correct.

2 MEMBER SILVERSTEIN: But that would
3 appear to be a possibility in any case that
4 someone may have taken anything, whatever from --

5 INVESTIGATOR HOWZE: I'm not sure.

6 MEMBER SILVERSTEIN: We can't assume
7 it.

8 INVESTIGATOR HOWZE: Right.

9 MEMBER SILVERSTEIN: No further
10 questions.

11 CHAIRPERSON ANDERSON: Any other
12 questions by any of the board members? Any
13 comments -- any final comments?

14 MR. MINORA: Not at this time.

15 INVESTIGATOR HOWZE: Since the
16 establishment is --

17 CHAIRPERSON ANDERSON: Yes, Mr. --
18 Yes? Go ahead.

19 INVESTIGATOR HOWZE: -- close
20 proximity to Capital One Arena, I just want to
21 make a recommendation if possible.

22 CHAIRPERSON ANDERSON: What is that?

1 INVESTIGATOR HOWZE: That a security
2 plan be in place that outlines procedures for
3 sick persons or over service or camera footage or
4 incident logs just in case of an incident. A lot
5 of patrons come from sporting events where
6 they've been consuming alcoholic beverages prior
7 to Bar Louie. I know a lot of people from
8 investigation and experience that go to Bar Louie
9 before games and after games for fellowship and
10 alcohol consumption.

11 CHAIRPERSON ANDERSON: Let me ask a
12 quick question. Do you know what's in that --
13 you might not be able to answer this -- Do you
14 know in The Greene Turtle if they have -- if they
15 have a security plan?

16 MR. MILLER: Yes, they do.

17 INVESTIGATOR HOWZE: I'm not sure.

18 MR. MILLER: I think they do.

19 CHAIRPERSON ANDERSON: Yes, I don't
20 know. The only reason I'm asking because it's
21 around there. And I know -- This is a Fact
22 Finding Hearing so of course we cannot order you

1 to do this, but is there something that Bar Louie
2 would consider doing? Would they consider coming
3 up with an ABRA approved security plan --

4 MR. MILLER: Sure. So one of the
5 things that we did -- So I guess we don't
6 necessarily --

7 CHAIRPERSON ANDERSON: Introduce
8 yourself for the record please.

9 MR. MILLER: Oh, I'm sorry. I.V.
10 Miller, the director of operations. We don't
11 necessarily have a written plan like I believe
12 you guys are talking about. We do provide some
13 extensive training. We require every single one
14 of our servers, bartenders, and managers to be
15 certified in the responsible service of alcohol
16 through an independent provider.

17 You know, and we do employ a third
18 party security company on Fridays and Saturdays
19 to help us not only card folks and ensure that
20 we're not over serving, ensure that we're not
21 allowing intoxicated persons in. I think we
22 would be more than happy to provide a written

1 formal plan, you know, should events like over
2 serving or sickness inside the building happen.
3 We may even in fact already have something
4 similar to that in the company at another unit
5 and I'm not just not familiar with it. So
6 absolutely.

7 CHAIRPERSON ANDERSON: So Mr. Minora,
8 would your client be able to provide the agency
9 with a compliance security plan within the next
10 30 days?

11 MR. MILLER: Yes. In 30 days,
12 absolutely.

13 CHAIRPERSON ANDERSON: All right. So
14 Mr. Miller and Mr. Minora, I think he knows what
15 we're asking for. He knows what a compliance
16 security plan looks like. And so there is an
17 agreement here. And again, it's a Fact Finding
18 Hearing and I cannot order you to do this. But
19 you have agreed that you will provide the agency
20 within the next 30 days, a legally compliant
21 security plan.

22 MEMBER SHORT: And I'd just like to

1 make a comment.

2 CHAIRPERSON ANDERSON: Yes, Mr. Short?

3 MR. SHORT: Mr. Miller, thank you very
4 much and thank you for being here. And thank for
5 the excellent report.

6 I do remember Greene Turtle being here
7 and we had a Fact Finding similar to this. And
8 they did come up with a security plan and some
9 other things. And we haven't seen them since.

10 So I think basically what happens is
11 once you get the security plan and training in
12 place, everybody knows what to do when something
13 happens. And it's kind of ingrained in all your
14 employees. So thank you, Mr. Miller for agreeing
15 to do it voluntarily. Thank you.

16 CHAIRPERSON ANDERSON: And the reason
17 why I mentioned the Greene Turtle was because
18 they are on the other side of the Verizon Center,
19 but I don't necessarily want to --

20 MR. MILLER: Yes.

21 CHAIRPERSON ANDERSON: -- to hold you
22 to a standard that you can say well the other

1 establishments around me, they don't have to do
2 this.

3 MR. MILLER: Sure.

4 CHAIRPERSON ANDERSON: So I just want
5 to make sure based on the comment that was made
6 by the investigator about that you're in the
7 vicinity of Capital One Arena and what happens
8 there in our experience. And so therefore -- and
9 as I said before, I know that we have had the
10 Greene Turtle here and they have had some
11 experiences because of the fact that when there's
12 a game, things happen.

13 MR. MILLER: Sure.

14 CHAIRPERSON ANDERSON: And these
15 process and procedures is for your protection.
16 It's not for the agency to hit you over the head.
17 It's to protect you to say that okay, when
18 something happens, this is what you do. We come
19 and we investigate. We say do you have a
20 security plan? You comply with it and we
21 wouldn't even bring it in for here. All right?

22 Any final comments that you want to

1 make? Any final comments by any of the board?

2 Based on the presentation here, I'll make a
3 motion that we NFA this. Is there a second?

4 MEMBER SILVERSTEIN: Second.

5 CHAIRPERSON ANDERSON: All those in
6 favor?

7 (Ayes all around)

8 CHAIRPERSON ANDERSON: The board has
9 decided that we're going to take no further
10 action on this matter. But at the same time, you
11 have agreed that within the next 30 days, you
12 will provide the board with a legally compliant
13 security plan. And thank you for being here this
14 morning, Mr. Miller. And thank you, Mr. Howze
15 for your report and Mr. Minora of course.

16 INVESTIGATOR HOWZE: Thank you.

17 MR. MILLER: Thank you.

18 MR. MINORA: Appreciate it.

19 (Whereupon, the meeting in the above-
20 entitled matter was concluded at 12:03 p.m.)
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This is to certify that the foregoing transcript

In the matter of: BL Restaurant Operation, LLC

Before: Alcoholic Beverage Control Board

Date: 07-18-18

Place: Washington, DC

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Court Reporter

NEAL R. GROSS

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