

C-O-N-T-E-N-T-S

STATEMENTS

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

2 2:04 p.m.

3 CHAIRPERSON ANDERSON: Good afternoon.

4 We are back on the record. Let me apologize,
5 this hearing was scheduled for 1:30. We had a
6 10:00 hearing this morning that run until 12:00.
7 We had a 10:00, two 10:00 Show Cause Hearings and
8 the first 10:00 hearing went until 12:30. And
9 then the second, thankfully, one went to 1:09.
10 And we have been here since 9:00 this morning and
11 we have to eat, so we can be cheerful to listen
12 to your case, so I do apologize that we were
13 about 40 minutes late in calling your case.

14 All right. So the next case is a
15 Fact-Finding Hearing, Case No. 18-251-00225, Bar
16 Deco, License No. 97418.

17 Would all parties with this matter,
18 please, come forward, please? And please
19 identify yourself for the record.

20 MS. WIGGINS: Good afternoon, Mr.
21 Chairman. My name is Ashley Wiggins. I'm
22 counsel for Bar Deco.

1 CHAIRPERSON ANDERSON: I'm sorry, your
2 last name, ma'am?

3 MS. WIGGINS: Ashley Wiggins.

4 CHAIRPERSON ANDERSON: Wiggins?

5 MS. WIGGINS: Yes.

6 CHAIRPERSON ANDERSON: Good morning.
7 Good afternoon, Ms. Wiggins.

8 MS. WIGGINS: And with me is the
9 Director of Operations, Jesse --

10 MR. MAAS: Maas.

11 CHAIRPERSON ANDERSON: Good afternoon,
12 Mr. Maas.

13 INVESTIGATOR DANTZLER: Good
14 afternoon. Felicia Dantzler, ABRA Investigator.

15 CHAIRPERSON ANDERSON: Good afternoon,
16 Ms. Dantzler.

17 All right. Hold on one minute,
18 please. I thought I was more organized than I
19 am. All right. I just want to advise the
20 parties that this is not an adversarial hearing,
21 but rather it's an opportunity for the licensee
22 to explain the incident and the violation, the

1 incident that occurred and what steps were taken
2 to address this matter.

3 Fact-Finding Hearings also allow the
4 Board Members to more fully explore any questions
5 they might have regarding this incident. And I
6 also want to state that generally at a Fact-
7 Finding Hearing the Board cannot order the
8 licensee, unless it's a Contested Fact-Finding
9 Hearing, and this is not a Contested Fact-Finding
10 Hearing, so we are in no position to order you to
11 do anything.

12 We can ask and suggest that you do
13 certain things. You can voluntarily agree to do
14 it. If you decide not to do it, there is really
15 nothing that -- it's not taken negatively.

16 What the Board will do is that we will
17 listen to the Fact-Finding, we will listen to
18 what was done and we will take it under
19 advisement. And the two options the Board has,
20 we could determined based on what is presented
21 that there is no further action that is taken or
22 we could vote to send it over to the Attorney

1 General for a Show Cause Hearing.

2 So that's -- those are the options.

3 And that's a decision that will be made at the
4 end. And we could -- even if we refer it over to
5 the Attorney General's Office for a Show Cause,
6 they could independently determine that they are
7 not going to prosecute it and the matter ends.

8 So I just wanted to let folks know
9 basically how it is.

10 All right. So the reason that we are
11 here is because an incident occurred. A report
12 was made and the Board thought that it was, the
13 incident was, substantial enough that we wanted
14 to bring the licensee in here to explain their
15 position and whether or not what has been done to
16 ensure that an incident such as this doesn't
17 occur again.

18 So we will start off with Ms.
19 Dantzler. She is the Investigator. She can talk
20 about the report. And then once she has given
21 the report, then the applicant through -- the
22 licensee through its attorney can respond. And

1 then the Board will ask questions of the
2 Investigator and ask questions of the licensee.

3 Do you have any questions, ma'am?

4 MS. WIGGINS: No, thank you.

5 CHAIRPERSON ANDERSON: All right. All
6 right. Go ahead, Ms. Dantzler, and introduce
7 yourself for the record, please.

8 INVESTIGATOR DANTZLER: Investigator
9 Felicia Dantzler. What we have here is an
10 incident that was brought to ABRA's attention
11 from the Metropolitan Police Department by way of
12 a police report.

13 The report number is 18172384. And
14 what the report stated was that on October 21,
15 2018 a patron who visited Bar Deco located at 717
16 6th Street, N.W., was assaulted inside of the
17 establishment by a bouncer.

18 What I did was I --

19 CHAIRPERSON ANDERSON: I'm sorry. Do
20 you have a copy of the report?

21 MS. WIGGINS: I have a copy of Ms.
22 Dantzler's report.

1 CHAIRPERSON ANDERSON: Okay. That's
2 fine. That's what I was talking about. Go
3 ahead, Ms. Dantzler.

4 INVESTIGATOR DANTZLER: Okay. On
5 Thursday, November 1, 2018, I telephonically
6 reached out to the victim, Bruce Johnson, who
7 stated that he along with several of his friends
8 visited Bar Deco and they were on the second
9 floor enjoying a Georgetown lawyers' reunion or
10 something to that effect.

11 Mr. Johnson stated that soon after he
12 was approached by a gentleman who he later got
13 the name of Derrick, who identified himself as a
14 bouncer. So Derrick came and approached Mr.
15 Johnson directly believing that Mr. Johnson was
16 partaking in marijuana use.

17 So Derrick -- so Mr. Johnson actually
18 told Derrick that what really happened was the
19 table that he had -- has was the table who was
20 actually partaking in the marijuana.

21 So Mr. Johnson stated that Derrick
22 became agitated more so specifically he believed

1 that Derrick became agitated when Mr. Johnson
2 stated to him that he thought that he was
3 approaching him because of his race. And that
4 the individuals who were actually partaking of
5 the smoking of marijuana was a table filled with
6 white older males.

7 That seemed to be the catalyst as to
8 why things went awry. So at this time, Mr.
9 Derrick had told Mr. Johnson to leave the
10 establishment, to which Derrick was a little
11 perplexed as to why he had to leave.

12 CHAIRPERSON ANDERSON: You mean, Mr.
13 Johnson?

14 INVESTIGATOR DANTZLER: I'm sorry, Mr.
15 Johnson became perplexed that he had to leave,
16 because he did nothing wrong. And at this point,
17 Derrick grabbed Mr. Johnson and started -- by his
18 body with his clothing and pulling him in the
19 direction that he needed Mr. Johnson to go.

20 So Mr. Johnson stated that he was
21 forcibly taken down a flight of steps and prior
22 to being taken down the flight of steps, one of

1 the members with the reunion group, one of the
2 females in the group approached the situation and
3 asked Derrick what was he doing? That he didn't
4 have to handle Mr. Johnson in that type of
5 fashion.

6 So although there were other people
7 who were, according to Mr. Johnson, trying to get
8 Derrick to stop his assault, Derrick refused to
9 listen to the white counterparts who were with
10 him in the reunion group. And so when the black
11 female who came forward, and I can give you her
12 name she is in the report, when she said to
13 Derrick to, you know, let Mr. Johnson go, that he
14 didn't have to do that, then Derrick then turned
15 his attention to her, slapped her drink out of
16 her hand, causing the drink to fall to the floor
17 of the establishment and shatter.

18 And then Derrick turned his attention
19 as well to her telling her that she too had to
20 leave the establishment. And she stated that she
21 will leave, she didn't think that she needed to
22 leave, but she stated that she will leave, but

1 before leaving that she stated that she wanted
2 the -- to pay for the drink that she just had.

3 So going back to Derrick, Derrick was
4 able to forcibly get Mr. Johnson down on the
5 street level. And at that time, Luke Lamb, the
6 manager, the ABC Manager at that time, was now in
7 the same space as both gentlemen.

8 So at that time, according to Mr.
9 Lamb, he did see what was going on. He took
10 control of Derrick and told Derrick he had to go.
11 And so he told Derrick to go out of the
12 establishment. Derrick, at that time, did comply
13 to a certain degree, but then as he was walking
14 out, he stopped his stride, then came back and
15 then used his hand and smooshed Mr. Johnson in
16 his face.

17 So Mr. Johnson stated that the ABC
18 Manager, Mr. Lamb, was very attentive to his
19 situation. He was right on top of things. He
20 apologized about Derrick's behavior stating that
21 that's not how they treat customers. And then
22 between all of that, some how Mr. Lamb was still

1 dealing with Derrick on the outside.

2 Mr. Johnson wanted the -- a second
3 employee to call the police. And at that time is
4 when Mr. Johnson stated that he encountered some
5 sort of resistance from the establishment,
6 whereas the employee told Mr. Johnson to call the
7 police himself and basically started yelling at
8 him saying that the situation was handled by the
9 manager, so it was pretty much no harm, no foul,
10 but Mr. Johnson stated that he was very upset
11 about the entire situation.

12 So there was another witness to the
13 event, Ms. Yara Barnoon, who I telephonically
14 spoke to on November the 9th. She too stated that
15 she believed that the situation was definitely
16 sparked by -- it was discriminatory in action.
17 And she stated that because she believed --
18 because Derrick was the only male of color and
19 although Derrick is African-American as well, she
20 too still thought it was based off of his color,
21 why he was approached by Derrick.

22 She said that the establishment did,

1 in her opinion, everything they could to assist
2 and to de-escalate the matter and so did Mr.
3 Johnson. He felt that way as well. It wasn't
4 until the second employee who seemed as though he
5 just brushed everything to the side is when that
6 the rug really came in for Mr. Johnson.

7 But Mr. Johnson just strongly wanted
8 to state that he really thought it was all
9 sparked by Mr. Derrick's behavior as being
10 discriminatory in nature. And that's the end of
11 my statement.

12 CHAIRPERSON ANDERSON: Does this
13 establishment have a security plan?

14 INVESTIGATOR DANTZLER: A quick
15 indulgence. I don't think so. No, they do not.

16 CHAIRPERSON ANDERSON: And I'm just --
17 just generally, I mean, based on your
18 investigation, did you see any ABRA violation
19 that was committed by the establishment?

20 INVESTIGATOR DANTZLER: No.

21 CHAIRPERSON ANDERSON: Okay. All
22 right. All right. Ms. Wiggins?

1 MS. WIGGINS: Yes.

2 CHAIRPERSON ANDERSON: Do you have any
3 response?

4 MS. WIGGINS: Yes. Thank you, Mr.
5 Chairman. First, as Ms. Dantzler stated, Derrick
6 is African-American himself, there is nothing
7 racially-motivated here at all. But this was an
8 isolated incident.

9 What had happened here on the second
10 floor, there was the smell of marijuana. So my
11 understanding is Mr. Derrick went upstairs and
12 went table to table asking people -- not asking
13 people, but telling people that there was a no
14 smoking policy, to refrain from smoking.

15 When he approached this table, Mr.
16 Johnson was the one that was aggressive with him,
17 but regardless of who was aggressive with who
18 first, it escalated. And as soon as management--
19 Mr. Lamb is here with me as well today, as soon
20 as it escalated, Mr. Derrick was asked to leave
21 the premises and Mr. Lamb did everything in his
22 power to diffuse the situation.

1 I don't know anything about this other
2 employee who said to call the police, but there
3 certainly wasn't -- it wasn't directed -- the
4 issue of marijuana was not directly solely at
5 this table. It was directed to everybody just to
6 refrain from smoking any marijuana because there
7 was a no smoking policy and it's illegal in the
8 District of Columbia, which is their policy.

9 You asked about a security plan. This
10 is a CR License, not a CN License. And they have
11 never been requested to have a security plan in
12 place. They do have an informal security plan
13 where they -- generally on the weekends they will
14 have people carding outside, such as Derrick, who
15 is no longer servicing the restaurant for any
16 services like that.

17 But if there is a problem like in that
18 situation, the first step would be to get a
19 manager. If the manager couldn't diffuse it,
20 then they would go to one of the doormen. And
21 obviously, in this case, that would not have
22 worked because Derrick was part of the issue.

1 And in that situation, we would have gone to
2 calling the police if it hadn't been resolved.

3 And that's -- so this was, you know,
4 the first incident of any kind like this. And I
5 don't think there has been any violation of ABRA,
6 the regs or the statute, because even with this
7 assault, this is a single incident and it doesn't
8 raise to the level of unlawful or disorderly
9 premise and it wasn't until there has been --

10 CHAIRPERSON ANDERSON: There is a
11 microphone right there.

12 MS. WIGGINS: I'm sorry. Sorry about
13 that. There has been a showing that continuous
14 conduct at the restaurant, operation of the
15 restaurant that's causing the situation, and
16 that's certainly not the case here.

17 CHAIRPERSON ANDERSON: Now, do you --
18 I mean, what type of training did the security --
19 I'm sorry, what was his position? Derrick?

20 MS. WIGGINS: He was outside, an
21 independent contractor.

22 CHAIRPERSON ANDERSON: No, but what

1 was his position? What --

2 MS. WIGGINS: He was an outside
3 contractor coming in acting as a doorman/bouncer
4 type person.

5 CHAIRPERSON ANDERSON: All right. So
6 what type of training? When you -- when these
7 folks come, what type of training do they have?

8 MS. WIGGINS: Well, Bar Deco is not
9 the one that trains them. They go through a
10 service and we call and say we need a couple of
11 people to work security tonight and the service
12 will provide people to come over. And Derrick
13 had worked out there on many occasions and there
14 had never been an issue at Bar Deco with him.

15 CHAIRPERSON ANDERSON: The reason I'm
16 asking is because I know that it's still your
17 responsibility, so when I'm asking what type of
18 training, so if someone comes to your
19 establishment and then you are responsible
20 whether or not it's a contractor or it's an
21 employee. So that's one of the reasons why I was
22 asking what type of training, because if Mr.

1 Lamb, he is what his general manager? I'm sorry,
2 who is Mr. Lamb?

3 MS. WIGGINS: Mr. Lamb is a manager.

4 CHAIRPERSON ANDERSON: The manager.

5 So if Mr. Lamb came and took control of the
6 situation, why is it that Derrick decided that he
7 wasn't satisfied with how Mr. Lamb was dealing
8 with the situation?

9 MS. WIGGINS: I --

10 CHAIRPERSON ANDERSON: At least what
11 I'm hearing from the report.

12 MS. WIGGINS: No. I didn't hear that.

13 CHAIRPERSON ANDERSON: No, but I heard
14 Ms. Dantzler said that at some point, even after
15 Mr. Lamb had took control, that Derrick allegedly
16 smooshed the person's face.

17 MS. WIGGINS: That was after Mr. Lamb
18 had instructed him to leave and he was leaving
19 the premises. But I mean, if he came back,
20 that's -- he had been instructed to leave and
21 then he did leave the premises right after and --
22 but by reading the report, the smooshing of the

1 face was just two fingers in the face, which is
2 completely inappropriate, but it's not, you know,
3 like you smooshed his face like that, but it's
4 still completely inappropriate.

5 But as far as any training, I mean,
6 the --

7 MR. MAAS: I mean, basically, you
8 know, Derrick is there to basically check IDs and
9 then if there is ever any problems or anything in
10 the restaurant, the managers are -- you know,
11 take care of the problem. And if at any point it
12 gets physical, that's when we would ask the
13 doorman to come up to help assist a customer to
14 leave the establishment, if they were becoming
15 violent towards us.

16 So they are just, basically, a secure
17 system to have in place in case of a very worst
18 case scenario. Obviously, you know, this isn't
19 the way that we would like it to happen. You
20 know, when Derrick smooshed his face at the
21 bottom of the stairs, you know, Luke Lamb was
22 already there. He was in charge of the

1 situation.

2 They were trying to get -- Mr. Johnson
3 was asked to leave multiple times and then that's
4 when Derrick started, you know, bringing him out
5 to leave. And then he was still asked to leave
6 when he was in the lobby and he still would not
7 leave the establishment. So, you know, that's
8 when Derrick did that to his face, which is, you
9 know, not acceptable and that's why he is not,
10 you know, able to do what -- to do that job at
11 our -- at Bar Deco any more.

12 CHAIRPERSON ANDERSON: But from your--
13 just asking generally, what is it that Mr.
14 Johnson did for him to be asked to leave the
15 establishment? At least from your perspective.

16 MR. MAAS: Well --

17 MS. WIGGINS: Well, go ahead.

18 MR. MAAS: Well, so when Derrick --
19 when there was the smell of marijuana coming from
20 the second floor, Derrick went up and he was
21 telling each table, listen you cannot smoke
22 marijuana in here. If you are smoking marijuana,

1 we are going to have to ask you to leave.

2 So when Derrick got to Mr. Johnson's
3 table, every other -- every table that Derrick
4 went to was fine. They were like oh, yeah, no
5 problem. It was -- the party on that floor was a
6 party just for them. There wasn't like other
7 random folks in there. It was just a party for
8 the --

9 MS. WIGGINS: It was Georgetown Law
10 School Alumni.

11 MR. MAAS: Yeah. So when Derrick got
12 to this table, Mr. Johnson became aggressive with
13 Derrick like why are you -- like they just
14 started going back and forth and Derrick was like
15 listen, I'm not accusing you of smoking
16 marijuana. All I'm telling you is that like I
17 have told every other table, if you are smoking
18 marijuana, we are going to ask you to leave. And
19 then Mr. Johnson just became aggressive with
20 Derrick.

21 And there was another incident that we
22 had from one of my bartenders where Mr. Johnson

1 was --

2 MS. WIGGINS: Belligerent.

3 MR. MAAS: -- belligerent at the bar
4 with my bartender, with a couple of my
5 bartenders. So I'm not sure if maybe Mr. Johnson
6 wasn't in the right frame of mind. I don't know.
7 I don't think -- I think that Derrick did not --
8 you know, probably didn't carry on the situation
9 the way that we would want it drawn up, but
10 Derrick went to every table. He talked to every
11 table and Mr. Johnson became aggressive with
12 Derrick and then they started arguing at the
13 table.

14 And Derrick said listen, man, if you
15 are going to continue to get aggressive with me
16 and you are going to argue with me, I'm going to
17 have to ask you to leave. And then it just kept
18 going and building and building and then that's
19 when the situation carried on from -- to the end
20 of the downstairs area.

21 CHAIRPERSON ANDERSON: And the only
22 reason, I mean, at least from what I'm hearing

1 and from reading the report and from what the
2 other witnesses have stated, it didn't appear to
3 me, at least, from this report that Mr. Johnson
4 was aggressive. I'm just -- I don't see any -- I
5 did not read anything in the report that said
6 that he was aggressive, so that's one of the
7 reasons I was trying to find out what is it that
8 he would have done for the establishment to say
9 that he was aggressive.

10 MS. WIGGINS: There were statements
11 submitted to ABRA from --

12 CHAIRPERSON ANDERSON: Right.

13 MS. WIGGINS: -- staff. There was --

14 CHAIRPERSON ANDERSON: Maybe I
15 overlooked them. I'm not sure if Ms. --

16 MS. WIGGINS: -- and within those
17 statements, there is one from Carmen Dennis, who
18 was the bartender, who had the belligerent issue.
19 There is also a statement from Mr. Lamb where --
20 and I have a copy of it here if you would like to
21 see it. There is also a statement from Zack
22 Powell, who is also here with --

1 CHAIRPERSON ANDERSON: That's in your
2 report, Ms. Dantzler?

3 INVESTIGATOR DANTZLER: I have --

4 MS. WIGGINS: You have Carmen's.

5 INVESTIGATOR DANTZLER: -- I don't
6 have the -- I have it listed as a logged entry,
7 but I don't have it with me as I'm testifying.
8 So I know something was submitted, but I couldn't
9 tell you the number of pages --

10 CHAIRPERSON ANDERSON: All right. I
11 don't --

12 INVESTIGATOR DANTZLER: -- that were
13 submitted.

14 CHAIRPERSON ANDERSON: All right. So
15 what --

16 MS. WIGGINS: I'm happy to provide a
17 copy if you would like to see it, but it's a
18 statement from Mr. Lamb talking about how it was
19 heated between the two of them and Mr. Johnson
20 was using profanity. Mr. Powell came on near the
21 end, but can testify -- well, not testify, but he
22 -- in his statement he states that, you know, it

1 was definitely going back and forth between the
2 two, Mr. Johnson and Derrick.

3 And Mr. Panchan, who is also with me
4 today, was a bartender and --

5 CHAIRPERSON ANDERSON: I'm sorry, what
6 statement are you reading?

7 MS. WIGGINS: I'm reading from the Bar
8 Deco incident report that was provided to ABRA.

9 CHAIRPERSON ANDERSON: Is that the one
10 that says Exhibit 3?

11 MS. WIGGINS: No, well, that's one of
12 them. There is two of them.

13 CHAIRPERSON ANDERSON: Can you give
14 Ms. Walker a copy?

15 MS. WIGGINS: Sure.

16 CHAIRPERSON ANDERSON: I don't seem to
17 have that.

18 MS. WIGGINS: This one should have
19 been the first one submitted and then there was a
20 follow-up, because Ms. Carmen Dennis was not --

21 MEMBER ALBERTI: That's at the back,
22 Exhibit 3.

1 MS. WIGGINS: That's not included.

2 CHAIRPERSON ANDERSON: It's -- yeah,
3 it's Exhibit 3, yeah.

4 MEMBER ALBERTI: It's in the back?

5 CHAIRPERSON ANDERSON: Yeah. No, I
6 had asked was it Exhibit 3, but she said no, so
7 it's listed as an exhibit. I have this. It's
8 listed as Exhibit 3.

9 (Whereupon, the above-
10 referred to document was
11 marked as Respondent Exhibit
12 No. 3 for identification.)

13 CHAIRPERSON ANDERSON: All right. So
14 it's listed as a part of the report, right.

15 MS. WIGGINS: Thank you very much.
16 Actually, when I look at the Exhibit 3, let me
17 just double check this, because for some reason
18 when I originally looked at Exhibit 3, it seemed
19 like it was missing.

20 CHAIRPERSON ANDERSON: It was missing
21 what?

22 MS. WIGGINS: It only has Ms. Dennis

1 in here. Oh, no, it is Luke Lamb and Zack and
2 Spencer.

3 CHAIRPERSON ANDERSON: So is that the
4 same document?

5 MS. WIGGINS: That's it, um-hum.

6 CHAIRPERSON ANDERSON: All right.

7 MS. WIGGINS: Exhibit 3.

8 CHAIRPERSON ANDERSON: Okay. All
9 right.

10 MS. WIGGINS: But I do not see Ms.
11 Dennis' statement in here, which was submitted
12 later.

13 CHAIRPERSON ANDERSON: All right. So
14 you have a statement. Who is Ms. Dennis?

15 MS. WIGGINS: Ms. Dennis was the
16 bartender who had the issue with --

17 CHAIRPERSON ANDERSON: Did you submit
18 the statement to ABRA?

19 MS. WIGGINS: Well, that was done
20 before I was involved in this, but yes, it was
21 supposed to be submitted to ABRA. Have you seen
22 it?

1 CHAIRPERSON ANDERSON: Have you seen
2 that, Ms. Dantzler?

3 INVESTIGATOR DANTZLER: No. No, I
4 have not.

5 MS. WIGGINS: I'm happy to provide a
6 copy of that one as well.

7 CHAIRPERSON ANDERSON: If you have a
8 copy, you can provide it to us.

9 MS. WIGGINS: It has my highlights on
10 it, so I have --

11 CHAIRPERSON ANDERSON: Do you have a
12 clean copy?

13 MS. WIGGINS: I don't have a clean
14 copy with me.

15 CHAIRPERSON ANDERSON: You know you
16 have to bring -- when you go to Court, you have
17 to bring a clean copy.

18 MS. WIGGINS: I know.

19 CHAIRPERSON ANDERSON: You can't --

20 MS. WIGGINS: I was expecting that--

21 CHAIRPERSON ANDERSON: We do not have
22 a copy. This is not in our records.

1 MS. WIGGINS: Okay.

2 CHAIRPERSON ANDERSON: So it's not --

3 MS. WIGGINS: I'll find out why it's
4 not in your records, because it should have been
5 submitted.

6 CHAIRPERSON ANDERSON: All right. So
7 can you tell us what -- is this the only copy
8 that you have?

9 MS. WIGGINS: Well, I can get a copy
10 back in the office.

11 CHAIRPERSON ANDERSON: All right. So
12 what -- tell me what's in the statement from
13 November 5, 2018 then.

14 MS. WIGGINS: So this statement is
15 discussing the issue that she had at the bar
16 related to Mr. Johnson being fairly belligerent
17 with her about not having glassware and having to
18 use plastic cups, but that situation has been
19 diffused.

20 CHAIRPERSON ANDERSON: Well, Ms.
21 Wiggins?

22 MS. WIGGINS: Yes?

1 CHAIRPERSON ANDERSON: I'm reading
2 into this and I don't know who Customer X was,
3 there is nothing in the statement that makes any
4 reference between Customer X and Mr. Johnson. So
5 I'm not -- I don't see why I even have this,
6 because there is nothing in this statement where
7 whoever wrote the statement would tie in to say I
8 later found out that Mr. Johnson was Customer X.

9 So this is just the bartender at least
10 in my short reading of this, this bartender had a
11 run-in with a Customer X. I don't know who
12 Customer X is. Yes?

13 MS. WIGGINS: I understand, Your
14 Honor, but it wasn't until today that we learned,
15 just here, Mr. Johnson's name.

16 CHAIRPERSON ANDERSON: Well --

17 MS. WIGGINS: Ms. Dennis is not here,
18 so I can't have --

19 CHAIRPERSON ANDERSON: No, but what
20 I'm saying her name is not important. What is
21 important to me, there should be some tie-in to
22 say that I later found out that there was an

1 interaction between Derrick and Customer X
2 regarding the marijuana, regarding Derrick asking
3 the customers about marijuana and the customer,
4 this customer was belligerent.

5 And so therefore, at least in my view
6 I could tie in as you are stating that this
7 person was already belligerent from their
8 interaction with the bartender. And so
9 therefore, based on the previous action, Derrick
10 was -- then one could say that, okay, he was also
11 belligerent to Derrick.

12 But there is no tie-in between this
13 person. There is no reference in this notice
14 between this person and Derrick -- I'm sorry and
15 Mr. Johnson. So I don't think this -- this
16 incident report is not relevant, at least in my
17 view, because there is no -- I don't see any
18 connection.

19 MS. WIGGINS: Okay. Understood.

20 CHAIRPERSON ANDERSON: All right. So
21 all right, any questions by any of the Board
22 Members?

1 MS. WIGGINS: Well, would anybody like
2 to hear from Mr. Lamb regarding this?

3 CHAIRPERSON ANDERSON: Yes, we can.
4 This is us asking questions.

5 MS. WIGGINS: Okay.

6 CHAIRPERSON ANDERSON: So if you
7 believe that Mr. Lamb has something to add --

8 MS. WIGGINS: Okay.

9 CHAIRPERSON ANDERSON: -- you can --
10 whatever you wanted to say, they can state. I
11 don't have -- if you believe that he will -- he
12 has something that he needs to add, he can come
13 up, identify himself and state from his position
14 what happened. That will be fine.

15 MS. WIGGINS: Okay.

16 CHAIRPERSON ANDERSON: That's up to
17 you.

18 MS. WIGGINS: Okay.

19 CHAIRPERSON ANDERSON: Do you want him
20 to speak?

21 MS. WIGGINS: If you want to ask the
22 questions first or you want me to have -- I can

1 have him speak first.

2 CHAIRPERSON ANDERSON: You can have
3 him speak first, unless the other Board Members
4 have any other questions. So he can come up.
5 There is a sign-in sheet, please, sign-in.

6 Before you speak, sir, when you come
7 up, you can pull a chair up, sir. Pull a chair
8 up and sign-in. You can sign-in and go ahead,
9 Mr. Alberti.

10 MEMBER ALBERTI: I just --
11 Investigator Dantzler, thank you for your report.
12 Does the establishment have video cameras, video
13 surveillance at all?

14 INVESTIGATOR DANTZLER: I don't
15 believe so.

16 MEMBER ALBERTI: I saw from one of the
17 pictures that they have one some place on the
18 patio upstairs, but --

19 MR. MAAS: We do.

20 MEMBER ALBERTI: I'll ask you. Do you
21 have?

22 MR. MAAS: There is video

1 surveillance. The second floor stairwell and all
2 that, we do not have it in there.

3 MEMBER ALBERTI: But do you have it
4 like for that summer garden area that -- where
5 this happened?

6 MS. WIGGINS: No.

7 MR. MAAS: No.

8 MS. WIGGINS: This happened on the
9 second floor.

10 MR. MAAS: This happened on the second
11 floor.

12 MS. WIGGINS: Not out in the garden
13 area.

14 MEMBER ALBERTI: Well, do you have
15 video there?

16 MR. MAAS: No, no.

17 MEMBER ALBERTI: Okay.

18 MR. MAAS: The video, we have a small
19 video camera that is right directly behind the
20 bar, but you wouldn't be able to see where like
21 anything took place in the stairwell and all
22 that.

1 MEMBER ALBERTI: Okay. This is just
2 a recommendation from me, not from the Board, but
3 think about putting video cameras in your
4 establishment.

5 MR. MAAS: Yeah.

6 MEMBER ALBERTI: You know, it's a one-
7 time cost. It's not outrageous. And you are in
8 a busy area. And I'm not surprised something
9 happened. All right. In this area, things
10 happen all the time and so for your own
11 protection, you could come in with a video or the
12 Investigator would have asked for the video and
13 it may have, you know, if anything, it would have
14 showed exactly what happened possibly.

15 So just I encourage you to think about
16 that.

17 MR. MAAS: Absolutely.

18 MS. WIGGINS: Well, thank you for the
19 recommendation.

20 MEMBER ALBERTI: Okay, yeah.

21 CHAIRPERSON ANDERSON: All right.

22 Does Mr. Lamb --

1 MS. WIGGINS: This is Luke Lamb.

2 CHAIRPERSON ANDERSON: Introduce
3 yourself for the record, please, and --

4 MR. LAMB: Luke Lamb, Manager, Bar
5 Deco.

6 CHAIRPERSON ANDERSON: Good afternoon,
7 Mr. Lamb.

8 MR. LAMB: You have my statement
9 there. I agree with everything that has been
10 said so far. The only thing I would like to add
11 is when I was first made aware of the situation,
12 when I saw Derrick, he was arguing with a female
13 customer, which I believe was mentioned in the
14 statement prior. And they were both arguing with
15 each other very aggressively.

16 So I'm not sure exactly how the
17 incident started with Mr. Johnson, because I was
18 not there at that time, but I did come down to
19 both parties, the customer and Derrick, being
20 aggressive with each other.

21 CHAIRPERSON ANDERSON: All right. Any
22 other questions by any other Board Members?

1 Bar Deco is a restaurant?

2 MS. WIGGINS: This is a restaurant.

3 CHAIRPERSON ANDERSON: And is it a
4 restaurant that -- is it a restaurant or is it a
5 -- is it a restaurant or does it turn into some
6 type of entertainment venue --

7 MR. MAAS: No.

8 MS. WIGGINS: No.

9 MR. MAAS: It's a restaurant and bar.

10 MS. WIGGINS: It's a typical
11 restaurant.

12 MR. MAAS: There is no entertainment.
13 There is no DJs. There is no anything like that.
14 It's just music that is -- you know, that we
15 operate. There is no live music. There is
16 nothing like that.

17 CHAIRPERSON ANDERSON: I'm not trying
18 to catch you. Okay. I --

19 MR. MAAS: No, no, no. I understand.

20 CHAIRPERSON ANDERSON: So I'm not
21 trying to catch you.

22 MR. MAAS: It's a three-level bar and

1 grill and we don't -- the only time that we have
2 a doorman there is either on a Friday/Saturday
3 night or if there is like a Caps game. And we
4 really only have a lot of Caps games if they are
5 playing like Pittsburgh or Philly.

6 CHAIRPERSON ANDERSON: Why?

7 MR. MAAS: So We don't -- the doorman
8 is there Friday/Saturday night if we get busy
9 around later after games or late night to check
10 that -- to check IDs and then the bartenders are
11 still asked to check IDs, too, if there is, you
12 know, any question or anything, but yeah, it's a
13 restaurant.

14 CHAIRPERSON ANDERSON: Okay. Ms.
15 Dantzler, do you have any questions or any final
16 comments?

17 INVESTIGATOR DANTZLER: Just a final
18 comment. Just getting the feel from the
19 witnesses that I spoke to, they believe that Mr.
20 Lamb did everything he could at that time. And
21 even in their own words, they thought that
22 Derrick just was a little rogue in his behavior,

1 just really uptight about something, just
2 couldn't quite understand why he would go to that
3 extreme.

4 And that I'm just hearing about the
5 bartender. I would have liked to have spoken to
6 her, you know, just to see exactly a little more
7 about Mr. Johnson's behavior on that night,
8 because if her statement is true, if that's Mr.
9 Johnson she is speaking of, I wondered -- I would
10 have wanted to have known what would she have
11 done or did she call for the manager to maybe
12 help de-escalate Mr. Johnson, at that time, if
13 that was indeed Mr. Johnson that she encountered
14 that night.

15 But it just seems like that perhaps
16 Derrick was just, you know, something that just
17 happened that particular night. I didn't get the
18 impression that that's how the establishment
19 operates. That he maybe just had an off night,
20 because he had been with the establishment, you
21 know, before working there with no incident. But
22 this particular night was an off night.

1 MS. WIGGINS: You know, this was an
2 isolated incident and he has not been back
3 working in any capacity at Bar Deco since that
4 incident.

5 CHAIRPERSON ANDERSON: All right. Any
6 final comments you want to make, Ms. Wiggins?

7 MS. WIGGINS: Just that I don't think
8 there has been any violations of the reg law,
9 especially, you know, following the 1900 M
10 Restaurant Association case, the Rumors one. It
11 kind of falls in line with that, but just that
12 there is not -- this is an isolated incident.
13 There is not a situation where the ongoing
14 business creates a structure that it allows for
15 any unlawful behavior.

16 In fact, it's exactly the opposite.
17 What started this was trying to make sure that
18 all the patrons were even complying with the law,
19 so again, it's just an isolated incident.

20 CHAIRPERSON ANDERSON: All right.
21 That's it? I'll make a motion that we take no
22 further action. Is there a second?

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON ANDERSON: Mr. Alberti has
3 seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON ANDERSON: Those opposed?
7 The matter is 4-0-0. So the ABC Board will take
8 no further action.

9 But as suggested by Mr. Alberti, I
10 mean for your protection, maybe you need to have
11 some cameras to cover.

12 And one of the reasons why I was
13 asking -- and the case is over, so I'm just
14 talking.

15 One of the reasons why I had asked was
16 it a restaurant or did it morph, then I might
17 have asked for you to do a security plan. But
18 since you are saying it is a true restaurant,
19 then -- and I'm looking at your history and I
20 don't see anything there, so just keep in mind
21 that any contractor that comes to work, you are
22 so responsible.

1 So you should inquire about the type
2 of training they receive and it should be,
3 clearly from what was stated here, your employee,
4 Mr. Lamb, acted appropriately. And there has to
5 be some way that if you have an independent
6 contractor who comes in, that they know that they
7 have to -- there has to be some protocol how they
8 respond, because at the end of the day, you are
9 responsible for their behavior.

10 MS. WIGGINS: Thank you.

11 CHAIRPERSON ANDERSON: All right. All
12 right. Thank you very much. Yes, Mr.
13 Silverstein?

14 MEMBER SILVERSTEIN: I want to
15 associate myself with everything that the
16 Chairman said and I just want to state that the
17 laying of hands to the face is an extremely
18 troublesome situation. But to say that there
19 were no violations, I think is incorrect, that
20 that's certainly something that should never be
21 done, whether it is chargeable, whether in fact
22 there is anything you can do to stop it, it's

1 another issue.

2 But this is profoundly disturbing that
3 someone when told to leave would come back and
4 just hit someone in the face like that. And
5 though we did not ask for any further action,
6 that doesn't mean that we are particularly
7 thrilled that anything like this would happen any
8 more than you are.

9 MS. WIGGINS: Yes, just to be clear,
10 my statement was that there was no violation of
11 the ABRA, th DC Code. Basically saying, I'm not
12 saying that that was appropriate whatsoever.

13 MEMBER SILVERSTEIN: Right.

14 MS. WIGGINS: It didn't rise to the
15 level of assault, but in the DC Code 823, it just
16 doesn't take that next step for the establishment
17 to condone that type of behavior caused. But I
18 actually agree with you that that's completely
19 unacceptable --

20 MEMBER SILVERSTEIN: Right.

21 MS. WIGGINS: -- behavior.

22 MEMBER SILVERSTEIN: Thank you.

1 CHAIRPERSON ANDERSON: Thank you for
2 being here today.

3 MS. WIGGINS: Well, thank you. Thank
4 you very much for time.

5 CHAIRPERSON ANDERSON: Have a good
6 day.

7 (Whereupon, the Fact-Finding Hearing
8 was concluded at 2:41 p.m.)

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