

ALSO PRESENT:

BARRY GUTIN, Licensee

ALEXANDER TSO, DC MPD

STEPHEN O'BRIEN, Licensee's Counsel

VANESSA PLATA, ABRA Investigator

T-A-B-L-E O-F C-O-N-T-E-N-T-S

STATEMENTS

Stephen O'Brien. 5
 Vanessa Plata, Investigator.17
 Officer Tso.23
 Stephen O'Brien.28
 Barry Gutin.33, 49

EXHIBIT

IDENTIFIED

GOVERNMENT

3 - Mr. Gutierrez Incident Report.26

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

2 (4:37 p.m.)

3 CHAIRPERSON ANDERSON: Our next case
4 is Case No. 18-251-00157, Cuba Libre Restaurant &
5 Rum Bar, License No. 82457.

6 Would the parties, please, approach
7 and identify themselves for the record, please?

8 (Bangs gavel.)

9 CHAIRPERSON ANDERSON: Could the
10 parties identify themselves for the record,
11 please?

12 INVESTIGATOR PLATA: Investigator
13 Vanessa Plata with ABRA.

14 CHAIRPERSON ANDERSON: Good afternoon,
15 Ms. Plata.

16 INVESTIGATOR PLATA: Good afternoon.

17 MR. O'BRIEN: Stephen O'Brien for the
18 licensee. I'm accompanied by Barry Gutin, G-U-T-
19 I-N, who is the principal owner.

20 CHAIRPERSON ANDERSON: Good afternoon,
21 Mr. O'Brien. And good afternoon, Mr. Gutin?

22 MR. GUTIN: Gutin.

1 CHAIRPERSON ANDERSON: Gutin.

2 MR. GUTIN: Yes, thank you.

3 CHAIRPERSON ANDERSON: Good afternoon.

4 There is a sign-in sheet, please, sign-in.

5 And Officer, introduce yourself for
6 the record, please.

7 OFFICER TSO: I'm Officer Tso from the
8 1st District.

9 CHAIRPERSON ANDERSON: I didn't hear
10 your last name, sir.

11 OFFICER TSO: Officer Tso from the 1st
12 District.

13 CHAIRPERSON ANDERSON: Can you spell
14 it?

15 OFFICER TSO: I'm Officer Tso from the
16 1st District.

17 CHAIRPERSON ANDERSON: So?

18 OFFICER TSO: T-S-O.

19 CHAIRPERSON ANDERSON: Tso.

20 OFFICER TSO: Tso, T-S-O.

21 CHAIRPERSON ANDERSON: Oh, okay. All
22 right. I didn't hear you. I apologize. All

1 right. All right.

2 This is a Fact-Finding Hearing and I
3 think -- is this one of the cases that the Chief
4 of Police had asked us to --

5 MR. O'BRIEN: No.

6 CHAIRPERSON ANDERSON: No, no. Well,
7 this is a Fact-Finding Hearing, in the sense that
8 an event occurred at the establishment and the
9 Board believes that it was serious enough that we
10 -- for us to have a Fact-Finding Hearing.

11 This matter also was already referred
12 to the Office of Attorney General, because the
13 Board believed that it was serious enough, so a
14 referral was made to the Office of the Attorney
15 General for further action, but we also -- I saw
16 the look on your face, Mr. O'Brien, but when the
17 claim came in, the Board made a decision and
18 referred it, so I want you to know that.

19 MR. O'BRIEN: I did not know that.

20 CHAIRPERSON ANDERSON: Well, no, I
21 said I want you to know that. I'm not saying you
22 know that. I said I want you to know that.

1 MR. O'BRIEN: May I ask when that
2 referral was made?

3 CHAIRPERSON ANDERSON: My notes just
4 say it was already made. I don't know when it
5 was made.

6 MR. O'BRIEN: Because we look at the
7 Board's results every week and I would be very
8 surprised if I overlooked that.

9 CHAIRPERSON ANDERSON: I know this
10 came up on the Investigative Agenda. This was on
11 our Investigative Agenda a couple weeks ago, so,
12 yeah.

13 MR. O'BRIEN: A couple weeks ago?

14 CHAIRPERSON ANDERSON: Yeah, this was
15 on our investigative -- was this case scheduled
16 for last week and it was rescheduled? I'm just
17 asking you.

18 MR. O'BRIEN: No. Well, it was, yes,
19 because of weather.

20 CHAIRPERSON ANDERSON: Right.

21 MR. O'BRIEN: Mr. Gutin comes down
22 from Philadelphia.

1 CHAIRPERSON ANDERSON: Yes, I know.
2 I know that, yeah.

3 MR. O'BRIEN: But this matter was
4 first scheduled back in November.

5 CHAIRPERSON ANDERSON: It was, all
6 right, October 24th.

7 MR. O'BRIEN: It was referred on
8 October 24th to the Attorney General.

9 CHAIRPERSON ANDERSON: Yes.

10 MR. O'BRIEN: Okay. All right.

11 CHAIRPERSON ANDERSON: And a Fact-
12 Finding Hearing was also -- and so that was on
13 our Investigative Agenda for October.

14 MR. O'BRIEN: Which means that when I
15 reviewed it, I missed it, which I am just very
16 surprised that I missed it.

17 CHAIRPERSON ANDERSON: But it's in
18 October and we are now in February and we haven't
19 gotten a response back from the Attorney
20 General's Office, so they are the ones who make
21 that decision. So I'm saying that I want you to
22 know. I'm not saying you previously knew. So

1 I'm not -- I'm just saying just as an FYI, I want
2 you to know that then.

3 MR. O'BRIEN: I appreciate you telling
4 me that. May I ask a question?

5 CHAIRPERSON ANDERSON: Yes, sir?

6 MR. O'BRIEN: Why, if it has been
7 referred to the Attorney General, are we having a
8 Fact-Finding?

9 CHAIRPERSON ANDERSON: Because the
10 Board -- and we have done both and most -- a lot
11 of times what the Board has done is that they
12 will say that okay, fine, if it's serious enough,
13 let's just have a Fact-Finding. And after the
14 Fact-Finding, then we will refer it or we will
15 decide that it's serious enough, but because we
16 believe that the establishment did not act
17 appropriately, so we need to have this
18 conversation with them to say that we didn't
19 believe that your actions were appropriate and we
20 want to make sure that -- and I don't know if
21 once the referral is made, whether or not the
22 Government will believe that it is -- they can

1 meet their burden.

2 So it might not materialize to -- it
3 might not be prosecuted, but we believe that you
4 also need to come in front of us for us to say
5 that we believe that this is an incident that we
6 did not believe that the response from the
7 licensee was appropriate. And so, therefore,
8 what interim measures can you put in place to
9 make sure that this does not occur again?

10 MR. O'BRIEN: I certainly am familiar
11 with the Board holding a Fact-Finding Hearing and
12 actually cutting the hearing short because what
13 appeared at the Fact-Finding Hearing is of
14 sufficient concern that a decision is made before
15 the hearing is completed to send it to the
16 Attorney General.

17 I'm also certainly familiar with after
18 a Fact-Finding Hearing the Board making a
19 decision to send it to the Attorney General.

20 I just, in my experience, have not
21 seen a referral to the Attorney General followed
22 by a Fact-Finding.

1 CHAIRPERSON ANDERSON: We, at least in
2 the three years I have been here, have those
3 things. We have done that. We have done that
4 because the Board believes that we need this
5 person to come in. It's unfortunate that it has
6 taken this long for -- since this was in October
7 and now we are in February, that we are finally
8 having a Fact-Finding Hearing.

9 I mean, normally one of the reasons
10 why we do a Fact-Finding Hearing is because we
11 know that we can schedule this immediately. So
12 I'm not quite sure why is it that it has taken
13 this long since October. I know that the weather
14 canceled the last meeting, but I'm not sure why
15 it took this long since October to schedule the
16 hearing.

17 I'm not sure if this was -- remember
18 we had -- this probably -- you know what, this
19 hearing was probably scheduled for -- we probably
20 had a day that --

21 INVESTIGATOR PLATA: November.

22 MR. O'BRIEN: November.

1 CHAIRPERSON ANDERSON: Yeah, the
2 hearing was scheduled, yeah, in November.

3 MR. O'BRIEN: Yes.

4 CHAIRPERSON ANDERSON: Right. And so
5 that's why I'm saying that the Fact-Finding
6 Hearing was scheduled for November, because -- so
7 it was -- because the event occurred in October.
8 And so we thought that it was urgent and
9 immediate and we have no idea when we refer a
10 case over how long it is going to take for the
11 Attorney General to -- whether or not they will
12 send it back to us and say they are not going to
13 prosecute it or how long that is going to take.

14 And so that's one of the reasons why
15 we had scheduled the Fact-Finding Hearing for
16 November, so we could address the issue
17 immediately, because we thought that it was
18 important enough that we wanted to bring the
19 owner in to say we didn't believe that the
20 response was appropriate.

21 What measures can you put in place,
22 whether or not this is prosecuted or not, to

1 address this issue, because this is very serious.

2 MR. O'BRIEN: May I respond to that--

3 CHAIRPERSON ANDERSON: Sure.

4 MR. O'BRIEN: -- by pointing out that
5 the incident occurred in August.

6 CHAIRPERSON ANDERSON: I'm sorry?

7 MR. O'BRIEN: The incident occurred in
8 August.

9 CHAIRPERSON ANDERSON: Okay. And I'm
10 not sure how it came to us. It occurred in
11 August. I don't know. Well, it's August --
12 well, the incident occurred in August, August
13 25th, when the Board is on recess. So the Board
14 was on recess, as you know, the last three weeks
15 of August. The Board is on recess the last three
16 weeks of August. We come back after Labor Day.

17 And so therefore, as soon as the Board
18 came back and I'm not sure what -- it probably
19 was on our Investigative Agenda for either
20 September or --

21 MEMBER ALBERTI: The report is not
22 provided to us until the 25th. I mean, it's not

1 completed until September 25th and we scheduled
2 the Fact-Finding Hearing for October.

3 CHAIRPERSON ANDERSON: Right. So the
4 event occurred in August. The Board was on
5 recess. The Board was on recess at least when
6 this incident occurred. We came back after Labor
7 Day. And so therefore, we are moving towards
8 when the reports come to us what is on the
9 Investigative Agenda.

10 And so it was on the Board's
11 Investigative Agenda, I think, in November and
12 so, therefore, it would have -- the results came
13 out would have said this was what the Board was
14 suggesting at that time.

15 So I'm saying that so whatever answers
16 that you provide, that they are provided with the
17 caveat that this might be prosecuted. We don't
18 know whether or not what the Government will or
19 will not do.

20 MR. O'BRIEN: In another case, I might
21 be very concerned about that, because even though
22 this is purportedly a non-adversarial proceeding,

1 the fact --

2 CHAIRPERSON ANDERSON: Right.

3 MR. O'BRIEN: -- is it's on the
4 record.

5 CHAIRPERSON ANDERSON: Right.

6 MR. O'BRIEN: And what is said here
7 could, in another case, be stuffed back down the
8 throat of the respondent at a Show Cause Hearing.

9 Now, in this case, I'm not worried
10 about it.

11 CHAIRPERSON ANDERSON: All right.

12 MR. O'BRIEN: But I do think that
13 while charges are pending, I question -- now,
14 broadening now this general proposition --

15 CHAIRPERSON ANDERSON: Yes, that's
16 fine.

17 MR. O'BRIEN: -- whether a Fact-
18 Finding Hearing should be conducted with respect
19 to someone as to whom charges are pending. Of
20 course, we are separating this from a Summary
21 Suspension situation.

22 CHAIRPERSON ANDERSON: Yeah, but what

1 I said, what I'll say, Mr. O'Brien, the
2 Investigator will provide a report. The Officer
3 is here.

4 MR. O'BRIEN: Um-hum.

5 CHAIRPERSON ANDERSON: And as your
6 right representing the client, you can listen.
7 You don't have to provide a response.

8 MR. O'BRIEN: But we will.

9 CHAIRPERSON ANDERSON: Yeah, I know,
10 but I'm saying but at least for me as Board
11 Chair, that is not positive or negative, because
12 I understand and so I'm not sure if you know the
13 way I operate, Board Members will ask the owner a
14 question and the owner is about to answer and I
15 say to the owner, can you talk to your attorney
16 before you answer the question, that's how I
17 operate.

18 Because as an attorney, I understand
19 and so therefore, I will say, for your
20 understanding, make sure you clear it with your
21 attorney. And if your attorney says answer,
22 sure, go ahead. At least you can't say that I

1 blurted something out and I didn't know what is
2 the ramification.

3 So I will take that, so in this
4 particular case, if we present the report, the
5 Officer will present and you can either respond
6 or provide answer. For us, we will say how is it
7 that we feel about that.

8 MR. O'BRIEN: Well, in this case, we
9 certainly will respond.

10 CHAIRPERSON ANDERSON: Okay.

11 MR. O'BRIEN: We are here to discuss
12 it.

13 CHAIRPERSON ANDERSON: All right.

14 Thank you.

15 MR. O'BRIEN: Just as a general
16 practice, I question whether somebody who is
17 facing charges should be asked to speak
18 informally about it on the record.

19 CHAIRPERSON ANDERSON: Okay.

20 MR. O'BRIEN: But --

21 CHAIRPERSON ANDERSON: And I -- for
22 the most part, I don't disagree with you. For

1 the most part, I do not disagree with you. And
2 that's probably something that I will keep in
3 mind when recommendations are made at the Fact-
4 Finding if the Board decides to send it over to
5 the -- but part of the problem with that, too, is
6 that we can only send it over to the Attorney
7 General's Office and they might decide not to
8 prosecute it.

9 And so four or five months later, we
10 still believe that, we think it was significant
11 that we need the owner to respond. And we need
12 to say to the owner, this happens. How are you
13 going to prevent this from happening again? And
14 five months later, however, the Attorney
15 General's Office decides, they make their
16 independent judgment, and it might never -- the
17 issue might never be addressed.

18 And so at least the Board is stuck
19 between a rock and a hard place. So that's one
20 of the reasons why I will always tell folks that
21 this is what we have done or these are the -- I
22 will say to them that at the end of the hearing,

1 and although we have made a decision before, but
2 I'll always say at the end of the hearing we will
3 either -- we will make a decision whether or not
4 we are going to say no further action or we are
5 going to send it over to the Attorney General's
6 Office.

7 So at each hearing, I let you know
8 that these are some of the results. And so it's
9 the same analysis, so therefore you might say
10 things here and we decide to send it over and
11 it's already on the record.

12 So I hear what you are saying, but we
13 just believe that there are certain things that
14 needs to be addressed. And I do caution folks to
15 let them know that it -- yes, it is on the record
16 and we might make a decision to send it over and
17 we don't necessarily want inconsistent
18 statements.

19 So think about the answers, especially
20 if you have an attorney, think about the answers
21 that you are giving based on future implications.

22 MR. O'BRIEN: I infer from the Chair's

1 gaze that you are inviting a response.

2 CHAIRPERSON ANDERSON: No, no, no, no,
3 I'm not inviting a response.

4 MR. O'BRIEN: All right.

5 CHAIRPERSON ANDERSON: That was just,
6 yeah. I'm not inviting a response. I'm just
7 stating so we are just having -- so I'll have the
8 Investigator give at least the report. I'll have
9 the Officer and the Officer has been here, I
10 think, since 3:00 today. Prior to 3:00, because
11 he thought this hearing was at 3:00. And so then
12 I'll have a response. Okay.

13 MR. O'BRIEN: Very well.

14 CHAIRPERSON ANDERSON: All right. Go
15 ahead.

16 INVESTIGATOR PLATA: I was assigned to
17 investigate --

18 CHAIRPERSON ANDERSON: You have to
19 speak up, ma'am.

20 INVESTIGATOR PLATA: All right. I was
21 assigned to investigate an incident that occurred
22 at Cuba Libre Restaurant & Rum Bar on the early

1 morning hours of August 25, 2018.

2 My investigation determinations were
3 based on a 251, interviews with ABC manager, MPD
4 officer and the victims.

5 The MPD-251 CCN No. 18141826 stated
6 the following: "On the listed time and date at
7 the described location. V1 and V2 were involved
8 in a fight with S1. V1 suffered the listed
9 injuries and was transported to Howard University
10 Hospital for treatment. S1 was taken into the
11 policy custody and charged with simple assault."

12 On August 25, 2018, I visited Cuba
13 Libre. I spoke with Daniel Gutierrez. Mr.
14 Gutierrez stated that he was the ABC Manager on
15 the night of the incident. He stated that he did
16 not actually witness the altercation. However,
17 he was informed by a security guard, Mr. Terrance
18 Thompson, of the series of events.

19 Mr. Thompson implies Mr. Gutierrez
20 that S1, who was an employee of the
21 establishment, was cleaning up the area around
22 the DJ booth when a patron, which is going to be

1 noted as V1, began swinging at S1 with a beer
2 bottle and missed.

3 S1 attempted to avoid the aggressive
4 customer, but could not and S1 and V1 fell to the
5 ground. Mr. Gutierrez stated that around the
6 time of the incident, he was assistant a group of
7 patrons that had an issue with the bill. Mr.
8 Gutierrez stated that once he was done with the
9 group of patrons, the police had arrived and
10 arrested S1.

11 Mr. Gutierrez stated that he did not
12 speak to S1, who like I stated was an employee of
13 the establishment, since his arrest. Mr.
14 Gutierrez did state that Cuba Libre security team
15 followed the in-house security procedures. Mr.
16 Gutierrez stated that they have eight security
17 guards, security members at the establishment as
18 follows:

19 They have one security at the DJ
20 booth; two security guards, one at each exit; one
21 at the main bar; one by the bathrooms; one by
22 bottle service; one security guard as a floater;

1 and one security guard is outside of the
2 establishment where the line is formed.

3 Mr. Gutierrez stated that IDs were
4 checked at the front door the night of the
5 incident and every Friday and Saturday. Security
6 personnel wear black suits and they do not have
7 an MPD RDO present.

8 Mr. Gutierrez stated that all patrons
9 have to be over the age of 21 on Fridays and
10 Saturdays.

11 While I was at the establishment on
12 August 25, 2018, they were having issues with
13 their camera system. They couldn't download the
14 footage to USB. However, I did see the footage.
15 Unfortunately, the incident occurred outside of
16 camera view.

17 Mr. Gutierrez stated that there is not
18 another camera in that immediate area. I advised
19 and recommended Mr. Gutierrez to put a camera in
20 that area that's a blind spot.

21 On September 10, 2018, I spoke with
22 the Victim 2. Victim 2 stated that he arrived at

1 the establishment on August 25, 2018 around
2 midnight. He stated that he arrived with V1,
3 which is his brother and a female patron. V2
4 stated that they were by the DJ booth, him, his
5 brother, which is V1, and the female patron.

6 V2 stated that V1 began arguing with
7 the employee, S1, who became very aggressive.
8 After S1 attempted to pick up -- he was cleaning
9 up around the area and attempted to pick up his
10 drink and apparently he had just bought the
11 drink, V2 stated that he walked over to calm
12 things down and tapped S1 on the shoulder.

13 V2 then stated that S1 slammed him to
14 the ground, jumped over him and began punching V1
15 in the face multiple times.

16 V2 stated that the security rushed
17 over to the incident and escorted V1 out of the
18 establishment. V2 stated that none of the staff
19 members checked on V1 or called the police.

20 V2 stated that V1 called the police as
21 he needed medical attention. MPD and ambulance
22 arrived, approximately, 10 minutes after the

1 incident occurred. I'm sorry, after V1 was
2 escorted out of the establishment.

3 On that same day, September 10, 2018,
4 I spoke with Victim 1. Victim 1 basically stated
5 the same thing. He said he was at the DJ booth,
6 around the DJ booth. The subject 1 or I'm sorry,
7 S1 attempted to pick up the drink while he was
8 cleaning. He stated that he began arguing with
9 S1, but didn't intend on a physical
10 confrontation.

11 V1 stated that suddenly S1 began
12 punching him in the face, approximately, 10 to 15
13 times. He said S1 might have some type of
14 martial arts. So V1 stated that the security
15 guards rushed over to the incident and did not
16 check on his well-being. They basically just
17 kicked him out of the establishment, did not call
18 the police and he said he sustained a fractured
19 nose.

20 After a review of ABRA records, it is
21 determined that the establishment does not have a
22 security plan or a settlement agreement.

1 CHAIRPERSON ANDERSON: All right.

2 Officer, do you have anything to add to what do
3 you know of this event?

4 OFFICER TSO: Sure. So on that date,
5 I went -- we got a call for a fight, so when I
6 got there the victim was standing there. He was
7 bleeding from the face. There was blood all over
8 his shirt. I asked him what happened. His
9 brother was also there. He told me that they
10 were by the DJ booth. The busboy was trying to
11 pick up drinks. They got into an argument. He
12 started getting -- hitting the victim and then
13 when the brother went to intervene, he body
14 slammed him.

15 I tried speaking with security and
16 even the DJ by the DJ booth. No one could tell
17 me definitively who threw the first punch. And I
18 was like well, where is your employee? And they
19 said he is still inside working, so I told them
20 to retrieve him. When the employee came out, he
21 started moving towards the two victims
22 aggressively, like he was going to, you know,

1 continue this fight.

2 So that's when I decided that he was
3 the aggressor in this fight, regardless of who
4 started it. And so we arrested the suspect.
5 Staff couldn't provide me with CCTV. They said
6 that it had to be approved by corporate and so
7 based on what I had, I made that arrest.

8 CHAIRPERSON ANDERSON: All right.
9 Thank you. So you are saying they do not have a
10 security plan. Is that correct?

11 INVESTIGATOR PLATA: Not on file with
12 us, no.

13 CHAIRPERSON ANDERSON: All right.

14 INVESTIGATOR PLATA: They do have an
15 in-house security plan that they follow. I did
16 request it from Mr. Gutierrez, but I never
17 received it.

18 CHAIRPERSON ANDERSON: All right.
19 Thank you. Mr. O'Brien, do you wish to provide
20 any response?

21 MR. O'BRIEN: I will, but could I just
22 ask a couple questions of the Investigator and --

1 CHAIRPERSON ANDERSON: Sure, please.

2 MR. O'BRIEN: -- the Officer? There
3 is a statement by, according to the report, both
4 the victim and his brother that the establishment
5 did not call the police. What was the source of
6 their knowledge, to either of your understanding
7 that the establishment did not call the police?

8 OFFICER TSO: I'm not sure who called
9 the police. I would have to go back and review
10 who called 911. But usually we get -- we just
11 got a call for an assault, I'm not sure if it was
12 made by the staff or not. I assume that the
13 victim was the caller.

14 MR. O'BRIEN: But you don't know?

15 OFFICER TSO: I don't know.

16 MR. O'BRIEN: Okay.

17 INVESTIGATOR PLATA: And would you
18 like my response?

19 MR. O'BRIEN: Yes, I would, please.

20 INVESTIGATOR PLATA: Okay. The
21 victims did say that the establishment didn't
22 call police, but also the ABC manager stated that

1 he did not call the police, because he was busy
2 with other patrons that were -- had an issue with
3 a bill. So that's all I can really give.

4 MR. O'BRIEN: You are stating that the
5 manager stated he did not call the police?

6 INVESTIGATOR PLATA: No. I said he
7 stated that he didn't come outside until after
8 the police had already arrived.

9 MR. O'BRIEN: Okay. Investigator,
10 your exhibits include Exhibit No. 3.

11 INVESTIGATOR PLATA: Yes.

12 MR. O'BRIEN: Which was copy of ABC
13 Manager Gutierrez incident report.

14 INVESTIGATOR PLATA: I have William --
15 oh, wait. Yes.

16 MR. O'BRIEN: Okay.

17 (Whereupon, the above-
18 referred to document was
19 marked as Government Exhibit
20 No. 3 for identification.)

21 MR. O'BRIEN: I invite your attention
22 to the narrative on the first page and two-thirds

1 of the way down a sentence begins "Police were
2 called."

3 INVESTIGATOR PLATA: Okay.

4 MR. O'BRIEN: Did you not infer from
5 that that the establishment called the police?

6 INVESTIGATOR PLATA: No.

7 MR. O'BRIEN: Why not?

8 INVESTIGATOR PLATA: Because when I
9 talked to the ABC Manager, the ABC Manager stated
10 that he didn't come outside to attend to the
11 incident until after he was done with the other
12 patrons that had issue with their bill.

13 MR. O'BRIEN: Do you know if another
14 employee other than the ABC Manager called the
15 police?

16 INVESTIGATOR PLATA: No.

17 MR. O'BRIEN: So to the best of the
18 knowledge, of your knowledge, Investigator, you
19 do not know if there were multiple calls to the
20 police?

21 INVESTIGATOR PLATA: I do not know.

22 MR. O'BRIEN: Okay. I invite your

1 attention to, Investigator, page 3 of your
2 report. And in the first full paragraph on the
3 page, it is your interview of Victim 2 --

4 INVESTIGATOR PLATA: Um-hum.

5 MR. O'BRIEN: -- which is the
6 brother --

7 INVESTIGATOR PLATA: Yes.

8 MR. O'BRIEN: -- of the victim. And
9 I want to understand, as I think I was confused
10 by your narrative a minute ago. We are talking
11 one, two, three, four, five, six lines down.

12 INVESTIGATOR PLATA: All right.

13 MR. O'BRIEN: On the left margin the
14 word drink, the left margin of your report.

15 INVESTIGATOR PLATA: Okay.

16 MR. O'BRIEN: Okay. After the word
17 drink period, it begins "Mr. Garcia, V2, stated
18 that Garcia Carrerez, V1, began arguing with the
19 employee of the establishment."

20 INVESTIGATOR PLATA: S1.

21 MR. O'BRIEN: Mr. -- S1.

22 INVESTIGATOR PLATA: Um-hum.

1 MR. O'BRIEN: And becoming very
2 aggressive.

3 INVESTIGATOR PLATA: Okay.

4 MR. O'BRIEN: And becoming very
5 aggressive relates to V1, does it not? That it
6 was the victim who was becoming very aggressive?

7 INVESTIGATOR PLATA: Yes, yes.

8 MR. O'BRIEN: Okay. Thank you. I
9 just wanted to clear those issues up there, Mr.
10 Chair. Thank you, Investigator. Thank you,
11 Officer.

12 And you would like such responses, we
13 want to offer at this point?

14 CHAIRPERSON ANDERSON: Yes.

15 MR. O'BRIEN: Is that correct, Mr.
16 Chair?

17 CHAIRPERSON ANDERSON: Yes.

18 MR. O'BRIEN: Okay. Cuba Libre opened
19 in 2010. It has been operating for -- into its
20 ninth year now at this location and as you will
21 see from the investigative history, it is not a
22 problem establishment. It has got one ding on

1 its record for -- actually, it's not a ding. It
2 just reflects it did an audit, meaning of a
3 restaurant, food percentage audit. So there is
4 no investigative history over nine years
5 whatsoever.

6 I will tell you that this Cuba Libre
7 is part of a chain that is owned by Mr. Gutin.
8 There is one in Philadelphia. There is one in
9 Atlantic City and there is one in Orlando.

10 This particular store, as will be
11 reflected by the audit, does about 55 percent of
12 its sales in food. This is not by any way, shape
13 or means a nightclub.

14 Now, they do have Cuban dancing on
15 Friday and Saturday nights on a dance floor that
16 has been part of the approved license premise
17 since day one back in 2000.

18 We could argue here or debate who was
19 at fault and that who started it, but there
20 appears to be no dispute that an employee
21 escalated it by punching the patron. The
22 employee, I'm told, had been with them for

1 approximately five months and had not been in any
2 way, shape or form a problem employee.

3 It appears that late at night the
4 supposed busboy was going around picking up empty
5 drinks in preparation for trying to get the place
6 closed, in order to get all the drinks off the
7 tables. And from what we have read, it appears
8 that the employee took somebody's drink that they
9 weren't finished with, that's Victim 1, and the
10 argument ensued.

11 It was apparently provoked by the
12 employee. Excuse me, excuse me, provoked by the
13 guest, the victim, but then carried too far by
14 the employee.

15 We do not condone what the employee
16 did for a second, but it's not anything we had
17 any reason to anticipate would happen. The
18 employee was -- never worked there again. He was
19 taken away by the police that night.

20 And if I could ask Officer Tso a
21 question?

22 OFFICER TSO: Yes.

1 MR. O'BRIEN: Was the case prosecuted
2 in the Superior Court?

3 OFFICER TSO: I don't believe so.

4 MR. O'BRIEN: I don't believe so
5 either, because I couldn't find it in the
6 indexes. All right.

7 Well, he was arrested apparently but
8 not charged, the employee, and is long gone.

9 As to the issue of -- to me, the more
10 important issue, and I would think to the Board
11 the more important issue, is yes, this happened,
12 but what was their response?

13 CHAIRPERSON ANDERSON: And that's why
14 we always ask for a Fact-Finding.

15 MR. O'BRIEN: Okay. There is no
16 question that the victim was escorted outside.
17 Apparently there is no question that the victim
18 called the police, but the incident report from
19 the restaurant also says the police were called
20 and we infer from that that they were called by
21 staff, because they wouldn't know what the victim
22 had done out on the sidewalk.

1 So I do believe that given what
2 happened inside, the handling of it was not
3 unreasonable. Police were called. EMS came,
4 tended to the victim. And Officer Tso made the
5 very correct arrest of the ultimate aggressor.
6 Albeit, not the initiator of the episode.

7 So that's our view as to what
8 happened. Now, as far as remedial issues goes, I
9 am not sure that I would agree with the
10 proposition that measures are required. But
11 having said that and given the nature of the
12 business as exemplified by lack of any history
13 before the Board, Mr. Gutin did take -- has taken
14 some further training measures, which he will be
15 glad to elaborate on.

16 CHAIRPERSON ANDERSON: Yeah, I'm
17 curious about that and I would like that, because
18 I don't really go out that much, but I know how
19 it is you spend \$15 for your drink, and I'm not
20 being -- I think it costs about that. Most
21 drinks cost and the employee will mistakenly
22 thinking that it is discarded, it's gone, so what

1 happens?

2 What happens there and we are hoping
3 that you do proper training for employees and you
4 are not going to anticipate that one of your
5 employees will and I think we are all human, that
6 if you -- once you touch my \$15 drink whether or
7 not I still have two sips, I'm still not done
8 with it, but there are still two sips left, so
9 what happens? I mean, what recourse does -- I
10 mean, what recourse you have and what is it --
11 how is it that the establishment responds to
12 that?

13 Because it's probably not the first
14 time it happened, because you have gone some --
15 the person is trying, doing their job and they
16 take your drink up and then, of course, I get mad
17 because I'm not done with my drink. All right.

18 MR. GUTIN: I'm happy to respond.

19 CHAIRPERSON ANDERSON: Sure.

20 MR. GUTIN: And happy to respond to
21 all your questions.

22 CHAIRPERSON ANDERSON: Sure. Go

1 ahead, sir. Again, per your lawyer.

2 MR. GUTIN: Yes, and he will kick me
3 if I shouldn't.

4 CHAIRPERSON ANDERSON: All right. As
5 long as we are clear. Okay. All right.

6 MR. GUTIN: I understand that. And I
7 appreciate Mr. O'Brien straightening out all the
8 procedural issues at the beginning.

9 It is a simple question. It happens
10 often and as he said, we are in four cities. We
11 have been operating 18 years and our 19th year in
12 Philadelphia. Actually, our restaurant here is
13 the newest. And so we have faced this before.
14 Standard procedure is the busser would say I'm
15 sorry, get a manager to give them a new drink.

16 If it was after hours and we were just
17 cleaning up, they would invite them back another
18 time for a drink. But we would make good on the
19 drink. And this is not uncommon.

20 CHAIRPERSON ANDERSON: Why do you
21 believe this -- and again, you weren't there, but
22 why did this incident occur? I mean, how can

1 this be to such an extent that -- because if you
2 go out, you know that there are folks who are
3 cleaning up and these things happen.

4 And so it's just kind of shocking that
5 every -- and I'm not, at least from the report,
6 hearing that the customer had done such a -- had
7 done something to the extent that the response
8 was -- I don't know. I'm just asking. And I'm
9 not seeing that from the report.

10 MR. O'BRIEN: That was the issue that
11 I tried to address, Mr. Chair, in asking the
12 Investigator questions. Even the victim's own
13 brother told the Investigator that the victim
14 became aggressive.

15 CHAIRPERSON ANDERSON: Well, what do
16 you call -- and I guess when you said aggressive,
17 what do you mean by aggressive? And that's what
18 I mean --

19 MR. O'BRIEN: Well, elsewhere in the
20 report, on the first page, there is a recitation
21 that victim began swinging at the employee with a
22 beer bottle but missed.

1 INVESTIGATOR PLATA: That's what the
2 security guard told Mr. Gutierrez, which is the
3 ABC Manager, and that's what the ABC Manager told
4 me.

5 CHAIRPERSON ANDERSON: But let me ask
6 this, and the problem is that I was told that
7 there were was video and the police had asked for
8 the video and that was not turned over to the
9 police, because that could clearly --

10 INVESTIGATOR PLATA: Well --

11 CHAIRPERSON ANDERSON: I'm sorry, go
12 ahead.

13 INVESTIGATOR PLATA: -- I'm sorry.
14 Unfortunately, like I state, the video did not
15 show the actual incident, because there was a
16 blind spot. So where it occurred, it was so far
17 back from the angle that they had that would have
18 captured it, that you couldn't see the incident
19 that occurred anyway.

20 So that's why I made the
21 recommendation that they put a camera maybe on
22 that side of the building. I'm not sure if they

1 have.

2 CHAIRPERSON ANDERSON: Right.

3 MR. O'BRIEN: But I do, Mr. Chair,
4 want to spell any notion here that there was any
5 obstruction on the part of the licensee. I
6 understood the Investigator to say that when she
7 asked to see the video, she was allowed to watch
8 it.

9 CHAIRPERSON ANDERSON: But it was not
10 provided to the Officer.

11 MR. O'BRIEN: Okay. It was provided
12 to the Investigator when she first asked for it.
13 There was a delay in reproducing it.

14 CHAIRPERSON ANDERSON: No, I think the
15 Officer stated -- I think it was stated that the
16 Officer asked for it and they were told that
17 there is some -- they have to get permission from
18 corporate to --

19 OFFICER TSO: Um-hum.

20 CHAIRPERSON ANDERSON: -- and I think
21 that -- and at least I know that if you had a
22 security plan, and I'm not going to throw that

1 out there, but if you had a security plan, it
2 says that if MPD or ABRA ask for it, it has to be
3 produced. So maybe that's something that needs
4 to be revisited that if an Officer comes in and
5 asks for video and if you have the video, why is
6 it that there is -- why is it the Officer has
7 been told that we can't provide you, if that's
8 true.

9 MR. O'BRIEN: Yeah, I'm going to
10 assume it's true, because I have no reason to
11 doubt what the Officer says. And I see Mr. Gutin
12 scribbling right now --

13 CHAIRPERSON ANDERSON: Okay.

14 MR. O'BRIEN: -- as to that's an
15 action item obviously.

16 CHAIRPERSON ANDERSON: Okay.

17 MR. O'BRIEN: But my point is that you
18 asked the question how does this happen. Well,
19 what we have apparently is, as you said,
20 somebody, an employee taking up the drink. By
21 all accounts, the holder of the drink, the victim
22 becomes aggressive.

1 Now, the employee then I don't like to
2 use the word overreacts because that minimizes
3 it.

4 CHAIRPERSON ANDERSON: Um-hum.

5 MR. O'BRIEN: The employee then
6 escalates that into punching the person. Now,
7 again, we had no reason to expect that. I don't
8 believe that the Board often is faced with
9 allegations that employees and licensees are
10 punching guests.

11 CHAIRPERSON ANDERSON: Unfortunately,
12 I have seen --

13 MR. O'BRIEN: Okay.

14 CHAIRPERSON ANDERSON: -- several,
15 unfortunately.

16 MR. O'BRIEN: Well, okay. But we are
17 not defending that the employee did it. We are
18 simply saying we just had no reason to anticipate
19 that that would happen, that the employee would
20 go off the handle like that. Even if he did have
21 a beer bottle swung at him.

22 CHAIRPERSON ANDERSON: All right.

1 MR. O'BRIEN: Okay. So that's our
2 response when you asked Mr. Chair, how could this
3 happen. That's the progression as we understand
4 it.

5 CHAIRPERSON ANDERSON: All right. Any
6 questions by any Board Members? Yes, Mr. Short?

7 MEMBER SHORT: Mr. O'Brien, thank you
8 very much for the understanding in trying to get
9 some clarity of this.

10 MR. O'BRIEN: Yes, sir.

11 MEMBER SHORT: And I want to thank the
12 Investigator Plata and thank you Officer for
13 taking the time to come today.

14 As you said, I'm looking at the
15 history, so you don't have a lot of history. How
16 long has the establishment been there?

17 MR. O'BRIEN: In it's ninth year of
18 operation.

19 MEMBER SHORT: Thank you. Okay. All
20 right. Now, so you know, you are not -- this is
21 nothing new to you, Mr. O'Brien, you have been
22 here before, and I would simply say this, since I

1 have been on the Board, you pretty much get
2 things settled between this Board and good
3 operators.

4 So in that vein, it sounds as though
5 maybe, and this is just a suggestion, the
6 Investigator needs to come back out and help you
7 with the angles, if the owner wants to agree to
8 that.

9 MR. GUTIN: And what?

10 MEMBER SHORT: Camera angles.

11 MR. GUTIN: Camera angles.

12 MEMBER SHORT: The video angles.

13 MR. GUTIN: Oh, sure.

14 MEMBER SHORT: That might solve some
15 of these blind spot problems.

16 And you have a security plan, but it
17 hadn't been approved by this Agency, correct?

18 MR. O'BRIEN: No, sir, we don't have
19 a security plan.

20 MEMBER SHORT: Could he submit a new
21 one? I mean, this is just a suggestion. Because
22 what happens is this Board, then our lawyers look

1 at it and say yes, they're supplying and it can
2 help the business.

3 And then the last thing I would ask
4 is, basically, and this happens to a lot of
5 cases, Mr. O'Brien knows, training of all
6 employees. And maybe this incident, because it
7 has already gone over to the Attorney General's
8 Office, but so let's hope that we do some of
9 these things and if it does come to fruition,
10 maybe it won't, as the Chairman was saying.

11 But at any rate, I would feel a lot
12 better as a -- I'm just one Board Member, but I
13 would fee a lot better if those four things could
14 be considered.

15 MR. O'BRIEN: Very well, sir.

16 CHAIRPERSON ANDERSON: Well, one, I'm
17 not going to -- one thing I'll say, at least
18 suggest for at least the business' benefit, since
19 the Investigator has said there are, obviously,
20 some blind spots, that's something that I would
21 -- maybe you should reach out to the Agency who
22 can look to see if there are any ways to protect

1 you, sir. That's the only one I'm going to
2 comment on on the comments and the
3 recommendation, but I think that's something that
4 to protect the business at least to look at the
5 camera angles.

6 Because as you said that based on the
7 audit, it is a true restaurant.

8 MR. O'BRIEN: Yes.

9 CHAIRPERSON ANDERSON: 55 percent of
10 its -- from the audit said was from food sales.
11 So it is a restaurant.

12 I'm not sure if it's one of the places
13 that morphs into a nightclub after hours. I
14 don't -- I'm not saying that. I have never been
15 there after hours, so I don't know.

16 So there are certain requirements that
17 the Board would suggest for places that are truly
18 -- that kind of morph into a different type of
19 establishment at the end of the day.

20 So that's neither here nor there. All
21 right. Any other questions by any other Board
22 Members?

1 MEMBER SHORT: Just --

2 CHAIRPERSON ANDERSON: Go ahead, go
3 ahead, Mr. Short.

4 MEMBER SHORT: And again, I would just
5 like to reiterate the security plan. All the
6 employees need to be on the same page. If
7 something happens, one person calls, another
8 person does this, another one, but if everybody
9 is jumping in to get things separated and there
10 is no coordinated effort toward, and that's the
11 reason why I suggest the security plan and the
12 training.

13 So as the Chairman said, we can't --
14 we can only suggest things and I think that would
15 -- I'm kind of familiar with that area and
16 expecting them to commit to some of this, so I
17 know there is a lot of traffic. And we just make
18 sure that all the people that visit Washington or
19 visit this establishment feel safe and know that
20 there was a little hiccup and that you did all
21 you could do in this area.

22 MR. O'BRIEN: May I have just a

1 minute? Chief Short, we have employee manuals.
2 They are not security plans. They are employee
3 manuals, as you would expect in multi-store
4 operation. And as a result of this episode,
5 which came as much a shock to Mr. Gutin as it
6 does to the Board, given the nature of the
7 business, he has been working and has worked and
8 completed revising his manuals and sometimes
9 saying things that you think wouldn't need to be
10 said.

11 But I want to read just one sentence.
12 Well, maybe two sentences. "Striking a guest is"
13 -- well, let me go back.

14 "No employees to engage in physical
15 altercations with guests. In the event the guest
16 initiates a physical confrontation with you, you
17 are to retreat from the situation and seek the
18 assistance of a manager or greeter.

19 In the event an aggressive guest
20 confronts or assaults you in such a way that you
21 cannot immediately escape, you may utilize only
22 the degree of force necessary to protect you from

1 immediate physical harm and to escape, such as
2 pushing away or wrestling away. Striking a guest
3 is not allowed. We will not accept the
4 explanations 'he swung at me first' or 'I was
5 only protecting myself.'

6 Any employee who 'wins a fight' with
7 a customer will be referred to the police with
8 the request the employee be prosecuted."

9 So we all learn from experiences. As
10 I said, this was not an instance where we had any
11 reason to believe that this would happen, but now
12 that we know it can happen, training is
13 emphasized to discourage any repetition.

14 I hope that is generally responsive to
15 your question, Chief Short.

16 MEMBER SHORT: It is. And your
17 manual, could you provide a copy of that to the
18 Investigator for our records?

19 MR. O'BRIEN: Yes. It's not a
20 security plan.

21 MEMBER SHORT: Okay. I understand.

22 MR. O'BRIEN: Okay. Yeah, I think.

1 Do you have an extra copy?

2 MR. GUTIN: For the -- for our
3 greeters, yes.

4 MR. O'BRIEN: Yes, okay. This is
5 actually a manual for greeters, doormen. It is
6 not -- there are other manuals for other
7 employees, you know, for cooks and all, but that
8 same theme that I just read has now been added to
9 all manuals.

10 MEMBER SHORT: Mr. O'Brien, not to
11 drag this on much further, but I guess what I was
12 saying about the training and everybody being on
13 the same page, so if something does happen, whose
14 responsibility is it to call the police? And is
15 there a log kept about incidents, any kind of
16 incidents, so that you can kind of protect
17 yourself with the video. You can protect
18 yourself with the log. You can protect yourself
19 by saying it was the bartender's responsibility
20 to call the police while the incident was going
21 on. This security person, one security person,
22 too, those kind of things once they are in

1 writing, it seems that it chills things out a
2 little bit.

3 MR. O'BRIEN: Yeah. I believe that
4 the revised manual, revised in response to this
5 episode last August does address that.

6 We don't, when I say we, I mean the
7 client, does not keep an incident log as such.

8 MEMBER SHORT: Okay.

9 MR. O'BRIEN: Because it doesn't have
10 incidents.

11 MEMBER SHORT: Okay. I've got it. I
12 just made that for --

13 MR. O'BRIEN: Yeah.

14 MEMBER SHORT: -- the record.

15 MR. O'BRIEN: Okay. Thank you, sir.

16 MEMBER SHORT: Okay.

17 CHAIRPERSON ANDERSON: Any other
18 questions by any other Board Members? Any final
19 comments you want to make Ms. Plata?

20 INVESTIGATOR PLATA: No.

21 CHAIRPERSON ANDERSON: Officer?

22 OFFICER TSO: No, sir.

1 CHAIRPERSON ANDERSON: All right.
2 Thank you very much, Officer. Thank you for
3 being here. Thank you for your presentation.

4 Mr. O'Brien, thank you very much for
5 the presentation you made today. And as I said,
6 I don't know what the Attorney General's Office
7 will do, that is within their purview.

8 But the Board believed this was -- any
9 time there is an infraction between an employee
10 and an invitee, because I'm your customer and
11 they say the customer is always right. And the
12 Board just thought that it was out of character
13 that it was a serious incident that is one of the
14 reasons why a certain Member of the Board's
15 recommendation was that it should go over.

16 But also at the same time for us to
17 bring you here to let us know that we believe
18 that this is something that is serious. And we
19 wouldn't have known the steps that you have taken
20 to rectify this to ensure it does not happen.
21 Because again, this incident occurred in August
22 and we are in February and this is the first time

1 we are at least getting a response from the
2 licensee to say that this happened. We are aware
3 of it. And these are some of the changes that we
4 have made to ensure that this is something that
5 does not occur again from one of our employees.

6 And so that was the purpose of this
7 hearing.

8 MR. O'BRIEN: May I suggest one other
9 thing, Mr. Chair?

10 CHAIRPERSON ANDERSON: Yes, Mr.
11 O'Brien.

12 MR. O'BRIEN: The Board reviews
13 investigative reports --

14 CHAIRPERSON ANDERSON: Yes.

15 MR. O'BRIEN: -- and sends some to the
16 Attorney General.

17 CHAIRPERSON ANDERSON: Yes.

18 MR. O'BRIEN: The Attorney General
19 then makes a decision then whether to prosecute
20 or not.

21 CHAIRPERSON ANDERSON: Yes.

22 MR. O'BRIEN: If it does, it draws up

1 the charges.

2 CHAIRPERSON ANDERSON: Yes.

3 MR. O'BRIEN: And it sends it back to
4 the Board's Legal staff with dates blank, so that
5 the Board's staff can fill in the date for the
6 Status Hearing.

7 CHAIRPERSON ANDERSON: Right.

8 MR. O'BRIEN: And the date for the
9 Show Cause. The Board, I suggest respectfully,
10 is not obligated to prosecute anything simply
11 because the Attorney General sends it back.

12 CHAIRPERSON ANDERSON: That is true.
13 And the Board -- if the Attorney General decides
14 not to prosecute, we can say -- I hear what you
15 are saying. And I will hear what you are saying
16 and what I will do is that, you know, I'll take
17 this under advisement. I will take, based on the
18 presentation today, this under advisement and see
19 if the Board is willing to revisit its prior
20 determination, because of course we didn't always
21 do that.

22 So we send. We can always ask to

1 withdraw. So we will -- what I will -- this is
2 what I'm going to do. We will take this matter
3 under advisement and see whether or not, based on
4 this hearing today, whether or not a Fact-Finding
5 is sufficient or whether or not the Board still
6 believes that this matter should be prosecuted or
7 whether or not we are going to -- we will ask to
8 withdraw it.

9 MR. O'BRIEN: Very well. Thank you.

10 CHAIRPERSON ANDERSON: I'll take that
11 under advisement.

12 MR. O'BRIEN: Mr. Gutin?

13 CHAIRPERSON ANDERSON: Yes?

14 MR. GUTIN: Mr. Chairman and Board
15 Members, I want to thank you first of all for
16 your concern about the public and our actions. I
17 want to let you know that we are take -- we -- it
18 has been months and we took this immediately very
19 seriously. And as my attorney said, it is not
20 something I would have anticipated.

21 You know, we spent a lot of time
22 training our greeters on de-escalating

1 situations. We are now spending more time also
2 speaking to our staff in general about what to do
3 when confronted with an aggressive guest and how
4 to escape and that their duty is to escape or
5 just get the help of a manager at an earlier
6 stage before it gets aggressive. I mean, really
7 that's the answer. I made a mistake. I'm sorry.
8 I took your drink. Let me get you another one.
9 And hopefully that would have been it.

10 But we took it very seriously. We
11 took widespread actions. We changed certain
12 personnel. And you know, we take these things
13 always serious. There is a reason that we
14 haven't had a history of violations or problems.
15 It is because we take it very seriously.

16 And I thank you for your time.

17 CHAIRPERSON ANDERSON: Thank you. Do
18 you want to say something, Mr. Silverstein?

19 MEMBER SILVERSTEIN: Yes, I do. I
20 would tell the licensee that whenever there is an
21 assault on a patron and whenever there is an
22 arrest of an employee, we are always going to

1 want to know. And that is often the kind of
2 thing where we will immediately decide to send it
3 to the OAG and we will also want to know more
4 about it, so that (A) we can learn about it and
5 (B) if there are any issues or problems, they can
6 be resolved here.

7 This is not an adversarial hearing.
8 This was a Fact-Finding and I think you --
9 speaking for myself, we found the facts we needed
10 to know. And this appears to have been a one-off
11 and the thing that spoke loudest to me was that
12 nine year record of nothing at all on your
13 investigative report.

14 And I thank everyone here. This has
15 been a thorough hearing. I think we have gained
16 the facts that we needed to gain. And we can
17 move on from there. Thank you.

18 MR. GUTIN: Thank you.

19 CHAIRPERSON ANDERSON: Thank you.

20 This matter then is in recess. All right.

21 Thanks. All right.

22 As Chairperson of the Alcoholic

1 Beverage Control Board for the District of
2 Columbia and in accordance with DC Official Code
3 Section 2-574 of the Open Meetings Act, I move
4 that the ABC Board hold a closed meeting on
5 February 13, 2019 for the purpose of seeking
6 legal advice from our counsel on the matters
7 identified on the Board's Investigative, Legal
8 and Licensing Agenda for February 13, 2019 as
9 published in the DC Register on February 8, 2019.

10 Is there a second?

11 MEMBER SHORT: Second.

12 CHAIRPERSON ANDERSON: Mr. Short has
13 seconded the motion. I will now take a roll call
14 vote on the motion before us now that it has been
15 seconded.

16 Ms. Wahabzadah?

17 MEMBER WAHABZADAH: I agree.

18 CHAIRPERSON ANDERSON: Mr.
19 Silverstein?

20 MEMBER SILVERSTEIN: I agree.

21 CHAIRPERSON ANDERSON: Mr. Short?

22 MEMBER SHORT: I agree.

1 CHAIRPERSON ANDERSON: Mr. Alberti?

2 MEMBER ALBERTI: I agree.

3 CHAIRPERSON ANDERSON: Mr. Anderson?

4 I agree.

5 As it appears that the motion has
6 passed, I hereby give notice that the ABC Board
7 will hold this aforementioned closed meeting
8 pursuant to the Open Meetings Act. Notice will
9 also be posted on the ABC Board hearing room
10 bulletin board, placed on the electronic calendar
11 on ABRA's website and published in the DC
12 Register in as timely a manner as practicable.

13 It is 5:33 p.m. and we are adjourned
14 for the day. Thank you.

15 (Whereupon, the Fact-Finding Hearing
16 was concluded at 5:33 p.m.)

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In the matter of: Cuba Libre Restaurant & Rum Bar

Before: DC ABRA

Date: 02-06-19

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