

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

2 10:51 a.m.

3 CHAIRPERSON ANDERSON: We are back on
4 the record. Our next case is a Fact-Finding
5 Hearing, Case No. 19-251-00051, Decades, License
6 No. 103505.

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

9 MR. AMIRSHAHI: Arman Amirshahi.

10 CHAIRPERSON ANDERSON: Good morning,
11 sir. I apologize that we are delayed. I was
12 trying to read the report to try to make sure
13 that we are on par, because we don't have an
14 Investigator.

15 This basically -- this is a Fact-
16 Finding Hearing that the Board, we, requested
17 this Fact-Finding Hearing because of the incident
18 that occurred, a simple assault that occurred on
19 February 9, 2019.

20 And I think one of the major concerns
21 is that you do have a security plan and the
22 security plan states that in the event -- if

1 there is an incident, that Decades can maintain
2 footage of the incident for up to 30 days.

3 And it is my understanding that when
4 the Investigator attempted to retrieve the
5 security camera, that the establishment -- I'm
6 being told, at least in the report, that the
7 system was unable to maintain the -- a record for
8 up to - for the full 30 days.

9 So can you explain? Well, first and
10 foremost, can you explain from your perspective
11 what happened from your perspective and what is
12 going on with your camera system?

13 MR. AMIRSHAHI: Sure. I wasn't there
14 myself, but I have my general manager behind me
15 and the camera person as well as the head of
16 security just in case you need to speak with
17 them.

18 My understanding is there was an
19 altercation with two people. The parties were
20 separated. One got hit in the face. We
21 immediately had security grab that person and
22 take him outside to the police that monitors that

1 whole Connecticut Avenue, the detail.

2 And the other person we offered aid
3 to. He refused any kind of assistance with the
4 ambulance, but we gave him first aid and all
5 that. He didn't have anything broken, but his
6 nose was, obviously, bleeding.

7 And from there, we took the gentleman
8 outside again to make sure that the detail saw
9 him after they decided from a witness that we
10 also had on the spot, they arrested the person
11 who was the aggressor. And we later took the
12 victim out who got into an altercation. This
13 happened in the small area in the hallway where
14 the coat check is where they get their coat
15 checked.

16 We have 16 cameras that are required.
17 We have added throughout time, we have 28 cameras
18 now throughout the place. We are really big on
19 making sure we have cameras and footage.

20 As you know, the camera footage sees
21 different angles and I saw what was written on
22 here and the general manager is here to attest to

1 it. There was nothing, there was no recording of
2 it. There was just no footage of that incident
3 showing the actual person hitting the guy in the
4 face.

5 We have cameras on the left and the
6 right. We showed that to the Investigator and he
7 wasn't interested in that or wasn't able to see
8 anything that was worth and the same thing that
9 we saw, didn't show the incident even the day of,
10 but we do keep all the incidents that do happen
11 there and for a minimum of 30 days when it does
12 occur.

13 CHAIRPERSON ANDERSON: No, but the
14 report says that the system was not able to --
15 that -- the report says that the system was not
16 able -- it says that it had been open, the
17 system, the storage was unable to hold a full 30
18 day general limit.

19 MR. AMIRSHAHI: Yeah, I have my
20 general manager here. I really don't understand
21 what that meant. We have showed him from what I
22 heard the camera that was there when he arrived

1 on February, I believe it was, the 28th, which is
2 way during the time that we would still usually
3 have footage, but that particular camera when he
4 wanted to see it -- again, we have four floors
5 with an occupancy of over 800 people. It depends
6 on movement.

7 That floor is actually the most
8 movement that we have. And when he had come
9 there to look at even the footage, which didn't
10 show that incident anyway, he wasn't interested
11 in any other cameras. The camera that was
12 closest to it and we showed him, even we didn't
13 have any footage that showed any incident. We
14 showed him the footage. We showed him the
15 recordings that we had on Camera 4 and 8 and all
16 the ones that show in that area.

17 And we never captured anything, be
18 able to save anything that was -- to show that
19 incident. He saw where the incident happened.
20 The police were there. They had an incident
21 report and everything that he said we did it
22 according to what was supposed to happen.

1 But to clarify that the footage
2 situation, there was nothing for us to be able to
3 record to keep, to show. We went over the
4 footage with our head of security. We keep all
5 that stuff. There is no reason for us not to
6 keep it. It is -- we had done everything right
7 and had the guy arrested.

8 CHAIRPERSON ANDERSON: But as a
9 general -- and I guess how long does your camera,
10 your -- and I guess in reviewing the settlement
11 agreement -- I'm sorry, your security agreement,
12 it says "In the case of an event," so you were
13 aware of the event. Is that correct?

14 MR. AMIRSHAHI: Yes.

15 CHAIRPERSON ANDERSON: And are all the
16 cameras that could have captured the event are
17 all -- were all those cameras able to record and
18 maintain for 30 days?

19 MR. AMIRSHAHI: Yes, we showed it to
20 the Investigator the cameras that we had, but
21 they were -- again, we have floors that are --
22 it's 4,000 square feet, the area that it happened

1 happened very quickly and it was in front of the
2 coat check area.

3 We obviously can't usually cover area
4 we hope to. We have the picture of the gentleman
5 being taken out. We have a picture of the guy as
6 he is walking out as well, but it didn't show the
7 gentleman punching the person in the face. We
8 had a witness there. We took him outside to make
9 sure that they cooperated. They arrested the
10 gentleman right away. The person who was
11 injured, we gave him care and all that.

12 We tried to get the footage of them
13 escorting and the ones coming in and out, but
14 obviously they wanted to see if there was
15 anything that they could capture that showed, and
16 I wish we did, the guy punching him in the face.
17 But it didn't change the outcome of the scenario.
18 The person getting arrested.

19 CHAIRPERSON ANDERSON: Okay. Do you
20 have anything else you want to state?

21 MR. AMIRSHAHI: Just that I think if
22 you have seen our history from the eight

1 nightclubs we have, I mean, we are over and
2 beyond having cameras. We have 16, I believe, in
3 our security manual. We have -- already have 28.
4 We have a space that is directly below us, a
5 different ABC license, and we also have 16
6 cameras there. We have added two in the back
7 area, rooftop area, so we are constantly adding
8 cameras.

9 But when we do that, it sometimes does
10 take away from the recording times depending on
11 motion of when it starts. We have some cameras
12 that record up to 38, 40 days and some that
13 record, you know, less depending on movement.

14 CHAIRPERSON ANDERSON: Well, go ahead,
15 Mr. Short.

16 MR. AMIRSHAHI: How are you?

17 MEMBER SHORT: The law that your
18 cameras can run says each camera should or not
19 should will record and hold those records for 30
20 days. That is what this Board is holding you to.

21 So when you say there are some that do
22 less, unfortunately, most of the time it probably

1 happens in the area where we need to see what
2 happened. So if all of them had the 30 days,
3 every one of your cameras, and what I would
4 suggest strongly and make recommendations to the
5 Board, is that we have an Investigator, one of
6 our seasoned Investigators come out, go over the
7 cameras with the camera person and give us a
8 report on your cameras.

9 Each one should be 30 -- at least 30
10 days. Do you have a problem with that?

11 MR. AMIRSHAHI: I don't have a problem
12 with it. In a perfect world it would be amazing,
13 but I might agree to disagree.

14 MEMBER SHORT: We're not talking about
15 perfect worlds. We are talking about our
16 requirements in the law.

17 MR. AMIRSHAHI: I don't -- I might be
18 mistaken, but my understanding was that the
19 incident needs to be kept for 30 days, not the
20 footage.

21 MEMBER SHORT: Okay. So --

22 MR. AMIRSHAHI: Not the cameras that

1 they be recording for 30 days.

2 MEMBER SHORT: Yes, that's not what
3 I'm focusing on. But I say to you no matter
4 where it happens within those 30 cameras, whether
5 it was up some floors, down, no matter, front or
6 back, rear, whatever, every camera should have
7 the ability to hold those for 30 days.

8 MR. AMIRSHAHI: It is not possible.

9 MEMBER SHORT: What to you mean it's
10 not possible?

11 MR. AMIRSHAHI: The cameras that are
12 there that we have spent over \$40,000 something,
13 we have eight nightclubs, it depends on movement.
14 If the club is open seven days a week, 18 hours a
15 day, there is no way any camera footage or the
16 recording you have can hold it for that long.

17 MEMBER SHORT: Okay.

18 MR. AMIRSHAHI: It's based on --

19 MEMBER SHORT: I'm not going to --

20 MR. AMIRSHAHI: -- movement.

21 MEMBER SHORT: -- argue the law with
22 you.

1 MR. AMIRSHAHI: Right.

2 MEMBER SHORT: But if the
3 Investigators come out and you are not in
4 compliance, the fines will -- if you get enough
5 fines, it can cause you to lose that license. So
6 is your license valuable enough for you to get
7 cameras that are compliant? Are you saying we
8 have so much movement, we are just not going to
9 do that? Is that -- I hope that's not what you
10 are saying.

11 MR. AMIRSHAHI: No, that's not what
12 I'm saying.

13 MEMBER SHORT: Okay. All right.

14 MR. AMIRSHAHI: I would like the Board
15 to correct me if I'm wrong. But my understanding
16 is that the footage that happens or an incident
17 happens tomorrow, that footage needs to be kept
18 for 30 days. It is not a requirement or maybe --
19 and if I could do it, it's not that I'm not
20 trying not to do it, the systems that we have had
21 and we have systems that have 90 cameras, 60
22 cameras, that they will not hold footage for more

1 than that long with the DVRs that we have had.

2 We have the highest DVRs that we can
3 and we've spent thousands of dollars. It will
4 not hold the footage. If you have a camera
5 expert that can do that --

6 MEMBER SHORT: Your name again? Your
7 name again, sir?

8 MR. AMIRSHAHI: My name is Arman.
9 Arman.

10 MEMBER SHORT: Mr. Arman?

11 MR. AMIRSHAHI: Yes.

12 MEMBER SHORT: Okay. So let's just
13 say and hopefully this is -- it doesn't happen,
14 you have another incident with two incidents and
15 you come back again and say well, the camera just
16 didn't hold it for 30 days, because of what you
17 are using.

18 Again, I'm trying to tell you what the
19 requirement is. And I don't think it's my job to
20 argue with you or argue what the law is. But you
21 come before this Board with the testimony that
22 has been given today, I, as a Board Member, am

1 saying to you every one of your cameras need to
2 be compliant. I don't know how you are going to
3 do it or why you can't do it, but I'll just
4 simply say this to you there will be an
5 Investigator that comes out and look at your
6 cameras and the camera angles and try the best he
7 can to work with you.

8 But if you come before this Board
9 again and I'm still a Board Member and there is
10 an incident and you say it just happened to
11 happen on one of the areas where we can't hold it
12 for 30 days, I'm not going to accept that. I'm
13 going to consider that unacceptable.

14 MR. AMIRSHAHI: Again, I think we are
15 talking about two different situations. And I'm
16 not trying to be -- I'm just trying to explain to
17 you what the situation is. I'm not talking about
18 the incident happening, the incident that
19 happened, if it happened today, we keep that
20 incident for 30 days.

21 We kept the incident of footage of
22 everything that happened that night, but it did

1 not capture that situation that night.

2 MEMBER SHORT: So you've got a blind
3 spot?

4 MR. AMIRSHAHI: Yes.

5 MEMBER SHORT: Okay. So when the
6 Investigator comes out, the Investigator can tell
7 you how to handle blind spots.

8 MR. AMIRSHAHI: I understand that.

9 MEMBER SHORT: Because the bottom line
10 is if -- it helps you more than it helps us. If
11 somebody tries to sue you --

12 MR. AMIRSHAHI: Of course.

13 MEMBER SHORT: -- and you have the
14 footage and we need a copy of it, MPD gets a copy
15 of it, it helps you, but if you have blind spots,
16 you are not going to -- you might not fare so
17 well in the Court of Law where somebody is suing
18 you.

19 So we are saying to you if it's not
20 compliant now and you have blind spots, the
21 Investigator is going to come out and the
22 Investigator is going to in turn give us a report

1 and let us know how well your cameras are
2 working, if they are compliant and what you are
3 doing about blind spots.

4 MR. AMIRSHAHI: I totally agree with
5 you and I appreciate your assistance in sending
6 an Investigator. I feel that we go over and
7 beyond having, as you can tell, that we have 16
8 cameras as approved by our approval and we have
9 added 12 more, not required --

10 MEMBER SHORT: Okay.

11 MR. AMIRSHAHI: -- or asked by the
12 Board.

13 MEMBER SHORT: We --

14 MR. AMIRSHAHI: We have done it on our
15 own.

16 MEMBER SHORT: -- have got testimony.
17 The Investigator is coming out.

18 My last question to you is does anyone
19 in your staff have any EMT, emergency management,
20 training or emergency medical training? Does
21 anybody? Someone is raising their hand.

22 Sir, were you working the night of --

1 can you come forward?

2 MR. COMER: Yes, sir.

3 MEMBER SHORT: I know the Chairman is
4 going to ask you to give your name for the
5 record.

6 MR. COMER: Okay. Desmond Comer.

7 MEMBER SHORT: Okay. You are going to
8 need to write your name on that list, too.

9 MR. COMER: Sure. All right.

10 MEMBER SHORT: Thank you, Mr. Comer.

11 And I'll make a statement before I ask you the
12 question. Having been a person who worked in
13 Emergency Medical Services in the city for many
14 years, I'm very happy to hear that your staff
15 does have this capability.

16 So on the night that this incident
17 happened, were you working?

18 MR. COMER: Yes, sir.

19 MEMBER SHORT: And the person that was
20 injured, nose injury?

21 MR. COMER: Yes.

22 MEMBER SHORT: Okay. So --

1 MR. COMER: I believe he had taken a
2 punch right to the septum.

3 MEMBER SHORT: Okay. So was the EMS,
4 was the Fire Department or EMS called?

5 MR. COMER: No, he declined. We
6 offered and he declined to accept it.

7 MEMBER SHORT: Okay. Now, I would
8 like to make this statement for the record also.

9 Just suppose you couldn't just look at
10 him and tell how bad his injury was and he went
11 out front and passed out after he tells you no,
12 wouldn't you think the most prudent thing would
13 be to call EMS, let him tell them he doesn't want
14 any medical treatment? And then you are covered
15 and your license is covered.

16 MR. COMER: Correct, sir. He was
17 fully cognitive. He was still somewhat
18 aggressive. He was in full retention of his
19 faculties. More than EMT from years of playing
20 Rugby, it was a straight nose break. He was not
21 bleeding profusely.

22 MEMBER SHORT: Okay. I understand all

1 that. Do you know head injuries can not be seen
2 without x-ray or whatever, MRIs? And so you
3 being trained the way you were, that you are --

4 MR. COMER: Yes, sir.

5 MEMBER SHORT: -- and I have been --
6 if someone comes and says they don't -- I mean,
7 if someone is called -- the Ambulance Service has
8 something for them to sign that says --

9 MR. COMER: With the way of law.

10 MEMBER SHORT: Right, but the bottom
11 line is you can't do that, because the law
12 doesn't cover you with that. I would think your
13 policy should be always call for medical
14 assistance and let them handle it, because you
15 can't look at someone and say they are talking
16 right now, because they could, the next day, pass
17 out and it could be assigned to you.

18 What you want to do is you want to
19 call for assistance and have that logged in and
20 have that on your cameras, that means you are
21 totally compliant with all the laws. You have
22 done everything to cover yourself and the

1 business.

2 So if that happens again, are you
3 going to do what -- what is going to happen?

4 MR. COMER: Yes, sir. it would seem
5 to be prudent. We will do that.

6 MEMBER SHORT: For the record, what
7 are you saying would be prudent?

8 MR. COMER: In the event of injuries
9 where we cannot absolutely ascertain the severity
10 of it, we should call paramedics regardless.

11 MEMBER SHORT: I thank you very much
12 for your testimony. That's all I have, Mr.
13 Chair. Thank you very much.

14 CHAIRPERSON ANDERSON: Are there any
15 other questions by any of the Board Members?

16 I'm looking over your security camera
17 -- your security agreement to see if there is any
18 reference as to the questions that Mr. Short has
19 asked you regarding -- but you are not -- that's
20 not the issue why you are here. I was just
21 looking in your security -- briefly trying to go
22 through your security agreement to see if that --

1 the conversation that you -- the line of
2 questions you just had with Mr. Short, if that
3 was addressed in your security agreement.

4 No, it's not. All right. Do you have
5 any other statements or comments you want to
6 make?

7 MR. AMIRSHAHI: Well, Mr. Chair, I
8 just wanted to just -- again, I'm not -- I don't
9 want to go on record saying that we can hold
10 video on something I can't do. I think you know
11 me well enough that I'm very straight up with
12 what I can do and what we can't do.

13 And instead of being complimentary
14 about what we have done and making sure, I had
15 questions for the Investigator. He is not here.
16 I think it will attest to us that we have done
17 everything imaginable and the club is one of the
18 most known for head of security, over-staffing,
19 having multiple security people there and for a
20 club that has been there two years, I think our
21 record speaks for itself.

22 I'm not here to get compliments, but

1 I really don't want to go this route that we have
2 an open testimony by a gentleman from the Board
3 saying that we are required and the next time I
4 come in here if we don't have 30 days, it could
5 affect our license.

6 I cannot do something that I can't
7 physically do with technology. If there is a
8 precedent from that of somebody being able to
9 hold video for a club that is open multiple days
10 and multiple interactions of 18 hours a day,
11 seven days a week, I would like to have that, but
12 I'm not going on record saying that the owner has
13 agreed to have 30 days of every camera possible.

14 We have had this discussion with
15 multiple nightclubs, with the new Mayor of
16 Nightlife that has been associated with Marc
17 Barnes, who has gone on record there. If it's
18 possible to do, I'll be more than happy to do it.
19 I don't care if it costs \$100,000.

20 But don't force me to say something
21 that is not physically possible to do. We have
22 cameras at eight nightclubs and I have been doing

1 this for 20 plus years. If there is movement and
2 activity in one certain camera, one camera can
3 record 11 days. Some -- well, I have my camera
4 technician here. It can hold for 40 days, 50
5 days, 60 days.

6 You know, but I cannot attest on
7 record that we are going to have every camera to
8 do it. There is no incentive for us not to be
9 able to do that. So if your camera expert is an
10 expert on this and can show us how to do every
11 camera to hold 30 plus, 60, 70, then why don't we
12 have every nightclub in the city doing it?

13 CHAIRPERSON ANDERSON: All right. I
14 can only go -- this is what your security
15 agreement says. Your security agreement says "In
16 the event of an incident, Decades can maintain
17 footage of the incident for up to 30 days."

18 MR. AMIRSHAHI: Correct.

19 CHAIRPERSON ANDERSON: Meaning if we
20 come there in 30 days, within the 30 days and it
21 is determined that Camera 9 is the camera that
22 would have covered the incident and if Camera 9

1 or say Camera 8 is next to Camera 9 or Camera 7,
2 but it is determined that Camera 9 is the camera
3 that would cover the incident.

4 And if you don't have -- if that -- if
5 the incident is not covered, then based on your
6 security agreement, then you would be in
7 violation of your security agreement, because it
8 says that in the event of an incident, that
9 Decades can maintain footage of the incident for
10 up to 30 days.

11 MR. AMIRSHAHI: Well --

12 CHAIRPERSON ANDERSON: I'm not -- I
13 can't explain to you what it -- but that's what
14 it says.

15 MR. AMIRSHAHI: I agree with that.

16 CHAIRPERSON ANDERSON: If there is an
17 incident -- right.

18 MR. AMIRSHAHI: And I agree with what
19 it says.

20 CHAIRPERSON ANDERSON: Right. And
21 that's what it says.

22 MR. AMIRSHAHI: I think what is said

1 and what your interpreting are two different
2 things.

3 CHAIRPERSON ANDERSON: Well, I am --

4 MR. AMIRSHAHI: Because the footage--

5 CHAIRPERSON ANDERSON: Right.

6 MR. AMIRSHAHI: I'm sorry.

7 CHAIRPERSON ANDERSON: Go ahead. No,
8 I'm not interpreting. I'm not interpreting it,
9 I'm just saying this is what it says.

10 MR. AMIRSHAHI: I understand that.

11 CHAIRPERSON ANDERSON: And so --

12 MR. AMIRSHAHI: And what I think it
13 says without -- and I could be wrong, my
14 understanding is if there was an incident
15 tomorrow --

16 CHAIRPERSON ANDERSON: Right.

17 MR. AMIRSHAHI: -- and somebody got
18 hit, that we are maintaining that video footage
19 for 30 days. That incident is being recorded,
20 whatever it was which we had for the
21 Investigator, multiple cameras and the recording
22 for 30 days.

1 Plus, he showed up within 20 days.

2 CHAIRPERSON ANDERSON: All right.

3 MR. AMIRSHAHI: We had the footage.

4 It just didn't cover that area. There is no
5 requirement, I'm not an attorney --

6 CHAIRPERSON ANDERSON: And although I
7 am an attorney --

8 MR. AMIRSHAHI: -- there is no
9 requirement that there is footage, that the
10 cameras need to be recording for 30 days. The
11 incident that happens, and you can check with
12 your General Counsel, I could be wrong, the
13 incident that occurs there needs to be kept in
14 the premises for 30 days. Is that incorrect?
15 Not that the footage needs to be kept for 30
16 days.

17 CHAIRPERSON ANDERSON: I --

18 MR. AMIRSHAHI: Because if I could do
19 that, I wouldn't lie to something I can't do. I
20 have read the Security Manual. I wrote it. So
21 my understanding is that if the incident happens,
22 that we are required to keep that incident.

1 So if the Investigator shows up, you
2 know, within that time that the incident
3 happened, that's what we did. But I cannot
4 attest and I'm not going to go on record saying
5 that our footage -- I'm very happy that Board
6 Members want to send their camera expert to see
7 this, but I'm not going on record saying that we
8 could keep footage for 30 days, because we have
9 had --

10 MEMBER SHORT: You've got cameras. I
11 have to correct that. They aren't camera
12 experts. They are Investigators who go to
13 nightclubs all over the city and they give
14 suggestions to owners on blind spots and
15 coverage. That's what he will be coming there to
16 do.

17 MR. AMIRSHAHI: Okay.

18 MEMBER SHORT: He is not an expert.

19 MR. AMIRSHAHI: Yes, sir.

20 MEMBER SHORT: For the record. Thank
21 you.

22 MEMBER SILVERSTEIN: Mr. Chairman?

1 CHAIRPERSON ANDERSON: Yes, Mr.
2 Silverstein?

3 MEMBER SILVERSTEIN: And you bring up
4 a very important issue there and that is what is
5 to be maintained and why? And there are so many
6 concerns that we have and they may not even
7 involve your operation. Someone has something
8 bad happen to the and you are trying to trace
9 where they had been.

10 I remember a case of a couple that
11 were in Mister Days and they disappeared and it
12 turned out they had been murdered. You probably
13 remember that case.

14 You come back 10, 15 days later, there
15 hadn't been an incident, but if there had been a
16 camera there that had seen that the young man and
17 the young woman had been in that club, the police
18 can trace that kind of thing.

19 That there may be a case where someone
20 had been drugged. There may have been a case
21 where there was an incident or an incident
22 occurred outside and you didn't know about it, so

1 you erased this. We need that for a multiplicity
2 of reasons. And we need to know how long all of
3 those cameras are going to be -- how long all of
4 that footage is going to be kept.

5 So it's not simply a matter of whether
6 there were bad acts on a certain night involving
7 the operation and whether you knew that these
8 things could happen. And so we have a different
9 standard than what you are saying. We need to
10 know how long all of these camera footage is
11 going to be kept.

12 And, Arman, can you tell us how long?
13 And can we perhaps work together to clarify this
14 issue? Because it's not an issue of us versus
15 you.

16 MR. AMIRSHAHI: Of course. And I
17 understand that and I appreciate your comments.
18 All I'm saying again, you have seen me be here
19 multiple times throughout the years.

20 MEMBER SILVERSTEIN: Please speak a
21 little louder.

22 MR. AMIRSHAHI: And I -- you have seen

1 me here multiple times regarding this. I feel
2 that it is not against you and against and Mr.
3 Short has given me multiple times throughout the
4 years things that have been very helpful with
5 fire stuff and all this that we have used in our
6 manuals and all that.

7 All I'm saying is I understand your
8 perspective and how people coming here -- I have
9 been and seen other clubs and other stuff and
10 things that have happened, where it has nothing
11 to do with the club.

12 I was dealing yesterday until 4:00 in
13 the morning with a detective that came in asking
14 for a person who came in there and her credit
15 card and her cell phones were stolen.

16 MEMBER SILVERSTEIN: Um-hum.

17 MR. AMIRSHAHI: And we had two
18 detectives dealing with this at 4:00 in the
19 morning and they wanted footage of it. It had
20 nothing to do with the club, but they were trying
21 to see if --

22 MEMBER SILVERSTEIN: Right.

1 MR. AMIRSHAHI: -- they could get the
2 person. It wasn't an incident, but we were able
3 to show him X, Y and Z. You know, meanwhile I
4 have something where, you know, an incident where
5 our own personnel, one of our bad apples came
6 there and robbed us of our -- in our liquor room
7 and took \$10,000 worth of inventory. I can't
8 even get a detective to come out, you know.

9 But on this case, we have somebody
10 coming out. But to answer your question, you
11 know, we have -- and again to even Mr. Short's
12 comment, I just want you to know we go over and
13 beyond dealing with incidents all the time.

14 I have cameras that are facing the
15 street. I have to get subpoena and Court orders
16 and deal with this hours and hours on my time, my
17 expense, my head of security, nothing to do with
18 the club.

19 Someone got hit outside, someone got
20 beat up and whatever, I could say, you know what,
21 I don't want to have these cameras outside. I'll
22 turn them off. I don't want them to deal with

1 all this nonsense and my head of security has to
2 deal with every single time, because no one else
3 puts footage out there, but I have to deal with,
4 you know, and I want to be part of the community.

5 We want to be part of capturing
6 something that has nothing to do with the club,
7 but we have been instrumental with the detectives
8 of getting people who have been robbed, have been
9 beat up that has happened at the club next door.

10 And for my own safety and security, I
11 want to say our club had nothing to do with it.

12 MEMBER SHORT: Sure.

13 MR. AMIRSHAHI: That's why I have
14 added over 12 more cameras into my establishment
15 and instead of having that kind of conversation,
16 I feel like oh, it's you are not recording it and
17 I did something wrong.

18 And all I'm saying is that if I could
19 record the thing for 360 days, why wouldn't I do
20 it? You know, I would love to do it, but I
21 cannot, to answer your question, say oh, this
22 camera is going to record 10 days and I'm going

1 to put on record it is going to hold 30 days,
2 because it can't be done.

3 There is cameras that are on -- that
4 are there and if we have an activity, 18 hours a
5 day, seven days a week, I don't care what hard
6 drive you have, it is not going to capture
7 motion-to-motion 360 degree cameras for 30 days.
8 It's just not possible.

9 Now, if the camera consultant/expert
10 suggests or the person tells me there is a system
11 that I'm not aware of and it makes sense, I'll be
12 more than happy to do it, Mr. Silverstein.

13 MEMBER SILVERSTEIN: How long will
14 this stuff be held?

15 MR. AMIRSHAHI: Some cameras --

16 MEMBER SILVERSTEIN: What is the --

17 MR. AMIRSHAHI: -- that I have --

18 MEMBER SILVERSTEIN: -- window?

19 MR. AMIRSHAHI: -- seen are 90 days.

20 Some I have seen hold 60 days.

21 MEMBER SILVERSTEIN: How many?

22 MR. AMIRSHAHI: I have seen some of

1 the cameras that we have within the 28 that hold
2 -- they could hold, I would say 16, 17, 18 days
3 from what I have seen and some can hold 60 and
4 more, depending on if we don't have a floor open
5 for the whole week, it's going to --

6 MEMBER SILVERSTEIN: Oh, yeah,
7 forever.

8 MR. AMIRSHAHI: -- record a month.

9 CHAIRPERSON ANDERSON: All right.

10 MR. AMIRSHAHI: I don't know if that
11 answered your question.

12 MEMBER SILVERSTEIN: Thank you.
13 That's informative.

14 CHAIRPERSON ANDERSON: All right.
15 This is 25.402(b)(4)(A) "If cameras are required
16 to be installed by the Board or in accordance
17 with the establishment's security plan or
18 settlement agreement, the establishment shall
19 ensure that:

20 (ii) Any footage of a crime or
21 violence or a crime involving a gun is maintained
22 for a minimum of 30 days and the footage is made

1 available within 48 hours."

2 So and it is also -- it says that "If
3 the licensee knows of a reason or should know
4 that the cameras are not operational, the
5 licensee shall notify the Board within 10 days of
6 learning that the cameras are not operating and
7 provide the Board with proof of corrective
8 maintenance."

9 I can only inform you of what the
10 regulation is. And so as I said before, if we
11 come and an incident occurs, and if it is
12 determined that Camera 9 was the camera that
13 would have caught the incident and if that Camera
14 9 did not maintain the incident, if you don't
15 have footage for the 30 days, then the Board
16 could fine you.

17 I'm not going to interpret it for you.
18 I can only refer you to the regulation and what
19 the regulation says. And that is what every
20 other establishment has to comply with.

21 MR. AMIRSHAHI: And I agree with that,
22 exactly what you just said.

1 CHAIRPERSON ANDERSON: And that's
2 good.

3 MR. AMIRSHAHI: But that doesn't mean
4 that the camera has to be recording for 30 days.

5 CHAIRPERSON ANDERSON: I'm -- Mr.
6 Short has stated what his position is.

7 MR. AMIRSHAHI: Okay.

8 CHAIRPERSON ANDERSON: I am not going
9 to state. That is a matter of interpretation
10 with you and I can only tell you what the
11 provision is. And so that's what the provision
12 says you -- although you are saying you do have a
13 security plan, so therefore, that provision does
14 apply to you, because you are -- it's -- all
15 right. Okay?

16 MR. AMIRSHAHI: I totally understand.

17 CHAIRPERSON ANDERSON: Yes, sir?

18 MR. AMIRSHAHI: I appreciate it.

19 MR. COMER: I would just like to
20 remind the Board that the two officers that were
21 originally assigned both examined the video
22 coverage and saw nothing worthy to record or to--

1 by either themselves or us, at that particular
2 time.

3 CHAIRPERSON ANDERSON: Okay. All
4 right. Well, in this particular case, I think
5 what we had stated was that at least my review of
6 the report stated that the cameras did not
7 maintain the 30 days. The Investigator is no
8 longer with the Agency, but in the report, the
9 Investigator did not state that there was a
10 violation.

11 So this is -- our intent to have this
12 hearing is to find out the capabilities of your
13 camera and to let you know what the requirement
14 is. And so you know what Mr. Short's position
15 is. So therefore, if an incident occurred and
16 you come forward and it's -- and this camera that
17 would have recorded the incident, if it does not
18 cover it, then that could be a violation.

19 As far as Mr. Short's recommendation,
20 it's a Fact-Finding Hearing, so we can't order,
21 but would you agree to allow an Investigator to
22 come and look at the -- your cameras to find out

1 whether or not there are any blind spots?

2 MR. AMIRSHAHI: Of course. And I
3 appreciate today's meeting. I just wanted to
4 just -- I wanted to come here to make sure there
5 is -- the way it is written is clarified and I
6 hope I did that.

7 And I do appreciate Mr. Short's
8 comments. I would love to have someone give me
9 another set of eyes to say X, Y and Z can happen
10 and maybe we can cover more blind spots or
11 whatever --

12 CHAIRPERSON ANDERSON: All right.

13 MR. AMIRSHAHI: -- he might see.

14 CHAIRPERSON ANDERSON: All right. So
15 with your permission then, we will instruct the
16 Agency to assign an Investigator to look at to
17 see whether or not there any obvious blind spots.
18 I know you said you have 28 cameras just to make
19 sure that you are covered, that there are no
20 obvious blind spots within the Agency.

21 Any other comments you want to make?
22 Within your establishment.

1 MR. AMIRSHAHI: No. The only comment
2 is around blind spots. I mean, it's all
3 relative. You know, to me, to get the center of
4 action at the time is what is most important.
5 You never think something could happen here or
6 here.

7 CHAIRPERSON ANDERSON: Right.

8 MR. AMIRSHAHI: I wish I could cover
9 the whole place 24/7 in every spot, but we
10 haven't had any issues in that area and usually
11 it's not the area you would think you would have
12 a problem with the coat check, but things happen
13 anywhere, any time, as Mr. Short said.

14 So the more advice somebody might say,
15 I'll give you an example of one incident that we
16 had for whatever reason. We had to move one
17 camera and it saved our business, because it
18 happened to be pointing in the right direction at
19 the right time.

20 CHAIRPERSON ANDERSON: All right. And
21 now you know that the coat check area is an area
22 that --

1 MR. AMIRSHAHI: Exactly.

2 CHAIRPERSON ANDERSON: Okay. So
3 although you still can't put a camera in the
4 bathroom, but maybe you have to put one at the
5 door to know that the person went inside the
6 bathroom and he either didn't come back out or
7 something happened.

8 MR. AMIRSHAHI: Yeah.

9 CHAIRPERSON ANDERSON: But it's
10 unfortunate, based on how we are today.

11 MR. AMIRSHAHI: I appreciate it.

12 CHAIRPERSON ANDERSON: All right.

13 MEMBER SHORT: I would just like --

14 CHAIRPERSON ANDERSON: Yes, Mr. Short?

15 MEMBER SHORT: -- to say thank you for
16 your cooperation.

17 MR. AMIRSHAHI: Thank you --

18 MEMBER SHORT: And thank you for
19 coming today.

20 MR. AMIRSHAHI: -- for your
21 assistance. I appreciate it.

22 CHAIRPERSON ANDERSON: With that said,

1 I will make a recommendation we take no further
2 action. Is there a second?

3 MEMBER SHORT: Second.

4 CHAIRPERSON ANDERSON: Mr. Short has
5 seconded the motion.

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON ANDERSON: Those opposed?

9 The matter passes 5-0-0.

10 Thank you very much for being here
11 today. I know that it takes a lot for you to be
12 here, so I appreciate the fact that whatever the
13 reason that if an incident occurred, you are
14 always here. And the Board does appreciate that.

15 MR. AMIRSHAHI: Thank you for your
16 time.

17 CHAIRPERSON ANDERSON: And I hope you
18 don't believe that we are giving you too hard a
19 time, but --

20 MR. AMIRSHAHI: No.

21 CHAIRPERSON ANDERSON: -- at the end
22 of the day, we are here to assist you to make

1 sure that you are a productive member -- you
2 continue to remain a viable business in the
3 District of Columbia.

4 MR. AMIRSHAHI: I appreciate that. I
5 have been on record this is the best Board we
6 have ever had in years, so I appreciate where it
7 is going.

8 CHAIRPERSON ANDERSON: All right.
9 Thank you.

10 MR. AMIRSHAHI: Thank you.

11 CHAIRPERSON ANDERSON: Have a great
12 day. All right.

13 (Whereupon, the Fact-Finding Hearing
14 was concluded at 11:25 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 2:2 42:14 ABC 9:5 ability 11:7 able 5:7,14,16 6:18 7:2 7:17 22:8 23:9 31:2 absolutely 20:9 accept 14:12 18:6 action 39:4 41:2 activity 23:2 33:4 acts 29:6 actual 5:3 added 4:17 9:6 16:9 32:14 adding 9:7 addressed 21:3 advice 39:14 affect 22:5 Agency 37:8 38:16,20 aggressive 18:18 aggressor 4:11 agree 10:13 16:4 24:15 24:18 35:21 37:21 agreed 22:13 agreement 7:11,11 20:17,22 21:3 23:15 23:15 24:6,7 34:18 ahead 9:14 25:7 aid 4:2,4 Alcoholic 1:2,13,14 allow 37:21 altercation 3:19 4:12 amazing 10:12 ambulance 4:4 19:7 Amirshahi 1:21 2:9,9 3:13 5:19 7:14,19 8:21 9:16 10:11,17,22 11:8,11,18,20 12:1,11 12:14 13:8,11 14:14 15:4,8,12 16:4,11,14 21:7 23:18 24:11,15 24:18,22 25:4,6,10,12 25:17 26:3,8,18 27:17 27:19 29:16,22 30:17 31:1 32:13 33:15,17 33:19,22 34:8,10 35:21 36:3,7,16,18 38:2,13 39:1,8 40:1,8 40:11,17,20 41:15,20 42:4,10 ANC 1:7 Anderson 1:15,17 2:3 2:10 5:13 7:8,15 8:19 9:14 20:14 23:13,19 24:12,16,20 25:3,5,7 25:11,16 26:2,6,17 28:1 34:9,14 36:1,5,8 36:17 37:3 38:12,14</p>	<p>39:7,20 40:2,9,12,14 40:22 41:4,8,17,21 42:8,11 angles 4:21 14:6 answer 31:10 32:21 answered 34:11 anybody 16:21 anyway 6:10 apologize 2:11 apples 31:5 apply 36:14 appreciate 16:5 29:17 36:18 38:3,7 40:11,21 41:12,14 42:4,6 approach 2:7 approval 16:8 approved 16:8 area 4:13 6:16 7:22 8:2 8:3 9:7,7 10:1 26:4 39:10,11,21,21 areas 14:11 argue 11:21 13:20,20 Arman 1:21 2:9 13:8,9 13:10 29:12 arrested 4:10 7:7 8:9,18 arrived 5:22 ascertain 20:9 asked 16:11 20:19 asking 30:13 assault 1:9 2:18 assign 38:16 assigned 19:17 36:21 assist 41:22 assistance 4:3 16:5 19:14,19 40:21 associated 22:16 attempted 3:4 attest 4:22 21:16 23:6 27:4 attorney 26:5,7 available 35:1 Ave 1:7 Avenue 4:1 aware 7:13 33:11 aye 41:6,7</p> <p style="text-align: center;">B</p> <p>back 2:3 9:6 11:6 13:15 28:14 40:6 bad 18:10 28:8 29:6 31:5 Barnes 22:17 based 11:18 24:5 40:10 basically 2:15 bathroom 40:4,6 beat 31:20 32:9 believe 6:1 9:2 18:1 41:18</p>	<p>best 14:6 42:5 Beverage 1:2,13,14 beyond 9:2 16:7 31:13 big 4:18 bleeding 4:6 18:21 blind 15:2,7,15,20 16:3 27:14 38:1,10,17,20 39:2 Board 1:2,13 2:16 9:20 10:5 12:14 13:21,22 14:8,9 16:12 20:15 22:2 27:5 34:16 35:5 35:7,15 36:20 41:14 42:5 BOBBY 1:18 bottom 15:9 19:10 break 18:20 briefly 20:21 bring 28:3 broken 4:5 Building 1:14 business 20:1 39:17 42:2</p> <p style="text-align: center;">C</p> <p>call 18:13 19:13,19 20:10 called 18:4 19:7 camera 3:5,12,15 4:20 5:22 6:3,11,15 7:9 9:18 10:7 11:6,15 13:4,15 14:6 20:16 22:13 23:2,2,3,7,9,11 23:21,21,22 24:1,1,1 24:2,2 27:6,11 28:16 29:10 32:22 33:9 35:12,12,13 36:4 37:13,16 39:17 40:3 cameras 4:16,17,19 5:5 6:11 7:16,17,20 9:2,6 9:8,11,18 10:3,7,8,22 11:4,11 12:7,21,22 14:1,6 16:1,8 19:20 22:22 25:21 26:10 27:10 29:3 31:14,21 32:14 33:3,7,15 34:1 34:15 35:4,6 37:6,22 38:18 capabilities 37:12 capability 17:15 capture 8:15 15:1 33:6 captured 6:17 7:16 capturing 32:5 card 30:15 care 8:11 22:19 33:5 case 1:8 2:4,5 3:16 7:12 28:10,13,19,20 31:9 37:4</p>	<p>CATO 1:18 caught 35:13 cause 12:5 cell 30:15 center 39:3 certain 23:2 29:6 Chair 20:13 21:7 Chairman 17:3 27:22 Chairperson 1:15,17 2:3,10 5:13 7:8,15 8:19 9:14 20:14 23:13 23:19 24:12,16,20 25:3,5,7,11,16 26:2,6 26:17 28:1 34:9,14 36:1,5,8,17 37:3 38:12,14 39:7,20 40:2 40:9,12,14,22 41:4,8 41:17,21 42:8,11 change 8:17 check 4:14 8:2 26:11 39:12,21 checked 4:15 city 17:13 23:12 27:13 clarified 38:5 clarify 7:1 29:13 closest 6:12 club 11:14 21:17,20 22:9 28:17 30:11,20 31:18 32:6,9,11 clubs 30:9 CN 1:7 coat 4:14,14 8:2 39:12 39:21 cognitive 18:17 Columbia 1:1 42:3 come 6:8 10:6 12:3 13:15,21 14:8 15:21 17:1 22:4 23:20 28:14 31:8 35:11 37:16,22 38:4 40:6 Comer 1:22 17:2,6,6,9 17:10,18,21 18:1,5,16 19:4,9 20:4,8 36:19 comes 14:5 15:6 19:6 coming 8:13 16:17 27:15 30:8 31:10 40:19 comment 31:12 39:1 comments 21:5 29:17 38:8,21 community 32:4 compliance 12:4 compliant 12:7 14:2 15:20 16:2 19:21 complimentary 21:13 compliments 21:22 comply 35:20 concerns 2:20 28:6</p>
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In the matter of: Decades

Before: DCABRA

Date: 05-08-19

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