

ALSO PRESENT:

ARMAN AMIRSHAHI, Licensee

AMY SCHMIDT, OAG

ANTHONY HOWZE, ABRA Investigator

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

Opening Statement by Government.	4
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WITNESS	DIRECT	CROSS	REDIR	RECROSS	BOARD
William Parker	6	10			12
Anthony Howze	17	20		23	22
Boris Todorovic	29				35
Arman Amirshahi	41	47			47

REBUTTAL WITNESS

Anthony Howze	67	67
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EXHIBITS

IDENTIFIED RECEIVED

GOVERNMENT

1 - Howze ROI		20	20
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1 P-R-O-C-E-E-D-I-N-G-S

2 4:52 p.m.

3 CHAIRPERSON ANDERSON: All right. Our
4 next case is Case No. 18-251-00089, Decades,
5 License No. 103505.

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

8 MR. AMIRSHAHI: Arman Amirshahi.

9 CHAIRPERSON ANDERSON: Good afternoon,
10 Mr. Amirshahi.

11 MS. SCHMIDT: Good afternoon. Amy
12 Schmidt, Assistant Attorney General, on behalf of
13 the District of Columbia.

14 CHAIRPERSON ANDERSON: Good afternoon,
15 Ms. Schmidt. All right. This is a Show Cause
16 Hearing. Are there any preliminary matters in
17 this case?

18 MS. SCHMIDT: No, there are not.

19 CHAIRPERSON ANDERSON: All right.
20 Does the Government wish to make an opening
21 statement?

22 MS. SCHMIDT: Very briefly. The

1 Government will show today that on March 18 --
2 I'm sorry. Yes, on March 18, 2018 at
3 approximately 2:05 a.m., Officer William Parker
4 of the 2nd District of the Metropolitan Police
5 Department was outside of the back of the
6 establishment writing tickets in the alley for
7 parked vehicles.

8 At that time, he observed a patron
9 accompanied by -- I think it was three patrons
10 who came out of the establishment and one of them
11 was holding a cup. When the officer went to see
12 what was going on, he saw the cup had alcohol in
13 it, which is in violation of DC Code Section 12--
14 I'm sorry, 25-113(a)(2)(A)(ii). And as such, at
15 that time -- and later on Investigator Anthony
16 Howze came to the establishment and wrote a
17 report for ABRA and the establishment was charged
18 with that violation.

19 CHAIRPERSON ANDERSON: All right. Do
20 you wish to make an opening statement or you can
21 waive until you present your case. It's your
22 option, sir.

1 MR. AMIRSHAHI: I'll wait.

2 CHAIRPERSON ANDERSON: All right. All
3 right. Does the Government have any witnesses?

4 MS. SCHMIDT: Yes, we do.

5 CHAIRPERSON ANDERSON: Who are the
6 Government's -- who is the Government's first
7 witness?

8 MS. SCHMIDT: The Government's first
9 witness is Officer William Parker.

10 CHAIRPERSON ANDERSON: Officer Parker.

11 Whereupon,

12 OFFICER WILLIAM PARKER
13 was called as a witness by Counsel for the
14 Government, and having been first duly sworn,
15 assumed the witness stand and was examined and
16 testified as follows:

17 MR. PARKER: Yes.

18 CHAIRPERSON ANDERSON: Have a seat,
19 sir. Your witness.

20 DIRECT EXAMINATION

21 BY MS. SCHMIDT:

22 Q Good afternoon. Officer Parker, could

1 you, please, state your name for the record?

2 A William Parker. Last name is spelled
3 P-A-R-K-E-R.

4 Q And by whom are you employed?

5 A By the Metropolitan Police Department.

6 Q And in what capacity are you employed?

7 A I'm employed as a police officer.

8 Q And with which District are you
9 employed?

10 A 2nd District.

11 Q And drawing your attention to
12 February --

13 MS. SCHMIDT: I'm sorry, I'm sorry.
14 It's February 18, 2018. I said March 18. I
15 apologize for that.

16 BY MS. SCHMIDT:

17 Q February 18, 2018 at approximately
18 2:05 a.m., were you in the vicinity of Decades
19 Nightclub at -- located at 1219 Connecticut
20 Avenue, N.W., in the District of Columbia?

21 A Yes.

22 Q And why were you there?

1 A I was in the rear alley writing
2 tickets for cars that were not supposed to be
3 parked in the alleyway.

4 Q And while you were there, did you
5 observe anything unusual?

6 A Yes, I observed three women and then
7 a gentleman escorting them through the alleyway.

8 Q And what -- and could you describe the
9 scene a little more, with a little more
10 specificity?

11 A Yeah, there were three females. One
12 lady was holding a cup and then the gentleman had
13 security on his shirt.

14 Q And what was happening? What were you
15 told was happening at that point?

16 A I was told -- I had asked the
17 gentleman his name, he is not here I guess, but I
18 asked him as he is working towards us, what he is
19 doing out here? And he said he was escorting
20 these women out from the club.

21 Q And did you -- and were you able to
22 see what was in that cup?

1 A See? I took the cup, I smelled the
2 odor of alcoholic beverage. I didn't see what
3 was in it.

4 CHAIRPERSON ANDERSON: Sir, I can't
5 hear you.

6 THE WITNESS: Oh, I'm sorry. I said
7 I smelled an odor of alcoholic beverage. I
8 didn't look in the cup. I took the cup and
9 smelled the cup, then I poured it out.

10 CHAIRPERSON ANDERSON: All right.

11 BY MS. SCHMIDT:

12 Q And do you have any specialized
13 alcohol training?

14 A Yeah, I'm certified Standardized Field
15 Sobriety Testing due to the National Highway
16 Traffic Safety Administration.

17 Q And during the course of your duties,
18 have you had the occasion to arrest many people
19 for alcohol-related offenses?

20 A Yes.

21 Q And as part of these arrests, were you
22 -- have you been trained to check the alcohol?

1 A Yes. And odor of an alcoholic
2 beverage.

3 Q And so on that night, is it your
4 opinion then that there was alcohol in that cup?

5 A Yes.

6 MS. SCHMIDT: No further questions of
7 this witness, at this time.

8 CHAIRPERSON ANDERSON: Do you have any
9 questions? You are not an attorney, so do you
10 understand the procedures? It's now your
11 opportunity to ask the officer -- do you have any
12 questions based on the testimony that he just
13 gave? Go ahead, if you have any questions for
14 him.

15 MR. AMIRSHAHI: Okay. Thank you.

16 CROSS-EXAMINATION

17 BY MR. AMIRSHAHI:

18 Q My question was did you -- where did
19 you observe the person coming down the stairs, at
20 what part of the area of the alley?

21 A I didn't observe anybody coming down
22 stairs. I was in the alley already writing

1 tickets and that's where I observed the three
2 women and the gentleman that works for your
3 establishment.

4 Q And the security was behind?

5 A No, he was with them. He was like
6 holding one of the ladies, like escorting them.

7 Q The security was with the three
8 persons?

9 A Yes.

10 Q And they seemed like they were
11 friends?

12 A Those three women?

13 Q Yes.

14 A Yes.

15 Q Okay. And did the security mention to
16 you where he was taking them?

17 A I asked him what he was doing and he
18 stated that he was escorting them from your
19 establishment. And then I took the cup from the
20 lady and I smelled the alcoholic beverage and I
21 poured it out. Then I asked him why -- where --
22 what -- like what establishment you work for? I

1 saw security so I asked him what establishment
2 and then I found out they work for your
3 establishment.

4 Q So you didn't -- you assumed that the
5 drink was alcoholic beverage based on your
6 experience?

7 (No audible answer.)

8 Q Did they tell you how long they were
9 in the establishment?

10 A They actually didn't even stop. They
11 kept walking and I was talking to the security
12 officer.

13 Q Okay. But the security was with the
14 person, with the three persons?

15 A Yeah.

16 Q Okay. Thank you.

17 CHAIRPERSON ANDERSON: Any questions
18 by any Board Members? Mr. Short?

19 MEMBER SHORT: Good afternoon,
20 Officer.

21 THE WITNESS: How are you doing, sir?

22 MEMBER SHORT: Thank you for your

1 service. Again, will you state your training?
2 For the record, how much training and when was
3 this training?

4 THE WITNESS: The training was in 2013
5 and it was 32 hours of training that was during
6 the -- when I was in the Metropolitan Police
7 Department Police Academy.

8 MEMBER SHORT: So that's where you got
9 your training at the academy?

10 THE WITNESS: Yes.

11 MEMBER SHORT: And how long have you
12 been a member of the Metropolitan Police
13 Department?

14 THE WITNESS: Five plus years. Six
15 years in November.

16 MEMBER SHORT: And how many,
17 approximately, arrests have you made for alcohol-
18 related arrests?

19 THE WITNESS: About 20 or so.

20 MEMBER SHORT: Did you all go to
21 Court? Did they all go to Court?

22 THE WITNESS: I've been to Court for

1 numerous, but sometimes I didn't testify.

2 MEMBER SHORT: I mean, let me ask you
3 this, what was the disposition of the 20 cases
4 that you took to Court?

5 THE WITNESS: That I would not know.

6 MEMBER SHORT: Excuse me?

7 THE WITNESS: That I would not know.

8 MEMBER SHORT: Okay. All right.

9 That's all I have. Thank you very much, Mr.
10 Chair.

11 CHAIRPERSON ANDERSON: Okay. Any
12 other questions? All right. Mr. Alberti?

13 MEMBER ALBERTI: Okay. Officer, I'm
14 just a little vague on the whole situation. So
15 you saw how many women?

16 THE WITNESS: Three.

17 MEMBER ALBERTI: Three women?

18 THE WITNESS: Yes.

19 MEMBER ALBERTI: No males, just three
20 women?

21 THE WITNESS: Three women and a
22 security officer, who was a male.

1 MEMBER ALBERTI: A security officer.
2 And the security officer was?

3 THE WITNESS: A male.

4 MEMBER ALBERTI: And he was --

5 THE WITNESS: And he was escorting
6 them through the alley.

7 MEMBER ALBERTI: He like had her by
8 the arm or some place?

9 THE WITNESS: Yeah.

10 MEMBER ALBERTI: Okay. And she had a
11 beverage in her hand?

12 THE WITNESS: Yes.

13 MEMBER ALBERTI: The other two people,
14 did they have beverages?

15 THE WITNESS: No.

16 MEMBER ALBERTI: Okay. Okay. I have
17 no further questions. Thank you.

18 CHAIRPERSON ANDERSON: Any other
19 questions by any other Board Members? Do you
20 wish to ask the Officer, sir, any follow-up
21 questions based on the questions that were asked
22 by the Board?

1 MR. AMIRSHAHI: Yes, if you don't
2 mind.

3 CHAIRPERSON ANDERSON: Sure. Go
4 ahead. Well, it has to be related to one of the
5 questions that were asked, because it can't be a
6 new area. If based on the questions that were
7 asked, if you need to clarify what was asked,
8 then you can ask a question, but it cannot be a
9 new area.

10 MR. AMIRSHAHI: Okay.

11 CHAIRPERSON ANDERSON: No?

12 MR. AMIRSHAHI: Then I'm fine.

13 CHAIRPERSON ANDERSON: All right. Ms.
14 Schmidt, any questions to the witness based on
15 the Board's questions?

16 MS. SCHMIDT: No questions, at this
17 time.

18 CHAIRPERSON ANDERSON: Okay. Thank
19 you. Officer Parker, thank you for your
20 testimony. I know you have been here all day, so
21 you are now free to go.

22 MR. PARKER: All right. Thank you.

1 CHAIRPERSON ANDERSON: Thank you for
2 being here, sir.

3 (Whereupon, the witness was excused.)

4 CHAIRPERSON ANDERSON: All right.
5 Does the Government have another witness?

6 MS. SCHMIDT: Just very briefly.
7 Investigator Anthony Howze.

8 CHAIRPERSON ANDERSON: Sure. Mr.
9 Howze, can you raise your right hand, please?
10 Whereupon,

11 INVESTIGATOR ANTHONY HOWZE
12 was called as a witness by Counsel for the
13 Government, and having been first duly sworn,
14 assumed the witness stand and was examined and
15 testified as follows:

16 INVESTIGATOR HOWZE: I do.

17 CHAIRPERSON ANDERSON: Have a seat.
18 Your witness.

19 DIRECT EXAMINATION

20 BY MS. SCHMIDT:

21 Q Good afternoon, Investigator Howze.
22 Could you, please, state your name?

1 A Anthony Howze, H-O-W-Z-E.

2 Q And by whom are you employed?

3 A The Alcoholic Beverage Regulation
4 Administration.

5 Q And at what capacity are you employed?

6 A I'm an Investigator.

7 Q And drawing your attention to February
8 18, 2018, were you called to Decades on
9 Connecticut Avenue?

10 A I was not called there. I actually
11 responded to the establishment later on due to a
12 251 incident report that I was assigned.

13 Q And did you fill out a report based on
14 that 251?

15 A Yes.

16 Q And does it -- do you know the
17 Investigation number?

18 A I don't have it in front of me.

19 Q Would it -- okay. But did you -- you
20 filled out a report and in that report did you --
21 what did you say in that report? Basically, what
22 did you say in that report concerning the

1 incident?

2 A Just paraphrasing, I spoke to Mr.
3 Arman, Mr. Jason and the head of security, I
4 forgot his name, but they said that an incident
5 did occur there where a female patron had thrown
6 up in the establishment and they were trying to
7 get her help and water and they asked her if she
8 needed an ambulance or any assistance for medical
9 reasons. She denied service of that.

10 I think they asked her for water again
11 and she asked for cranberry juice. At that time,
12 the bartender poured her cranberry juice and a
13 cup for her and she was escorted out of the rear
14 of the establishment, due to the fact that she
15 didn't want to go down in front of the
16 establishment, because she had vomit on her
17 blouse.

18 And I actually spoke with Officer
19 Parker and everything that he stated is in the
20 report.

21 Q And is this report -- and did you give
22 this report to your supervisor?

1 A I did.

2 Q Okay.

3 MS. SCHMIDT: The Government moves
4 this -- Investigator Howze's report into the
5 record.

6 CHAIRPERSON ANDERSON: Mr. Amirshahi,
7 do you have any objection? No, no, do you have
8 any objection to it?

9 MR. AMIRSHAHI: No.

10 CHAIRPERSON ANDERSON: So moved.

11 (Whereupon, the above-
12 referred to document was
13 marked as Government Exhibit
14 No. 1 for identification and
15 was received into evidence.)

16 MS. SCHMIDT: No further questions.

17 CHAIRPERSON ANDERSON: You can ask --
18 your time to ask questions, sir.

19 CROSS-EXAMINATION

20 BY MR. AMIRSHAHI:

21 Q I mean, have you, in the two years
22 that we have been open now almost to the day, had

1 any issues or any incidents that involved
2 customers being taken from the back of Decades?

3 A No, sir.

4 Q I'm not saying that we are one of the
5 busiest in the city, but I think that we have one
6 of the most popular clubs.

7 MS. SCHMIDT: Objection. Testifying.

8 CHAIRPERSON ANDERSON: I'll give him
9 some leeway, because he is not an attorney, but
10 you are supposed to ask him questions, sir. I'll
11 give you some leeway because you're not an
12 attorney, but questions you need to. Whatever
13 you ask him, needs to be framed as a question so
14 he can answer it.

15 BY MR. AMIRSHAHI:

16 Q Just from your observation of the
17 video, you saw, I think, security and a couple
18 busboys as well escorting these patrons outside.
19 Is that correct?

20 A Correct.

21 Q Did also -- I don't know if it was --
22 was there any statement from anybody that said

1 that this was an alcoholic beverage from your
2 investigation?

3 A No.

4 MR. AMIRSHAHI: No further questions.

5 THE WITNESS: Are you specifically
6 talking about from the patron from the
7 establishment?

8 BY MR. AMIRSHAHI:

9 Q Yes.

10 A No.

11 CHAIRPERSON ANDERSON: Any questions
12 of Mr. Howze? Mr. Howze, you wrote a report so
13 what is it that -- who did you invest -- I'm
14 sorry, who did you speak to regarding this
15 incident?

16 THE WITNESS: I spoke to these three
17 gentlemen altogether --

18 CHAIRPERSON ANDERSON: Right.

19 THE WITNESS: -- about the incident.

20 CHAIRPERSON ANDERSON: And what did
21 they tell you was in the cup?

22 THE WITNESS: Cranberry juice.

1 CHAIRPERSON ANDERSON: And you -- did
2 you have any conversation with Officer Parker
3 regarding what was in the cup?

4 THE WITNESS: I did. Everything that
5 Officer Parker just testified to was what he told
6 me, but he also added that he asked one of the
7 female patrons was it alcohol in the cup and she
8 told him yes, but he didn't say that on record,
9 but that's what he told me.

10 CHAIRPERSON ANDERSON: All right. Any
11 other questions by any Board Members? All right.
12 Based on the questions that I asked, sir, do you
13 have any questions of Mr. Howze, based on the
14 questions I just asked him?

15 MR. AMIRSHAHI: Yes.

16 CHAIRPERSON ANDERSON: Go ahead, sir,
17 ask him.

18 RE CROSS-EXAMINATION

19 BY MR. AMIRSHAHI:

20 Q Did you speak to any of the patrons
21 that were -- left the establishment?

22 A No, sir.

1 Q Thank you.

2 MR. AMIRSHAHI: No further questions.

3 CHAIRPERSON ANDERSON: Ms. Schmidt?

4 MS. SCHMIDT: No questions.

5 CHAIRPERSON ANDERSON: All right. Mr.

6 Howze, thank you for your testimony. You can

7 step down.

8 (Whereupon, the witness was

9 temporarily excused.)

10 CHAIRPERSON ANDERSON: Does the

11 Government have any other witnesses?

12 MS. SCHMIDT: No, the Government

13 rests.

14 CHAIRPERSON ANDERSON: All right. All

15 right. Do you have some witnesses, sir?

16 MR. AMIRSHAHI: Yes, I do.

17 CHAIRPERSON ANDERSON: All right. Who

18 is your first witness?

19 MR. AMIRSHAHI: Boris and I'm sorry

20 what is it, it's Todorovic.

21 MR. TODOROVIC: Boris Todorovic, yeah,

22 I'm head of security at Decades.

1 CHAIRPERSON ANDERSON: All right. All
2 right. Hold on, sir. You can go over there.

3 MR. TODOROVIC: Oh, okay.

4 CHAIRPERSON ANDERSON: And I need you
5 to raise your right hand.

6 Whereupon,

7 BORIS TODOROVIC

8 was called as a witness by Counsel for the
9 Licensee, and having been first duly sworn,
10 assumed the witness stand and was examined and
11 testified as follows:

12 MR. TODOROVIC: Yes, I do.

13 CHAIRPERSON ANDERSON: All right.

14 What I'm going to do is a little bit
15 different and just can you state and spell your
16 name for the record, just for the court reporter?

17 THE WITNESS: Yes.

18 CHAIRPERSON ANDERSON: Okay.

19 THE WITNESS: First name Boris, B-O-R-
20 I-S, last name Todorovic, T-O-D-O-R-O-V-I-C.

21 CHAIRPERSON ANDERSON: Your witness,
22 sir. You can ask some questions now.

1 MR. AMIRSHAHI: I wanted to just -- I
2 have an incident report, I don't know if it's in
3 the file?

4 CHAIRPERSON ANDERSON: Well, show it
5 to Ms. Schmidt. And are you going to ask him
6 about this incident report?

7 MR. AMIRSHAHI: Yes.

8 CHAIRPERSON ANDERSON: Okay. So show
9 it to Ms. Schmidt first. And then you can -- do
10 you have a copy for us? I know you can --

11 MS. SCHMIDT: I believe it's in the
12 file.

13 MR. AMIRSHAHI: I thought it was in
14 the file.

15 MS. SCHMIDT: It is.

16 CHAIRPERSON ANDERSON: All right. I
17 just wanted to make sure. All right.

18 MS. SCHMIDT: Yes.

19 CHAIRPERSON ANDERSON: So you can then
20 show him and then you can ask him questions about
21 the report then. You can go ahead.

22 MR. AMIRSHAHI: I'm showing --

1 CHAIRPERSON ANDERSON: Huh? No.

2 MR. AMIRSHAHI: You want me to show it
3 to him?

4 CHAIRPERSON ANDERSON: All right.
5 Everything is recorded.

6 MR. AMIRSHAHI: I see.

7 CHAIRPERSON ANDERSON: So you need to
8 show him the document and ask him to identify the
9 document and then once he has identified the
10 document, if you want to ask him questions from
11 the document. So show him the document and ask
12 him what it is.

13 MR. AMIRSHAHI: Okay.

14 CHAIRPERSON ANDERSON: You can stay
15 over there, sir. You know, your witness, you
16 sit. The attorney comes to you, so have a seat
17 and your attorney -- the way it works is that
18 your attorney comes to you and asks you
19 questions. So make sure that when you -- if you
20 are going to stand, I think you will probably
21 need to be here, because I need the recorder to
22 pick you up. So that's --

1 MR. AMIRSHAHI: Okay. So move over
2 here?

3 CHAIRPERSON ANDERSON: No, no. You
4 stay there. You stay there until I tell you to
5 leave.

6 THE WITNESS: All right.

7 CHAIRPERSON ANDERSON: All right. So
8 go ahead, sir, you can ask questions.

9 MR. AMIRSHAHI: That was the -- I'm
10 sorry, that was the original that I had, so I
11 don't have --

12 CHAIRPERSON ANDERSON: Do you have an
13 extra copy? Do you have an extra copy, Ms.
14 Schmidt, you can share with --

15 MS. SCHMIDT: I just have a copy in my
16 file, but he can have it, Mr. Chair.

17 CHAIRPERSON ANDERSON: All right.
18 Okay.

19 MR. AMIRSHAHI: Sorry about that.

20 MEMBER SHORT: Mr. Chair, there are
21 two or three different ones.

22 CHAIRPERSON ANDERSON: All right.

1 Well, let's -- there are several incident reports
2 in the file, so let us -- so the first thing to
3 do is to have him identify the document you want
4 him to testify to. Ask him what is it, please.

5 MS. SCHMIDT: It's the -- I think it's
6 the third one in the report.

7 CHAIRPERSON ANDERSON: I know, but I'm
8 saying I need him to ask him for him to identify.

9 DIRECT EXAMINATION

10 BY MR. AMIRSHAHI:

11 Q Can you, please, identify the form
12 that you have in front of it, is it dated --

13 CHAIRPERSON ANDERSON: No, no, no.
14 You ask him what it is. And ask him the date of
15 it. Just ask him what is it that he has.

16 BY MR. AMIRSHAHI:

17 Q What is that form that you have?

18 CHAIRPERSON ANDERSON: Can you,
19 please, identify the document that you have?

20 BY MR. AMIRSHAHI:

21 Q Can you, please, identify the form
22 that you have in front of you?

1 A Yes. It's an incident report made on
2 February 18, 2018.

3 Q Can you read the document for us,
4 please?

5 A Yes. "At 1:30 a.m., I got a radio
6 call from security guy in the smoking section on
7 the second floor. There is a girl feeling sick
8 and she wanted to leave as soon as possible. I
9 told him to give her water and offer to call
10 ambulance. By the time I went to the front door
11 to let security know to stop the line, so we can
12 safely take her out, she requested to leave from
13 the emergency exit, because she felt sick.

14 Security guy, Daniel, escorted them
15 out safely with her friends, since they had car
16 waiting for them in the back."

17 Q Is that statement accurate?

18 A Yes, it's accurate.

19 Q And this is the statement that you
20 have given on --

21 A Correct.

22 Q -- regarding this night?

1 A Correct.

2 Q Did the three people -- when you heard
3 this on the radio, that three people were
4 escorted out by one of your security members, is
5 that correct?

6 A Correct.

7 Q Was it also true that she was sick
8 throughout the night or claimed that she had not
9 feeling well throughout the night. Is that
10 correct --

11 A Correct.

12 Q -- to say? Was it offered through the
13 night at the 10 to 30 minutes before I had heard
14 from you that was offered water and cranberry
15 juice multiple times --

16 A Correct.

17 Q -- and that she -- is that correct?

18 A Correct.

19 Q Did she have a stain on her shirt from
20 her being --

21 A Yes, she did.

22 Q -- sick or throwing up?

1 A Yes.

2 Q What is our procedure based on our
3 security manual on having people who are sick to
4 be able to leave from the front or the back?

5 A Right. So basically, the security
6 procedure is that -- I mean, I'm going to explain
7 a little bit the whole picture of the place.

8 So we are the club. We have four
9 floors. In our weekends, we are really busy.
10 There are like -- it's all packed. So the
11 section where this happened, when I got call from
12 security guy, it was on the second floor close to
13 the emergency exit in the back.

14 I approached those three ladies. I
15 spoke to them. They were coherent. One of them
16 she said she feels -- she is feeling sick. So I
17 offered her ambulance, this is our number one
18 procedure that we always do. She refused and her
19 friends refused.

20 I offered her water. I got a bottle
21 of water for them. And then I offered them to
22 sit down and stay for a couple of minutes to see

1 how she feels. 20 minutes later, maybe 30, I'm
2 not sure, I don't recall, I went back to check on
3 them and her friends asked for a cup of
4 cranberry, but because she asked for it. And she
5 said okay, she is still feeling sick, so she
6 would like to leave.

7 So I said okay, just follow me through
8 the club. I'm going to take you to the front
9 door and escort you out. They asked me for a
10 favor, because the situation it was right there
11 by the exit door on the second floor, so they
12 asked me they can leave from the second door,
13 which we do not do that, but they requested it,
14 she was feeling sick and she had stain on her --
15 on her blouse and she said she is embarrassed to
16 walk through the whole crowd and go outside
17 through the front door.

18 I instruct my security guy, Daniel, to
19 take them downstairs to make sure they are safe,
20 to follow them down to make sure they are safe,
21 which he did. So by the time they went
22 downstairs, the police officer was in the back

1 giving tickets and he thought in the cup there is
2 alcohol, which was actually cranberry juice,
3 which we gave it to her to make sure that she
4 feels better. And that's pretty much it.

5 Q Was the security at any time leaving
6 these girls in the back by themselves or was she
7 -- he escorting, as the officer said, with them?

8 A So he -- no. So security escorted
9 them out, the girls, to make sure they are safe,
10 but in that time, police officer approached to
11 them and he said the police officer said I got
12 it, don't worry about it. So security guy went
13 back upstairs. So and that's pretty much it.

14 Q Do you recall me happen to be there
15 that night?

16 A Yes.

17 Q What did I tell you?

18 A I mean, to go through the procedure
19 and also you contacted the police. I believe you
20 called the sergeant or --

21 Q Yeah. I --

22 A -- I don't recall exactly, but --

1 Q -- we were -- so the girl was in the
2 back.

3 A Right.

4 Q And was escorted, the three girls were
5 walked out. We have a police in the front.

6 A Correct.

7 Q They insisted to go through the back.

8 A Yes.

9 Q You called for security. Is that
10 correct?

11 A Yes, correct.

12 Q To back up the position of the
13 gentleman that was there?

14 A Yes.

15 Q And the procedure is as usual to walk
16 with the customers or to walk them to the front.

17 A Yes. Yes, that's correct.

18 MR. AMIRSHAHI: No further questions.

19 CHAIRPERSON ANDERSON: Ms. Schmidt?

20 MS. SCHMIDT: No questions.

21 CHAIRPERSON ANDERSON: Well, sir, you
22 just testified and I'm not sure if I heard

1 correctly, you said she told the officer that it
2 was alcohol. Did I hear correct or did you
3 misspoke?

4 THE WITNESS: No, I didn't say that.

5 CHAIRPERSON ANDERSON: You didn't say
6 that?

7 THE WITNESS: No, no, I said the
8 police officer thought that the cup -- that it's
9 alcohol, which wasn't alcohol, it was a cup with
10 the cranberry juice in it.

11 CHAIRPERSON ANDERSON: But were you
12 there?

13 THE WITNESS: I mean, I was there with
14 them on the second floor.

15 CHAIRPERSON ANDERSON: No. Were you
16 in the alley with the police officer?

17 THE WITNESS: No, I wasn't. I wasn't.

18 CHAIRPERSON ANDERSON: So you don't
19 know. All right. So is it typical procedure for
20 a patron to leave the establishment with a cup?

21 THE WITNESS: No, we never do that.
22 We never do that. The only reason why we did

1 that because she felt sick. She felt sick. She
2 had stain on her --

3 CHAIRPERSON ANDERSON: No, no, I said
4 to leave with a cup. Leave with --

5 THE WITNESS: No, no.

6 CHAIRPERSON ANDERSON: -- so why was
7 she allowed to leave the establishment with a cup
8 in her hand?

9 THE WITNESS: Just because she asked
10 us for a favor. She felt really sick and she
11 asked if she could take a cranberry with her
12 outside just to -- I guess she -- you know, to
13 make her feel better.

14 CHAIRPERSON ANDERSON: And so who
15 escorted her out?

16 THE WITNESS: One of my security guys.
17 His name is Daniel.

18 CHAIRPERSON ANDERSON: Is that person
19 here today?

20 THE WITNESS: No.

21 CHAIRPERSON ANDERSON: Is that person
22 here today?

1 MR. AMIRSHAHI: That person is not
2 here. He had -- he was working, but he is --

3 CHAIRPERSON ANDERSON: All right. But
4 now that person is not here today.

5 THE WITNESS: He is not.

6 CHAIRPERSON ANDERSON: But you did not
7 leave with her. Is that correct?

8 THE WITNESS: No, I didn't.

9 CHAIRPERSON ANDERSON: All right. All
10 right. Any other questions by -- yes, Mr.
11 Alberti?

12 MEMBER ALBERTI: Mr. Todorovic?

13 THE WITNESS: Yes.

14 MEMBER ALBERTI: Are any of these
15 three women known to the staff?

16 THE WITNESS: No. I have never seen
17 them before.

18 MEMBER ALBERTI: Okay. Because I
19 thought I heard someone earlier say that she was
20 friends with somebody, but I guess maybe I
21 misheard.

22 THE WITNESS: No, no. I never seen

1 before.

2 MEMBER ALBERTI: You never saw her?

3 THE WITNESS: No.

4 MEMBER ALBERTI: And you don't know
5 whether your staff is --

6 THE WITNESS: No, no.

7 MEMBER ALBERTI: -- familiar with
8 them?

9 THE WITNESS: No.

10 MEMBER ALBERTI: Okay. Thank you.

11 CHAIRPERSON ANDERSON: All right. Ms.
12 Schmidt, any questions based on the questions --

13 MS. SCHMIDT: No questions.

14 CHAIRPERSON ANDERSON: Any questions,
15 sir, of the witness based on the questions that
16 we asked?

17 MR. AMIRSHAHI: No, sir.

18 CHAIRPERSON ANDERSON: Thank you, sir,
19 for your testimony. You can step down.

20 (Whereupon, the witness was excused.)

21 CHAIRPERSON ANDERSON: Do you have
22 another witness you want to call, sir?

1 MR. AMIRSHAHI: I brought the general
2 manager of the nightclub here just in case there
3 was questions, but we don't have to --

4 CHAIRPERSON ANDERSON: It's up to you
5 if you want to call him as a witness, you can.

6 MR. AMIRSHAHI: No.

7 CHAIRPERSON ANDERSON: No? Do you
8 have any other witnesses you wish to call?

9 MR. AMIRSHAHI: No, sir.

10 CHAIRPERSON ANDERSON: Any other
11 statements you need to make?

12 MR. AMIRSHAHI: This is my final
13 statement?

14 CHAIRPERSON ANDERSON: Well, you can
15 be a -- as your present -- yes, basically, as a
16 presentation. I'm going to give you a chance
17 still to wrap up, but I'm just saying you are
18 presenting your case, so is there -- do you want
19 to testify?

20 MR. AMIRSHAHI: Yes.

21 CHAIRPERSON ANDERSON: Well, can you
22 raise your right hand, please?

1 MR. AMIRSHAHI: Yes, sir.

2 Whereupon,

3 ARMAN AMIRSHAHI

4 was called as a witness by Counsel for the
5 Licensee, and having been first duly sworn,
6 assumed the witness stand and was examined and
7 testified as follows:

8 MR. AMIRSHAHI: Yes, sir.

9 CHAIRPERSON ANDERSON: All right.

10 Then you can testify, but I just want to let you
11 know that whatever testimony you give, Ms.
12 Schmidt has the -- she will cross-examine you on
13 your statements, just want to let you know that.

14 THE WITNESS: Thank you. I appreciate
15 that.

16 CHAIRPERSON ANDERSON: Okay. Go
17 ahead.

18 DIRECT EXAMINATION

19 THE WITNESS: I just -- the reason I
20 was here, I'm like the last case that we heard
21 here wasn't necessarily about the money
22 situation, but mostly over the principle. We

1 have been in business for two years. As you
2 know, I have been here several times, not that
3 frequently, and we have eight establishments.
4 And I happened to be there at this situation at
5 this time.

6 There was a \$250 fine, I think, offer
7 and I have been called several times to take it
8 and I have refused, because I felt like not to
9 waste anybody's time and I know you guys have
10 much better things to do than to, let's say
11 especially today, listen to necessarily this case
12 knowing how tight we are on the schedule.

13 But I thought it was important for me
14 to come here to explain that I happened to be
15 there and we take these things very seriously.
16 And a police officer -- the -- and I know the
17 counsel is different on this, but the perception
18 was when I got there was that the officer was in
19 the back, was writing tickets, and observed
20 people being let out by the club and the club was
21 trying to do this to avoid bringing it out to the
22 front of the detailer, the police that we have in

1 front of their, which do an impeccable job.

2 We have an impeccable record with them
3 of bringing people out there, calling an
4 ambulance and all that and that's the reason I
5 brought the general manager out.

6 But the issue is that I want to make
7 sure that we are not told, which is what they
8 told us, is that you are bringing people out
9 through the back of the nightclub to avoid the
10 police seeing it. I really take offense to that,
11 even though the charges might not show that this
12 is how this started.

13 And I went immediately downstairs,
14 called 911 twice and called the police station,
15 requested a sergeant to come on the scene, no
16 response, neither did the police officer who I
17 had called at the 2nd District to have him get on
18 the phone. It was a situation where he was
19 writing tickets, within 10 minutes I got it in
20 the District writing a report, a 251 coming from
21 ABRA. ABRA showing up immediately from the
22 hotline into our establishment saying -- I said

1 I'm here, you know. I'll be more than happy to
2 deal with this. I have called actually for a
3 sergeant to come on the scene to explain why a
4 police officer wouldn't handle the case of three
5 employees, it was that bad, of us throwing people
6 in the back area.

7 And he is so worried about it, to walk
8 these three people outside and saying I got it,
9 telling our security to leave when we have a
10 protocol with 25, 26 security people in there.
11 And as you can see, our history, I think it
12 speaks for itself that it's not over the fine,
13 it's over the fact that I don't want to be known
14 that if we are not allowed to take people through
15 the back, which is clearly in our security
16 manual, that our security is allowed to, we built
17 a \$150,000 staircase in the back with the
18 cooperation of the landlord and DCRA and the Fire
19 Marshal to make sure that building is safe to
20 occupy the amount of people that are occupied in
21 that building.

22 That we have two means of exit,

1 because if the attitude is that we cannot bring
2 people from the back door, then I would like to
3 have that on record that the police officer is
4 stating that we have been doing something
5 incorrectly, because the amount of exits that we
6 have there was put into place to make sure every
7 floor is safe.

8 There was a prior club prior to us
9 that did not have enough exits, did not have
10 enough occupancy load for the amount of people
11 that was there and we wanted to make sure it was
12 safe. So my instructions to the security has
13 always been try to take them to the front, but
14 during those peak hours, it is very difficult,
15 especially when someone is sick, to take them
16 through those stairs as people are coming up,
17 especially when someone is throwing up.

18 So we offer them water, whatever, the
19 ambulance and we literally walk them across to
20 the detail and let them handle it. And they do
21 an amazing job. We don't even actually pay for
22 that. It's from Golden Triangle, they take over

1 the whole Dupont area.

2 So this officer is not even part of
3 that detail. He is a person writing tickets,
4 doing a 251, and I was -- had the luxury of
5 talking to him outside and says he is not in that
6 -- doesn't do nightclub any more, thank God. He
7 is doing other parts of the 2nd District in
8 Georgetown.

9 So, you know, I'm just finding it a
10 little perplexed that we would have the officers
11 that handle nightclub, they are full-time. They
12 are there 7 -- I'm sorry, they are there
13 Wednesday through Saturday all night with us, 12,
14 14 hours a day, not handling this case and the
15 girls not being brought up to them.

16 But meanwhile, it is taken that we are
17 trying to hide someone from taking liquor from
18 the back door. There is no incentive for our
19 security to do that. I thought we did everything
20 by protocol by offering her a drink, making sure
21 she gets to her car, bringing her to the front,
22 not letting three young women walk in the alley

1 and doing everything that we can.

2 And I just wanted to make sure that I
3 had the opportunity to present that to the Board.

4 CHAIRPERSON ANDERSON: All right. Ms.
5 Schmidt?

6 MS. SCHMIDT: Just very briefly.

7 CROSS-EXAMINATION

8 BY MS. SCHMIDT:

9 Q So when you were there that evening,
10 did you see the three females exiting the
11 establishment?

12 A I did not see them. I saw them on
13 video.

14 Q And so you never -- so you never had
15 a chance to see -- and did you see, on the video,
16 them -- did you see her holding a cup?

17 A Yes.

18 MS. SCHMIDT: No further questions.

19 CHAIRPERSON ANDERSON: Go ahead, Mr.
20 Short.

21 MEMBER SHORT: Good evening. No, it's
22 still afternoon, it's not 6:00 yet.

1 Something I think that would be pure
2 and simple, and I'm quite familiar with your
3 building and that stairway that you put back
4 there, because the persons you bought it from
5 didn't have that stairway and they --

6 THE WITNESS: That's right.

7 MEMBER SHORT: -- always would get in
8 trouble about their rear exit. So I'm glad that
9 you have done that, that's something people
10 should be happy that come into your club.

11 But why would you let anybody leave
12 there with a cup in their hand? Just the fact,
13 just playing the Devil's mean person now, one of
14 my girlfriends got a flask in her pocketbook.
15 She goes I know what you need, you need another
16 drink, because a lot of heavy drinkers, that's
17 what they say.

18 If you are sick, we will get you
19 straight, give you another drink, that's an
20 alcoholic's thing. But if they don't have a cup
21 in their hand, there is no cop. The cop has no
22 reason to stop, because we want that exit door to

1 be open and for people to be able to use. So
2 it's not -- I don't think it's anything about the
3 exit.

4 I think if there wasn't a cup in her
5 hand, there would be no doubt she came out of
6 your club, escorted by security, and the cop
7 would have probably had nothing to say, but the
8 cup was doubt. And I don't -- I can't see where
9 the cop would make a -- if he smelled alcohol in
10 the cup and so I mean, we are kind of convoluted
11 here. We are kind of confused, but why a cup in
12 her hand?

13 If she is sick already, she doesn't
14 need anything else on her stomach. I mean, she
15 is already throwing up. So the more she puts in
16 her stomach, while her stomach is churning, it's
17 going to come up again.

18 THE WITNESS: Right. Thank you for
19 your comments. To answer you about the stairs
20 before I forget, just so you know, we put,
21 instead of 42 inch requirements, 47 to 52 inch
22 stairways to even make it over and beyond and

1 they are actually --

2 MEMBER SHORT: And they are colored?

3 THE WITNESS: And they are colored and
4 lit and covered with lights.

5 MEMBER SHORT: Right.

6 THE WITNESS: And they actually came
7 ahead of DCRA and told us one of the best they
8 have ever seen.

9 But regardless, on the cup situation,
10 I want to -- again, knowing that I have done this
11 for so long, we have two size cups, shot cup
12 plastic and another plastic cup. We just
13 explained there is no other cup that can give
14 them when they want -- she was literally there
15 for 45 minutes drinking cranberry and water and
16 ginger ale.

17 MEMBER SHORT: I don't mean to cut you
18 off, but --

19 THE WITNESS: That's not on the video.

20 MEMBER SHORT: -- I just mentioned, I
21 don't care what size cup. I don't care if it was
22 a miniature or a shot, just a cup period coming

1 out of a place that is an establishment that
2 sells alcohol could possibly be a problem.

3 And the problem with this, it became
4 a problem. It is never because of anything you
5 did as a business person, other than giving her
6 one of your cups. And again, maybe you want --
7 you know, who is to say one of her girlfriends
8 didn't put something in there for her?

9 I mean, but so the bottom line is if
10 there was no cup, there would be no problem. So
11 I hope I am hearing from you today that no more
12 cups will be leaving out of your place.

13 THE WITNESS: Well, there is -- and
14 then the front door, we have two security guys as
15 they leave. We discard all those cups. This is
16 as they are walking back the stairs and this is
17 where I was talking to the attorney for the
18 Government that is the back stairs of this place
19 considered not part of the club, you know?

20 MEMBER SHORT: Oh, it is.

21 THE WITNESS: So they haven't, in my
22 opinion, left the club, you know? They are

1 walking down the stairs as we saw in the video.
2 We have security walking with them. Police
3 officer is right below them giving tickets and
4 saying what are you doing to our security guy?
5 It's clear as daylight on the video and the
6 Investigator.

7 And we had security with us. I have
8 seen it, trust me, in all my years they throw
9 people in the back and they leave or they lock
10 the door and they let people in the alley and
11 crazy situations happen, you know. Cars come,
12 rape, you know, issues, concerns, it's a
13 dangerous thing.

14 We have car break-ins there all the
15 time. You know, is a person who is riding a --

16 MEMBER SHORT: That's why the cop was
17 there for that detail, because apparently
18 somebody had been complaining about cars being
19 broken in back there. And if you have your
20 stairway back there and somebody has a car back
21 there, and that car catches on fire, and
22 unfortunately if you get all those people trying

1 to get out the front door, some of them are not
2 going to make it.

3 THE WITNESS: I 100 percent
4 understand.

5 MEMBER SHORT: Just a cup. Just a
6 cup.

7 THE WITNESS: In this case, we have
8 given the girl -- because she was sick and she
9 asked for it, we gave it to her. She refused
10 ambulance. She --

11 MEMBER SHORT: Would you do it again?
12 If you had to do it over again, would you do it
13 again?

14 THE WITNESS: I would tell them
15 nothing can go out of the place.

16 MEMBER SHORT: Oh, okay.

17 THE WITNESS: Not even a bottle of
18 water and they could put liquor in there like you
19 said. But in this case, we had security with
20 this person the whole time.

21 MEMBER SHORT: A bottle of water would
22 be good, but a cup no good.

1 THE WITNESS: They could put vodka in
2 a bottle of water.

3 CHAIRPERSON ANDERSON: Any other --

4 THE WITNESS: A lot of people walk out
5 with bottled water. So this case was different,
6 because we had the person walk with security.

7 CHAIRPERSON ANDERSON: All right.

8 THE WITNESS: So I just wanted to
9 explain that.

10 CHAIRPERSON ANDERSON: All right. Any
11 other questions by any other Board Members?

12 Well, I have another question. Do you
13 have a copy of the investigative report?

14 THE WITNESS: I do.

15 CHAIRPERSON ANDERSON: All right. If
16 you go on page 3?

17 THE WITNESS: Okay.

18 CHAIRPERSON ANDERSON: And on page 3,
19 I guess at Camera 16 main, maybe read where it
20 says two male staff personnel. This is from the
21 camera.

22 THE WITNESS: Yes.

1 CHAIRPERSON ANDERSON: So can you read
2 that to me and explain that to me, because it is
3 clearly stating that -- and I guess this camera
4 and maybe I'm reading it incorrectly that it is
5 like more than one person was observed on the
6 camera leaving the establishment with a colorful
7 cup and liquid in the cup. And this is what has
8 been reported by -- I assume that this is what
9 Investigator Howze stated that he saw on the
10 camera.

11 So is this what you saw on the camera
12 if you look at --

13 THE WITNESS: I'm starting from "Three
14 female patrons were being shown being escorted"--

15 CHAIRPERSON ANDERSON: Right. And
16 then it says two male staff person were observed
17 lining the trash cans. Let's read that and tell
18 me is this what was on the camera?

19 THE WITNESS: Yes.

20 CHAIRPERSON ANDERSON: Because this is
21 what Mr. Howze said.

22 THE WITNESS: Yes, there are two

1 patrons there. There are two barbacks that I had
2 stated --

3 CHAIRPERSON ANDERSON: All right.

4 THE WITNESS: -- happen to be there at
5 the same time. Just so you know, this is a four
6 level 3,000 square foot club and about 12,000
7 foot. You know, we have 26 security guys. Four
8 people just standing on the back stairway. There
9 is eight people in the front. And many going up
10 and down on the stairs or just escorting people.

11 As Mr. Short will know that we -- we
12 have in our security manual ways of making sure
13 all the stairs are clear.

14 CHAIRPERSON ANDERSON: No, but I --

15 THE WITNESS: The top stairs are
16 bigger than the front stairs.

17 CHAIRPERSON ANDERSON: No, but I'm
18 saying the camera, is this camera stating that
19 these people were walking down the stairs with a
20 cup or were they walking in the alley with --
21 because what this camera says is that they were--
22 it says two female --

1 THE WITNESS: Walking down the stairs
2 with a cup.

3 CHAIRPERSON ANDERSON: -- patrons were
4 walking down the stairs with a cup. Also I guess
5 it said that there were two.

6 THE WITNESS: Holding a cup.

7 CHAIRPERSON ANDERSON: Is that --

8 MEMBER ALBERTI: Can I just -- I think
9 where you are going, just to be helpful, just
10 another set of eyes on this. I think what the
11 Chairman is alluding to is it sounds like two
12 women had cups.

13 CHAIRPERSON ANDERSON: That's what
14 this says.

15 MEMBER ALBERTI: The way this is
16 written, it sounds like two women had cups.
17 Maybe we could recall the Investigator to see if
18 he could clear this up? Maybe that --

19 CHAIRPERSON ANDERSON: Yeah, and this
20 all happened because this has been said that this
21 is what I saw on the camera.

22 THE WITNESS: I don't recall what --

1 CHAIRPERSON ANDERSON: Now, hold on.
2 Just --

3 THE WITNESS: -- he is saying
4 necessarily, but I remember one cranberry juice
5 for sure in the girl's hand and all I know is
6 they know how crazy I get with anybody with
7 liquor, whatsoever.

8 So I'm not going to vouch 99 percent,
9 but I am pretty much going to vouch 99.9 percent
10 that there was no alcohol in these cups. There
11 is no way anybody would walk out of this club
12 with liquor. You know, and the security guy
13 escorted them, you know.

14 CHAIRPERSON ANDERSON: But --

15 THE WITNESS: So red cup or no red
16 cup, they can walk between the stairs up and
17 down, but they are not -- these people were being
18 watched and with security the whole time. And
19 they were escorted because of the girl having to
20 throw up. She did not want to go out there and
21 be embarrassed with it. And the stairs are 42
22 inches. These were -- I'm not trying to get into

1 weight, but they are my size.

2 CHAIRPERSON ANDERSON: Yeah, I'm --

3 THE WITNESS: The could not walk
4 through those stairs without going up on somebody
5 else.

6 CHAIRPERSON ANDERSON: Let me ask one
7 more question and then go to Mr. Alberti.

8 All right. It comes down to
9 credibility. We have a police officer who just
10 happened to be in the alley, not monitoring, not
11 looking for folks who are doing anything
12 nefariously. He was doing his job to write
13 tickets for illegal cars parked.

14 And he stated that there was a cup and
15 we all agree there was a cup. And he stated he
16 smelled it and it smelled -- it was a clear
17 liquid and it smelled of alcohol. Then it comes
18 to credibility. And I'm not saying I believe
19 him. I'm just saying to you why would the
20 officer, who just happened to be there because he
21 was, from that I'm being told, not there
22 monitoring for people leaving your club.

1 THE WITNESS: Right.

2 CHAIRPERSON ANDERSON: He was there
3 for another reason and this is something he came
4 onto what he thought was a crime and he said he
5 smelled the cup. It's his training. It smelled
6 like alcohol, so you tell me. What am I supposed
7 to believe?

8 Now, if he was maybe part of the
9 detail or if he was one of your regular police
10 officers who is looking for you sneaking folks in
11 the alley, then, you know, one could say it, but
12 he just happens to be there minding his own
13 business. He saw this. The person said it was
14 alcohol. He said it smelled like alcohol.

15 So you -- can you explain that?

16 THE WITNESS: Yeah, I can explain it
17 by not saying that he was saying anything not --

18 CHAIRPERSON ANDERSON: No. He is --

19 THE WITNESS: -- truthful.

20 CHAIRPERSON ANDERSON: -- not here.

21 I'm just asking you.

22 THE WITNESS: If I could come here

1 with the --

2 CHAIRPERSON ANDERSON: That's a
3 decision --

4 THE WITNESS: -- I'm coming here with
5 the same creditability that he might have. I
6 know how our club is. I know how many people we
7 let in per week. And I know how many officers
8 there help us tremendously with detail. Whether
9 they are drunk, whether they say something vulgar
10 or they start a fight next door, you know who are
11 neighbors are. I think you deal with them
12 weekly.

13 But we are not here weekly. We don't
14 deal with those kind of stuff. And there is no
15 need for us to take people and that's the way I
16 was insulted sort of with the whole situation
17 that we are taking someone back -- this officer
18 knows this club, but he is not working these
19 clubs any more because of that reason.

20 I mean, I think he was pretty honest
21 with me right outside. I'm not saying he has
22 anything against us. I agree with you a

1 cranberry drink he sees it out there, he thinks
2 that, but he was writing tickets and immediately
3 goes to writing this 251. He could have easily
4 brought those girls and the cup to the overtime
5 detail just like we are required to do.

6 You know, why was not -- that case
7 different? And I just question that situation.
8 You know, he lets the girls go on their own and
9 but he has -- identifies a red cup, but doesn't
10 bring it to the front to show the overtime
11 detail, who their job is to monitor these clubs
12 and are out there in front to help us on both
13 sides for the customer side and for the
14 businesses and they do an incredible job.

15 So that's the same question I have for
16 you. If someone is writing tickets, sees a cup,
17 wouldn't you bring the overtime detail to come
18 deal with this?

19 CHAIRPERSON ANDERSON: Mr. Alberti?

20 MEMBER ALBERTI: Mr. Amirshahi, I'm
21 trying to get this straight. This report seems
22 to say, hopefully -- I'm hoping maybe that the

1 Government will recall their witness, but if
2 don't, I'll just deal with it.

3 So it appears to say as the Board
4 Chair pointed out, Mr. Anderson pointed out that
5 it appears to say that two women had cups in
6 their hands. Now, do you have -- do you remember
7 what you saw?

8 THE WITNESS: Yeah, I remember a
9 female being helped by another female and--

10 MEMBER ALBERTI: How about the third
11 female?

12 THE WITNESS: And the third female
13 walking behind them.

14 MEMBER ALBERTI: Does she have a cup?
15 Do you remember?

16 THE WITNESS: I don't recall that, but
17 to me I wasn't even -- I didn't -- when I gave
18 the video, I wasn't even in my mind that the
19 alcohol was involved with this.

20 MEMBER ALBERTI: That's fine. That's
21 fine.

22 THE WITNESS: I give them the video

1 right away.

2 MEMBER ALBERTI: That's fine. Part of
3 what prompted my question was you are sort of
4 waving your hands and saying well, people can
5 walk up and down those stairs any time they want
6 with drinks. That is exterior play. That's
7 outdoor space, is it not?

8 THE WITNESS: Yes.

9 MEMBER ALBERTI: All right. Do you
10 have a summer garden endorsement?

11 THE WITNESS: No.

12 MEMBER ALBERTI: Then they are not
13 allowed on the stairs.

14 THE WITNESS: No.

15 MEMBER ALBERTI: I just want to make
16 that clear.

17 THE WITNESS: Right.

18 (Simultaneous speaking)

19 MEMBER ALBERTI: I don't want you --

20 THE WITNESS: With alcohol.

21 MEMBER ALBERTI: -- to get in
22 trouble --

1 THE WITNESS: Right. No, I
2 understand.

3 MEMBER ALBERTI: -- for something --

4 THE WITNESS: They are not -- with
5 alcohol --

6 MEMBER ALBERTI: -- you forget --

7 THE WITNESS: -- no, I understand what
8 you are saying.

9 MEMBER ALBERTI: So all right. Just
10 anyway, thank you. Hopefully we will hear from
11 the Investigator.

12 CHAIRPERSON ANDERSON: Any other
13 questions by any other Board Members?

14 All right. Ms. Schmidt, any
15 questions?

16 MS. SCHMIDT: The Government will call
17 Investigator Howze.

18 CHAIRPERSON ANDERSON: No, I know, but
19 I'm just saying do you want to ask him any
20 questions, based on the questions that were
21 asked?

22 MS. SCHMIDT: Nothing, no.

1 CHAIRPERSON ANDERSON: All right.

2 (Whereupon, the witness was excused.)

3 CHAIRPERSON ANDERSON: Do you rest,
4 sir?

5 MR. AMIRSHAHI: Yes.

6 CHAIRPERSON ANDERSON: All right.

7 Does the Government want to call a rebuttal
8 witness?

9 MS. SCHMIDT: Sure.

10 CHAIRPERSON ANDERSON: And who is that
11 witness?

12 MS. SCHMIDT: The Government will
13 recall Investigator Anthony Howze.

14 CHAIRPERSON ANDERSON: Mr. Howze, you
15 are still under oath.

16 INVESTIGATOR HOWZE: Okay.

17 Whereupon,

18 INVESTIGATOR ANTHONY HOWZE
19 was recalled as a witness by Counsel for the
20 Government, and having been previously duly
21 sworn, resumed the witness stand, was examined
22 and testified as follows:

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CHAIRPERSON ANDERSON: Go ahead.

DIRECT EXAMINATION

BY MS. SCHMIDT:

Q Investigator Howze, regarding your report, there seems to be some confusion regarding the number of females with cups. Could you, please, clarify your report on that?

A This camera angle is showing the top of the stairwell, so by the time the young ladies maybe enter the alleyway, it could have just been one cup. But what I observed at the top of the stairwell as they were walking down was two young ladies with cups.

MS. SCHMIDT: No further questions.

CHAIRPERSON ANDERSON: Do you have any questions you want to ask of him?

CROSS-EXAMINATION

BY MR. AMIRSHAHI:

Q So the video that you saw, they had two cups, but there was no observation or any contact with --

MR. AMIRSHAHI: Let me rephrase that.

1 BY MR. AMIRSHAHI:

2 Q The officer saw somebody with an
3 alcoholic beverage cup, but did not -- could
4 write a ticket for the cars back there, was what
5 his explanation was, correct?

6 A Correct.

7 Q But he didn't have time to get the
8 information from the three young ladies and any
9 information of who these young ladies are?

10 MS. SCHMIDT: Objection. Beyond the
11 scope.

12 CHAIRPERSON ANDERSON: Well, I'm
13 sorry, what was the question? I was reading.
14 Actually reading the statement.

15 MR. AMIRSHAHI: The question was do we
16 have the names of these three people that
17 supposedly had an alcoholic beverage in the
18 middle of that alley?

19 CHAIRPERSON ANDERSON: You can ask.
20 I'm going -- he is not an attorney, so if you
21 don't -- Mr. Howze, if you can't answer the
22 question, you can state whatever your answer is

1 if you have an answer or if you don't have.

2 THE WITNESS: Those patrons' names
3 weren't in the 251 report, to answer the
4 question.

5 BY MR. AMIRSHAHI:

6 Q They were?

7 A They were not.

8 Q They were not. Is it illegal for --
9 to consume an alcoholic beverage in the alley?

10 A It is not illegal.

11 Q So there should not be a ticket or
12 anything? No violation would be given to a
13 patron drinking alcohol in the alley by a police
14 officer, not by ABRA?

15 A Can you restate your question, please?

16 Q Well, is it a violation in the
17 District of Columbia for a customer or not a
18 customer to be drinking an alcoholic beverage in
19 D.C. Government property?

20 A No.

21 Q Thank you. I don't know if that's the
22 case, but that's what he said.

1 CHAIRPERSON ANDERSON: All right.

2 MEMBER SHORT: May I ask Mr. Howze a
3 question?

4 CHAIRPERSON ANDERSON: Sure. Go
5 ahead, Mr. Short.

6 MEMBER SHORT: Mr. Howze, I mean,
7 Investigator Howze, is public drinking against
8 ABRA Regulations?

9 THE WITNESS: Public drinking?

10 MEMBER SHORT: Public drinking, yeah.
11 Can I take a drink out front of this building and
12 take an alcoholic drink?

13 THE WITNESS: No.

14 MEMBER SHORT: Can I go in the alley
15 behind this building and drink?

16 THE WITNESS: No.

17 MEMBER SHORT: So is public drinking
18 an offense?

19 THE WITNESS: Yes.

20 MEMBER SHORT: Okay. Thank you very
21 much.

22 CHAIRPERSON ANDERSON: All right. Any

1 other questions?

2 MS. SCHMIDT: None from the
3 Government.

4 CHAIRPERSON ANDERSON: All right.
5 Thank you, Mr. Howze. You can step down.

6 (Whereupon, the witness was excused.)

7 CHAIRPERSON ANDERSON: All right.
8 Does the Government rest?

9 MS. SCHMIDT: Yes, the Government
10 rests.

11 CHAIRPERSON ANDERSON: All right.
12 Does the Government wish to make a closing
13 statement?

14 MS. SCHMIDT: Very briefly. The
15 Government has shown that as the evidence is
16 uncontroverted there was a cup carried outside on
17 February 18, 2018. It was outside the
18 establishment.

19 And the only allegation is the cup was
20 carried outside. There is nothing -- there were
21 no allegations in regard to which exit, whether
22 it was the front or the back or whether -- the

1 locality of the exit.

2 The facts in this case are there was
3 a cup that was taken outside.

4 Now, where the dispute is is where --
5 where the dispute is -- well, just to add to that
6 point, as Mr. Short noted, there would be no
7 problem -- if there was no cup, there would be no
8 problem.

9 But the only dispute that is left is
10 whether there was alcohol in the cup. And
11 hearing an officer who was writing tickets. He
12 had not -- he was writing tickets. He observed
13 the cup. As part of his duties, he went over to
14 see what was in the cup, because he knew that
15 taking -- bringing a cup outside of an ABRA
16 establishment is against the law. And based on
17 his experience, he smelled alcohol in the cup.

18 Therefore, the Government is
19 requesting that you find the licensee violated
20 Section 25-113(a)(2)(A)(ii) of the DC Code and
21 fine the establishment appropriately.

22 CHAIRPERSON ANDERSON: All right.

1 What do you want us to do, sir?

2 MR. AMIRSHAHI: The reason I came here
3 before you is to really, you know, explain the
4 situation knowing our record, knowing that we
5 have been there for two years and knowing that I
6 also happened to be there.

7 We are dealing with the head of
8 security, who has medical experience, a general
9 manager, who has been with us for many years.

10 The head of security testified under
11 oath that he was there, cranberry juice was given
12 and it is basically telling us that, and I
13 understand the officer's comments, our head of
14 security and the security are allowing people
15 just go ahead and take your beverage out and have
16 a good time and thank you for being sick is what
17 you are telling us is what the officer is saying.

18 And all I'm here to say is that I
19 happened to be there. I saw the video. I know
20 it was cranberry juice. And what incentive do we
21 have of doing something crazy like that with the
22 kind of security we have and management of two

1 years and over, hundreds of thousands of people
2 have been through this club?

3 You know, we are not like the other
4 ones to shove people out through the back. If
5 this officer had -- is a ticket writer and was
6 not looking for anything else, I think we clearly
7 have probably one of the best areas of police
8 presence of nightclub Dupont Circle police
9 officers who are trained and adequately trained
10 for nightlife specifically, it's all they do.

11 And we have an officer that I tried to
12 reach out and sergeant who just went to the
13 station and ended up writing a 251 and sending it
14 to ABRA with no communication whatsoever with the
15 front of the house of the security detail, which
16 our general manager was up front and our head of
17 security was all there doing.

18 And I feel that knowing our record
19 that it should be no charge at all here. I think
20 that I agree that in looking at it on a camera
21 side that we gave the footage and we brought the
22 witnesses and entertained making sure that three

1 women go out with security and make sure they
2 feel well, we are going to hand her an alcoholic
3 beverage to enjoy while she is walking out? I
4 mean, it seems little bit crazy.

5 But I feel that the Board should look
6 at that and give us the benefit of the doubt.

7 CHAIRPERSON ANDERSON: All right. All
8 right. The record is now closed.

9 Do the parties wish to file proposed
10 findings of fact and conclusions of law or waive
11 their right to do that? Meaning that --

12 MS. SCHMIDT: The Government waives
13 its right.

14 CHAIRPERSON ANDERSON: -- you want us
15 to make a decision on the testimony today? You
16 are not going to wait for the transcript to
17 review it and write a legal brief?

18 MR. AMIRSHAHI: No, I --

19 CHAIRPERSON ANDERSON: You waive your
20 right?

21 MR. AMIRSHAHI: Yes. Thank you.

22 CHAIRPERSON ANDERSON: Okay. All right.

1 As Chairperson of the Alcoholic
2 Beverage Control Board for the District of
3 Columbia and in accordance with DC Official Code
4 Section 2-574(b) of the Open Meetings Act, I move
5 that the ABC Board hold a closed meeting for the
6 purpose of seeking legal advice from our counsel
7 on Case No. 18-251-00089, Decades, pursuant to DC
8 Official Code Section 2-574(b)(4) of the Open
9 Meetings Act and deliberating upon Case No. 18-
10 251-00089, Decades, for the reasons cited in DC
11 Official Code Section 2-574(b)(13) of the Open
12 Meetings Act.

13 Is there a second?

14 MEMBER SILVERSTEIN: Second.

15 MEMBER ALBERTI: Second.

16 CHAIRPERSON ANDERSON: Mr. Silverstein
17 and Mr. Alberti have seconded the motion.

18 I will now take a roll call vote on
19 the motion before us know that it has been
20 seconded.

21 Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.

1 CHAIRPERSON ANDERSON: Mr. Short?

2 MEMBER SHORT: I agree.

3 CHAIRPERSON ANDERSON: Mr. Alberti?

4 MEMBER ALBERTI: I agree.

5 CHAIRPERSON ANDERSON: Mr. Cato?

6 MEMBER CATO: I agree.

7 CHAIRPERSON ANDERSON: Mr. Anderson?

8 I agree.

9 As it appears that the motion has
10 passed, I hereby give notice that the ABC Board
11 will recess these proceedings to hold a closed
12 meeting in the ABC Board conference room pursuant
13 to Section 2-574(b) of the Open Meetings Act.

14 The Board will issue a decision within
15 90 days. Thank you very much for being here
16 today. And we will issue a decision in 90 day.

17 All right. Thank you.

18 MR. AMIRSHAHI: Thanks for your time.

19 CHAIRPERSON ANDERSON: Sure.

20 MS. SCHMIDT: Thank you.

21 (Whereupon, the Show Cause Hearing was
22 concluded at 5:46 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Decades, LLC

Before: Alcoholic Beverage Control Board

Date: 11-07-18

Place: Washington, DC

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