

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

2 1:52 p.m.

3 CHAIRPERSON ANDERSON: All right. We
4 are back on the record. This, our next case, is
5 a Summary Suspension Hearing. It's on our
6 calendar for 4:00, but this was moved up to 2:00.

7 So the next case is Case No. 19-251-
8 00031, Deja Vu Lounge, License No. 110186.

9 Would the parties, please, approach
10 and identify themselves for the record, please?

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.

16 MR. LUMUKANDA: Good afternoon, Dmaz
17 Lumukanda, agent on behalf of Deja Vu Lounge.

18 CHAIRPERSON ANDERSON: Good afternoon,
19 Mr. Lumukanda.

20 MR. FELEKE: Good afternoon. Mikias
21 Feleke. I'm one of the owners.

22 CHAIRPERSON ANDERSON: I didn't hear

1 your last name, sir.

2 MR. FELEKE: Mikias Feleke.

3 CHAIRPERSON ANDERSON: Feleke?

4 MR. FELEKE: Yes, last name Feleke.

5 CHAIRPERSON ANDERSON: Good morning.

6 Good afternoon, sir.

7 MR. FELEKE: Good afternoon.

8 MR. TESTAZGHU: Eyob Testazghu.

9 CHAIRPERSON ANDERSON: Mr. Testazghu?

10 I didn't hear your name to pronounce it, sir.

11 MR. TESTAZGHU: (No audible answer.)

12 CHAIRPERSON ANDERSON: I did not hear

13 your name.

14 MR. TESTAZGHU: Eyob Testazghu.

15 CHAIRPERSON ANDERSON: Yob?

16 MR. TESTAZGHU: Eyob, yeah.

17 CHAIRPERSON ANDERSON: Eyob.

18 MR. TESTAZGHU: Last name Testazghu.

19 CHAIRPERSON ANDERSON: Good afternoon,

20 sir. And you are?

21 MR. TAMIRAT: Good afternoon. My name

22 is Natinael Tamirat, part owner.

1 CHAIRPERSON ANDERSON: Good afternoon.
2 There is a sign-in sheet, so I would like
3 everyone to sign-in. Go ahead. Thanks.

4 This is a Summary Suspension Hearing.
5 It is an incident occurred. The establishment
6 was closed by the Chief of Police. And the ABC
7 Board had issued a determination for the place to
8 remain closed. So we -- the applicant had
9 requested a hearing and so we are here today.

10 Are there any preliminary issues that
11 we need to discuss, Ms. Schmidt, or are we going
12 to a hearing?

13 MS. SCHMIDT: No, we have an Offer in
14 Compromise to present to the Board. I believe
15 the Board has a copy of it already.

16 CHAIRPERSON ANDERSON: No, the Board
17 doesn't have a copy of it.

18 MS. SCHMIDT: Okay. We went it over
19 earlier this week, so I --

20 CHAIRPERSON ANDERSON: Well, the Board
21 doesn't have it, so maybe you can --

22 MS. SCHMIDT: Okay.

1 CHAIRPERSON ANDERSON: The Board
2 doesn't have it because the Board doesn't have
3 it.

4 MS. SCHMIDT: Okay.

5 CHAIRPERSON ANDERSON: So --

6 MS. SCHMIDT: I will -- okay. I can
7 send a copy right now to the council. Yes, let
8 me.

9 MR. LUMUKANDA: I have several paper
10 copies if that --

11 MS. SCHMIDT: Yes, but I'm saying I
12 can it electronically to them. I was looking
13 for --

14 CHAIRPERSON ANDERSON: And so if you
15 have paper copies you can just provide it to us
16 and then you can tell us what it is --

17 MS. SCHMIDT: Okay. We can do that.

18 CHAIRPERSON ANDERSON: -- and handle
19 it. You can send it, Ms. Schmidt to --

20 MS. SCHMIDT: Yeah, I'm sending it to
21 Ms. Jenkins right now.

22 CHAIRPERSON ANDERSON: And then we

1 will look at paper copies in the interim until.

2 MS. SCHMIDT: Okay. I sent them to
3 Ms. Jenkins.

4 CHAIRPERSON ANDERSON: I think there
5 is a bunch there. I think there are extra copies
6 here.

7 MS. SCHMIDT: Okay.

8 CHAIRPERSON ANDERSON: You can --

9 MS. SCHMIDT: Thank you.

10 CHAIRPERSON ANDERSON: -- give Ms.
11 Walker.

12 MS. SCHMIDT: Okay. I can give the
13 Board a summary of what is --

14 CHAIRPERSON ANDERSON: Yeah, go ahead
15 and do that. Yes, that's fine.

16 MS. SCHMIDT: Okay. I'm sorry. Okay.
17 The OIC will consist of respondent agreeing to
18 comply with the following terms:

19 First of all, that respondent shall
20 not rent out the establishment to outside
21 promoters and it shall not rent out or host
22 events at the request of any third-party without

1 maintaining owner's control of the event.

2 And for the duration of the event, the
3 respondent must control and manage all hired
4 security.

5 CHAIRPERSON ANDERSON: I'm sorry, I
6 didn't hear that. I didn't hear what you just
7 said. All right. Hold on one minute, please.
8 Thank you. All right. Go ahead. Start at the
9 beginning, please.

10 MS. SCHMIDT: In essence, there are 15
11 provisions. The first one being about outside
12 promoters. That the establishment shall not rent
13 out the establishment to outside promoters and if
14 there is an outside promoter, that they will
15 maintain control of the security and the
16 establishment for the duration of the event. And
17 that they shall not allow a third-party to check
18 the IDs of patrons to determine the age of
19 patrons entering the establishment.

20 And a security plan, which I
21 understand has already been written, shall be
22 submitted to ABRA no later than 10:00 a.m. on

1 this Friday. And it shall be reviewed and
2 accepted prior to the -- to the Board prior to
3 lifting the suspension of the establishment's
4 alcoholic license.

5 And it should include de-escalation of
6 violent incidents, comprise requirements to use
7 wands at the entrance of the establishment.

8 Proper pat-down procedures: Procedure
9 for preserving a crime scene and procedure to
10 call MPD for medical assistance.

11 Installations of having a security
12 plan and security personnel: The respondent
13 shall maintain a minimum of one security person
14 who will be on duty whenever the establishment
15 offers entertainment.

16 And the respondent will also submit a
17 list of all security personnel employed by the
18 establishment which will be kept on the licensed
19 premise.

20 And with respect to handling violent
21 altercations: The security plan shall contain
22 detailed procedures on how to -- how the security

1 is to handle violent altercations in the
2 establishment, including appropriate methods for
3 separating and handling victims and aggressors,
4 maintaining and controlling aggressive patrons
5 and handing victims and aggressive patrons over
6 to MPD and also how they are to -- how the
7 establishment is to comply with ABRA and MPD
8 whenever a violent incident occurs inside the
9 establishment.

10 And they shall, the respondent shall
11 not clean up a crime scene under any
12 circumstances nor authorize anyone to clean up a
13 crime scene without the prior consent of MPD.

14 And lights and music: Whenever there
15 is an incident, they should -- the respondent
16 shall turn up its lights and turn off any
17 recorded or live music or entertainment within
18 one minute of a violent incident occurring.

19 And reporting incidents: Respondent
20 shall call 911 to report all incidents of
21 violence and the security plans shall document
22 the means and methods for calling 911.

1 An incident log: They should -- the
2 respondent shall maintain an incident log to
3 report all incidents, verbal and physical.

4 And the security plan shall detail the
5 maintenance of incident log and cover issues to
6 report within 25 -- all violent incidents that
7 occur inside of, in front of or in the rear of
8 the establishment.

9 And confiscation of weapons: The
10 respondent shall document the type and number of
11 weapons, the date on which any weapons are
12 recovered from patrons.

13 And then they shall contact MPD for
14 the proper disposal of the weapons.

15 And the security: Regarding the
16 security camera system, the respondent shall have
17 a security camera system in place. These cameras
18 will be operational and recording at all times.

19 And the security detail: All cameras
20 used by the establishment, the location of
21 cameras and the method of mounting the cameras in
22 order to eliminate all blind spots and

1 obstructions of patrons while in the
2 establishment.

3 The respondent shall insure that
4 either the ABC manager or another employee has
5 knowledge of the camera operating system and is
6 capable of downloading and retrieving video
7 requested by MPD or ABRA.

8 And prior to lifting the suspension,
9 the respondent shall provide the Board in writing
10 with the names of the individuals who are able to
11 operate and retrieve the video footage from the
12 respondent's security cameras.

13 In the event that the respondent's
14 security cameras are not operational or properly
15 recording at any time or taken off-line, the
16 respondent should notify the Board in writing
17 within 10 days alerting that their security
18 cameras are not operational.

19 As part of its notification,
20 respondent shall notify the Board of the steps
21 taken to fix the non-working cameras. And once
22 notified an ABRA Investigator will inspect the

1 repaired camera system to ensure compliance with
2 the security plan. And may test the security
3 camera video.

4 The respondent shall maintain the
5 video footage for 30 days.

6 Assessment of security camera system
7 prior to lifting of the establishment's alcohol--
8 with the inspection of the establishment's
9 alcoholic beverage license, an ABRA Investigator
10 shall conduct a walk-through of the licensed
11 establishment with respondent to provide the
12 location and number of security cameras and also
13 to ensure there are no blind spots.

14 And training: All employees will be
15 trained no later than March 2019 how to preserve
16 a crime scene as well as the general procedures
17 for preserving crime scenes. And they shall all
18 be trained in terms of the security plan and
19 rendering aid.

20 The security plan shall state the
21 procedure which all employees will ensure the
22 patrons receive appropriate medical care and this

1 includes, but not limited to, administer or call
2 an ambulance, 911.

3 And employee discipline: The security
4 plan shall set forth what disciplinary action
5 will apply for any security personnel or other
6 employee who does not apply the security plan.

7 And this matter shall be referred to
8 OAG for a Show Cause Review.

9 CHAIRPERSON ANDERSON: Ms. Schmidt,
10 just briefly, what was the incident?

11 MS. SCHMIDT: The incident which
12 occurred there that evening involved a promoter.
13 And the security personnel were trying to clear
14 the premises that evening, it was near closing
15 time. And the promoter, instead of assisting
16 with the clearing of the premises, started
17 revving up the crowd, starting revving up the
18 crowd again and interfered with the clearing.

19 And then there was an altercation that
20 ensued between the promoter and a patron. Yeah,
21 the verbal altercation was between the promoter
22 and a patron and the -- one of the patrons was

1 laughing at a female patron who was intoxicated.
2 The promoter told the patron not to laugh at the
3 intoxicated female patron, but the patron kept on
4 laughing and the promoter shouted obscenities at
5 him.

6 At that point, the security staff
7 separated the parties. However, instead of
8 ensuring that the two parties stayed separated,
9 the staff went to attend to an intoxicated person
10 who was in the men's room at that time.

11 And the promoter then started walking
12 down the stairs, but instead he turned around and
13 rushed -- and then he rushed the patron and the
14 patron then stabbed the promoter. And the patron
15 fled the establishment, but was apprehended and
16 arrested by MPD.

17 And so when Investigator Countee
18 Gilliam came, went to the establishment that
19 night, he determined that they failed to insure
20 the well-being of the patrons that night,
21 specifically after the parties started fighting.
22 The security staff should have escorted them out

1 of the establishment separately and they should
2 not have been distracted by the intoxicated
3 patron in the men's room.

4 And by not properly searching the
5 patrons when they came in, the knife was -- the
6 weapon was able to come in, to be brought into
7 the establishment.

8 CHAIRPERSON ANDERSON: So how is it
9 that this OIC that you are offering, how does
10 this protect the interests of the -- how does it
11 address those issues?

12 MS. SCHMIDT: Okay. Well, also
13 another thing that -- another fact that should be
14 mentioned. This establishment has only been open
15 for six weeks and this is the second incident
16 within that six weeks involving a promoter.

17 So first of all, we are trying -- so
18 one of the first things to address is that the
19 promoters are -- that promoters are not allowed
20 to run the show, that the establishment is aware
21 of the fact that they must, you know, have proper
22 procedures and a good security plan to stop these

1 events from happening.

2 In other words, when there is an
3 altercation, they have to learn to properly field
4 it. You know, fights to happen in bars. We all
5 know that, but there are procedures that should
6 be put into place to minimize any harm from these
7 fights.

8 And also even the cameras, the
9 security cameras, even though they are working,
10 they -- no one knew how to retrieve the footage.
11 So this will ensure that in case an incident
12 happens again that people can -- will be able to
13 ensure -- will be able to get the footage so to
14 help ABRA and MPD.

15 CHAIRPERSON ANDERSON: All right. Mr.
16 Lumukanda, I assume you have discussed the nature
17 of this Offer in Compromise with your client?

18 MR. LUMUKANDA: Yes, yes.

19 CHAIRPERSON ANDERSON: And are they in
20 favor of this?

21 MR. LUMUKANDA: Yes, sir.

22 CHAIRPERSON ANDERSON: And why is it

1 that you believe that the Board should consider
2 agreeing to this Offer in Compromise?

3 MR. LUMUKANDA: Oh, I think the Board
4 should consider the Offer in Compromise. Number
5 one, the establishment completely understands the
6 errors that were made that particular night. And
7 the establishment has taken the proper steps to:

8 Number one, get rid of the individuals
9 that caused these particular errors here, since
10 he admits that he -- the hype guy, who was the
11 assistant to the promoter, we are no longer
12 working with that particular company.

13 And they have also been brief on the
14 security plan and now they understand the
15 protocol that must take place to de-escalate that
16 sort of incident.

17 The second item that has occurred over
18 -- with the establishment is that they have
19 suspended the services of the previous security
20 company, because there were breaches on that
21 particular security company's behalf, so that
22 they now have installed a professionally trained

1 security company that will ensure that something
2 like this will never happen again.

3 The third item that the licensees have
4 undergone is, and that I have actually viewed,
5 their camera system, which they could not access
6 because of the pass-code. That has been remedied
7 and they now have full access to the camera
8 system.

9 And I actually had them prove to me
10 that they have this access to their camera system
11 by us going and painstakingly mapping out each
12 single camera in the establishment showing the
13 direction and view of each one of the cameras.
14 And we also prepared a diagram which is in the
15 security plan which shows where every camera will
16 view.

17 We have also instituted with the new
18 security company an entire set of protocols for
19 where the security are to be stationed, what the
20 protocols are with regard to preservation of the
21 crime scene, de-escalation of an event, how to
22 handle an intoxicated patron.

1 So we have gone through the OIC with
2 a fine tooth comb and have taken all of the
3 measures to remedy any of the issues or breaches
4 that occurred in the past. And I think they are
5 in decent shape or good shape, I should say to go
6 forward with some extremely detailed security
7 plan that we have all prepared over the past two
8 weeks.

9 They understand the seriousness of
10 this case. They understand the privilege of
11 holding a liquor license and they understand that
12 that privilege should not be taken for granted
13 and they understand that this is something that
14 being diligent at all times and doing absolutely
15 everything that you can to preserve the safety of
16 the clients, their staff, themselves, I mean,
17 anyone there, so they fully understand and have
18 gone over this for some time.

19 And I think they are ready to reopen
20 with new security personnel, with the ability to
21 operate the cameras, even from their phones and
22 we could even do a demonstration today of their

1 ability to operate the cameras even from a remote
2 location.

3 So I feel confident in the security
4 plan that we have prepared. I feel confident in
5 them as owners. But yes, there were mistakes
6 made. There were breaches made and we identified
7 those and we are very clear on how to work around
8 those in the future.

9 CHAIRPERSON ANDERSON: Any questions
10 by any Board Members? Yes, Mr. Alberti?

11 MEMBER ALBERTI: I just have a quick
12 question. I don't know if the Investigators have
13 this information, but I don't have it in front of
14 me.

15 What was the name of the promoter and
16 if he has a company, the name of the company?

17 MR. LUMUKANDA: Do you all have the
18 information?

19 MR. FELEKE: I have his he call EPIC.

20 MR. TAMIRAT: He called himself EPIC.

21 MEMBER ALBERTI: EPIC?

22 MR. FELEKE: EPIC Promotions.

1 MEMBER ALBERTI: And does he have a
2 name?

3 MR. FELEKE: I actually talk to him
4 last night. His name is -- let me check last
5 name.

6 MS. SCHMIDT: ABRA has it in case he
7 doesn't have the name.

8 MEMBER ALBERTI: Well, but they had
9 it, so --

10 MS. SCHMIDT: I know.

11 MEMBER ALBERTI: -- I'm hoping that
12 they have the name.

13 MR. LUMUKANDA: They also subsequently
14 fired him as well, so --

15 MEMBER ALBERTI: I understand. And
16 you -- and I'm taking you at your word that you
17 will not be doing business with this individual
18 and that is wonderful.

19 MR. LUMUKANDA: Yes, sir.

20 MEMBER ALBERTI: Exactly what we want
21 to hear. But go ahead.

22 MR. FELEKE: Yeah, his last name is

1 Cliffton.

2 MEMBER ALBERTI: How do you spell it?

3 MR. FELEKE: C-L-I --

4 MEMBER ALBERTI: C-F?

5 MR. FELEKE: C-L-I.

6 MEMBER ALBERTI: C-L-I.

7 MR. FELEKE: F-F-T-O-N.

8 MEMBER ALBERTI: T-O-N. Cliffton. Is
9 his last name?

10 MR. FELEKE: Last name.

11 MEMBER ALBERTI: Okay. Great. And
12 the one thing that concerns me about the Offer in
13 Compromise, and maybe you can speak to this, is
14 that in No. 2 it says there is a minimum of one
15 security guard when there is entertainment.

16 My understanding is this establishment
17 has the capacity of 99 persons. Is that correct?

18 MR. LUMUKANDA: Actually the capacity
19 is 144.

20 MR. FELEKE: 124.

21 MR. LUMUKANDA: 124, I'm sorry.

22 MR. FELEKE: 124.

1 MEMBER ALBERTI: 124 interior?

2 MR. FELEKE: Right. But it does
3 include two stories.

4 MEMBER ALBERTI: Okay.

5 MR. FELEKE: So the business that we
6 are talking about right now is Deja Vu Lounge.

7 MEMBER ALBERTI: Um-hum.

8 MR. FELEKE: The trade name which is
9 upstairs only. So that's probably 45 people. So
10 the only -- the downstairs is a restaurant, bar
11 and restaurant, which doesn't include any
12 promoters or anything. People just come in and
13 sit and eat food. The upstairs is a different
14 kind of establishment.

15 So we are only talking about security
16 upstairs.

17 MEMBER ALBERTI: And how many people
18 were there that evening?

19 MR. FELEKE: 25 is the max.

20 MEMBER ALBERTI: Upstairs?

21 MR. FELEKE: Yeah, the --

22 MR. LUMUKANDA: That was only

1 upstairs.

2 MEMBER ALBERTI: What time was this
3 incident?

4 MR. FELEKE: 2:00 a.m.

5 MR. LUMUKANDA: 2:00 a.m.

6 MR. FELEKE: The incident happened at
7 1:45, 1:50.

8 MEMBER ALBERTI: And you had how many
9 security guards?

10 MR. FELEKE: Three.

11 MR. TAMIRAT: Three.

12 MEMBER ALBERTI: Three. And 25
13 people?

14 MR. FELEKE: That's why we had to fire
15 them.

16 MEMBER ALBERTI: Well, I mean, given
17 all that information, one security guard when you
18 have entertainment kind of makes me a little
19 nervous. I'm --

20 MR. LUMUKANDA: Well, to remedy that
21 particular situation, in the security plan we
22 have instituted a new policy that should handle

1 the security load much better. I'll just read
2 briefly from the security plan.

3 The minimum of two security personnel
4 must work between Sunday and Thursday. And a
5 minimum of four security personnel must work on
6 Friday and Saturday. And at no other time there
7 will be any less than one security employee per
8 50 patrons.

9 MEMBER ALBERTI: So that's in the
10 security plan?

11 MR. LUMUKANDA: Yes. And we have a
12 signed contract with the --

13 MEMBER ALBERTI: Okay.

14 MR. LUMUKANDA: -- company that will
15 allow us to have that particular manpower. So we
16 have adjusted the amount and it has been
17 addressed in the security plan.

18 MEMBER ALBERTI: So my understanding
19 is that part of this Offer in Compromise is that
20 you will comport with the security plan that you
21 submit today or submit as part of this agreement?

22 MR. LUMUKANDA: That is correct. We

1 basically took --

2 MEMBER ALBERTI: All right.

3 MR. LUMUKANDA: -- the OIC and
4 combined that with the security plan.

5 MEMBER ALBERTI: But you -- so you
6 have a security plan and really you are
7 committing to comport with the requirements of
8 that security plan?

9 MR. LUMUKANDA: Yes.

10 MEMBER ALBERTI: Okay.

11 MR. LUMUKANDA: That is correct.

12 MEMBER ALBERTI: Very good. Thank
13 you.

14 CHAIRPERSON ANDERSON: Any other
15 questions by any other Board Members? Yes, Mr.
16 Silverstein?

17 MEMBER SILVERSTEIN: Yes, Mr.
18 Lumukanda, how long has this establishment been
19 open?

20 MR. LUMUKANDA: Oh, they haven't been
21 open very long. I want to say it's just about
22 two months.

1 MR. FELEKE: Two months.

2 MR. LUMUKANDA: Two months.

3 MR. FELEKE: We open for Christmas and
4 New Year's Eve.

5 MEMBER SILVERSTEIN: And you had
6 multiple violent events? What is going on?

7 MR. FELEKE: It was actually two times
8 and the same --

9 MR. LUMUKANDA: The same incident.

10 MR. FELEKE: -- night and promoters.

11 MEMBER SILVERSTEIN: What is going on?

12 MR. LUMUKANDA: That particular -- the
13 promoter is a bad actor, but the establishment
14 understands that it is their responsibility, even
15 if the promoter is a bad actor, but that
16 particular individual was having quite a day and
17 two incidents happened.

18 They are taking full responsibility.
19 They understand that whoever walks in that door,
20 that is their responsibility. But he certainly
21 is a bad actor and on top of all that, he was
22 stabbed.

1 MEMBER SILVERSTEIN: Well --

2 MR. LUMUKANDA: He had a pretty bad
3 day.

4 MEMBER SILVERSTEIN: -- it was a very,
5 very, very difficult start that you have had.
6 It's not looking very good for the beginning.
7 Public safety is our most important issue.

8 MR. LUMUKANDA: Understand.

9 MEMBER SILVERSTEIN: Thank you.

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

12 Is there anything else you want to
13 represent, Ms. Phillips? I'm sorry, Ms. Schmidt?

14 MS. SCHMIDT: No, no, nothing else.

15 CHAIRPERSON ANDERSON: Mr. Lumukanda,
16 anything else you want to --

17 MR. LUMUKANDA: Only that I would like
18 to submit is I have the official security plan
19 with the ABRA application attached to it, so I
20 would like to submit that to the Board, at this
21 time, as a critical component of the OIC.

22 CHAIRPERSON ANDERSON: I thought the

1 OIC said that that would be submitted, I think,
2 by Friday.

3 MR. LUMUKANDA: We are ready now.

4 CHAIRPERSON ANDERSON: Well, whoever
5 gets -- whoever it is, you can hand it to. You
6 can hand it to them. I don't know who -- I don't
7 know. I'm not -- I can't say. So whoever -- so
8 at least you can check that off since the
9 establishment -- I think from what I recall, the
10 establishment would not be open until that plan
11 has been submitted and has been signed off by the
12 Board.

13 MR. LUMUKANDA: Okay.

14 CHAIRPERSON ANDERSON: So any other
15 representation that needs to be made?

16 MR. LUMUKANDA: The only other -- we
17 just -- we are at the, of course, mercy of the
18 Board. And we -- safety is of utmost importance
19 to the licensee. We understand that and take it
20 extremely seriously. We appreciate the privilege
21 of having a liquor license and would like to
22 continue in business with a renewed sense of

1 responsibility, with new contractors and new
2 individuals that will uphold the statutes of the
3 law.

4 CHAIRPERSON ANDERSON: All right. As
5 Chairperson of the Alcoholic Beverage Control
6 Board for the District of Columbia and in
7 accordance with DC Official Code Section 2-574(b)
8 of the Open Meetings Act, I move that the ABC
9 Board hold a closed meeting for the purpose of
10 seeking legal advice from our counsel on Case No.
11 19-251-00031, Deja Vu Lounge, pursuant to DC
12 Official Code Section 2-574(b)(4) of the Open
13 Meetings Act and deliberating upon Case No. 19-
14 251-00031, Deja Vu Lounge, for the reasons cited
15 in DC Official Code Section 2-574(b)(13) of the
16 Open Meetings Act.

17 Is there a second?

18 MEMBER SILVERSTEIN: Second.

19 CHAIRPERSON ANDERSON: Mr. Silverstein
20 has seconded the motion.

21 I will now take a roll call vote on
22 the motion before us now that it has been

1 seconded.

2 Mr. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON ANDERSON: Mr. Alberti?

5 MEMBER ALBERTI: I agree.

6 CHAIRPERSON ANDERSON: Mr. Cato?

7 MEMBER CATO: I agree.

8 CHAIRPERSON ANDERSON: Mr. Anderson?

9 I agree.

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

15 We will return. All right.

16 (Whereupon, the above-entitled matter
17 went off the record at 2:19 p.m. and resumed at
18 2:24 p.m.)

19 CHAIRPERSON ANDERSON: All right. We
20 are back on the record.

21 I make a motion that the Board accept
22 the Offer in Compromise as presented. I think

1 that we need to make some corrections to it prior
2 to writing up the Board Order. The Board will
3 take judicial notice that the security agreement
4 was provided to the Board today and it will be
5 reviewed. And if it's legally sufficient, then
6 pursuant to the terms in the OIC, then the
7 establishment will be -- the Board will then
8 revisit once we have been informed by the legal
9 office that the security agreement is legally
10 compliant.

11 So with that said, I make a motion
12 that we accept the OIC. Is there a second?

13 MEMBER CATO: Second.

14 MEMBER SILVERSTEIN: Second.

15 CHAIRPERSON ANDERSON: Mr. Cato and
16 Mr. Silverstein have seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON ANDERSON: Those opposed?
20 The matter passes 4-0-0.

21 I thank the parties and as I said
22 before, we will -- once we review the security

1 agreement, if it -- and I think the Investigator
2 is supposed to do a walk-through, and once those
3 are approved, then the -- it will -- the Board
4 will be informed and we will again vote whether
5 or not to lift the suspension as per the OIC.

6 I appreciate the fact that you said
7 that having a license is a privilege. And you
8 have only been open for a very short period of
9 time. This is not the way to start a business,
10 if you -- if it's your intent to remain in
11 business.

12 I assume that you have invested a
13 whole lot of money in opening this business, but
14 if you want and intend to maintain, you have to
15 clean up your act. I don't -- it's not a fun
16 thing when folks show up in front of the Board.
17 It's never to say hi and bye. It's always that
18 something goes wrong.

19 So I know that we are going to see you
20 again for the Show Cause Hearing, which is a part
21 of the OIC, but I hope that this is the last time
22 that I see you. All right.

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MR. FELEKE: Thank you, sir.

MR. LUMUKANDA: Thank you.

CHAIRPERSON ANDERSON: Have a good
day.

MEMBER SILVERSTEIN: Good luck.

MR. LUMUKANDA: Thank you.

(Whereupon, the Summary Suspension
Hearing was concluded at 2:27 p.m.)

A

a.m 7:22 24:4,5
ABC 4:6 11:4 30:8
 31:11,13
ability 19:20 20:1
able 11:10 15:6 16:12
 16:13
above-entitled 31:16
ABRA 7:22 9:7 11:7,22
 12:9 16:14 21:6 28:19
absolutely 19:14
accept 31:21 32:12
accepted 8:2
access 18:5,7,10
act 30:8,13,16 31:14
 33:15
action 13:4
actor 27:13,15,21
address 15:11,18
addressed 25:17
adjusted 25:16
administer 13:1
admits 17:10
advice 30:10
Afro 1:5
afternoon 2:11,14,16
 2:18,20 3:6,7,19,21
 4:1
age 7:18
agent 1:20 2:17
aggressive 9:4,5
aggressors 9:3
agree 31:3,5,7,9
agreeing 6:17 17:2
agreement 25:21 32:3,9
 33:1
ahead 4:3 6:14 7:8
 21:21
aid 12:19
Alberti 1:17 20:10,11
 20:21 21:1,8,11,15,20
 22:2,4,6,8,11 23:1,4,7
 23:17,20 24:2,8,12,16
 25:9,13,18 26:2,5,10
 26:12 31:4,5
alcohol-- 12:7
alcoholic 1:2,13,13 8:4
 12:9 30:5
alerting 11:17
allow 7:17 25:15
allowed 15:19
altercation 13:19,21
 16:3
altercations 8:21 9:1
ambulance 13:2
amount 25:16
Amy 1:20 2:11
ANC 1:7

Anderson 1:15,17 2:3
 2:14,18,22 3:3,5,9,12
 3:15,17,19 4:1,16,20
 5:1,5,14,18,22 6:4,8
 6:10,14 7:5 13:9 15:8
 16:15,19,22 20:9
 26:14 28:10,15,22
 29:4,14 30:4,19 31:4
 31:6,8,8,19 32:15,19
 34:3

answer 3:11
appears 31:10
applicant 4:8
application 28:19
apply 13:5,6
appreciate 29:20 33:6
apprehended 14:15
approach 2:9
appropriate 9:2 12:22
approved 33:3
arrested 14:16
Assessment 12:6
assistance 8:10
assistant 2:12 17:11
assisting 13:15
assume 16:16 33:12
attached 28:19
attend 14:9
Attorney 2:12
audible 3:11
authorize 9:12
Avenue 1:7
aware 15:20
aye 32:17,18

B

back 2:4 31:20
bad 27:13,15,21 28:2
bar 1:6 23:10
bars 16:4
basically 26:1
beginning 7:9 28:6
behalf 1:20 2:12,17
 17:21
believe 4:14 17:1
better 25:1
beverage 1:2,13,13
 12:9 30:5
blind 10:22 12:13
Board 1:2,13 4:7,14,15
 4:16,20 5:1,2 6:13 8:2
 11:9,16,20 17:1,3
 20:10 26:15 28:11,20
 29:12,18 30:6,9 31:11
 31:13,21 32:2,2,4,7
 33:3,16
BOBBY 1:18
breaches 17:20 19:3

20:6
brief 17:13
briefly 13:10 25:2
brought 15:6
Building 1:14
bunch 6:5
business 21:17 23:5
 29:22 33:9,11,13
bye 33:17

C

C-F 22:4
C-L-I 22:3,5,6
calendar 2:6
call 8:10 9:20 13:1
 20:19 30:21
called 20:20
calling 9:22
camera 10:16,17 11:5
 12:1,3,6 18:5,7,10,12
 18:15
cameras 10:17,19,21
 10:21 11:12,14,18,21
 12:12 16:8,9 18:13
 19:21 20:1
capable 11:6
capacity 22:17,18
care 12:22
case 1:8 2:4,7,7 16:11
 19:10 21:6 30:10,13
Cato 1:18 31:6,7 32:13
 32:15
Cause 13:8 33:20
caused 17:9
certainly 27:20
Chairperson 1:14,17
 2:3,14,18,22 3:3,5,9
 3:12,15,17,19 4:1,16
 4:20 5:1,5,14,18,22
 6:4,8,10,14 7:5 13:9
 15:8 16:15,19,22 20:9
 26:14 28:10,15,22
 29:4,14 30:4,5,19
 31:4,6,8,19 32:15,19
 34:3
check 7:17 21:4 29:8
Chief 1:9 4:6
Christmas 27:3
circumstances 9:12
cited 30:14
clean 9:11,12 33:15
clear 13:13 20:7
clearing 13:16,18
client 16:17
clients 19:16
Cliffon 22:1,8
closed 4:6,8 30:9 31:12
closing 13:14

Closure 1:9
Code 30:7,12,15
Columbia 1:1 2:13 30:6
comb 19:2
combined 26:4
come 15:6 23:12
committing 26:7
company 17:12,20 18:1
 18:18 20:16,16 25:14
company's 17:21
completely 17:5
compliance 12:1
compliant 32:10
comply 6:18 9:7
component 28:21
comport 25:20 26:7
comprise 8:6
Compromise 4:14
 16:17 17:2,4 22:13
 25:19 31:22
concerns 22:12
concluded 34:8
conduct 12:10
conference 31:13
confident 20:3,4
confiscation 10:9
consent 9:13
consider 17:1,4
consist 6:17
contact 10:13
contain 8:21
continue 29:22
contract 25:12
contractors 30:1
control 1:2,13,13 7:1,3
 7:15 30:5
controlling 9:4
copies 5:10,15 6:1,5
copy 4:15,17 5:7
correct 22:17 25:22
 26:11
corrections 32:1
council 5:7
counsel 30:10
Countee 14:17
course 29:17
cover 10:5
CR 1:7
crime 8:9 9:11,13 12:16
 12:17 18:21
critical 28:21
crowd 13:17,18

D

D.C 1:14
date 10:11
day 27:16 28:3 34:4
days 11:17 12:5

DC 30:7,11,15
de-escalate 17:15
de-escalation 8:5 18:21
decent 19:5
Deja 2:8,17 23:6 30:11
 30:14
deliberating 30:13
demonstration 19:22
detail 10:4,19
detailed 8:22 19:6
determination 4:7
determine 7:18
determined 14:19
diagram 18:14
different 23:13
difficult 28:5
diligent 19:14
direction 18:13
disciplinary 13:4
discipline 13:3
discuss 4:11
discussed 16:16
disposal 10:14
distracted 15:2
District 1:1 2:13 30:6
Dmaz 1:20 2:16
document 9:21 10:10
doing 19:14 21:17
Donovan 1:15,17
door 27:19
downloading 11:6
downstairs 23:10
duration 7:2,16
duty 8:14

E

earlier 4:19
eat 23:13
either 11:4
electronically 5:12
eliminate 10:22
employed 8:17
employee 11:4 13:3,6
 25:7
employees 12:14,21
ensued 13:20
ensure 12:1,13,21
 16:11,13 18:1
ensuring 14:8
entering 7:19
entertainment 8:15
 9:17 22:15 24:18
entire 18:18
entrance 8:7
EPIC 20:19,20,21,22
errors 17:6,9
escorted 14:22
essence 7:10

establishment 4:5 6:20
 7:12,13,16,19 8:7,14
 8:18 9:2,7,9 10:8,20
 11:2 12:11 14:15,18
 15:1,7,14,20 17:5,7
 17:18 18:12 22:16
 23:14 26:18 27:13
 29:9,10 32:7
establishment's 8:3
 12:7,8
Eve 27:4
evening 13:12,14 23:18
event 7:1,2,16 11:13
 18:21
events 6:22 16:1 27:6
Exactly 21:20
extra 6:5
extremely 19:6 29:20
Eyob 1:21 3:8,14,16,17

F

F-F-T-O-N 22:7
fact 15:13,21 33:6
failed 14:19
favor 16:20 32:17
February 1:10,12
feel 20:3,4
Feleke 1:21 2:20,21 3:2
 3:2,3,4,4,7 20:19,22
 21:3,22 22:3,5,7,10
 22:20,22 23:2,5,8,19
 23:21 24:4,6,10,14
 27:1,3,7,10 34:1
female 14:1,3
field 16:3
fighting 14:21
fight 16:4,7
fine 6:15 19:2
fire 24:14
fired 21:14
first 6:19 7:11 15:17,18
fix 11:21
fled 14:15
Florida 1:7
folks 33:16
following 6:18
food 23:13
footage 11:11 12:5
 16:10,13
forth 13:4
forward 19:6
four 25:5
Friday 8:1 25:6 29:2
front 10:7 20:13 33:16
full 18:7 27:18
fully 19:17
fun 33:15
future 20:8

G

general 2:12 12:16
Gilliam 14:18
give 6:10,12 31:11
given 24:16
granted 19:12
Group 1:5
guard 22:15 24:17
guards 24:9

H

hand 29:5,6
handing 9:5
handle 5:18 9:1 18:22
 24:22
handling 8:20 9:3
happen 16:4 18:2
happened 24:6 27:17
happening 16:1
happens 16:12
harm 16:6
hear 2:22 3:10,12 7:6,6
 21:21
hearing 1:7,13 2:5 4:4,9
 4:12 33:20 34:8
help 16:14
hi 33:17
hired 7:3
hold 7:7 30:9 31:12
holding 19:11
hope 33:21
hoping 21:11
host 6:21
hype 17:10

I

identified 20:6
identify 2:10
IDs 7:18
importance 29:18
important 28:7
incident 4:5 9:8,15,18
 10:1,2,5 13:10,11
 15:15 16:11 17:16
 24:3,6 27:9
incidents 8:6 9:19,20
 10:3,6 27:17
include 8:5 23:3,11
includes 13:1
including 9:2
individual 21:17 27:16
individuals 11:10 17:8
 30:2
information 20:13,18
 24:17
informed 32:8 33:4
inside 9:8 10:7
inspect 11:22

inspection 12:8
Installations 8:11
installed 17:22
instituted 18:17 24:22
insure 11:3 14:19
intend 33:14
intent 33:10
interests 15:10
interfered 13:18
interim 6:1
interior 23:1
intoxicated 14:1,3,9
 15:2 18:22
invested 33:12
Investigator 11:22 12:9
 14:17 33:1
Investigators 20:12
involved 13:12
involving 15:16
issue 28:7
issued 4:7
issues 4:10 10:5 15:11
 19:3
item 17:17 18:3

J

Jenkins 5:21 6:3
JR 1:18
judicial 32:3

K

kept 8:18 14:3
knew 16:10
knife 15:5
knowledge 11:5

L

laugh 14:2
laughing 14:1,4
law 30:3
learn 16:3
legal 30:10 32:8
legally 32:5,9
license 1:8 2:8 8:4 12:9
 19:11 29:21 33:7
licensed 8:18 12:10
licensee 1:20 29:19
licensees 18:3
lift 33:5
lifting 8:3 11:8 12:7
lights 9:14,16
limited 13:1
liquor 19:11 29:21
list 8:17
little 24:18
live 9:17
LLC 1:5
load 25:1

location 10:20 12:12
20:2
log 10:1,2,5
long 26:18,21
longer 17:11
look 6:1
looking 5:12 28:6
lot 33:13
Lounge 1:6 2:8,17 23:6
30:11,14
luck 34:5
Lucy 1:6
Lumukanda 1:20 2:16
2:17,19 5:9 16:16,18
16:21 17:3 20:17
21:13,19 22:18,21
23:22 24:5,20 25:11
25:14,22 26:3,9,11,18
26:20 27:2,9,12 28:2
28:8,15,17 29:3,13,16
34:2,6

M

maintain 7:15 8:13 10:2
12:4 33:14
maintaining 7:1 9:4
maintenance 10:5
manage 7:3
manager 11:4
manpower 25:15
mapping 18:11
March 12:15
matter 1:4 13:7 31:16
32:20
max 23:19
mean 19:16 24:16
means 9:22
measures 19:3
medical 8:10 12:22
meeting 1:3 30:9 31:13
Meetings 30:8,13,16
31:14
Member 1:17,18,18
20:11,21 21:1,8,11,15
21:20 22:2,4,6,8,11
23:1,4,7,17,20 24:2,8
24:12,16 25:9,13,18
26:2,5,10,12,17 27:5
27:11 28:1,4,9 30:18
31:3,5,7 32:13,14
34:5
Members 20:10 26:15
28:11
men's 14:10 15:3
mentioned 15:14
mercy 29:17
met 1:13
method 10:21

methods 9:2,22
MIKE 1:18
Mikias 1:21 2:20 3:2
minimize 16:6
minimum 8:13 22:14
25:3,5
minute 7:7 9:18
mistakes 20:5
money 33:13
months 26:22 27:1,2
morning 3:5
motion 30:20,22 31:10
31:21 32:11,16
mounting 10:21
move 30:8
moved 2:6
MPD 8:10 9:6,7,13
10:13 11:7 14:16
16:14
multiple 27:6
music 9:14,17

N

N.W 1:14
name 3:1,4,10,13,18,21
20:15,16 21:2,4,5,7
21:12,22 22:9,10 23:8
names 11:10
Natinael 1:22 3:22
nature 16:16
near 13:14
need 4:11 32:1
needs 29:15
nervous 24:19
never 18:2 33:17
new 18:17 19:20 24:22
27:4 30:1,1
NICK 1:17
night 14:19,20 17:6
21:4 27:10
non-working 11:21
notice 31:11 32:3
notification 11:19
notified 11:22
notify 11:16,20
number 10:10 12:12
17:4,8
NW 1:7

O

OAG 1:20 13:8
obscenities 14:4
obstructions 11:1
occur 10:7
occurred 4:5 13:12
17:17 19:4
occurring 9:18
occurs 9:8

off-line 11:15
Offer 4:13 16:17 17:2,4
22:12 25:19 31:22
offering 15:9
offers 8:15
office 32:9
official 28:18 30:7,12
30:15
OIC 6:17 15:9 19:1 26:3
28:21 29:1 32:6,12
33:5,21
once 11:21 32:8,22
33:2
open 15:14 26:19,21
27:3 29:10 30:8,12,16
31:14 33:8
opening 33:13
operate 11:11 19:21
20:1
operating 11:5
operational 10:18
11:14,18
opposed 32:19
order 10:22 32:2
outside 6:20 7:11,13,14
owner 1:21,21,22 3:22
owner's 7:1
owners 2:21 20:5

P

P-R-O-C-E-E-D-I-N-G-S
2:1
p.m 2:2 31:17,18 34:8
painstakingly 18:11
paper 5:9,15 6:1
part 3:22 11:19 25:19
25:21 33:20
particular 17:6,9,12,21
24:21 25:15 27:12,16
parties 2:9 14:7,8,21
32:21
pass-code 18:6
passed 31:11
passes 32:20
pat-down 8:8
patron 13:20,22 14:1,2
14:3,3,13,14,14 15:3
18:22
patrons 7:18,19 9:4,5
10:12 11:1 12:22
13:22 14:20 15:5 25:8
people 16:12 23:9,12
23:17 24:13
period 33:8
person 8:13 14:9
personnel 8:12,17 13:5
13:13 19:20 25:3,5
persons 22:17

Phillips 28:13
phones 19:21
physical 10:3
place 4:7 10:17 16:6
17:15
plan 7:20 8:12,21 10:4
12:2,18,20 13:4,6
15:22 17:14 18:15
19:7 20:4 24:21 25:2
25:10,17,20 26:4,6,8
28:18 29:10
plans 9:21
please 2:9,10 7:7,9
point 14:6
Police 1:9 4:6
policy 24:22
preliminary 4:10
premise 8:19
premises 13:14,16
prepared 18:14 19:7
20:4
present 1:16,19 4:14
presented 31:22
preservation 18:20
preserve 12:15 19:15
preserving 8:9 12:17
presiding 1:15
pretty 28:2
previous 17:19
prior 8:2,2 9:13 11:8
12:7 32:1
privilege 19:10,12
29:20 33:7
probably 23:9
procedure 8:8,9 12:21
procedures 8:8,22
12:16 15:22 16:5
proceedings 31:12
professionally 17:22
promoter 7:14 13:12,15
13:20,21 14:2,4,11,14
15:16 17:11 20:15
27:13,15
promoters 6:21 7:12,13
15:19,19 23:12 27:10
Promotions 20:22
pronounce 3:10
proper 8:8 10:14 15:21
17:7
properly 11:14 16:3
property 15:4
protect 15:10
protocol 17:15
protocols 18:18,20
prove 18:9
provide 5:15 11:9 12:11
provided 32:4
provisions 7:11

Public 28:7
purpose 30:9
pursuant 30:11 31:13
 32:6
put 16:6

Q

question 20:12
questions 20:9 26:15
 28:11
quick 20:11
quite 27:16

R

read 25:1
ready 19:19 29:3
rear 10:7
reasons 30:14
recall 29:9
receive 12:22
recess 31:12
record 2:4,10 31:17,20
recorded 9:17
recording 10:18 11:15
recovered 10:12
Reeves 1:14
referred 13:7
regard 18:20
Regarding 10:15
remain 4:8 33:10
remedied 18:6
remedy 19:3 24:20
remote 20:1
rendering 12:19
renewed 29:22
rent 6:20,21 7:12
reopen 19:19
repaired 12:1
report 9:20 10:3,6
reporting 9:19
represent 28:13
representation 29:15
request 6:22
requested 4:9 11:7
requirements 8:6 26:7
respect 8:20
respondent 6:17,19 7:3
 8:12,16 9:10,15,19
 10:2,10,16 11:3,9,16
 11:20 12:4,11
respondent's 11:12,13
responsibility 27:14,18
 27:20 30:1
restaurant 23:10,11
Restaurant/Deja 1:6
resumed 31:17
Retailer 1:7
retrieve 11:11 16:10

retrieving 11:6
return 31:15
review 13:8 32:22
reviewed 8:1 32:5
revisit 32:8
revving 13:17,17
rid 17:8
roll 30:21
room 1:14 14:10 15:3
 31:13
run 15:20
rushed 14:13,13

S

safety 19:15 28:7 29:18
Saturday 25:6
saying 5:11
says 22:14
scene 8:9 9:11,13 12:16
 18:21
scenes 12:17
Schmidt 1:20 2:11,12
 2:15 4:11,13,18,22
 5:4,6,11,17,19,20 6:2
 6:7,9,12,16 7:10 13:9
 13:11 15:12 21:6,10
 28:13,14
searching 15:4
second 15:15 17:17
 30:17,18 32:12,13,14
seconded 30:20 31:1
 32:16
Section 30:7,12,15
 31:14
security 7:4,15,20 8:11
 8:12,13,17,21,22 9:21
 10:4,15,16,17,19
 11:12,14,17 12:2,2,6
 12:12,18,20 13:3,5,6
 13:13 14:6,22 15:22
 16:9 17:14,19,21 18:1
 18:15,18,19 19:6,20
 20:3 22:15 23:15 24:9
 24:17,21 25:1,2,3,5,7
 25:10,17,20 26:4,6,8
 28:18 32:3,9,22
seeking 30:10
send 5:7,19
sending 5:20
sense 29:22
sent 6:2
separated 14:7,8
separately 15:1
separating 9:3
seriously 29:20
seriousness 19:9
services 17:19
set 13:4 18:18

shape 19:5,5
sheet 4:2
short 33:8
shouted 14:4
show 13:8 15:20 33:16
 33:20
showing 18:12
shows 18:15
sign-in 4:2,3
signed 25:12 29:11
Silverstein 1:18 26:16
 26:17 27:5,11 28:1,4
 28:9 30:18,19 31:2,3
 32:14,16 34:5
single 18:12
sir 3:1,6,10,20 16:21
 21:19 34:1
sit 23:13
situation 24:21
six 15:15,16
sorry 6:16 7:5 22:21
 28:13
sort 17:16
speak 22:13
specifically 14:21
spell 22:2
spots 10:22 12:13
stabbed 14:14 27:22
staff 14:6,9,22 19:16
stairs 14:12
start 7:8 28:5 33:9
started 13:16 14:11,21
starting 13:17
state 12:20
stationed 18:19
statutes 30:2
stayed 14:8
steps 11:20 17:7
stop 15:22
stories 23:3
Street 1:14
submit 8:16 25:21,21
 28:18,20
submitted 7:22 29:1,11
subsequently 21:13
sufficient 32:5
Suite 1:14
summary 1:7 2:5 4:4
 6:13 34:7
Sunday 25:4
supposed 33:2
suspended 17:19
suspension 1:7 2:5 4:4
 8:3 11:8 33:5 34:7
system 10:16,17 11:5
 12:1,6 18:5,8,10

T

T-O-N 22:8
t/a 1:6
taken 11:15,21 17:7
 19:2,12
talk 21:3
talking 23:6,15
Tamirat 1:22 3:21,22
 20:20 24:11
tell 5:16
terms 6:18 12:18 32:6
test 12:2
Testazghu 1:21 3:8,8,9
 3:11,14,14,16,18,18
thank 6:9 7:8 26:12
 28:9 32:21 34:1,2,6
Thanks 4:3
things 15:18
third 18:3
third-party 6:22 7:17
thought 28:22
Three 24:10,11,12
Thursday 25:4
times 10:18 19:14 27:7
today 4:9 19:22 25:21
 32:4
told 14:2
tooth 19:2
top 27:21
trade 23:8
trained 12:15,18 17:22
training 12:14
trying 13:13 15:17
turn 9:16,16
turned 14:12
two 14:8 19:7 23:3 25:3
 26:22 27:1,2,7,17
type 10:10

U

Um-hum 23:7
undergone 18:4
understand 7:21 17:14
 19:9,10,11,13,17
 21:15 27:19 28:8
 29:19
understanding 22:16
 25:18
understands 17:5
 27:14
uphold 30:2
upstairs 23:9,13,16,20
 24:1
use 8:6
utmost 29:18

V

V 1:20
verbal 10:3 13:21

victims 9:3,5
video 11:6,11 12:3,5
view 18:13,16
viewed 18:4
violence 9:21
violent 8:6,20 9:1,8,18
 10:6 27:6
vote 30:21 33:4
Vu 1:6 2:8,17 23:6
 30:11,14

W

W 1:15,17
walk-through 12:10
 33:2
Walker 6:11
walking 14:11
walks 27:19
wands 8:7
Washington 1:14
way 33:9
weapon 15:6
weapons 10:9,11,11,14
Wednesday 1:11
week 4:19
weeks 15:15,16 19:8
well-being 14:20
went 4:18 14:9,18 31:17
wonderful 21:18
word 21:16
words 16:2
work 20:7 25:4,5
working 16:9 17:12
writing 11:9,16 32:2
written 7:21
wrong 33:18

X

Y

Year's 27:4
Yob 3:15

Z

0

00031 2:8

1

1:45 24:7
1:50 24:7
1:52 2:2
10 11:17
10:00 7:22
110186 1:8 2:8
12 1:10
124 22:20,21,22 23:1
144 22:19

14th 1:14
15 7:10
19- 30:13
19-251- 2:7
19-251-00031 1:8 30:11
1B 1:7

2

2 22:14
2-574(b) 30:7 31:14
2-574(b)(13) 30:15
2-574(b)(4) 30:12
2:00 2:6 24:4,5
2:19 31:17
2:24 31:18
2:27 34:8
2000 1:14
20009 1:14
2019 1:10,12 12:15
25 10:6 23:19 24:12
251-00031 30:14
27 1:12

3

30 12:5

4

4-0-0 32:20
4:00 2:6
400S 1:14
45 23:9

5

50 25:8

6

7

8

9

900 1:7
911 9:20,22 13:2
99 22:17

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In the matter of: Deja Vu Lounge

Before: DCABRA

Date: 02-27-19

Place: Washington, DC

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Court Reporter

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