

ALSO PRESENT:

CAMERON ROYSTER, ABRA Investigator

TIFFANY KEENON, DC MPD

DAVID KIM, Interpreter

ROSA RUIZ FERRUFINO, Licensee

KELVIN FERRUFINO, Licensee

LUIS ALBERTO FERRUFINO, Licensee

ODILBER FERRUFINO, Licensee

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

STATEMENTS

Investigator Cameron Royster10
Officer Tiffany Keenon 18/51
Rosa Ruiz, Applicant20
Luis Alberto Ferrufino22
Odilber Ferrufino.50

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

2 10:40 a.m.

3 CHAIRPERSON ANDERSON: All right.

4 Let's move on with the calendar. We now have a
5 Fact-Finding Hearing case. It's Case No. 18-251-
6 00115 and Case No. 18-251-00115(a), Don Juan
7 Restaurant and Carry-out, License No. 15934.

8 Would all the parties in this case,
9 please, appear? If everyone who is in the
10 audience regarding this matter, Don Juan
11 Restaurant and Carry-out, please appear. You
12 guys can sit over this side.

13 Whoever you have, sir, they can come
14 up.

15 INTERPRETER KIM: My name is -- I'm
16 the Interpreter.

17 CHAIRPERSON ANDERSON: And what
18 language is this?

19 INTERPRETER KIM: Spanish.

20 CHAIRPERSON ANDERSON: Spanish. You
21 are -- what's your name?

22 INTERPRETER KIM: David.

1 CHAIRPERSON ANDERSON: Last name?

2 INTERPRETER KIM: Kim.

3 CHAIRPERSON ANDERSON: Kim?

4 INTERPRETER KIM: Yes.

5 CHAIRPERSON ANDERSON: All right. Mr.

6 Kim, can you stand, please, and raise your right
7 hand? Hold on one minute. You can put your hand
8 down for a moment. All right. You can put your
9 right hand up.

10 Do you solemnly affirm that you will
11 faithfully and accurately interpret these
12 proceedings in this matter from English to
13 Spanish and from Spanish to English to the best
14 of your ability?

15 INTERPRETER KIM: Yes.

16 CHAIRPERSON ANDERSON: Have a seat.

17 All right. All right. I will have everyone
18 introduce themselves. We will start with the
19 Investigator.

20 INVESTIGATOR ROYSTER: Cameron

21 Royster, ABRA.

22 CHAIRPERSON ANDERSON: Mr. Royster.

1 OFFICER KEENON: Officer Keenon, 4th
2 District.

3 CHAIRPERSON ANDERSON: What's your
4 last name, ma'am?

5 OFFICER KEENON: K-E-E-N-O-N.

6 CHAIRPERSON ANDERSON: Keenon, good
7 afternoon. Good morning. And there is a sign-in
8 sheet, please, sign-in on the sign-in sheet, too.

9 Yes, we can start. I need everyone
10 else to introduce themselves for the record.

11 MS. RUIZ: My name is Rosa Ruiz.

12 CHAIRPERSON ANDERSON: Ms. Ruiz.

13 MR. KELVIN FERRUFINO: My name is
14 Kelvin Ferrufino.

15 CHAIRPERSON ANDERSON: Your name, sir?

16 MR. KELVIN FERRUFINO: Kelvin
17 Ferrufino.

18 CHAIRPERSON ANDERSON: Ferrufino?

19 Okay. Spell that for me, please.

20 MR. KELVIN FERRUFINO: F-E-R-R-U-F-I-
21 N-O.

22 CHAIRPERSON ANDERSON: Okay.

1 MR. LUIS ALBERTO FERRUFINO: My name
2 is Luis Alberto Ferrufino. I'm the owner of Don
3 Juan Restaurant.

4 CHAIRPERSON ANDERSON: The last name
5 again?

6 MR. LUIS ALBERTO FERRUFINO: The same,
7 F-E-R-R-U-F-I-N-O.

8 CHAIRPERSON ANDERSON: Mr. Ferrufino,
9 good morning.

10 MR. ODILBER FERRUFINO: My name is
11 Odilber Ferrufino. The last name is the same.

12 CHAIRPERSON ANDERSON: I don't need to
13 ask you how to spell it, sir. If I can't -- if I
14 have gone through three and I'm still asking you
15 to spell it, then something is wrong with me.
16 Thank you. Good morning. All right.

17 We are off the record for a minute,
18 please.

19 (Whereupon, off the record for a
20 recess.)

21 CHAIRPERSON ANDERSON: All right.
22 There is a sign-in sheet, so I want to make sure

1 everyone signs their name in on the sign-in
2 sheet, please. All right.

3 We are having this Fact-Finding
4 Hearing because of an incident occurred at the
5 establishment. And the Board is concerned, but
6 we want to make sure from the establishment's
7 perspective what happened and for us to figure
8 out whether or not we need to do some further
9 investigation regarding this matter.

10 And so how we will start, I'll have
11 the Investigator, he wrote a report. Did you get
12 a copy of the report that was written by the
13 Agency?

14 MR. KELVIN FERRUFINO: Si, si.

15 CHAIRPERSON ANDERSON: And are you
16 able to read it and understand what is in the
17 report?

18 MR. KELVIN FERRUFINO: Yes.

19 MS. RUIZ: No, I did not understand.

20 CHAIRPERSON ANDERSON: All right. Who
21 is the owner of the establishment?

22 MR. LUIS ALBERTO FERRUFINO: She.

1 CHAIRPERSON ANDERSON: So both of you
2 are the owner, so did you, sir, understand what
3 is in this report?

4 MR. LUIS ALBERTO FERRUFINO: Yes, we
5 are. I explained to her, but she cannot read and
6 write in English, but I explained to her.

7 CHAIRPERSON ANDERSON: And what is
8 your relationship to her?

9 MR. LUIS ALBERTO FERRUFINO: She is my
10 wife.

11 CHAIRPERSON ANDERSON: She is your
12 wife. And you jointly own the -- you are both
13 listed as owners of the establishment?

14 MR. LUIS ALBERTO FERRUFINO: That's
15 correct.

16 CHAIRPERSON ANDERSON: And you have
17 explained to her what this report stated, sir?
18 No, I need you to answer me, sir.

19 MR. LUIS ALBERTO FERRUFINO: Yes, I
20 did.

21 CHAIRPERSON ANDERSON: Okay. All
22 right. All right. If as we move forward, if

1 anyone has any questions, then you are able to
2 let us know.

3 So what is going to happen is that the
4 Investigator is going to go through his report.
5 I'll have the Officer give whatever input the
6 Officer can provide regarding the incident and
7 then you will have an opportunity to give your
8 version of what happened that night. Okay?

9 MR. LUIS ALBERTO FERRUFINO: Okay.

10 CHAIRPERSON ANDERSON: All right. Mr.
11 Royster? And remember, speak slowly because it
12 is being interpreted.

13 INVESTIGATOR ROYSTER: Yes. So I was
14 assigned to investigate an incident that occurred
15 at Don Juan Restaurant on March 22nd at
16 approximately --

17 CHAIRPERSON ANDERSON: Slow down a
18 little bit because, remember, it's being
19 interpreted. Go ahead. All right.

20 INVESTIGATOR ROYSTER: To investigate
21 an incident that occurred on early morning of
22 March 22nd at approximately 3:00 a.m. The

1 incident report was from Officer Keenon, to my
2 right, who advised that MPD received a radio run
3 for a person with a gun inside of Don Juan
4 Restaurant.

5 When she arrived at the establishment,
6 the victim had advised her that the suspect had
7 approached her inside the bathroom area asking if
8 he wanted to buy drugs and when he declined, the
9 suspected pointed a gun at his forehead and the
10 victim still refused to buy drugs and this led to
11 an altercation in the main area of the
12 establishment where Suspect No. 3, an Asian
13 female, then began swinging at the Victim No. 1.

14 Or I'm sorry, swinging at the victim
15 and Witness No. 2 was the wife of the owner stood
16 in the middle to stop the fight.

17 I first visited the establishment on
18 Wednesday, March 28th at 11:40, approximately,
19 11:40 p.m.

20 INTERPRETER KIM: Can you repeat?

21 INVESTIGATOR ROYSTER: Yes, I first
22 visited on Wednesday, March 28th, at approximately

1 11:40 p.m.

2 I first spoke with the owner, Mr. Luis
3 Ferrufino, who first advised that he did not know
4 anything had occurred. After further
5 questioning, he advised that his wife, Rosa Ruiz,
6 who is identified in the 251 as Witness No. 2,
7 was there along with his son, Kelvin Ferrufino.

8 And a short time later, his wife also
9 approached us and she advised that she observed a
10 portion of the incident and tried to break up the
11 incident and observed the altercation.

12 I further asked Mr. Ferrufino the
13 security procedures of the establishment and
14 advised that security -- that he has a third-
15 party security and security pats down individuals
16 and they have 10 surveillance cameras and that
17 there is --

18 MEMBER SHORT: Investigator, speak up
19 just a little bit, please.

20 INVESTIGATOR ROYSTER: -- and that
21 they are supposed to have an incident log. And
22 so I requested the incident log from him and he

1 advised that they do not have an incident log of
2 that incident. And when I asked why, he
3 explained that he was not sure why he did not
4 have the incident log.

5 I further requested video surveillance
6 footage from him of the incident and the first
7 statement he advised me was that the last time he
8 gave video footage to ABRA, ABRA shutdown his
9 establishment. So he was hesitant in giving
10 video to me.

11 And so I told him how I had no clue
12 about that incident and it would just be helpful
13 to me and I want just to view the incident. And
14 he agreed to have a USB to help me with the
15 specific times that I viewed at the establishment
16 of the incident.

17 And at the establishment when I
18 reviewed the footage with the owner, Mr.
19 Ferrufino, I observed the male patron go into the
20 -- or I observed the altercation of the male
21 patron coming out of the bathroom looking as if
22 he is holding something in his waistband area and

1 then approaching another party ensuing an
2 altercation and basically, the altercation
3 occurred.

4 And so I have requested video footage
5 of this incident. And I gave him a USB and wrote
6 down specific times for this incident and he
7 agreed to give me the USB downloaded.

8 The second time I visited the
9 establishment on Sunday, April 1st, I spoke with
10 both Ms. Ruiz and her son, Kelvin Ferrufino, and
11 advised that I had come to pick up the USB. And
12 his son advised that he was going to start to
13 download the USB at that moment. And I advised
14 him how it should have been done already before,
15 because I requested it a week prior.

16 And then he advised me after that that
17 sometimes their video footage deletes after seven
18 days, so it might not be there. So then we --
19 after being led to the office area and attempting
20 to view the footage again, the footage wasn't
21 there and it was deleted.

22 So I told him to call me if anything

1 changes and if he could retrieve the video. A
2 couple days later I contacted Officer Keenon, to
3 my right, who advised that MPD has an
4 investigator assigned to the incident,
5 Investigator Richard Geiger.

6 INTERPRETER KIM: Mr. Richard, I'm
7 sorry?

8 INVESTIGATOR ROYSTER: Richard Geiger.
9 And when contacting him, he advised me,
10 basically, the same thing that he went to the
11 establishment and attempted to get the video. He
12 viewed it on-site and requested from him or
13 requested from the owners video. And when he
14 retrieved the video, it wasn't the times that was
15 requested.

16 And when he -- I remember he -- in the
17 email, as stated in the 251, when he attempted to
18 contact them about the discrepancy, there was no
19 response and no return of his calls either.

20 So we both determined how we both --
21 I was able to determine that Don Juan did not
22 follow their security plan of keeping a record of

1 the incident log when police are called or if a
2 patron is assaulted.

3 And then while preparing for this
4 hearing, another violation of the security plan
5 was determined of not providing video
6 surveillance footage to ABRA and MPD.

7 CHAIRPERSON ANDERSON: Is that it?

8 INVESTIGATOR ROYSTER: Yes.

9 CHAIRPERSON ANDERSON: So where
10 specifically in their security plan does it state
11 that they have to have an incident log?

12 INVESTIGATOR ROYSTER: On page -- you
13 said incident log first, correct?

14 CHAIRPERSON ANDERSON: Yes.

15 INVESTIGATOR ROYSTER: It's
16 specifically on Page 2, No. 14. It says that --
17 no, Page No. 2 of the security plan, No. 14,
18 where it states "An incident log will be kept in
19 Don Juan Restaurant and Carry-out at all times.
20 Every day will have a brief description. Any
21 incident on premises will be logged in with a
22 detailed report on what occurred, time, date and

1 names of individuals involved are mandatory.

2 CHAIRPERSON ANDERSON: And where is it
3 -- where does it specifically state about the
4 video?

5 INVESTIGATOR ROYSTER: Again, on Page
6 2, No. 9, "When a call to police is made or a
7 patron is assaulted by another patron, staff or
8 manager will record details of the incident in
9 writing."

10 CHAIRPERSON ANDERSON: No, but you
11 stated that you talked about video. You said
12 that they --

13 INVESTIGATOR ROYSTER: Oh, sorry. You
14 said the video footage?

15 CHAIRPERSON ANDERSON: Yes. Because
16 you are saying that they did not comply with
17 provisions of their settlement agreement based on
18 the video.

19 INVESTIGATOR ROYSTER: Yes, sorry
20 about that. Number -- sorry, Page 3, No. 15.
21 Okay. It states in No. 15 "The surveillance
22 system will be monitoring entrances, exits and

1 all major position of Don Juan Restaurant. If
2 necessary, DVR will have footage available for
3 the proper authorities on request."

4 CHAIRPERSON ANDERSON: Okay. Do you
5 have anything else to offer?

6 INVESTIGATOR ROYSTER: No, sir, no.

7 CHAIRPERSON ANDERSON: Officer, do you
8 have anything you can offer regarding the
9 incident?

10 OFFICER KEENON: In regards to the
11 incident, I'm a beat officer. Well, I used to be
12 a beat officer in that PSA, PSA 408 for Don
13 Juan's located at 16 --

14 MEMBER SHORT: Pull the microphone
15 over.

16 OFFICER KEENON: I'm sorry. 1616
17 Lamont Street, N.W. I have rarely since I have
18 been there probably a year or so --

19 MR. LUIS ALBERTO FERRUFINO: 1660.

20 CHAIRPERSON ANDERSON: I think he is
21 saying that the address you gave is the wrong
22 address.

1 OFFICER KEENON: Oh, I'm sorry.

2 Sorry.

3 CHAIRPERSON ANDERSON: Go ahead.

4 OFFICER KEENON: I rarely have any
5 calls for service at that place or rarely have
6 any incidents such as that matter or seriousness
7 at that place.

8 Also, I haven't seen those individuals
9 before at that establishment prior to that
10 incident or after that incident.

11 If I recall correctly, from the video
12 that I saw, that they entered through -- the
13 restaurant has two entrances to that restaurant.
14 So there is a bar entrance where the security
15 stands and then there is a restaurant entrance
16 where you can enter through the restaurant into
17 the bar area.

18 The patrons that caused the incident,
19 the offense entered through the restaurant and
20 into the bar area bypassing security at the front
21 door.

22 Also, I don't know if it means

1 anything before the owner to stick herself in
2 front of a patron that she witnessed having a gun
3 says a lot to me.

4 CHAIRPERSON ANDERSON: I'm sorry, I
5 didn't hear that.

6 OFFICER KEENON: For the owner to
7 stick herself in the middle of two patrons with
8 one that she witnessed having a gun says a lot to
9 me. You know, just putting that out there.
10 That's all I have to say.

11 CHAIRPERSON ANDERSON: All right.
12 Thank you. Now, who wants to speak to address
13 the incident, the report?

14 MS. RUIZ: I would.

15 CHAIRPERSON ANDERSON: Just tell me
16 who are you.

17 MS. RUIZ: Rosa Ruiz, owner of Don
18 Juan. So on that day the fight was not inside.
19 There was only a verbal argument with the other
20 client.

21 INTERPRETER KIM: Customer, I'm sorry.

22 MS. RUIZ: And so I went quickly from

1 the bar to where they were to try to clear up
2 this argument. And he only just touched this
3 part, this part of his body. He never pulled out
4 any sort of arms, firearm.

5 And so I told him that you guys need
6 to go outside if you guys want to take care of
7 this, that if you don't leave, then I'll have to
8 call the police.

9 CHAIRPERSON ANDERSON: That's all you
10 have to say?

11 MS. RUIZ: Yes, because the lady --
12 this guy who was at the bar, he was there with
13 somebody else. He was there with an Asian lady.
14 And so that there was an argument. The argument
15 was between the Asian lady and the other
16 customer. And so that's what I saw, that's all I
17 saw.

18 CHAIRPERSON ANDERSON: But did you --
19 I know that you stated, ma'am, that you did not
20 understand the report. Is there anyone there who
21 can respond to the report as written by the
22 Investigator?

1 MR. LUIS ALBERTO FERRUFINO: I think
2 I can explain a little bit about this case,
3 because this is kind of confusing. You know, we
4 are coming to get this license in 1993 and I
5 understand we have the cooperation with the
6 rulers.

7 But what was going on that day, I
8 wasn't there that night, but she explain me and I
9 go next day to see the video to see if I see any
10 fight. There wasn't any fight. Never. What --
11 either never anybody pull a gun from the body.

12 So next day when I came in to see the
13 video, I meet up with Investigator Cameron and we
14 watched the video. He has asked me if he -- what
15 happened. I said I wasn't there last night, but
16 we can go check the video again. And we meeting
17 together the video, we see it together. And we
18 never seen nothing.

19 And I was like telling my son,
20 Odilber, I said what was going on last night? He
21 is like well, we called the -- my mom called the
22 police, because she wanted to see if somebody rob

1 her and she planning to, you know, help all the
2 customer be safety and the police can come and
3 check everything, but the police coming and check
4 the record, the video and they don't see nothing
5 either.

6 So on the 22nd or the 23rd, I think he
7 is coming to talk to me. After we see the video,
8 he told me he going to come back. He is coming
9 on the 28th. And the system for some reason all
10 the memory, every seven day I can bring to over
11 here and leave it. And every seven day when the
12 memory is full, void it and you starting again.

13 So but he told me to burn it, but I
14 never did, because I don't even know how to burn
15 it, the stuff on the server. And then he told me
16 I could have a fine for \$500 or something like
17 that, I say well, I don't do nothing anyway, so
18 you can come and give the bill to my son, because
19 I wasn't here.

20 So also confusing I see in there is,
21 and the report say, his report was cloudy in
22 front, you know. He was off the tape. I want to

1 ask him if he ID it, ID person, because there --
2 any of those guys working that night? Only her
3 and her brother.

4 What they did is they called Odilber
5 to come and to show the video to the police
6 officer. So I saw a little, I mean, thing, I'm a
7 little bit confused, because for starting, I
8 never see a gun in the video, first.

9 Second, I never see a fight. I spoke
10 with the police officer, one of the police
11 officers what they find out? They said nothing.

12 The FBI come in after that to watch
13 the video, they don't see nothing. They don't do
14 nothing.

15 Then when they asked me for the
16 security plan, I said I don't have it, because my
17 son have the plan right now. He is working in
18 Florida his house. And but he said like we don't
19 have this security plan, we do have security
20 plan. Whenever we see anybody intoxicated or
21 somebody is present any, what they call it,
22 aggressive or physical problem, we deny selling

1 and we tell them he got to go or we offer him a
2 soft drink or any food until he can pass, you
3 know, the intoxicated.

4 But the thing is, I mean, we think
5 that we do the correct thing giving them the
6 server names, but we tried to provide to
7 everybody. I mean, working with the law, working
8 with the Agency.

9 But I see on this case, because I own
10 Don Juan for 23 years, they wrote -- I mean, they
11 write the report is confused on what I seen.
12 Because I never see a gun. I never see a fight.
13 Then the thing is we have both story here too,
14 but we are writing everything, but I tell him the
15 security plan -- but I tell him I don't have it,
16 but I thought maybe he don't understand what I
17 said.

18 I said don't argue with me, because I
19 wasn't there, but they have. They also have the
20 security plan whenever we need to do something on
21 the license, we bring it to the ABRA.

22 So I'm sorry, but I was a little bit

1 restraining, because when you get your liquor
2 license here, they say if you see anything
3 suspect in the business, all you got to do is
4 call the police to come into the restaurant. And
5 I understand now you call the police, the police
6 call ABRA and make you all this, this kind of
7 thing.

8 I'm sorry I get frustrated, but really
9 that's going on or asking him who is the other
10 person say the guy got a gun, he is here, the
11 person say somebody offer drugs in the bathroom
12 or somebody pull a gun on him, because I don't
13 see it. I don't see any part, first.

14 Second thing is asking him if he see
15 any -- see him and this -- on the video, because
16 he saw -- he watched the video with me. And we
17 don't see any guns.

18 CHAIRPERSON ANDERSON: It that it?

19 MR. LUIS ALBERTO FERRUFINO: That's
20 it. I mean, I'm -- I don't see any guns.

21 CHAIRPERSON ANDERSON: Well, all
22 right.

1 MR. LUIS ALBERTO FERRUFINO: Thank
2 you.

3 CHAIRPERSON ANDERSON: I'm coming to
4 you, Officer. Okay. You might say you don't see
5 anything, but I think you are missing a major
6 problem in this case. If ABRA comes to you and
7 say I want a copy of the video, what does that
8 mean to you? What does that mean?

9 MR. LUIS ALBERTO FERRUFINO: (No
10 audible answer.)

11 CHAIRPERSON ANDERSON: If the
12 Investigator comes and said I need to get a copy
13 of the video, what does that mean?

14 MR. LUIS ALBERTO FERRUFINO: I
15 understand that, but I never know when they
16 coming on USB to record it. He say he want to
17 bring one, but when he come on the 28th, the thing
18 was void, so I never did it.

19 CHAIRPERSON ANDERSON: But didn't you
20 know that the video records over itself every
21 seven days?

22 MR. LUIS ALBERTO FERRUFINO: That --

1 CHAIRPERSON ANDERSON: You know that,
2 right?

3 MR. LUIS ALBERTO FERRUFINO: No, I
4 never know it until this time happen.

5 CHAIRPERSON ANDERSON: Did you never
6 know?

7 MR. LUIS ALBERTO FERRUFINO: No, I
8 don't even know.

9 CHAIRPERSON ANDERSON: So you
10 believed --

11 MR. LUIS ALBERTO FERRUFINO: You know
12 how I know? After that incident happened, I
13 checking everything from seven day before and
14 that's what happened. Seven or eight day, the
15 system voided everything it recorded. Maybe you
16 ought to record it, you save it, you can keep it,
17 but I don't know, I never did.

18 CHAIRPERSON ANDERSON: But it's to
19 protect you, sir.

20 MR. LUIS ALBERTO FERRUFINO: I know.
21 But it never happened before.

22 CHAIRPERSON ANDERSON: It doesn't

1 matter. You need to plan for stuff happening,
2 because stuff always happens. And the problem
3 that we have, we told you that we want a copy of
4 the video. It doesn't matter whether or not we
5 came back the next day or a month later --

6 MR. LUIS ALBERTO FERRUFINO: But he
7 said he want to bring the USB. I don't have.

8 CHAIRPERSON ANDERSON: Let me go to
9 the police officer. Can you -- maybe you can put
10 some clarification on -- because I see there is
11 disagreement, so maybe you can clarify this for
12 us, please, ma'am.

13 OFFICER KEENON: We watched that video
14 several times. I mean, when I say several times,
15 I mean, we --

16 MEMBER SILVERSTEIN: The gentleman,
17 the translator is speaking almost as loud as you
18 are.

19 OFFICER KEENON: Oh, I'm sorry.

20 MEMBER SILVERSTEIN: And I'm having
21 trouble hearing you.

22 OFFICER KEENON: We watched that video

1 several times. I mean several times back and
2 forth, forth and back, back and forth, forth and
3 back to see whether the guy pulled a gun or
4 showed a gun.

5 We initially did not believe the
6 story, because, you know, the guy was a little
7 intoxicated. However, his wife, Rosa, was the
8 one that told us she saw a gun at the time and
9 that's when we went and viewed the camera when
10 her son got there.

11 He -- they told us he was the one that
12 was able to operate the camera. So we sat up
13 there with a sergeant, it was three Investigators
14 and two officers that viewed that camera and we
15 all saw him motion with something in his hand
16 from his waistband in an appearance of a gun. So
17 with the corroboration of the victim and more
18 than one witness, there was a gun.

19 Also in the video, you can clearly see
20 the Asian female swinging on said victim.
21 Whether she made contact or not is not the issue.
22 It's the -- the issue is there was a fight that

1 occurred inside the location. And also there was
2 some type of weapon that was witnessed by Rosa
3 and another witness, also the patron in the
4 bathroom where there aren't any cameras.

5 So that's what led us, you know, to
6 the charges that we put on for, I believe, CPWL,
7 carrying a pistol and threatening bodily harm and
8 assault, I believe. That's all I have.

9 CHAIRPERSON ANDERSON: Mr. Royster,
10 based on what you just heard, is there -- do you
11 need to clarify the record, sir?

12 INVESTIGATOR ROYSTER: Yes. One,
13 going through ABRA records, his wife isn't listed
14 as an owner in the ABRA records.

15 MEMBER ALBERTI: Did you say is or is
16 not?

17 INVESTIGATOR ROYSTER: Is not. Is
18 not. And second, the second time I went to the
19 establishment, the -- who I thought was Kelvin,
20 to the left, he gave the ABC Manager's License as
21 Kelvin, so I inferred, Kelvin Ferrufino. But
22 now, I come here and now it's Odilber, so I

1 believed it was Kelvin Ferrufino this whole time,
2 because he gave me an ABC Manager's License as
3 Kelvin Ferrufino, so that's why I said it was
4 Kelvin Ferrufino.

5 CHAIRPERSON ANDERSON: All right. Who
6 is Kelvin Ferrufino?

7 MR. KELVIN FERRUFINO: Here, sir.

8 CHAIRPERSON ANDERSON: And who did --
9 who gave you the --

10 INVESTIGATOR ROYSTER: To the left.

11 CHAIRPERSON ANDERSON: And I'm sorry,
12 what were you given, Mr. Royster?

13 INVESTIGATOR ROYSTER: No video.

14 CHAIRPERSON ANDERSON: No, no, no,
15 regarding this ABC Manager.

16 INVESTIGATOR ROYSTER: Oh.

17 CHAIRPERSON ANDERSON: What were you
18 given?

19 INVESTIGATOR ROYSTER: The ABC -- the
20 license, his license.

21 CHAIRPERSON ANDERSON: Who gave it to
22 you?

1 INVESTIGATOR ROYSTER: The man to the
2 left, Odilber, in the back. I believed Kelvin.

3 CHAIRPERSON ANDERSON: I'm sorry, who?
4 Tell me who. Describe the person who gave it to
5 you. Is that person here today?

6 INVESTIGATOR ROYSTER: Yes.

7 CHAIRPERSON ANDERSON: Describe that
8 person to me.

9 INVESTIGATOR ROYSTER: He is wearing
10 a light navy light blue white striped shirt.

11 CHAIRPERSON ANDERSON: And he gave you
12 -- specifically, this person, what did this
13 person give you and what did -- and how did this
14 person represent himself?

15 INVESTIGATOR ROYSTER: As Kelvin
16 Ferrufino with the ABC Manager's License.

17 CHAIRPERSON ANDERSON: All right.

18 INVESTIGATOR ROYSTER: And he operated
19 the video.

20 CHAIRPERSON ANDERSON: All right.
21 Could Kelvin Ferrufino, the ABC Manager -- is
22 there a Kelvin Ferrufino, the ABC Manager here

1 today?

2 MR. KELVIN FERRUFINO: Yes.

3 CHAIRPERSON ANDERSON: And, Mr.

4 Royster, the person who has identified himself
5 today as Kelvin Ferrufino, the ABC Manager, is
6 that the same person who identified himself to
7 you at the establishment as Kelvin Ferrufino and
8 the ABC Manager?

9 INVESTIGATOR ROYSTER: No.

10 CHAIRPERSON ANDERSON: No. Now, could
11 someone explain to me why someone who is not
12 Kelvin Ferrufino identified themselves to the ABRA
13 Investigator as Kelvin Ferrufino, the ABC
14 Manager? Could I get an explanation for that?

15 MR. ODILBER FERRUFINO: Yes, I could
16 explain.

17 CHAIRPERSON ANDERSON: And who are
18 you, sir?

19 MR. ODILBER FERRUFINO: I'm Odilber
20 Ferrufino.

21 CHAIRPERSON ANDERSON: You are Odilber
22 Ferrufino?

1 MR. ODILBER FERRUFINO: Yes.

2 CHAIRPERSON ANDERSON: Yes, sir.

3 MR. ODILBER FERRUFINO: Correct.

4 CHAIRPERSON ANDERSON: Yes, sir. And
5 so it's -- there is an allegation that you
6 identified yourself to Mr. Royster as Kelvin
7 Ferrufino, the ABC Manager. Can you explain is
8 that correct, sir?

9 MR. ODILBER FERRUFINO: No, that is
10 not correct. I'm also have a ABC License, too.
11 So I give him the one with my name on it. He
12 probably got that confused, because he asked for
13 my ID also, so my ID had my photo and my name on
14 it. So I don't know how I can explain that
15 better for you.

16 CHAIRPERSON ANDERSON: All right. So
17 what is it -- so what specifically, sir, did you
18 offer Mr. Royster?

19 MR. ODILBER FERRUFINO: My ABC License
20 with my name on it printed and my ID.

21 CHAIRPERSON ANDERSON: Did you also
22 offer him a second ABC Manager License?

1 MR. ODILBER FERRUFINO: No, just my --

2 CHAIRPERSON ANDERSON: No. Did you --

3 how many ABC Manager's License did you provide

4 Mr. Royster?

5 MR. ODILBER FERRUFINO: One.

6 CHAIRPERSON ANDERSON: One. And the

7 ABC Manager's License you provided Mr. Royster

8 said specifically what? What does it say?

9 MR. ODILBER FERRUFINO: To prove.

10 CHAIRPERSON ANDERSON: Huh?

11 MR. ODILBER FERRUFINO: To prove of

12 license that you have to provide or --

13 CHAIRPERSON ANDERSON: So you -- are

14 you saying today, sir, that you provided Mr.

15 Royster your ABC Manager's License? Is that

16 correct?

17 MR. ODILBER FERRUFINO: Correct.

18 CHAIRPERSON ANDERSON: And what is the

19 name on that ABC Manager's License that you gave

20 Mr. Royster?

21 MR. ODILBER FERRUFINO: Odilber

22 Ferrufino.

1 CHAIRPERSON ANDERSON: And did you
2 also provide Mr. Royster a copy of your driver's
3 license?

4 MR. ODILBER FERRUFINO: Yes, I
5 provided a copy of my driver's license.

6 CHAIRPERSON ANDERSON: All right.
7 Now, Mr. Royster, can you tell me what did you --
8 what was provided to you and what's in your
9 report, sir?

10 INVESTIGATOR ROYSTER: What was
11 provided me was Kelvin --

12 CHAIRPERSON ANDERSON: Speak up, sir.

13 INVESTIGATOR ROYSTER: What was
14 provided to me was Kelvin Ferrufino's ABC
15 Manager's License and just that solely and
16 advised me that he was Kelvin Ferrufino, ABC
17 Manager.

18 CHAIRPERSON ANDERSON: Were you
19 provided any additional identification or --

20 INVESTIGATOR ROYSTER: No.

21 CHAIRPERSON ANDERSON: -- was it just
22 the ABC Manager's License?

1 INVESTIGATOR ROYSTER: The ABC
2 Manager's License.

3 CHAIRPERSON ANDERSON: All right. All
4 right. Now -- yes?

5 MR. LUIS ALBERTO FERRUFINO: Can I
6 spoke? What I guess is the next day he is coming
7 to the restaurant, he must spoke to him. The
8 first day he spoke to him, but the second day he
9 spoke to him when he working the daytime and
10 maybe that where he get his numbers -- his name
11 and his manager's license and put it on the
12 record.

13 I would guess because he never was
14 there on the nighttime. He work in the daytime.
15 He work in the nighttime.

16 CHAIRPERSON ANDERSON: All right. Let
17 me ask a question. What's your name again, sir?

18 MR. ODILBER FERRUFINO: Odilber
19 Ferrufino.

20 CHAIRPERSON ANDERSON: Odilber
21 Ferrufino. Mr. Royster, do you know whether or
22 not -- and you can -- if you don't have an answer

1 for this, you can say. Do you know whether or
2 not ABRA has a manager's license for Mr. Odilber
3 Ferrufino?

4 INVESTIGATOR ROYSTER: I'm not aware
5 or sure at all if there is an ABC Manager License
6 of Odilber Ferrufino.

7 CHAIRPERSON ANDERSON: All right. Mr.
8 Ferrufino, did you view the video with the
9 officer?

10 MR. LUIS ALBERTO FERRUFINO: I did.

11 CHAIRPERSON ANDERSON: So with what
12 officer? With the officer that is sitting here
13 today, did you review it with her?

14 MR. LUIS ALBERTO FERRUFINO: Yes.

15 CHAIRPERSON ANDERSON: So if you said
16 that you reviewed it with her, I'm hearing -- she
17 is giving her interpretation of what was on the
18 video and you are saying that's not what you saw,
19 well, the problem that we are having is that the
20 video doesn't exist, because you never provided
21 it to us.

22 MR. LUIS ALBERTO FERRUFINO: I never

1 seen anything in the video. He can tell if he
2 watch the video with me and we never see any
3 weapon.

4 CHAIRPERSON ANDERSON: But the problem
5 that I'm having, we don't know what's on the
6 video because you never provided it to us.

7 MR. LUIS ALBERTO FERRUFINO: And the
8 problem I having is I don't know that I can
9 provide it myself. I never -- I mean, I trying
10 to help him. You see now I can say the video
11 does not work, like everybody does. But I'm
12 trying to be working with the ABC and with the
13 police officer.

14 And another thing I got it confused
15 when he say the ABC Board before this. Now, you
16 know, before that time, the owner is supposed to
17 have a liquor license -- manager liquor license.
18 Now, they don't have it any more. The wife,
19 maybe she throw away.

20 CHAIRPERSON ANDERSON: All right. Let
21 me say this to you and I mean, I'm looking at --
22 what I'm looking at in front of me it's -- and

1 maybe this is not all extensive, but it says
2 "Luis Alberto Ferrufino." Who is that person?

3 MR. LUIS ALBERTO FERRUFINO: That's
4 me.

5 CHAIRPERSON ANDERSON: It says -- at
6 least the document I have in front of me says
7 that you are the sole owner of the establishment.
8 That, at least what is in front of me, it doesn't
9 have your wife's name listed. So she can't be
10 and maybe you can clarify, maybe we can go pull
11 the exact record, but she is not the owner of the
12 establishment, because she is your wife. She can
13 only be the owner of the establishment if when
14 you came down here, you have her name listed as
15 the owner of the establishment with you.

16 So I don't want you to say it, because
17 she is my wife, she is the owner. Did you
18 provide ABRA with her name to say that the
19 business is owned by you and her or are you just
20 saying because she is my wife and I won it and I
21 know when you are married, you are all one.

22 MR. LUIS ALBERTO FERRUFINO: Yes.

1 CHAIRPERSON ANDERSON: But are you
2 saying because she is my wife, she is the owner?
3 Which one is it?

4 MR. LUIS ALBERTO FERRUFINO: I want to
5 be very clear. She is the owner of the
6 restaurant. See, we opened the restaurant in
7 1993. As for, we used to have our liquor
8 license, manager liquor license, both. Since
9 they change the rule and they said the owner no
10 needed to have a liquor license manager, but she
11 is the president of the corporation of our
12 restaurant.

13 And I'm the president. How come -- I
14 mean, I will acknowledge she is the owner.

15 CHAIRPERSON ANDERSON: But did you --
16 when the -- the information that you provided to
17 ABRA, what does that state?

18 MR. LUIS ALBERTO FERRUFINO: It's in
19 the business license. The ABC know she is the
20 owner.

21 CHAIRPERSON ANDERSON: All right.
22 Well, I think that I'm going to ask --

1 MR. LUIS ALBERTO FERRUFINO: You can
2 check that.

3 CHAIRPERSON ANDERSON: I'm going to
4 ask for us to pull our records to see what is on
5 it and maybe we need to figure out exactly what
6 is on the license and if your wife's name is not
7 on the license and if she needs to be there, then
8 we are going to make sure that you do that.

9 MR. LUIS ALBERTO FERRUFINO: Okay.

10 CHAIRPERSON ANDERSON: Okay.

11 MR. LUIS ALBERTO FERRUFINO: Yeah,
12 because she wasn't there ever.

13 CHAIRPERSON ANDERSON: Yes, all right.
14 I think I was told that -- Mr. Royster, are you
15 sure you know what name was given to you, sir?

16 INVESTIGATOR ROYSTER: Yes, I'm --

17 CHAIRPERSON ANDERSON: How are you so
18 sure you know what name was given to you?

19 INVESTIGATOR ROYSTER: I requested a
20 second identification and he said he did not have
21 it and he would give it to me another time,
22 that's why.

1 CHAIRPERSON ANDERSON: So you were not
2 -- you were just given one document?

3 INVESTIGATOR ROYSTER: Yes.

4 CHAIRPERSON ANDERSON: And not -- all
5 right. Well, the record will reflect that -- I'm
6 sorry, your name, sir?

7 MR. ODILBER FERRUFINO: Odilber
8 Ferrufino.

9 CHAIRPERSON ANDERSON: That Odilber
10 Ferrufino does have a manager's license with
11 ABRA. So the record does reflect that. I don't
12 know -- Mr. Odilber Ferrufino is saying that the
13 night in question he gave you a copy of his
14 Odilber Ferrufino Manager's License and Mr.
15 Royster is saying that the manager's license that
16 was given to him was what name?

17 INVESTIGATOR ROYSTER: Kelvin
18 Ferrufino.

19 CHAIRPERSON ANDERSON: Was Kelvin
20 Ferrufino. So that's an issue for us to
21 determine what was given.

22 The problem that I'm having, sir, is

1 that ABRA came and asked for the video and you
2 did not provide the video to ABRA. Irrespective
3 of the reasoning where you are saying that you
4 expected him to come the next day, he didn't come
5 until seven days later and by the time he showed
6 up, the video had recorded over itself.

7 But the purpose of why you have video
8 is to protect you. If you had provided the video
9 to the Investigator, we wouldn't have any
10 confusion today. We wouldn't have the Officer
11 say what I saw and you are saying what you saw.
12 ABRA would have had the video to make a
13 determination exactly what occurred.

14 And because you did not provide us
15 with a video, I'm going to say that what the
16 Investigator stated and what the Officer stated
17 is correct, because the video is to protect you
18 and you didn't provide it to us.

19 So what conclusions am I supposed to
20 draw if the video that could protect you, that
21 could categorically show what happened there was
22 never provided to us?

1 And you have a security plan that says
2 specifically that -- No. 15, it doesn't say the
3 time line. It says "The surveillance system
4 will" be -- will "monitor the entrance and it
5 will be provided to the proper authorities when
6 requested." And you are -- you confirmed today
7 that a request was made for the video. Isn't
8 that correct?

9 MR. LUIS ALBERTO FERRUFINO: Uh-huh.

10 CHAIRPERSON ANDERSON: It's correct
11 that you stated that ABRA asked you for the
12 video. Isn't that correct, sir?

13 MR. LUIS ALBERTO FERRUFINO: He told
14 me if I can record it, I say I cannot record it,
15 but if he wanted the USB, he can took the one we
16 have.

17 CHAIRPERSON ANDERSON: Then why didn't
18 you give it to him that day?

19 MR. LUIS ALBERTO FERRUFINO: I mean,
20 it wasn't there when he watched the video, but he
21 say I'm coming back and bringing the USB, because
22 I say I don't know how to record it.

1 CHAIRPERSON ANDERSON: So why didn't
2 you just take it out? Why didn't you just take
3 it out and give it to him there? He didn't
4 necessarily want to take your own copy. Why --

5 MR. LUIS ALBERTO FERRUFINO: I don't
6 see -- I mean, I don't see it and he started to--

7 CHAIRPERSON ANDERSON: You don't what,
8 sir?

9 MR. LUIS ALBERTO FERRUFINO: You could
10 hardly see anything on the video. And I don't
11 know --

12 CHAIRPERSON ANDERSON: It doesn't
13 matter, sir, what you saw or you didn't see. I
14 think you are missing the point.

15 It's irrelevant what you saw or didn't
16 see on the video. I don't care what is on the
17 video. What I care about is that you were
18 specifically asked for the video and you didn't
19 provide it. That's -- if the Agency or if any
20 violation is going to occur, it's not what is on
21 the video. It's what is that -- it was never
22 provided. That's where we are.

1 I don't -- no one can state what was
2 on the -- I mean, I don't think I could make a
3 decision what is on the video. I don't think we
4 can do that, but what we can state is that you
5 were specifically asked for the video and you did
6 not provide it to the Agency. That's the only
7 conclusion that we can draw here.

8 Yes, Mr. Royster?

9 INVESTIGATOR ROYSTER: I brought a USB
10 that first time I came and requested it from him
11 that night and he stated only his son knew how to
12 operate it or how to extract the USB, but I left
13 the USB with him that first night. I didn't --
14 that wasn't the second time I brought one.

15 CHAIRPERSON ANDERSON: Who did you
16 leave the USB with?

17 INVESTIGATOR ROYSTER: The owner.
18 Luis Ferrufino, the owner.

19 MR. LUIS ALBERTO FERRUFINO: You give
20 it to me?

21 INVESTIGATOR ROYSTER: Yes.

22 MR. LUIS ALBERTO FERRUFINO: Do I

1 have? I'm not getting.

2 CHAIRPERSON ANDERSON: So, Mr. Luis
3 Ferrufino, you are saying that Mr. Royster never
4 gave you the USB that night. Is that --

5 MR. LUIS ALBERTO FERRUFINO: No.

6 CHAIRPERSON ANDERSON: No?

7 INVESTIGATOR ROYSTER: It's also in
8 the report.

9 CHAIRPERSON ANDERSON: The problem
10 that I'm having, Mr. Ferrufino, we need the
11 video. The video doesn't exist. I'm coming to
12 you, sir. The video doesn't exist and -- because
13 it was never provided to the Agency. I don't
14 know your -- Mr. Royster said he gave you the USB
15 that night. You are saying he didn't. You are
16 saying he didn't come back until seven days
17 later. And unfortunately your system records it
18 for seven days. Most establishments I run across
19 they keep them for 30 days.

20 I don't know, but seven days is a very
21 short period of time. But the problem still
22 exists that we needed the video and it was not

1 provided.

2 Now, Mr. --

3 MR. ODILBER FERRUFINO: Odilber.

4 CHAIRPERSON ANDERSON: I'm sorry, Mr.
5 who?

6 MR. ODILBER FERRUFINO: Odilber.

7 CHAIRPERSON ANDERSON: Mr. Odilber,
8 yes, sir, go ahead, sir.

9 MR. ODILBER FERRUFINO: Okay.

10 CHAIRPERSON ANDERSON: What do you
11 need to add to this? What do you want to add?

12 MR. ODILBER FERRUFINO: Yeah, and I
13 wanted to add that night that I came to show the
14 camera to the sergeant, they had -- they give me
15 to USB. So the video that existed, they have it,
16 MPD has it.

17 CHAIRPERSON ANDERSON: Who has it?

18 MR. ODILBER FERRUFINO: One of the
19 sergeants that came over. I'm not sure what his
20 name is or anything.

21 CHAIRPERSON ANDERSON: Well, the
22 Officer is shaking her head to say that the

1 police doesn't have the video.

2 MR. ODILBER FERRUFINO: It was two
3 sergeants that I gave the USB. I'm not sure what
4 their names are.

5 CHAIRPERSON ANDERSON: The video --
6 the Officer is saying that we don't have it.

7 MR. ODILBER FERRUFINO: Oh, they don't
8 have it?

9 CHAIRPERSON ANDERSON: That's what the
10 Officer -- yes, ma'am?

11 OFFICER KEENON: Sorry to interrupt,
12 but --

13 CHAIRPERSON ANDERSON: No, you are not
14 interrupting. You are clarifying the record.

15 OFFICER KEENON: Okay. So there was
16 a sergeant on the scene. However, sergeants
17 don't take videos. I take over the scene. The
18 sergeant was just there to make sure the scene
19 went smoothly and that the classification that
20 was made was the correct one. That's all the
21 sergeant is there to do. He did see the video,
22 but he did not provide a USB to take hold of that

1 video, to take possession of that video.

2 However, the detectives, which were
3 three of them, that were present at the time
4 viewed the video along with several other
5 officers. They did, if I remember correctly,
6 have a USB that was given to Mr. Ferrufino, at
7 the time, if I remember correctly.

8 I was contacted by Investigator Geiger
9 a short while later to see if I had possession of
10 the video and I said I did not have any video of
11 the incident. And he said he would handle it.

12 Now, it is coming out that he doesn't
13 have the video either. I don't know what
14 happened or what Geiger can attest to or why he
15 doesn't have the video, but I know I don't have
16 it and I know for a fact that that sergeant does
17 not have it.

18 CHAIRPERSON ANDERSON: All right. All
19 right. Mr. Short?

20 MEMBER SHORT: Thank you.

21 Investigator Royster, the night of the event, did
22 you take notes when you went there to do the

1 investigation?

2 INVESTIGATOR ROYSTER: Yes, I did.

3 MEMBER SHORT: So did you write the
4 person's name down whose ABC License or manager's
5 license you say?

6 INVESTIGATOR ROYSTER: Yes, I did.

7 MEMBER SHORT: You wrote it down that
8 night in your notes?

9 INVESTIGATOR ROYSTER: Yes.

10 MEMBER SHORT: And those still are
11 available, correct?

12 INVESTIGATOR ROYSTER: I can check
13 back at my desk, but yes, I believe so.

14 MEMBER SHORT: Okay. All right. But
15 that's what you put in your report --

16 INVESTIGATOR ROYSTER: Yes.

17 MEMBER SHORT: -- what you saw and
18 what you wrote down that night?

19 INVESTIGATOR ROYSTER: Yes.

20 MEMBER SHORT: Okay. Second, I want
21 to ask you the security plan that is submitted
22 for this business, is it compliant with ABRA

1 Regulations?

2 INVESTIGATOR ROYSTER: In my opinion,
3 I believe it needs -- a couple of things needs to
4 be updated, but --

5 MEMBER SHORT: Okay. Not a problem.

6 INVESTIGATOR ROYSTER: Yeah.

7 MEMBER SHORT: You are the
8 Investigator, but this is the question I'm going
9 to ask you, will you check and make sure that it
10 is compliant?

11 INVESTIGATOR ROYSTER: Yes, I will.

12 MEMBER SHORT: And if that might
13 require that a new one be submitted, because this
14 one refers not to give hours or dates on the
15 video and I do know the security plans that we,
16 ABRA, secures does give a certain period of time
17 that those videos must be available, especially
18 following incidents.

19 So I'm hearing a lot of things, but I
20 guess I want to go now to the owner. And, sir,
21 what -- the Chairman asked you and I'll ask
22 again, what does provide a video to ABRA upon

1 demand mean to you? What does that mean to you?

2 MR. LUIS ALBERTO FERRUFINO: I'm
3 sorry, I did not understand. Can you repeat that
4 again?

5 MEMBER SHORT: What does, in your
6 security plan, provide a copy of the video mean
7 to you?

8 MR. LUIS ALBERTO FERRUFINO: Yes,
9 obviously, we would need to turn in or we would
10 need to turn in a copy of the video if there was
11 a fight or something, but we didn't see anything
12 in the video. We didn't see a fight, so we
13 didn't think it was necessary.

14 MEMBER SHORT: Well, if you don't turn
15 in anything, if you don't turn in anything, how
16 would anybody know?

17 MR. LUIS ALBERTO FERRUFINO: The only
18 thing that I'm trying to explain is that the --

19 (Interpreter/Luis Ferrufino speaking Spanish)

20 MR. LUIS ALBERTO FERRUFINO: So he was
21 the person that had a copy of the video and he
22 turned it into the sergeant. What I see in front

1 of me right now is a committee, is a Board, is a
2 bunch of Board Members that are trying to circle
3 us in as if we were a cat being cornered into a
4 circle.

5 CHAIRPERSON ANDERSON: Hold on, hold
6 on.

7 MEMBER SHORT: Hold on, wait, please,
8 but go ahead, Mr. Chair.

9 CHAIRPERSON ANDERSON: No, I -- sir,
10 I do take offense to that, okay, as the Chair of
11 the Board. Sir?

12 MR. LUIS ALBERTO FERRUFINO: No, I
13 don't think he has translated what I say it with
14 my respect. I say it with my respect to the
15 Board, what I see in this case is making
16 something that's more clear, but I don't see any
17 big incident and anything.

18 CHAIRPERSON ANDERSON: You are missing
19 the point, sir. I don't care what happened. I
20 don't care what is on the video. I don't care.
21 All I care about is that we asked for the video
22 and you didn't provide it.

1 And if you had provided the video --

2 MR. LUIS ALBERTO FERRUFINO: I --

3 CHAIRPERSON ANDERSON: Listen, sir.

4 If you had provided the video --

5 MR. LUIS ALBERTO FERRUFINO: I

6 understand.

7 CHAIRPERSON ANDERSON: -- we wouldn't

8 have any of this conversation today.

9 MR. LUIS ALBERTO FERRUFINO: I

10 understand.

11 CHAIRPERSON ANDERSON: That's all this

12 is about.

13 MR. LUIS ALBERTO FERRUFINO: I under--

14 CHAIRPERSON ANDERSON: All this is

15 about is that we asked for the video -- I don't

16 care -- well, yes, I do care that there was

17 someone who might or might not have been in your

18 establishment with a gun, but what we basically

19 care about is that we asked you for a video, you

20 have a security plan that says that you will give

21 us the video.

22 If you didn't have a security plan

1 that says you are going to give us the video,
2 then I couldn't come and ask you for the video.
3 We could say is there a video? You said no, I
4 don't have a video and that's fine. But you gave
5 ABRA a document to say that when incidents occur,
6 you are going to give us the video. This is all
7 this is about.

8 MR. LUIS ALBERTO FERRUFINO: But can
9 you, please, give me a second? Why we don't try
10 to -- he reach the sergeant, say to the cop for
11 the video that night, so we can come back and see
12 the video.

13 CHAIRPERSON ANDERSON: But let me ask
14 you a question, sir. How long did you know that
15 we were having this hearing? How long did you
16 know you were having this hearing? When did --
17 when you were you informed we were having this
18 hearing today?

19 MR. LUIS ALBERTO FERRUFINO: About
20 three weeks, something like that.

21 CHAIRPERSON ANDERSON: All right.
22 Hold on, hold on, hold on. You told me earlier

1 that you read this report and you understood the
2 report. Isn't that correct, sir?

3 MR. LUIS ALBERTO FERRUFINO: Yeah.

4 CHAIRPERSON ANDERSON: And the report
5 specifically stated you did not give us the
6 video. So if you had the video, the same way,
7 sir, you drove -- the same way you showed up
8 today with, I assume, is a log book. Well, you
9 know what, you know what? Does anybody else have
10 anything else to say? Yes, Officer?

11 OFFICER KEENON: For clarification,
12 there is no sergeant with a video. Okay?

13 CHAIRPERSON ANDERSON: All right.

14 OFFICER KEENON: There -- when
15 officers are on the scene, investigators are on
16 the scene, investigators take possession of any
17 evidence.

18 CHAIRPERSON ANDERSON: Okay.

19 OFFICER KEENON: For clarification
20 purposes.

21 CHAIRPERSON ANDERSON: Any final
22 comments you want to make before I end this

1 hearing?

2 MR. LUIS ALBERTO FERRUFINO: So
3 whatever -- I mean, what he is saying --

4 CHAIRPERSON ANDERSON: What does he
5 want to say?

6 MR. LUIS ALBERTO FERRUFINO: -- the
7 video he give it to the sergeant. But how do we
8 know it? She say no. He say yes he give it to
9 him.

10 CHAIRPERSON ANDERSON: Well, if --
11 this is what I'll say, sir. I don't know what
12 the Board is going to do because we are going to
13 take this under advisement.

14 But you know that there -- if you are
15 saying that it was given, then to protect
16 yourself, you need to go figure out who the video
17 was given to and produce. So if you are saying
18 that you gave -- the video was given to the
19 sergeant, ask the Officer, she was there, what
20 sergeants were there and then to protect
21 yourself, you should then go get the name of the
22 sergeant and go talk to him or her to say I gave

1 you the video, where is the video.

2 MR. LUIS ALBERTO FERRUFINO: Okay.

3 CHAIRPERSON ANDERSON: Okay. That's
4 what you are saying. You are saying that --

5 MR. LUIS ALBERTO FERRUFINO: Yes. I
6 really want that the sergeant is honest as well
7 then.

8 CHAIRPERSON ANDERSON: That's not --
9 sir, that's not my problem, that's your problem.
10 Okay? You are saying that the video was given to
11 a sergeant. The Officer is here. You can ask
12 her the name of this -- all the sergeants who
13 were there that day. And then it's up to you to
14 go contact that sergeant to say that you gave the
15 video and have them to give you a copy of the
16 video. Okay?

17 Any final comments?

18 MS. RUIZ: I was the person who was
19 the closest to the entire incident, but I did not
20 see any firearm.

21 CHAIRPERSON ANDERSON: Let me say for
22 the last time, ma'am. I don't care what is on

1 the video. It's not relevant. And if you leave
2 here today, this is one thing I want you to leave
3 with, I do not care what is on the video. The
4 only thing I care about is that you did not give
5 us the video, that's what I want to leave.

6 MR. LUIS ALBERTO FERRUFINO: Okay.

7 CHAIRPERSON ANDERSON: And I also want
8 you to leave here today knowing that if an ABRA
9 Investigator or if an MPD Officer comes to your
10 establishment and asks for a video, you need to
11 give them the video.

12 If you know that -- if they come to
13 your establishment today to say I want the video
14 and if they show up a month later, you are
15 responsible to give the video.

16 So since you know that your video
17 records over itself in seven days, then you need
18 to take that out and replace it. Okay? That's
19 what I want you. If you leave here with anything
20 else, you need to know if you are asked for the
21 video, you need to produce it. And you need to
22 do whatever you need to do to maintain the

1 record. Okay, sir?

2 MR. LUIS ALBERTO FERRUFINO: I know
3 what I do now.

4 CHAIRPERSON ANDERSON: That's what I
5 need. All right.

6 MR. LUIS ALBERTO FERRUFINO: All
7 right.

8 CHAIRPERSON ANDERSON: Just to
9 clarify, your wife's name is?

10 MR. LUIS ALBERTO FERRUFINO: Rosa.

11 CHAIRPERSON ANDERSON: Rosa Ruiz?

12 MR. LUIS ALBERTO FERRUFINO: Yeah.

13 CHAIRPERSON ANDERSON: I believe that
14 in reviewing the record I see that when the
15 license was being renewed, that her name was
16 listed as --

17 MR. LUIS ALBERTO FERRUFINO: Yes.

18 CHAIRPERSON ANDERSON: -- on the
19 license as an owner. It has your name and her
20 name, at least that was listed on the
21 application. Okay. I just wanted to clarify for
22 the record.

1 All right. With that said, I'm going
2 to close this hearing and the Board will take
3 this under advisement. Thank you for being here
4 today. Have a good day.

5 (Whereupon, the Fact-Finding Hearing
6 was concluded at 11:41 a.m.)
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14
15
16
17
18
19
20
21
22

A

a.m 4:2 10:22 64:6
ABC 31:20 32:2,15,19
 33:16,21,22 34:5,8,13
 35:7,10,19,22 36:3,7
 36:15,19 37:14,16,22
 38:1 39:5 40:12,15
 42:19 53:4
ability 5:14
able 8:16 10:1 15:21
 30:12
ABRA 2:11 5:21 13:8,8
 16:6 25:21 26:6 27:6
 31:13,14 34:12 39:2
 41:18 42:17 44:11
 45:1,2,12 46:11 53:22
 54:16,22 58:5 62:8
accurately 5:11
acknowledge 42:14
add 50:11,11,13
additional 37:19
address 18:21,22 20:12
advised 11:2,6 12:3,5,9
 12:14 13:1,7 14:11,12
 14:13,16 15:3,9 37:16
advisement 60:13 64:3
affirm 5:10
afternoon 6:7
Agency 8:13 25:8 47:19
 48:6 49:13
aggressive 24:22
agreed 13:14 14:7
agreement 17:17
ahead 10:19 19:3 50:8
 56:8
ALBERTI 1:18 31:15
Alberto 2:16 3:5 7:1,2,6
 8:22 9:4,9,14,19 10:9
 18:19 22:1 26:19 27:1
 27:9,14,22 28:3,7,11
 28:20 29:6 38:5 39:10
 39:14,22 40:7 41:2,3
 41:22 42:4,18 43:1,9
 43:11 46:9,13,19 47:5
 47:9 48:19,22 49:5
 55:2,8,17,20 56:12
 57:2,5,9,13 58:8,19
 59:3 60:2,6 61:2,5
 62:6 63:2,6,10,12,17
Alcoholic 1:2,14,14
allegation 35:5
altercation 11:11 12:11
 13:20 14:2,2
ANC 1:7
answer 9:18 27:10
 38:22
anybody 22:11 24:20
 55:16 59:9

anyway 23:17
appear 4:9,11
appearance 30:16
Applicant 3:4
application 63:21
approached 11:7 12:9
approaching 14:1
approximately 10:16
 10:22 11:18,22
April 14:9
area 11:7,11 13:22
 14:19 19:17,20
argue 25:18
argument 20:19 21:2
 21:14,14
arms 21:4
arrived 11:5
Asian 11:12 21:13,15
 30:20
asked 12:12 13:2 22:14
 24:15 35:12 45:1
 46:11 47:18 48:5
 54:21 56:21 57:15,19
 62:20
asking 7:14 11:7 26:9
 26:14
asks 62:10
assault 31:8
assaulted 16:2 17:7
assigned 10:14 15:4
assume 59:8
attempted 15:11,17
attempting 14:19
attest 52:14
audible 27:10
audience 4:10
authorities 18:3 46:5
available 18:2 53:11
 54:17
aware 39:4

B

back 23:8 29:5 30:1,2,2
 30:3 33:2 46:21 49:16
 53:13 58:11
bar 19:14,17,20 21:1,12
based 17:17 31:10
basically 14:2 15:10
 57:18
bathroom 11:7 13:21
 26:11 31:4
beat 18:11,12
began 11:13
believe 30:5 31:6,8
 53:13 54:3 63:13
believed 28:10 32:1
 33:2
best 5:13

better 35:15
Beverage 1:2,14,14
big 56:17
bill 23:18
bit 10:18 12:19 22:2
 24:7 25:22
blue 33:10
Board 1:2,14 8:5 40:15
 56:1,2,11,15 60:12
 64:2
BOBBY 1:19
bodily 1:10 31:7
body 21:3 22:11
book 59:8
break 12:10
brief 16:20
bring 23:10 25:21 27:17
 29:7
bringing 46:21
brother 24:3
brought 48:9,14
Building 1:15
bunch 56:2
burn 23:13,14
business 26:3 41:19
 42:19 53:22
buy 11:8,10
bypassing 19:20

C

C-O-N-T-E-N-T-S 3:1
calendar 4:4
call 14:22 17:6 21:8
 24:21 26:4,5,6
called 16:1 22:21,21
 24:4
calls 15:19 19:5
camera 30:9,12,14
 50:14
cameras 12:16 31:4
Cameron 2:11 3:3 5:20
 22:13
care 21:6 47:16,17
 56:19,20,20,21 57:16
 57:16,19 61:22 62:3,4
Carry-out 1:6 4:7,11
 16:19
carrying 31:7
case 1:8,9 4:5,5,6,8
 22:2 25:9 27:6 56:15
cat 56:3
categorically 45:21
CATO 1:19
caused 19:18
certain 54:16
Chair 56:8,10
Chairman 54:21
change 42:9
changes 15:1
charges 31:6
check 22:16 23:3,3 43:2
 53:12 54:9
checking 28:13
circle 56:2,4
clarification 29:10
 59:11,19
clarify 29:11 31:11
 41:10 63:9,21
clarifying 51:14
classification 51:19
clear 21:1 42:5 56:16
clearly 30:19
client 20:20
close 64:2
closest 61:19
cloudy 23:21
clue 13:11
COLUMBIA 1:1
come 4:13 23:2,8,18
 24:5,12 26:4 27:17
 31:22 42:13 45:4,4
 49:16 58:2,11 62:12
comes 27:6,12 62:9
coming 13:21 22:4 23:3
 23:7,8 27:3,16 38:6
 46:21 49:11 52:12
comments 59:22 61:17
committee 56:1
compliant 53:22 54:10
comply 1:10 17:16
concerned 8:5
concluded 64:6
conclusion 48:7
conclusions 45:19
confirmed 46:6
confused 24:7 25:11
 35:12 40:14
confusing 22:3 23:20
confusion 45:10
contact 15:18 30:21
 61:14
contacted 15:2 52:8
contacting 15:9
Control 1:2,14,14
conversation 57:8
cooperation 22:5
cop 58:10
copy 8:12 27:7,12 29:3
 37:2,5 44:13 47:4
 55:6,10,21 61:15
cornered 56:3
corporation 42:11
correct 9:15 16:13 25:5
 35:3,8,10 36:16,17
 45:17 46:8,10,12
 51:20 53:11 59:2

correctly 19:11 52:5,7
corroboration 30:17
couple 15:2 54:3
CPWL 31:6
CR 1:7
customer 20:21 21:16
 23:2

D

D.C 1:15
date 16:22
dates 54:14
David 2:13 4:22
day 16:20 20:18 22:7,9
 22:12 23:10,11 28:13
 28:14 29:5 38:6,8,8
 45:4 46:18 61:13 64:4
days 14:18 15:2 27:21
 45:5 49:16,18,19,20
 62:17
daytime 38:9,14
DC 2:12
decision 48:3
declined 11:8
deleted 14:21
deletes 14:17
demand 55:1
deny 24:22
Describe 33:4,7
description 16:20
desk 53:13
detailed 16:22
details 17:8
detectives 52:2
determination 45:13
determine 15:21 44:21
determined 15:20 16:5
disagreement 29:11
discrepancy 15:18
District 1:1 6:2
document 41:6 44:2
 58:5
Don 1:5,6 4:6,10 7:2
 10:15 11:3 15:21
 16:19 18:1,12 20:17
 25:10
DONALD 1:19
Donovan 1:16,18
door 19:21
download 14:13
downloaded 14:7
draw 45:20 48:7
drink 25:2
driver's 37:2,5
drove 59:7
drugs 11:8,10 26:11
DVR 18:2

E

earlier 58:22
early 10:21
eight 28:14
either 15:19 22:11 23:5
 52:13
email 15:17
English 5:12,13 9:6
ensuing 14:1
enter 19:16
entered 19:12,19
entire 61:19
entrance 19:14,15 46:4
entrances 17:22 19:13
especially 54:17
establishment 8:5,21
 9:13 11:5,12,17 12:13
 13:9,15,17 14:9 15:11
 19:9 31:19 34:7 41:7
 41:12,13,15 57:18
 62:10,13
establishment's 8:6
establishments 49:18
event 52:21
everybody 25:7 40:11
evidence 59:17
exact 41:11
exactly 43:5 45:13
exist 39:20 49:11,12
existed 50:15
exists 49:22
exits 17:22
expected 45:4
explain 22:2,8 34:11,16
 35:7,14 55:18
explained 9:5,6,17 13:3
explanation 34:14
extensive 41:1
extract 48:12

F

F-E-R-R-U-F-I 6:20
F-E-R-R-U-F-I-N-O 7:7
fact 1:7 52:16
Fact-Finding 4:5 8:3
 64:5
Failure 1:10
faithfully 5:11
FBI 24:12
female 11:13 30:20
Ferrufino's 37:14
fight 11:16 20:18 22:10
 22:10 24:9 25:12
 30:22 55:11,12
figure 8:7 43:5 60:16
final 59:21 61:17
find 24:11
Finding 1:7

fine 23:16 58:4
firearm 21:4 61:20
first 11:17,21 12:2,3
 13:6 16:13 24:8 26:13
 38:8 48:10,13
Florida 24:18
follow 15:22
following 54:18
food 25:2
footage 13:6,8,18 14:4
 14:17,20,20 16:6
 17:14 18:2
forehead 11:9
forth 30:2,2,2,2
forward 9:22
front 19:20 20:2 23:22
 40:22 41:6,8 55:22
frustrated 26:8
full 23:12
further 8:8 12:4,12 13:5

G

Geiger 15:5,8 52:8,14
gentleman 29:16
getting 49:1
give 10:5,7 14:7 23:18
 33:13 35:11 43:21
 46:18 47:3 48:19
 50:14 54:14,16 57:20
 58:1,6,9 59:5 60:7,8
 61:15 62:4,11,15
given 32:12,18 43:15
 43:18 44:2,16,21 52:6
 60:15,17,18 61:10
giving 13:9 25:5 39:17
guess 38:6,13 54:20
gun 11:3,9 20:2,8 22:11
 24:8 25:12 26:10,12
 30:3,4,8,16,18 57:18
guns 26:17,20

H

hand 5:7,7,9 30:15
handle 52:11
happen 10:3 28:4
happened 8:7 10:8
 22:15 28:12,14,21
 45:21 52:14 56:19
happening 29:1
happens 29:2
harm 1:10 31:7
head 50:22
hear 20:5
heard 31:10
hearing 1:7,14 4:5 8:4
 16:4 29:21 39:16
 54:19 58:15,16,18
 60:1 64:2,5

help 13:14 23:1 40:10
helpful 13:12
hesitant 13:9
hold 5:7 51:22 56:5,5,7
 58:22,22,22
holding 13:22
honest 61:6
hours 54:14
house 24:18
Huh 36:10

I

ID 24:1,1 35:13,13,20
identification 37:19
 43:20
identified 12:6 34:4,6
 34:12 35:6
incident 8:4 10:6,14,21
 11:1 12:10,11,21,22
 13:1,2,4,6,12,13,16
 14:5,6 15:4 16:1,11
 16:13,18,21 17:8 18:9
 18:11 19:10,10,18
 20:13 28:12 52:11
 56:17 61:19
incidents 19:6 54:18
 58:5
individuals 12:15 17:1
 19:8
inferred 31:21
information 42:16
informed 58:17
initially 30:5
input 10:5
inside 11:3,7 20:18
 31:1
interpret 5:11
interpretation 39:17
interpreted 10:12,19
Interpreter 2:13 4:15,16
 4:19,22 5:2,4,15
 11:20 15:6 20:21
Interpreter/Luis 55:19
interrupt 51:11
interrupting 51:14
intoxicated 24:20 25:3
 30:7
introduce 5:18 6:10
investigate 10:14,20
investigation 8:9 53:1
investigator 2:11 3:3
 5:19,20 8:11 10:4,13
 10:20 11:21 12:18,20
 15:4,5,8 16:8,12,15
 17:5,13,19 18:6 21:22
 22:13 27:12 31:12,17
 32:10,13,16,19 33:1,6
 33:9,15,18 34:9,13

37:10,13,20 38:1 39:4
43:16,19 44:3,17 45:9
45:16 48:9,17,21 49:7
52:8,21 53:2,6,9,12
53:16,19 54:2,6,8,11
62:9
investigators 30:13
59:15,16
involved 17:1
irrelevant 47:15
Irrespective 45:2
ISAAC 1:19
issue 30:21,22 44:20

J

JAMES 1:20
jointly 9:12
JR 1:19
Juan 1:5,6 4:6,10 7:3
10:15 11:3 15:21
16:19 18:1 20:18
25:10
Juan's 18:13
July 1:13

K

K-E-E-N-O-N 6:5
Keenon 2:12 3:4 6:1,1,5
6:6 11:1 15:2 18:10
18:16 19:1,4 20:6
29:13,19,22 51:11,15
59:11,14,19
keep 28:16 49:19
keeping 15:22
Kelvin 2:15 6:13,14,16
6:16,20 8:14,18 12:7
14:10 31:19,21,21
32:1,3,4,6,7 33:2,15
33:21,22 34:2,5,7,12
34:13 35:6 37:11,14
37:16 44:17,19
kept 16:18
Kim 2:13 4:15,19,22 5:2
5:2,3,4,6,15 11:20
15:6 20:21
knew 48:11
knowing 62:8

L

lady 21:11,13,15
Lamont 1:7 18:17
language 4:18
law 25:7
leave 21:7 23:11 48:16
62:1,2,5,8,19
led 11:10 14:19 31:5
left 31:20 32:10 33:2
48:12

Let's 4:4
license 1:8 4:7 22:4
25:21 26:2 31:20 32:2
32:20,20 33:16 35:10
35:19,22 36:3,7,12,15
36:19 37:3,5,15,22
38:2,11 39:2,5 40:17
40:17 42:8,8,10,19
43:6,7 44:10,14,15
53:4,5 63:15,19
Licensee 2:14,15,16,17
light 33:10,10
line 46:3
liquor 26:1 40:17,17
42:7,8,10
listed 9:13 31:13 41:9
41:14 63:16,20
Listen 57:3
little 10:18 12:19 22:2
24:6,7 25:22 30:6
located 18:13
location 31:1
log 12:21,22 13:1,4
16:1,11,13,18 59:8
logged 16:21
long 58:14,15
looking 13:21 40:21,22
lot 20:3,8 54:19
loud 29:17
Luis 2:16 3:5 7:1,2,6
8:22 9:4,9,14,19 10:9
12:2 18:19 22:1 26:19
27:1,9,14,22 28:3,7
28:11,20 29:6 38:5
39:10,14,22 40:7 41:2
41:3,22 42:4,18 43:1
43:9,11 46:9,13,19
47:5,9 48:18,19,22
49:2,5 55:2,8,17,20
56:12 57:2,5,9,13
58:8,19 59:3 60:2,6
61:2,5 62:6 63:2,6,10
63:12,17

M

ma'am 6:4 21:19 29:12
51:10 61:22
main 11:11
maintain 62:22
major 18:1 27:5
making 56:15
male 13:19,20
man 33:1
manager 17:8 32:15
33:21,22 34:5,8,14
35:7,22 37:17 39:5
40:17 42:8,10
manager's 31:20 32:2

33:16 36:3,7,15,19
37:15,22 38:2,11 39:2
44:10,14,15 53:4
mandatory 17:1
March 10:15,22 11:18
11:22
married 41:21
matter 1:4 4:10 5:12 8:9
19:6 29:1,4 47:13
mean 24:6 25:4,7,10
26:20 27:8,8,13 29:14
29:15 30:1 40:9,21
42:14 46:19 47:6 48:2
55:1,1,6 60:3
means 19:22
meet 22:13
meeting 1:3 22:16
Member 1:18,19,19,20
1:20 12:18 18:14
29:16,20 31:15 52:20
53:3,7,10,14,17,20
54:5,7,12 55:5,14
56:7
Members 56:2
memory 23:10,12
met 1:14
microphone 18:14
middle 11:16 20:7
MIKE 1:20
minute 5:7 7:17
missing 27:5 47:14
56:18
mom 22:21
moment 5:8 14:13
monitor 46:4
monitoring 17:22
month 29:5 62:14
morning 6:7 7:9,16
10:21
motion 30:15
move 4:4 9:22
MPD 2:12 11:2 15:3
16:6 50:16 62:9

N

N-O 6:21
N.W 1:15 18:17
name 4:15,21 5:1 6:4
6:11,13,15 7:1,4,10
7:11 8:1 35:11,13,20
36:19 38:10,17 41:9
41:14,18 43:6,15,18
44:6,16 50:20 53:4
60:21 61:12 63:9,15
63:19,20
names 17:1 25:6 51:4
navy 33:10
necessarily 47:4

necessary 18:2 55:13
need 6:9 7:12 8:8 9:18
21:5 25:20 27:12 29:1
31:11 43:5 49:10
50:11 55:9,10 60:16
62:10,17,20,21,21,22
63:5
needed 42:10 49:22
needs 43:7 54:3,3
never 21:3 22:10,11,18
23:14 24:8,9 25:12,12
27:15,18 28:4,5,17,21
38:13 39:20,22 40:2,6
40:9 45:22 47:21 49:3
49:13
new 54:13
NICK 1:18
night 10:8 22:8,15,20
24:2 44:13 48:11,13
49:4,15 50:13 52:21
53:8,18 58:11
nighttime 38:14,15
notes 52:22 53:8
Number 17:20
numbers 38:10
NW 1:7

O

observed 12:9,11 13:19
13:20
obviously 55:9
occur 47:20 58:5
occurred 8:4 10:14,21
12:4 14:3 16:22 31:1
45:13
Odilber 2:17 3:5 7:10
7:11 22:20 24:4 31:22
33:2 34:15,19,19,21
35:1,3,9,19 36:1,5,9
36:11,17,21,21 37:4
38:18,18,20 39:2,6
44:7,9,12,14 50:3,3
50:6,6,7,9,12,18 51:2
51:7
offense 19:19 56:10
offer 18:5,8 25:1 26:11
35:18,22
office 14:19
officer 3:4 6:1,1,5 10:5
10:6 11:1 15:2 18:7
18:10,11,12,16 19:1,4
20:6 24:6,10 27:4
29:9,13,19,22 39:9,12
39:12 40:13 45:10,16
50:22 51:6,10,11,15
59:10,11,14,19 60:19
61:11 62:9
officers 24:11 30:14

52:5 59:15
on-site 15:12
opened 42:6
operate 30:12 48:12
operated 33:18
opinion 54:2
opportunity 10:7
ought 28:16
outside 21:6
owned 41:19
owner 7:2 8:21 9:2
 11:15 12:2 13:18 20:1
 20:6,17 31:14 40:16
 41:7,11,13,15,17 42:2
 42:5,9,14,20 48:17,18
 54:20 63:19
owners 9:13 15:13

P

P-R-O-C-E-E-D-I-N-G-S
 4:1
p.m 11:19 12:1
page 16:12,16,17 17:5
 17:20
part 21:3,3 26:13
parties 4:8
party 12:15 14:1
pass 25:2
patron 13:19,21 16:2
 17:7,7 20:2 31:3
patrons 19:18 20:7
pats 12:15
period 49:21 54:16
person 11:3 24:1 26:10
 26:11 33:4,5,8,12,13
 33:14 34:4,6 41:2
 55:21 61:18
person's 53:4
perspective 8:7
photo 35:13
physical 24:22
pick 14:11
pistol 31:7
place 19:5,7
plan 1:11 15:22 16:4,10
 16:17 24:16,17,19,20
 25:15,20 29:1 46:1
 53:21 55:6 57:20,22
planning 23:1
plans 54:15
please 4:9,11 5:6 6:8,19
 7:18 8:2 12:19 29:12
 56:7 58:9
point 47:14 56:19
pointed 11:9
police 16:1 17:6 21:8
 22:22 23:2,3 24:5,10
 24:10 26:4,5,5 29:9

40:13 51:1
portion 12:10
position 18:1
possession 52:1,9
 59:16
premises 16:21
preparing 16:3
present 1:17 2:9 24:21
 52:3
president 42:11,13
presiding 1:16
printed 35:20
prior 14:15 19:9
probably 18:18 35:12
problem 24:22 27:6
 29:2 39:19 40:4,8
 44:22 49:9,21 54:5
 61:9,9

procedures 12:13
proceedings 5:12
produce 60:17 62:21
proper 18:3 46:5
protect 28:19 45:8,17
 45:20 60:15,20
prove 36:9,11
provide 10:6 25:6 36:3
 36:12 37:2 40:9 41:18
 45:2,14,18 47:19 48:6
 51:22 54:22 55:6
 56:22
provided 36:7,14 37:5,8
 37:11,14,19 39:20
 40:6 42:16 45:8,22
 46:5 47:22 49:13 50:1
 57:1,4
providing 16:5
provisions 17:17
PSA 18:12,12
pull 18:14 22:11 26:12
 41:10 43:4
pulled 21:3 30:3
purpose 45:7
purposes 59:20
put 5:7,8 29:9 31:6
 38:11 53:15
putting 20:9

Q

question 38:17 44:13
 54:8 58:14
questioning 12:5
questions 10:1
quickly 20:22

R

radio 11:2
raise 5:6
rarely 18:17 19:4,5

reach 58:10
read 8:16 9:5 59:1
reason 23:9
reasoning 45:3
recall 19:11
received 11:2
recess 7:20
record 6:10 7:17,19
 15:22 17:8 23:4 27:16
 28:16 31:11 38:12
 41:11 44:5,11 46:14
 46:14,22 51:14 63:1
 63:14,22
recorded 28:15 45:6
records 27:20 31:13,14
 43:4 49:17 62:17
Reeves 1:15
refers 54:14
reflect 44:5,11
refused 11:10
regarding 4:10 8:9 10:6
 18:8 32:15
regards 18:10
Regulations 54:1
relationship 9:8
relevant 62:1
remember 10:11,18
 15:16 52:5,7
renewed 63:15
repeat 11:20 55:3
replace 62:18
report 8:11,12,17 9:3
 9:17 10:4 11:1 16:22
 20:13 21:20,21 23:21
 23:21 25:11 37:9 49:8
 53:15 59:1,2,4
represent 33:14
request 18:3 46:7
requested 12:22 13:5
 14:4,15 15:12,13,15
 43:19 46:6 48:10
require 54:13
respect 56:14,14
respond 21:21
response 15:19
responsible 62:15
restaurant 1:5,6 4:7,11
 7:3 10:15 11:4 16:19
 18:1 19:13,13,15,16
 19:19 26:4 38:7 42:6
 42:6,12
restraining 26:1
Retailer 1:7
retrieve 15:1
retrieved 15:14
return 15:19
review 39:13
reviewed 13:18 39:16

reviewing 63:14
Richard 15:5,6,8
rob 22:22
Room 1:15
Rosa 2:14 3:4 6:11 12:5
 20:17 30:7 31:2 63:10
 63:11
Royster 2:11 3:3 5:20
 5:21,22 10:11,13,20
 11:21 12:20 15:8 16:8
 16:12,15 17:5,13,19
 18:6 31:9,12,17 32:10
 32:12,13,16,19 33:1,6
 33:9,15,18 34:4,9
 35:6,18 36:4,7,15,20
 37:2,7,10,13,20 38:1
 38:21 39:4 43:14,16
 43:19 44:3,15,17 48:8
 48:9,17,21 49:3,7,14
 52:21 53:2,6,9,12,16
 53:19 54:2,6,11
Ruiz 2:14 3:4 6:11,11
 6:12 8:19 12:5 14:10
 20:14,17,17,22 21:11
 61:18 63:11
rule 42:9
rulers 22:6
run 11:2 49:18

S

safety 23:2
sat 30:12
save 28:16
saw 19:12 21:16,17
 24:6 26:16 30:8,15
 39:18 45:11,11 47:13
 47:15 53:17
saying 17:16 18:21
 36:14 39:18 41:20
 42:2 44:12,15 45:3,11
 49:3,15,16 51:6 60:3
 60:15,17 61:4,4,10
says 16:16 20:3,8 41:1
 41:5,6 46:1,3 57:20
 58:1
scene 51:16,17,18
 59:15,16
seat 5:16
second 14:8 24:9 26:14
 31:18,18 35:22 38:8
 43:20 48:14 53:20
 58:9
secures 54:16
security 1:11 12:13,14
 12:15,15 15:22 16:4
 16:10,17 19:14,20
 24:16,19,19 25:15,20
 46:1 53:21 54:15 55:6

57:20,22
seen 19:8 22:18 25:11
 40:1
selling 24:22
sergeant 30:13 50:14
 51:16,18,21 52:16
 55:22 58:10 59:12
 60:7,19,22 61:6,11,14
sergeants 50:19 51:3
 51:16 60:20 61:12
seriousness 19:6
server 23:15 25:6
service 19:5
settlement 17:17
seven 14:17 23:10,11
 27:21 28:13,14 45:5
 49:16,18,20 62:17
shaking 50:22
sheet 6:8,8 7:22 8:2
shirt 33:10
short 1:20 12:8,18
 18:14 49:21 52:9,19
 52:20 53:3,7,10,14,17
 53:20 54:5,7,12 55:5
 55:14 56:7
show 24:5 45:21 50:13
 62:14
showed 30:4 45:5 59:7
shutdown 13:8
si 8:14,14
side 4:12
sign-in 6:7,8,8 7:22 8:1
signs 8:1
SILVERSTEIN 1:20
 29:16,20
sir 4:13 6:15 7:13 9:2
 9:17,18 18:6 28:19
 31:11 32:7 34:18 35:2
 35:4,8,17 36:14 37:9
 37:12 38:17 43:15
 44:6,22 46:12 47:8,13
 49:12 50:8,8 54:20
 56:9,11,19 57:3 58:14
 59:2,7 60:11 61:9
 63:1
sit 4:12
sitting 39:12
Slow 10:17
slowly 10:11
smoothly 51:19
soft 25:2
sole 41:7
solely 37:15
solemnly 5:10
somebody 21:13 22:22
 24:21 26:11,12
son 12:7 14:10,12
 22:19 23:18 24:17

30:10 48:11
sorry 11:14 15:7 17:13
 17:19,20 18:16 19:1,2
 20:4,21 25:22 26:8
 29:19 32:11 33:3 44:6
 50:4 51:11 55:3
sort 21:4
Spanish 4:19,20 5:13
 5:13 55:19
speak 10:11 12:18
 20:12 37:12
speaking 29:17 55:19
specific 13:15 14:6
specifically 16:10,16
 17:3 33:12 35:17 36:8
 46:2 47:18 48:5 59:5
spell 6:19 7:13,15
spoke 12:2 14:9 24:9
 38:6,7,8,9
SR 1:19
staff 17:7
stand 5:6
stands 19:15
start 5:18 6:9 8:10
 14:12
started 47:6
starting 23:12 24:7
state 16:10 17:3 42:17
 48:1,4
stated 9:17 15:17 17:11
 21:19 45:16,16 46:11
 48:11 59:5
statement 13:7
STATEMENTS 3:2
states 16:18 17:21
stick 20:1,7
stood 11:15
stop 11:16
story 25:13 30:6
Street 1:7,15 18:17
striped 33:10
stuff 23:15 29:1,2
submitted 53:21 54:13
Suite 1:15
Sunday 14:9
supposed 12:21 40:16
 45:19
surveillance 12:16 13:5
 16:6 17:21 46:3
suspect 11:6,12 26:3
suspected 11:9
swinging 11:13,14
 30:20
system 17:22 23:9
 28:15 46:3 49:17

T

t/a 1:6

talk 23:7 60:22
talked 17:11
tape 23:22
tell 20:15 25:1,14,15
 33:4 37:7 40:1
telling 22:19
Thank 7:16 20:12 27:1
 52:20 64:3
themselves 34:12
things 54:3,19
third- 12:14
thought 25:16 31:19
threatening 31:7
Threats 1:10
three 7:14 30:13 52:3
 58:20
throw 40:19
Tiffany 2:12 3:4
times 13:15 14:6 15:14
 16:19 29:14,14 30:1,1
to-- 47:6
today 33:5 34:1,5 36:14
 39:13 45:10 46:6 57:8
 58:18 59:8 62:2,8,13
 64:4
told 13:11 14:22 21:5
 23:8,13,15 29:3 30:8
 30:11 43:14 46:13
 58:22
touched 21:2
translated 56:13
translator 29:17
tried 12:10 25:6
trouble 29:21
try 21:1 58:9
trying 40:9,12 55:18
 56:2
turn 55:9,10,14,15
turned 55:22
two 19:13 20:7 30:14
 51:2
type 31:2

U

under-- 57:13
understand 8:16,19 9:2
 21:20 22:5 25:16 26:5
 27:15 55:3 57:6,10
understood 59:1
unfortunately 49:17
updated 54:4
USB 13:14 14:5,7,11,13
 27:16 29:7 46:15,21
 48:9,12,13,16 49:4,14
 50:15 51:3,22 52:6

V

verbal 20:19

version 10:8
victim 11:6,10,13,14
 30:17,20
videos 51:17 54:17
view 13:13 14:20 39:8
viewed 13:15 15:12
 30:9,14 52:4
violation 16:4 47:20
visited 11:17,22 14:8
void 23:12 27:18
voided 28:15

W

W 1:16,18
waistband 13:22 30:16
wait 56:7
wanted 11:8 22:22
 46:15 50:13 63:21
wants 20:12
Washington 1:15
wasn't 14:20 15:14 22:8
 22:10,15 23:19 25:19
 43:12 46:20 48:14
watch 24:12 40:2
watched 22:14 26:16
 29:13,22 46:20
way 59:6,7
weapon 31:2 40:3
wearing 33:9
Wednesday 1:12 11:18
 11:22
week 14:15
weeks 58:20
went 15:10 20:22 30:9
 31:18 51:19 52:22
white 33:10
wife 9:10,12 11:15 12:5
 12:8 30:7 31:13 40:18
 41:12,17,20 42:2
wife's 41:9 43:6 63:9
witness 11:15 12:6
 30:18 31:3
witnessed 20:2,8 31:2
won 41:20
work 38:14,15 40:11
working 24:2,17 25:7,7
 38:9 40:12
wouldn't 45:9,10 57:7
write 9:6 25:11 53:3
writing 17:9 25:14
written 8:12 21:21
wrong 7:15 18:21
wrote 8:11 14:5 25:10
 53:7,18

X

Y

year 18:18	6	
years 25:10		
Z	7	
0	8	
00115 4:6	9	
1	9 17:6	
10 3:3 12:16		
10:40 4:2		
11:40 11:18,19 12:1		
11:41 64:6		
14 16:16,17		
14th 1:15		
15 17:20,21 46:2		
15934 1:8 4:7		
16 18:13		
1616 18:16		
1660 1:7 18:19		
18-251- 4:5		
18-251-00115 1:8,9		
18-251-00115(a) 4:6		
18/51 3:4		
1993 22:4 42:7		
1D 1:7		
1st 14:9		
2		
2 11:15 12:6 16:16,17 17:6		
20 3:4		
2000 1:15		
20009 1:15		
2018 1:13		
22 3:5		
22nd 10:15,22 23:6		
23 25:10		
23rd 23:6		
25 1:13		
251 12:6 15:17		
28th 11:18,22 23:9 27:17		
3		
3 11:12 17:20		
3:00 10:22		
30 49:19		
4		
400S 1:15		
408 18:12		
4th 6:1		
5		
50 3:5		
500 23:16		

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In the matter of: Don Juan Restaurant

Before: DC ABRA

Date: 07-25-18

Place: Washington, DC

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