

ALSO PRESENT:

MARTINA KINKLE, Interpreter

ANDREW KLINE, Licensee's Counsel

KEVIN PUENTE, ABRA Investigator

AMY SCHMIDT, OAG

MANUEL SOLLOSO, Licensee

SIDON YOHANNES, Licensee's Counsel

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

2 3:43 p.m.

3 CHAIRPERSON ANDERSON: All right. We
4 are back on the record. Our next case is Case
5 No. -- it's a Summary Suspension Hearing, Case
6 No. 18-251-000234, El Rincon, License No. 060003.

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

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

13 CHAIRPERSON ANDERSON: Good afternoon,
14 Ms. Schmidt.

15 MR. KLINE: Good afternoon. Andrew
16 Kline on behalf of the licensee.

17 CHAIRPERSON ANDERSON: Mr. Kline.

18 MS. YOHANNES: Sidon Yohannes on
19 behalf of the licensee.

20 CHAIRPERSON ANDERSON: Oh, hold on one
21 minute, please. Is there a translator here?

22 INTERPRETER KINKLE: Yes.

1 CHAIRPERSON ANDERSON: I didn't
2 realize. Can you stand up, please? What
3 language is this?

4 INTERPRETER KINKLE: Spanish.

5 CHAIRPERSON ANDERSON: Can you raise
6 your right hand, please?

7 Do you swear or affirm that you will
8 faithfully translate these proceedings from
9 English to Spanish and from Spanish to English?

10 INTERPRETER KINKLE: I do.

11 CHAIRPERSON ANDERSON: Okay. You can
12 have a seat. Go ahead.

13 MR. SOLLOSO: My name is Manuel
14 Solloso.

15 CHAIRPERSON ANDERSON: You know, sir,
16 you were here before and you had -- when you had
17 your back up with you, then between the three of
18 you, I could get the name, but now you are here
19 with -- I didn't hear your last name.

20 MR. SOLLOSO: Manuel Solloso, S-O-L-L-
21 O-S-O.

22 CHAIRPERSON ANDERSON: Solloso.

1 MR. SOLLOSO: Solloso.

2 CHAIRPERSON ANDERSON: Okay. Thank
3 you.

4 MR. SOLLOSO: Manuel.

5 CHAIRPERSON ANDERSON: All right. I
6 apologize. Sorry. All right. This is a Summary
7 Suspension Hearing. Are there any preliminary --
8 before we move forward with the hearing, are
9 there any preliminary matters in this case?

10 MS. SCHMIDT: Yes. The parties have
11 an Offer in Compromise to present to the Board.
12 I would like to -- given the length of the Offer
13 in Compromise, would the Board like to read it
14 into the record or can we waive the reading and
15 just -- or does the Board wish me to read the
16 entire compromise?

17 CHAIRPERSON ANDERSON: What is the
18 gist of the Offer in Compromise then and I'll
19 make sure that we have a copy? I guess and you
20 can make a -- what is it that the parties are
21 agreeing to?

22 MS. SCHMIDT: The parties are agreeing

1 to revise the security plan, which would include
2 having procedures to handle violent aggressors,
3 de-escalation of violent incidents, a procedure
4 for preserving the crime scene and that there
5 would be security personnel, at least one
6 security person minimum who will be on duty
7 Friday and Saturday nights between 10:00 p.m. and
8 2:00 a.m., and there might be -- and there would
9 also be a security -- there might be a security
10 company that will be employed.

11 And the security plan will contain
12 detailed procedure on how the respondent's
13 security is to handle violent altercations in the
14 establishment, including separating -- including
15 methods for separating and handling victims and
16 aggressors, detaining fully aggressive patrons
17 and handling victim and aggressive patrons over
18 to MPD and how to cooperate, fully cooperate with
19 ABRA and MPD.

20 And procedures ensuring that the
21 respondent will not knowingly clean up any crime
22 scenes and that with lights -- if an incident

1 occurred, they lights and music will be turned up
2 and turned down respectively. That incidents are
3 reported to 911 and there should be -- and also
4 the respondent should prepare/maintain an
5 incident log and prepare an incident report --

6 (Cell Phone Rings)

7 MS. SCHMIDT: -- within 24 hours of
8 the occurrence and that weapons should be
9 confiscated if they are brought in and the
10 security camera system should be operational, so
11 that all angles can be seen and record existing
12 blindspots and that security camera and video
13 should -- will be maintained for 30 days.

14 And an ABRA Investigator will assess
15 the security camera system to make sure that it
16 complies with ABRA standards and that there is
17 training. There will be training on how to
18 preserve, for all employees, a crime scene as
19 well for the general procedure for preserving
20 crime scene.

21 And it was also -- the security plan
22 will also have a section about how to render aid

1 in case there is an altercation or someone gets
2 injured in the establishment. And also include
3 employee discipline to be used when security
4 personnel and all employees do not comply with
5 the security plan.

6 And before lifting the suspension of
7 the Summary Suspension, that the respondent shall
8 provide the Board in writing with the names of
9 individuals who are able to operate and retrieve
10 footage from the security cameras. And the
11 security camera must be operational at all times.

12 And that this matter will be put to
13 OAG for a Show Cause Review. However, before the
14 -- however, it should be emphasized that before
15 the Summary Suspension is lifted, that the
16 security plan shall be reviewed and accepted by
17 the Board before the Summary Suspension is
18 lifted.

19 Therefore, the establishment has
20 agreed that they will take as much time as they
21 need to file a security plan.

22 CHAIRPERSON ANDERSON: Now, is it

1 clear to the respondent that during this period
2 of time, they cannot sell or serve alcohol?

3 MS. YOHANNES: Yes.

4 CHAIRPERSON ANDERSON: But I am going
5 to come to your side, but I'm asking from your
6 perspective.

7 MS. SCHMIDT: From my perspective
8 after speaking with their attorney, it is.

9 CHAIRPERSON ANDERSON: All right.
10 Now, I have also seen that there is a translator
11 here. So has this document been provided to the
12 respondent in Spanish or is there any provision
13 to provide this document to him in Spanish?

14 MS. SCHMIDT: Given the time
15 constraints of providing -- this document has not
16 been provided in Spanish yet. However, I'm sure
17 we can make arrangements.

18 CHAIRPERSON ANDERSON: No, it's not
19 I'm sure.

20 MS. SCHMIDT: I do not know the
21 procedure for this.

22 CHAIRPERSON ANDERSON: Well --

1 MS. SCHMIDT: Quite bluntly, I do not
2 know the procedure.

3 MR. KLINE: Mr. Chairman, may I be
4 heard?

5 CHAIRPERSON ANDERSON: Go ahead, Mr.
6 Kline.

7 MR. KLINE: Yes. A couple of things.
8 First, the Board should know that I reviewed the
9 first draft of this agreement, not first draft,
10 but a fairly final draft with Mr. Solloso this
11 afternoon in my office with an employee of our
12 law firm who is Spanish proficient. He is dual
13 lingual in English and Spanish. And he -- we
14 went through the agreement line-by-line and had
15 it all translated. Also discussed with him the
16 changes that we proposed and those changes were
17 accepted by the Government.

18 So in terms of all of the provisions
19 that are in here, they were discussed with him
20 this afternoon in Spanish by an employee of my
21 office who speaks Spanish.

22 So based on that, the answer is yes,

1 it has been reviewed. It has not been provided
2 to him in writing in Spanish, because time just
3 did not permit that, but I'm comfortable based on
4 what we did that it was reviewed in Spanish. If
5 the Board wants another level of comfort, then we
6 have a translator here today and we can either do
7 it on the record or off the record and review it
8 again, but we might have -- and we might inquire
9 of him through the translator whether he believes
10 he has had an opportunity to review what is in
11 here and whether he is familiar with the
12 contents.

13 I, given one of our previous cases
14 before this Board, which ended up going to the
15 Court of Appeals, am particularly sensitive to
16 these issues, so I certainly wanted to make sure
17 that there wasn't any concern that Mr. Solloso
18 understood this.

19 CHAIRPERSON ANDERSON: And I'm going
20 to do that. Thank you for that, Mr. Kline. And
21 I am aware you are an attorney and usually I
22 don't have a problem with representations made by

1 attorneys, but I know that since I have been
2 here, I have been. And not because you were the
3 attorney in this case, but I was confronted with
4 an applicant who stated that they did not
5 understand and the Court of Appeals stated that.

6 So I also make sure that when someone
7 appears in front of me, that they understand.

8 And I have had cases where I have had a
9 translator and it wasn't apparent to me that the
10 translator was even translating to them. And I
11 made sure that I point out the translator that
12 you need to be translating word-for-word
13 everything that is being said, because I am very
14 sensitive to that.

15 MR. KLINE: If I may before we get
16 there though, just there is a couple of things
17 about the agreement I would like to stress.

18 CHAIRPERSON ANDERSON: Sure. Go
19 ahead. Go ahead.

20 MR. KLINE: I want to point out that
21 this agreement is really the beginning of the
22 effort to get this establishment reopened. There

1 is quite a bit that is required before it is
2 expected that the license be restored. I mean,
3 just to summarize:

4 We are talking about an updated
5 security plan. We are talking about providing
6 names to the security personnel or a security
7 company to the Board. We are talking about
8 training. We are talking about a review of the
9 camera system and an inspection by an ABRA
10 Investigator to assure that there aren't any
11 blind spots.

12 It's -- the agreement is very
13 comprehensive. And the important point is this
14 establishment, under the terms of the agreement,
15 does not reopen until those things are done. So
16 I wanted to just make that very clear, because
17 promises to do something are one thing, but
18 obviously if the license won't be restored until
19 those things are done, that's an assurance that
20 those things will be done, because the Board will
21 have continuing oversight to assure that they
22 are.

1 CHAIRPERSON ANDERSON: Ms. Schmidt, if
2 the Board was to accept this OIC and I know that
3 the establishment will not be open until certain
4 milestones are made, are --

5 MS. SCHMIDT: Until what?

6 CHAIRPERSON ANDERSON: Until certain
7 milestones are made. Is it your view that this
8 OIC and if the milestones are made, it's
9 sufficient for us to lift the suspension, because
10 it's in the best interest of the residents of the
11 District of Columbia?

12 MS. SCHMIDT: It is the District's
13 position that it would be.

14 CHAIRPERSON ANDERSON: Okay.

15 MR. KLINE: I would like to point out,
16 Mr. Chairman, that this restaurant has been in
17 operation and owned by this gentleman for over 40
18 years. The investigative history is, frankly,
19 not what I have experienced in cases like this
20 and I hold it up for the record, because the
21 Board obviously has it in their files, but in
22 terms of actual violations, there were one or

1 two.

2 There is 10 items on the investigative
3 history. I understand it's hard to go back 40
4 years, but this is not one of those places that
5 you may have seen in the past where there are
6 pages and pages of investigative history. And
7 the licensee has appeared before you over and
8 over and over again.

9 This appears to be an anomaly, based
10 on what we have seen in the case. There isn't
11 much question that things could be done better
12 and more attention needs to be paid to what goes
13 on in the establishment and we believe that the
14 Offer in Compromise does exactly that.

15 It requires the applicant to take the
16 steps that we think the Board would want to see
17 taken in order to assure the safety of the
18 patrons and residents.

19 CHAIRPERSON ANDERSON: Thank you. Mr.
20 Solloso?

21 MR. SOLLOSO: Yes, sir.

22 CHAIRPERSON ANDERSON: All right. I'm

1 aware that your lawyer has made certain
2 representations. Is it clear to you -- is your
3 restaurant currently closed and you cannot sell
4 and serve alcohol? Are you -- is that correct?

5 MR. SOLLOSO: I know.

6 CHAIRPERSON ANDERSON: And are you
7 aware that as a result of this agreement that is
8 being made today, that the establishment will
9 remain closed until you have provided this Agency
10 with the security plan?

11 MR. SOLLOSO: It's understood.

12 CHAIRPERSON ANDERSON: So you are
13 aware that until you provide the Agency with what
14 is in this agreement, that you will remain
15 closed?

16 MR. SOLLOSO: Yes, sir. Yes.

17 MR. KLINE: If I may clarify that for
18 the record?

19 CHAIRPERSON ANDERSON: I mean, you
20 cannot sell or serve alcohol.

21 MR. KLINE: Right, exactly.

22 CHAIRPERSON ANDERSON: I apologize.

1 I stand corrected.

2 MR. KLINE: Thank you.

3 CHAIRPERSON ANDERSON: That you cannot
4 sell or serve, meaning that you can sell food, if
5 that's -- but you cannot sell or serve alcohol or
6 allow anyone to come into your establishment with
7 alcohol.

8 MR. SOLLOSO: We're taking the alcohol
9 off --

10 CHAIRPERSON ANDERSON: I'm sorry, sir?

11 MR. SOLLOSO: We are taking the
12 alcohol off of the bar. No alcohol in front.

13 CHAIRPERSON ANDERSON: And --

14 MR. SOLLOSO: None.

15 CHAIRPERSON ANDERSON: -- but I don't
16 want someone to take it from underneath the
17 counter and sell it.

18 MR. SOLLOSO: No, sir.

19 CHAIRPERSON ANDERSON: Or that we have
20 BYOB, that someone can bring it in the
21 establishment.

22 MR. SOLLOSO: Okay.

1 CHAIRPERSON ANDERSON: Okay. All
2 right. All right.

3 MR. SOLLOSO: It won't happen.

4 CHAIRPERSON ANDERSON: Thank you. Any
5 questions by any Board Members?

6 MEMBER ALBERTI: Just a couple
7 clarifying questions.

8 CHAIRPERSON ANDERSON: Go ahead, Mr.
9 Alberti.

10 MEMBER ALBERTI: So review of the
11 camera placement was mentioned. Thank you for
12 that, Mr. Kline. Is it in here?

13 MR. KLINE: Yes, it is.

14 MEMBER ALBERTI: Where? Can I -- can
15 you specifically point that out?

16 CHAIRPERSON ANDERSON: Hold on, it's
17 number --

18 MEMBER ALBERTI: Well, they can do
19 that. They will do it.

20 CHAIRPERSON ANDERSON: It's No. 8
21 here. And then there is somewhere that we will
22 review it also.

1 MR. KLINE: No. 10. 8, 9 and 10 all
2 relate to the video camera system. And 10 is the
3 provision that talks about review, but in --

4 MEMBER ALBERTI: Prior to lifting the
5 suspension, the applicant's license, there shall
6 be to conduct a walkthrough. Okay. Very good.

7 And training was mentioned. Where is
8 that?

9 MS. SCHMIDT: No. 11.

10 MEMBER ALBERTI: I'm just -- I did a
11 quick review. I just want to make sure.

12 MS. SCHMIDT: No. 11.

13 MEMBER ALBERTI: No. 11. All persons
14 to be trained no later than November. Okay. So
15 November 9th is when they would be trained. All
16 right.

17 MS. SCHMIDT: February 9th.

18 MEMBER ALBERTI: Preserve crime scene
19 in its general -- okay. All right. The last
20 thing is I read in here that there is only to be
21 one security person on detail -- on staff at all
22 times or during the times mentioned. How many

1 floors are there? How big is this place?

2 MR. KLINE: It is three floors, but it
3 is a narrow townhouse building. If I had to
4 guess, I would say maybe 18 feet wide, maybe 18
5 feet wide.

6 MEMBER ALBERTI: So how many --

7 MR. KLINE: It's narrow.

8 MEMBER ALBERTI: -- is there a
9 basement?

10 MR. KLINE: Yeah, there is a basement,
11 a first floor and a second floor.

12 MEMBER ALBERTI: And you have one
13 security person for all three floors?

14 MR. KLINE: Right.

15 MEMBER ALBERTI: The reason I ask, I
16 mean, it's of concern. It's of concern just for
17 my fellow Board Members, it's of concern because,
18 you know, it says in here that the door to the
19 basement, which is a whole other issue, was
20 locked and ABRA staff and MPD personnel were not
21 allowed readable access to the basement.

22 MR. KLINE: There is a provision in

1 here, Mr. Alberti, that clarifies that the ABC
2 License Manager will have access to all three
3 floors and is responsible for managing all three
4 floors and anticipating that as a concern of the
5 Board, we understood that and that was --

6 MEMBER ALBERTI: That's fine.

7 MR. KLINE: -- our first draft.

8 MEMBER ALBERTI: I understand. Okay.

9 Thank you.

10 CHAIRPERSON ANDERSON: Any other
11 questions by any other Board Members? Any final
12 comments you want to make, Ms. Schmidt?

13 MS. SCHMIDT: No.

14 CHAIRPERSON ANDERSON: Mr. Kline?

15 MR. KLINE: No. I would just
16 reiterate what I said earlier. This restaurant
17 has a long history. It is unfortunate that this
18 incident occurred. I think we have put together
19 a program which assures that it won't happen
20 again. And it's best not to be here again,
21 except to resolve whatever Show Cause charges
22 might be out there as a result of this, which the

1 Board has also known as that is obviously the
2 last item of the agreement that we are not done
3 with being before you with respect to this
4 incident, because we will have to deal with
5 whatever charges the Office of the OAG decides to
6 bring with respect to the report.

7 CHAIRPERSON ANDERSON: Okay.

8 As Chairperson of the Alcoholic
9 Beverage Control Board for the District of
10 Columbia and in accordance with DC Official Code
11 Section 2-574(b) of the Open Meetings Act, I move
12 that the ABC Board hold a closed meeting for the
13 purpose of seeking legal advice from our counsel
14 on --

15 INTERPRETER KINKLE: The interpreter
16 would like to request that you just --

17 CHAIRPERSON ANDERSON: Oh, you know
18 what --

19 INTERPRETER KINKLE: Thank you.

20 CHAIRPERSON ANDERSON: -- I apologize.
21 I apologize. I apologize. All right. All
22 right. I'm going to start over. I apologize.

1 As Chairperson of the Alcoholic
2 Beverage Control Board for the District of
3 Columbia and in accordance with DC Official Code
4 Section 2-574(b) of the Open Meetings Act, I move
5 that the ABC Board hold a closed meeting for the
6 purpose of seeking legal advice from our counsel
7 on Case No. 18-251-00234, El Rincon, pursuant to
8 DC Official Code Section 2-574(b)(4) of the Open
9 Meetings Act and deliberating upon Case No. 18-
10 251-00234, El Rincon, for the reasons cited in DC
11 Official Code Section 2-574(b)(13) of the Open
12 Meetings Act.

13 Is there a second?

14 MEMBER SILVERSTEIN: Second.

15 MEMBER SHORT: Second.

16 CHAIRPERSON ANDERSON: Mr. Short and
17 Mr. Silverstein has seconded the motion. I will
18 now take a roll call vote on the motion before us
19 now that it has been seconded.

20 Mr. Silverstein?

21 MEMBER SILVERSTEIN: I agree.

22 CHAIRPERSON ANDERSON: Mr. Short?

1 MEMBER SHORT: I agree.

2 CHAIRPERSON ANDERSON: Mr. Alberti?

3 MEMBER ALBERTI: I agree.

4 CHAIRPERSON ANDERSON: Mr. Cato?

5 MEMBER CATO: I agree.

6 CHAIRPERSON ANDERSON: Mr. Anderson?

7 I agree.

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

13 We are in recess and we will be back.

14 All right. Thank you.

15 MS. YOHANNES: Thank you.

16 (Whereupon, the above-entitled matter
17 went off the record at 4:04 p.m. and resumed at
18 4:17 p.m.)

19 CHAIRPERSON ANDERSON: All right. We
20 are back on the record. Based on the -- the
21 Board has some significant concerns and based on
22 the Board's significant concerns regarding the

1 nature of the incident and the lack of
2 appropriate security, the Board does not believe
3 that one security personnel is sufficient and so
4 the motion that I'm making to the Board is that
5 we reject this OIC.

6 We are fine with the other provisions
7 of the OIC, but we are not comfortable that based
8 on the nature and seriousness of this occurrence,
9 that proper security is in this plan. So with
10 that, is there a second?

11 MEMBER SHORT: Second.

12 MR. KLINE: Mr. Chair, before you vote
13 on that, may I --

14 CHAIRPERSON ANDERSON: Yes?

15 MR. KLINE: -- I was just mentioning
16 that what we might do is before the Board
17 proceeded to consider a motion, that we might
18 flesh this out and have some discussion on this
19 issue, so that I may be heard as to why it is
20 that the applicant is hesitant to agree to it and
21 why we believe it's sufficient. So we can at
22 least talk about it on the record rather than

1 going back and forth?

2 I mean, it's easy to have a vote, but
3 I mean, I think it might be helpful for us to
4 explain to the Board why we think it's difficult
5 for the applicant and why we believe it is
6 sufficient, given the history of the
7 establishment and the incident that brought us
8 here today.

9 If I may be heard on that?

10 CHAIRPERSON ANDERSON: I can have you
11 heard, Mr. Kline, but I know in the opening that
12 you have stated that this establishment has been
13 in business for over 40 years and that's correct.

14 MR. KLINE: Right. But more
15 importantly than that --

16 CHAIRPERSON ANDERSON: But what I want
17 to say though, but there has been a significant
18 increase of incidents similar to this over the
19 past year or so in looking at the investigative
20 history. I don't know what is -- I don't know
21 what is going on, but if one were to look at the
22 history over the last year, it -- there is a

1 significant uptake in incidents.

2 And the Board is very concerned. And
3 I think this is a three story building.

4 MR. KLINE: Correct.

5 CHAIRPERSON ANDERSON: And I'm not
6 quite sure how one security guard will be able to
7 manage the first, the second and the third floor.
8 Maybe if it was a one story building, maybe, but
9 we are talking about three. There are three
10 distinct floors.

11 And if there are three distinct
12 floors, how are you -- and if you are saying it's
13 a house, there are incidents that could occur on
14 the first floor, on the top floor and if the
15 security guard is downstairs, he or she doesn't
16 know where. And our -- the job is to prevent
17 incidents from occurring.

18 MR. KLINE: Right. And I think that
19 the issue in this case was an improper response
20 to what was happening and were there a trained
21 security person in the building, then it would be
22 a question of getting that trained security

1 person to the appropriate floor to take charge of
2 the incident, make sure that MPD was called
3 immediately. All of the things that were lacking
4 here, which is why we came up with this
5 framework.

6 This building is tiny. I mean it's
7 three floors, but it's narrow and tiny. And Mr.
8 Solloso indicates, I mean, you know, they might
9 have 20 people in the place and to pay, you know,
10 two security personnel when, you know, there
11 might be 20 people, even the incident that
12 occurred in the evening in question, on the floor
13 in question, you can see there is -- the people
14 that are there, there is five or six people.

15 I mean, regrettably, most of them seem
16 to be involved in the altercation, but that's all
17 the people that were there. So you know, what we
18 are trying to do is understand the Board's
19 concerns and the Board's job, which is a serious
20 one, which is to assure public safety, but that
21 must be balanced against usefulness in terms of
22 the ability to operate a business and stay in

1 business.

2 And I would submit that given the size
3 of the place, the total occupancy is 75, which
4 they --

5 CHAIRPERSON ANDERSON: It's what?

6 MR. KLINE: The total occupancy in the
7 whole building is 75.

8 CHAIRPERSON ANDERSON: Well, I mean,
9 but normally when we approve incidents, isn't it
10 1 to 50? It's my -- when we approve --

11 MEMBER SHORT: Yes, normally.

12 CHAIRPERSON ANDERSON: Normally, when
13 we have all these events going on out there, they
14 have to provide 1 security guard per 50.

15 MR. KLINE: Right.

16 CHAIRPERSON ANDERSON: And so --

17 MR. KLINE: My point is, that I didn't
18 get to, they don't reach that capacity. They
19 don't have that many people in the place.

20 MEMBER SHORT: Mr. Chair?

21 MR. KLINE: Just to willy nilly say
22 well, yeah, we think you should pay for two

1 without any foundation that there are actually
2 more than 50 people there at any one time, which,
3 you know, if that's the Board's stance.

4 CHAIRPERSON ANDERSON: Well, but I'm
5 coming to you, Mr. Short.

6 MR. KLINE: They just aren't there.

7 CHAIRPERSON ANDERSON: We are here
8 today, Mr. Kline, because of a serious incident
9 occurred. This business was closed by the Police
10 Chief. The Police Chief believed that it was an
11 imminent danger, so the Police Chief closed it.

12 MR. KLINE: Understood.

13 CHAIRPERSON ANDERSON: And I think
14 this business has been closed from what, before
15 the 30th, I think, whatever date it has been. And
16 if they had adequate security and they had a
17 security plan, we would not have been here today.

18 And this business based on -- even
19 based on this agreement that is provided today,
20 the business is going to remain closed until a
21 security plan is provided. I'm not quite sure
22 why is it that we are having the type of

1 conversations over security where I would believe
2 that this owner will do -- should do whatever he
3 needs to do to secure his place to ensure that it
4 goes back in business.

5 But all right.

6 MR. KLINE: Mr. Chairman, that's
7 exactly why --

8 CHAIRPERSON ANDERSON: Yes, Mr. Kline?

9 MR. KLINE: -- we have presented you
10 with the very exhaustive, I believe, plan that we
11 have given you. I mean, this is very detailed in
12 terms of what is required here. We understand.
13 We understand the seriousness of the situation.
14 We understand the concerns.

15 But the reality is if the revenue of
16 the business won't support that, then what do we
17 -- you know, what does that do? I understand --
18 I mean, we are just sort of looking up in the sky
19 and saying well, we think there should be two.
20 There isn't any -- if the Board's rule is 1 per
21 50, there isn't any foundation for the
22 proposition that there is more than 50 people in

1 there.

2 The capacity is 75. Mr. Solloso will
3 tell you that, you know, there is usually 20, 25
4 people in the whole building tops.

5 CHAIRPERSON ANDERSON: But this only
6 for Friday and Saturday. It's only as per the
7 agreement, it's Friday and Saturday between 10:00
8 and 2:00. So we are talking about four hours
9 Friday and Saturday. I don't know how much an
10 hour they pay a security guard, but we are
11 talking about four hours between 10:00 and 2:00.
12 This is not asking for security for the entire
13 period of time. So --

14 MR. KLINE: It's easy to spend someone
15 else's money, Mr. Chairman.

16 CHAIRPERSON ANDERSON: Mr. Short, go
17 ahead.

18 MEMBER SHORT: Okay. With all due
19 respect, Mr. Kline, even the night of this event,
20 say five or six, seven people were in the club
21 and if you had one security guard at the door
22 near a phone where he could call the police

1 versus having one, because those five or six
2 could jump on that one and who is going to call
3 or what is going to happen?

4 We want to make sure that they are
5 properly covered. And again, as the Chairman
6 just said, it's only for four hours. It's not
7 like we are saying you have to do it from the
8 time you open to the time you close. And who
9 knows, maybe we can come back in a year from now
10 if there is no other incidents and say can we
11 reduce it to one?

12 But at this particular juncture,
13 because of the Police Chief's request upon this
14 Board, we think it only prudent to do what is
15 best and safest in our minds at this particular
16 time. We are working with you, we have accepted
17 everything else on it, except that. Work with
18 us.

19 MR. KLINE: Mr. Short, thank you. I
20 appreciate that. Might the Board consider
21 requiring this for a period of time, say six
22 months or a year and then --

1 CHAIRPERSON ANDERSON: What I was
2 going to suggest, Mr. Kline, is that -- I don't
3 know if this matter is going to go to a Show
4 Cause and so what I was going to suggest is that
5 it could be revisited if it goes to Show Cause,
6 because that's going to take a while to occur and
7 that you could come back to us and say the place
8 has been open. This is what is going on. We
9 have had no incident.

10 But I would be -- I mean, what do you
11 say, would you say a year? I'm not negotiating,
12 but you put it out there, so --

13 MR. KLINE: Well, no. I'm just -- you
14 know, and I would want to go back off the record
15 and tell my client about it, but I mean, I -- Mr.
16 Short suggestion, I think, is a good one and a
17 constructive one in terms of the Board's position
18 is the Board feels that that is what it needs to
19 be comfortable. I respect that. I'm not going
20 to -- you know, I get it. I don't agree, but I
21 mean, I respect it.

22 So I think Mr. Short's suggestion that

1 we're given an opportunity to revisit it, might
2 be a good one. A year seems like a long time.
3 It's a lot of money. But I mean, I think, and
4 just of thinking about it out loud, perhaps if
5 the order --

6 CHAIRPERSON ANDERSON: Hold on, hold
7 on one minute, Mr. Kline. I think speak to your
8 lawyer, sir, that's for your own protection.

9 I don't need to hear. You guys can
10 maybe step out.

11 MR. KLINE: All right. He makes a
12 good point in that the plan that we have given
13 you also requires training of the other
14 employees. So there are other employees there.
15 There will only be one security person, but the
16 plan that we have given you does require that the
17 other employees be trained.

18 So with respect to calling for aid and
19 again, we are not talking about a place that has
20 had these incidents, you know, seven times in the
21 last year. And we have dealt with that before.
22 We have had those kind of places. This isn't one

1 of them, based on what I see here.

2 I understand the concerns with respect
3 to, you know, it looks like there is five dates
4 from the last year, most of them appear to be
5 NFA. One was -- one of them was decline to
6 prosecute.

7 So the five in the last year, it looks
8 like there is one of them that is pending and the
9 other ones were NFA. So but if the Board is
10 insistent upon it, then what I would talk to my
11 client about and I think might be reasonable, and
12 if the Board will agree, is that it would be the
13 applicant would have the ability to after six
14 months come back and petition the Board for the
15 right to reduce it to one.

16 CHAIRPERSON ANDERSON: Any other
17 questions? All right.

18 MEMBER ALBERTI: I just --

19 CHAIRPERSON ANDERSON: Any other
20 questions by any of the Board Members?

21 MEMBER ALBERTI: -- want to make a
22 couple comments here.

1 I look at things for consistency and
2 logic. The place is small, but it's three
3 floors, so one person can't visibly see all
4 floors. And communicating for -- with the
5 security person is difficult for three floors.
6 And there even navigating the restaurant with
7 three floors can be difficult.

8 I look at your old security plan and
9 it says the security guard will constant -- there
10 will be a constant touring of the facility. All
11 right. But in this new plan it says you are
12 going to have someone at the door doing the
13 wandling. I assume it is a security person at the
14 door doing the wandling. And as Mr. Short said,
15 you've got somebody at the door doing wandling,
16 who is monitoring the establishment on the
17 inside? It just doesn't make logical sense to
18 have one person in this establishment.

19 Given the way things go, I would -- I
20 can't support this unless we put this in place
21 for a year, because by the time we -- an incident
22 happens and then we have two months for the

1 report to be written, time goes by, I just think
2 that it should be in place for at least a year.
3 And then we would have an Investigator tell us
4 how the place operates.

5 Because from what I understand, there
6 is a bar on the third floor and a bar in the
7 basement. It's hard to monitor those both, two
8 areas. Anyway, that's my feelings.

9 CHAIRPERSON ANDERSON: Any other
10 comments by any other Board Members?

11 Do you need to talk to your client,
12 Mr. Kline?

13 MR. KLINE: I do.

14 CHAIRPERSON ANDERSON: Huh, I'm sorry?

15 MR. KLINE: Yes, I do.

16 CHAIRPERSON ANDERSON: Okay. So we
17 can -- we will recess for a couple of minutes so
18 you can talk to your client.

19 MR. KLINE: Okay.

20 CHAIRPERSON ANDERSON: And then we
21 will make -- then we will vote. I'm sorry, Miss,
22 before we recess, where are you -- where is the

1 Government with the consideration of --

2 MS. SCHMIDT: I haven't spoke --
3 having just spoken to the Investigator, he -- it
4 is his -- and I can't -- I just want to make sure
5 I represent him -- his opinion correctly, because
6 I only had a minute to speak to him, he says with
7 three floors, it's probably better to have two
8 security guards. Is that correct?

9 MR. KLINE: Yes.

10 MS. SCHMIDT: Yes.

11 CHAIRPERSON ANDERSON: All right.

12 MS. SCHMIDT: So the Government will
13 concur with the Investigator and ABRA.

14 CHAIRPERSON ANDERSON: Okay. All
15 right. Okay. We are in recess. All right.

16 MR. KLINE: Great. Thank you.

17 (Whereupon, the above-entitled matter
18 went off the record at 4:32 p.m. and resumed at
19 4:46 p.m.)

20 CHAIRPERSON ANDERSON: All right.

21 We're back on the record. Yes, Mr. Kline?

22 MR. KLINE: Yes. After conferring

1 with the licensee, the licensee is agreeable to
2 the amendment to the Offer in Compromise to
3 require the two security personnel instead of one
4 on Friday and Saturday nights.

5 CHAIRPERSON ANDERSON: Okay. All
6 right. All right. Then I will make a motion
7 that we accept the OIC with the provision that
8 the -- I think that is No. 2 regarding security
9 personnel, that the respondent shall maintain at
10 a minimum two security persons who will be on
11 duty on Friday and Saturday nights between 10:00
12 p.m. and 2:00 a.m.

13 Is there a second?

14 MEMBER SHORT: Second.

15 CHAIRPERSON ANDERSON: Mr. Short has
16 seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON ANDERSON: Those opposed?
20 The matter passes 5-0-0.

21 I want to thank the parties for coming
22 to a reasonable security agreement that we

1 believe that will be in the interest of the
2 District of Columbia.

3 I will also order the Agency to
4 provide the owner with a translated copy of this
5 agreement in Spanish.

6 MS. SCHMIDT: To be clear, which
7 Agency?

8 CHAIRPERSON ANDERSON: I mean, I can
9 only order -- I said the Agency. I'm sorry, the
10 ABRA. I will also order my Agency --

11 MS. SCHMIDT: Thank you.

12 CHAIRPERSON ANDERSON: -- to provide
13 the licensee --

14 MEMBER ALBERTI: Ms. Schmidt, unless
15 you would like to volunteer.

16 CHAIRPERSON ANDERSON: -- with --

17 MS. SCHMIDT: Maybe I -- maybe one of
18 my colleagues could do it, but my high school
19 Spanish is insufficient.

20 MEMBER ALBERTI: I was just kidding.

21 CHAIRPERSON ANDERSON: That within a
22 reasonable period of time that the Agency provide

1 the applicant, the licensee with a copy of this
2 agreement in Spanish.

3 MR. KLINE: Mr. Chairman, although I
4 do not believe it necessary to amend the
5 agreement in this regard, I would just like the
6 record to reflect that, and if the Board is
7 agreeable, what is contemplated is that the Board
8 might entertain reduction of the two to one after
9 a year.

10 And again, the Board is always free to
11 revisit its orders, that's why I don't think we
12 need to amend the OIC, but I just wanted to state
13 that for the record.

14 CHAIRPERSON ANDERSON: All right.
15 I'll say that if I'm still on the Board, Mr.
16 Kline, since my term expires, ends in May, but if
17 I'm still on the Board, I will keep that in mind
18 and that will be -- I'll be open to revisit that
19 provision as long as the licensee does what it is
20 supposed to do.

21 That he has maintained his clean
22 record that he had maintained at least prior to

1 2013 from what I see from his history.

2 MR. KLINE: Right. Okay. Thank you.

3 CHAIRPERSON ANDERSON: Yes, all right.

4 Thank you. All right. Yes?

5 MEMBER ALBERTI: I think we have to

6 vote on the OIC.

7 CHAIRPERSON ANDERSON: We already did.

8 MEMBER ALBERTI: Oh, I thought we were

9 just voting on the amendment. That's okay.

10 CHAIRPERSON ANDERSON: No, we voted on

11 -- I said that we --

12 MEMBER ALBERTI: Okay.

13 CHAIRPERSON ANDERSON: -- vote to

14 accept the -- I said we will vote to accept the

15 OIC --

16 MEMBER ALBERTI: It's my

17 misunderstanding and I just wanted to make sure

18 we were -- everybody is --

19 CHAIRPERSON ANDERSON: -- with this,

20 yeah, change.

21 MEMBER ALBERTI: -- clear.

22 CHAIRPERSON ANDERSON: Yes.

1 MEMBER ALBERTI: Okay.

2 CHAIRPERSON ANDERSON: And so I didn't
3 read the whole OIC, but the change to the OIC
4 that is going to be in the record. Is that there
5 is two. All right.

6 So I thank the parties. All right.
7 Thank you.

8 MS. YOHANNES: Thank you.

9 MS. SCHMIDT: Thank you.

10 MR. KLINE: Thank you.

11 CHAIRPERSON ANDERSON: All right.

12 (Whereupon, the Summary Suspension
13 Hearing was concluded at 4:50 p.m.)
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