

DISTRICT OF COLUMBIA  
+ + + + +  
ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF: :  
: :  
Top Shelf Group, LLC, :  
t/a Gryphon DC (The) :  
1337 Connecticut Ave. NW : Fact Finding  
Retailer CT : Hearing  
License No. 90830 :  
Case #18-251-00141 :  
: :  
(Interfered with an :  
Investigation) :

Wednesday,  
October 24, 2018

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
- NICK ALBERTI, Member
- BOBBY CATO, Member
- DONALD ISAAC, Member
- MIKE SILVERSTEIN, Member
- JAMES SHORT, Member
- REMA WAHABZADAH, Member

**ALSO PRESENT:**

**DAVID KARIM, APPLICANT**

**MAKAN SHIRAFKAN, APPLICANT'S ATTORNEY**

**CAMERON ROYSTER, ABRA INVESTIGATOR**

**SHAWN TOWNSEND, ABRA INVESTIGATOR**

**NATHAN CLARKE, DC MPD**

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

STATEMENTS:

Cameron Royster, Investigator. . . . . .6/49  
Nathan Clarke, MPD Officer . . . . . .16  
Makan Shirafkan, Attorney. . . . . .28  
Shawn Townsend, Investigator . . . . . .48  
David Karim, Applicant . . . . . .59

VIDEO:

Video 1. . . . . .18

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

2 9:58 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case No. 18-251-00141, Gryphon  
5 DC, License No. 90830.

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

8 MR. SHIRAFKAN: Good morning, Mr.  
9 Chair and Members of the Board. My name is Makan  
10 Shirafkan. That's S-H-I-R-A-F, as Frank, K-A-N,  
11 as Nancy. And I'm the counsel for licensee along  
12 with one of the officers, Mr. David Karim, K-A-R-  
13 I-M, representing the licensee.

14 CHAIRPERSON ANDERSON: Good morning,  
15 Mr. Shirafkan.

16 MR. SHIRAFKAN: Good morning.

17 CHAIRPERSON ANDERSON: Good morning,  
18 Mr. Karim.

19 MR. KARIM: Good morning.

20 INVESTIGATOR ROYSTER: Good morning,  
21 Cameron Royster, ABRA.

22 CHAIRPERSON ANDERSON: Good morning,

1 Mr. Royster.

2 OFFICER CLARKE: Good morning, Officer  
3 Nathan Clarke, Metropolitan Police Department, 2nd  
4 District.

5 CHAIRPERSON ANDERSON: Good morning,  
6 Officer Clarke.

7 OFFICER CLARKE: Good morning.

8 CHAIRPERSON ANDERSON: We have a Fact-  
9 Finding Hearing based on an incident that  
10 occurred on, I think, about July 29th and so we --  
11 it was on our investigative report and the Board  
12 thought that it was something that we think at  
13 least on first blush appeared egregious, so  
14 that's one of the reasons why we are having this  
15 Fact-Finding Hearing today to have both the  
16 Investigator, the officer and the licensee  
17 provide us information, because when you have a  
18 report, you can't ask questions to the report,  
19 because you don't know.

20 So this is an opportunity to get some  
21 information. And again, this is a Fact-Finding  
22 Hearing. We can't order -- I'll just say it's a

1 Fact-Finding Hearing, so we are just trying to  
2 gather some information to figure out if there is  
3 anything else that the Board needs to do in this  
4 matter.

5 So I'll start with Investigator  
6 Royster. Can you, please, tell us from your  
7 perspective why we are here today?

8 INVESTIGATOR ROYSTER: Yeah. Well,  
9 first, I'm a little under the weather if I stop  
10 and cough a little bit, but so myself along with  
11 officers of MPD were assigned Sunday Day Party  
12 Enforcement on July 29th. After -- the specific  
13 list of locations were for the Dupont Circle area  
14 and one of the listed locations was Gryphon.

15 After checking a previous location  
16 next to Gryphon, myself along with MPD Officer  
17 Clarke next to me and Officer Sharma who  
18 initiated the 251, the PD-251, approached Gryphon  
19 and besides the line of patrons, there was two  
20 employees of the establishment outside of the  
21 establishment. One in a white collared shirt and  
22 another in a black polo. A black polo with

1 nothing on it.

2 We approached ourselves, I identified  
3 myself as an ABRA Investigator along with MPD  
4 informing themselves that they were MPD officers  
5 while wearing full uniform. And we advised that  
6 we were conducting compliance checks along with  
7 the Sunday Day Party Enforcement.

8 I asked to speak to an ABC Manager or  
9 owner. So when we did that, the security officer  
10 stated that he would radio for the ABC Manager  
11 inside and he did that along with the other in  
12 the white shirt, he stated that he was the event  
13 promoter and he just stood next to him at that  
14 time.

15 So after waiting a little bit under 10  
16 minutes or so, we approached the security officer  
17 again and informed him that since the ABC Manager  
18 still has not come outside of the establishment  
19 yet, in a couple of minutes we would be entering  
20 the establishment to make sure that everything is  
21 under compliance.

22 To which the security officer said he

1 understood and he radioed for an ABC Manager  
2 again. And at that time, I observed the person  
3 in the white shirt, the event promoter enter the  
4 establishment and go -- head towards the back of  
5 the establishment.

6 So after wait a couple more minutes or  
7 so, we approached the security officer again and  
8 informed him that we would be entering the  
9 establishment to make sure it's up to compliance.  
10 And he said -- he stated he understood.

11 So after entering the establishment,  
12 I observed the event promoter in the white shirt  
13 in the back of the establishment speaking to  
14 another security officer in the same type of  
15 black polo. So I observed him. We made direct  
16 eye contact, so I started heading towards him and  
17 I see him actually point at me speaking to the  
18 security officer at that time, too.

19 So I approached him along with MPD  
20 directly right behind me, Officer Clarke was  
21 right behind me.

22 CHAIRPERSON ANDERSON: Approach who?



1                   INVESTIGATOR ROYSTER:  Approached the  
2 event -- I'm sorry, approached the event  
3 promoter, who was in the back of the  
4 establishment.  And I'm with MPD also right  
5 behind both MPD officers directly behind me.  And  
6 he first told me that the ABC Manager is in the  
7 bathroom and that we could wait in this area that  
8 is directly -- like directly behind where the  
9 register is.  And he said it's an open area as --

10                   CHAIRPERSON ANDERSON:  What I need you  
11 to do is when you say he, you need to --

12                   INVESTIGATOR ROYSTER:  I'm sorry about  
13 that.

14                   CHAIRPERSON ANDERSON:  -- be specific  
15 who, because there are two individuals involved,  
16 so when we need to say who, be specific, who is  
17 it here, because I don't know who you are talking  
18 about.

19                   INVESTIGATOR ROYSTER:  I understand.

20                   CHAIRPERSON ANDERSON:  Okay.

21                   INVESTIGATOR ROYSTER:  So the event  
22 promoter, he stated that we could, myself along

1 with the MPD officer, wait in that certain area  
2 of the establishment. So the event promoter  
3 pointed to that area, so that's when I started  
4 leading the way to walk to that area and the  
5 security officer, he was standing directly to the  
6 event promoter's left and, at that time, he was  
7 just -- he is staring directly at myself along  
8 with officers. I believe he was listening to our  
9 conversation, so I attempt to walk right past him  
10 and that's when he stopped me and placed his hand  
11 directly on my chest and says --

12 CHAIRPERSON ANDERSON: He who?

13 INVESTIGATOR ROYSTER: Yes, sorry.

14 The security officer places his hand on my chest  
15 and he was like no, no, you are not going over  
16 there. And at that time, that's when I take out  
17 my identification and my ABRA Badge and I advise  
18 him that I'm an ABRA Investigator along with MPD  
19 officers behind me as well conducting compliance  
20 checks.

21 And that security officer his first  
22 words were "I don't give a fuck about no badge.

1 That shit don't mean shit to me. I don't care  
2 who you with." And that's when MPD Officer  
3 Clarke actually told the security officer well,  
4 that we are just conducting compliance checks.  
5 And it's just a more open area and so that's  
6 where I proceeded.

7 I attempted to still walk by him and  
8 he is still kind of -- the security officer is  
9 still trying to get in our path, direction to  
10 that are, but eventually he -- eventually the  
11 security officer lets up and lets us go back to  
12 that area.

13 So after that incident occurred, the  
14 event promoter walked up to me again and stated  
15 that the ABC Manager was in the bathroom and  
16 would be out in a little bit, would be out  
17 shortly.

18 And so I requested from the event  
19 promoter his identification to which he stated he  
20 did not have any. And so I also asked the  
21 security officer as well for his identification  
22 and he stated, his first words were -- the

1 security officer's first words were "Nah, you're  
2 not getting shit from me."

3 And so --

4 MEMBER SILVERSTEIN: Would you repeat  
5 that?

6 INVESTIGATOR ROYSTER: He said "Nah,  
7 you're not getting shit from me."

8 And so MPD Officer Clarke and MPD  
9 Officer Sharma as well, they requested from the  
10 security officer his identification and name as  
11 well and he refused to give his name and  
12 identification to MPD as well.

13 And so after that initial encounter  
14 occurred, after a couple minutes or so, one of  
15 the bartenders when we first initially walked in,  
16 I observed him serving people, he, the bartender,  
17 walked up to us and stated that he had his ABC  
18 Manager's License, but he was just a bartender  
19 and was not actually like the on-duty manager.  
20 So he provided me his ABRA, ABC Manager's  
21 License. And so there was still at least an ABC  
22 Manager there.

1                   And so after that occurred, the actual  
2 manager, Christian Diep, approached myself and  
3 MPD officers and stated he was the manager on  
4 duty that night, the ABC Manager on duty that  
5 day. And so I requested from him his ABC  
6 Manager's License as well and he, Mr. Diep,  
7 stated that he didn't have his ABC Manager's  
8 License on him. He said his wallet had gotten  
9 stolen, so I requested from Mr. Diep if he had  
10 his regular identification?

11                   And that's when he stated that he --

12                   CHAIRPERSON ANDERSON: He? Mr. --

13                   INVESTIGATOR ROYSTER: I'm sorry.

14                   Yeah, that's when Mr. Diep stated -- or that's  
15 when Mr. Diep took out -- I observed him take out  
16 something that looked like a wallet and gave me  
17 his actual D.C. driver's license.

18                   And so after stating -- after Mr. Diep  
19 stated he only had his driver's license, I  
20 advised him and Mr. Mehler, the other bartender  
21 with his ABC Manager's License, that since he had  
22 his ABC Manager's License on him, I would have to

1 complete the inspection with him to which they  
2 both agreed and complied.

3 So after that occurred, we completed  
4 the inspection and after we completed the  
5 inspection and MPD Officer Sharma, he informed me  
6 that he would be initiating a 251 because of the  
7 security officer placing his hands on me. So  
8 that's when I proceeded to start asking Mr. Diep  
9 more questions about the establishment and about  
10 their security.

11 And he informed me that they hire  
12 their security directly. They don't use any  
13 third-party agency. So I asked him about  
14 specific training that they do. He said there is  
15 only online training that they go through. And  
16 when I asked him what type of online -- when I  
17 asked Mr. Diep what type of online training they  
18 do, he couldn't provide any details about where,  
19 like what site, what they used at all.

20 And at that point, that's when I  
21 exited the establishment and upon returning to  
22 ABRA and the office, the first thing I did was

1 look up Mr. Diep's license and I observed that it  
2 was actually expired on January 14th, I believe,  
3 of 2018.

4 And so at that point, I debriefed my  
5 supervisor, Supervisor Townsend, and he informed  
6 me that we should contact Mr. Diep and inform  
7 him that his license was expired. And after  
8 debriefing my supervisor, I also looked more in  
9 the ABRA records and in the initial application  
10 to Gryphon, they stated in their application that  
11 they would have a detailed security plan along  
12 with a professionally trained security team. And  
13 through ABRA records, I also confirmed with the  
14 Legal Division as well, there is no security plan  
15 submitted since the establishment has been open.

16 So I believe on -- after the incident  
17 occurred, I believe a week later, I guess, on  
18 August 7th, myself along with Supervisor Shawn  
19 Townsend, we contacted Mr. Diep to inform him  
20 about his license and he informed us that he had  
21 realized by that time already that his license  
22 was expired and he had obtained a new license at

1 that time already.

2 And so by that point, we requested  
3 video surveillance footage of the incident,  
4 which, you know, further confirms and we received  
5 that, the footage, on August 12th and that further  
6 confirms and shows the incident occurring.

7 CHAIRPERSON ANDERSON: Just a quick  
8 question. So does Mr. Diep have a current ABC  
9 Manager's License? Do you know whether or not he  
10 has a current license?

11 INVESTIGATOR ROYSTER: Yes. Yes, he  
12 has a current license. Now, when I checked -- I  
13 don't have the numbers in front of me, but --

14 CHAIRPERSON ANDERSON: But he does  
15 have a current license?

16 INVESTIGATOR ROYSTER: Yes.

17 CHAIRPERSON ANDERSON: Okay. That's  
18 it?

19 INVESTIGATOR ROYSTER: Yes.

20 CHAIRPERSON ANDERSON: All right.

21 Officer Clarke, what can you add to this, please?

22 OFFICER CLARKE: Good morning, again,



1 Chairman. My encounter was with the security  
2 personnel working at Gryphon that Agent Royster  
3 encountered. I advised him that we were here to  
4 conduct a compliance check. I did need his name  
5 at least. He didn't have to completely provide  
6 me his ID, but I needed his name for the report.

7 He refused and I told him that we --  
8 I'm encouraging this cooperation. This is going  
9 to be recorded as an ABRA incident that he is not  
10 complying. He still refused. I did inform Mr.  
11 Diep that, please, know that the security  
12 personnel was not complying. I asked Mr. Diep to  
13 provide his name, that was not provided to us.

14 I did hear the profanity directed at  
15 Agent Royster when he identified himself to the  
16 security officer as an Agent of ABRA. I was  
17 directly behind Mr. Royster at the time. And the  
18 conduct of the security officer was definitely  
19 aggressive and was uncalled for.

20 CHAIRPERSON ANDERSON: Okay. Did --  
21 what, if anything, did the police do regarding --  
22 was any type of report, formal report filed?

1                   OFFICER CLARKE:  Yes, there was.  
2                   There was an incident report, an ABRA incident  
3                   report.  There was no complaint at the time for a  
4                   criminal investigation.

5                   CHAIRPERSON ANDERSON:  All right.  Are  
6                   there videos there that you want to share with  
7                   us?  I'm --

8                   OFFICER CLARKE:  Yes, sir.

9                   CHAIRPERSON ANDERSON:  -- asking.

10                  OFFICER CLARKE:  I can show you the  
11                  video now if you would like.

12                  CHAIRPERSON ANDERSON:  All right.

13                                    (Video 1 Played)

14                  OFFICER CLARKE:  So that's a security  
15                  officer there.

16                  CHAIRPERSON ANDERSON:  What is he  
17                  wearing?

18                  OFFICER CLARKE:  Black.  He had a  
19                  black shirt, no security or anything on it.

20                  CHAIRPERSON ANDERSON:  Okay.

21                  OFFICER CLARKE:  Soon you will see the  
22                  event promoter walking up to the security officer

1 telling him about -- well, you can see him  
2 pointing towards the front of the establishment.

3 MEMBER ALBERTI: Is that the event  
4 promoter?

5 OFFICER CLARKE: No, that's not him.

6 MEMBER ALBERTI: Okay.

7 OFFICER CLARKE: That individual right  
8 there is the event promoter in the white button  
9 up shirt and the hat.

10 CHAIRPERSON ANDERSON: Okay.

11 MEMBER SHORT: With the black hat?

12 OFFICER CLARKE: Yes. I believe he is  
13 looking for the manager.

14 CHAIRPERSON ANDERSON: So where are  
15 you know?

16 OFFICER CLARKE: At that point, we are  
17 still outside waiting still.

18 CHAIRPERSON ANDERSON: Okay.

19 OFFICER CLARKE: We had been waiting.  
20 That's right after I informed them we would be  
21 going in in a couple of minutes.

22 CHAIRPERSON ANDERSON: Okay.

1                   OFFICER CLARKE: That's when he  
2 points. And that's me coming up right there with  
3 the officer behind. And that's basically that  
4 part. And then throughout the time he is just  
5 acting aggressive towards us later on. This is  
6 where I request for identification from both of  
7 them. And that is Sean Mehler, the bartender.

8                   And that's Christian Diep right there.

9                   CHAIRPERSON ANDERSON: Which -- what  
10 is he --

11                  OFFICER CLARKE: The one in the orange  
12 and the hat.

13                  CHAIRPERSON ANDERSON: Okay.

14                  OFFICER CLARKE: That's the manager on  
15 duty.

16                  MEMBER SHORT: And did he -- he had a  
17 valid --

18                  OFFICER CLARKE: He had a valid  
19 identification, yes.

20                  MEMBER ALBERTI: But not a manager's  
21 license?

22                  OFFICER CLARKE: No, not on him.

1                   MEMBER ALBERTI: But the bartender had  
2 a current manager's license, but Mr. Diep didn't?

3                   OFFICER CLARKE: Yes. At some point  
4 later on, then Officer Sharma had an encounter  
5 with the security officer as well.

6                   MEMBER SHORT: The same security  
7 person that put his hands on you?

8                   OFFICER CLARKE: Yes.

9                   MEMBER ALBERTI: May I ask a quick  
10 question while we are watching?

11                   CHAIRPERSON ANDERSON: Yes, Mr.  
12 Alberti.

13                   MEMBER ALBERTI: Investigator Royster,  
14 this seems like a really calm night.

15                   INVESTIGATOR ROYSTER: Yes.

16                   MEMBER ALBERTI: And so --

17                   INVESTIGATOR ROYSTER: Afternoon.

18                   MEMBER ALBERTI: -- when I read this  
19 report, I'm thinking what is the motive for the  
20 security guard to even confront you and try to  
21 get in your way. And I'm not seeing any. And  
22 I'm just putting that out there. Can you -- was

1 there anything that you could have seen as  
2 motivation?

3 INVESTIGATOR ROYSTER: I never have  
4 seen him before or anything. I am not sure why.

5 MEMBER ALBERTI: And it wasn't because  
6 of the events of the night or the way it was  
7 operating?

8 INVESTIGATOR ROYSTER: No, it was  
9 around approximately 3:15 p.m. midday.

10 MEMBER ALBERTI: Oh, yeah, it looks  
11 like a pretty normal --

12 OFFICER CLARKE: Sunday afternoon.

13 MEMBER ALBERTI: -- crowd, yeah.

14 MR. SHIRAFKAN: I can address that if  
15 you want.

16 MEMBER ALBERTI: Pardon?

17 MR. SHIRAFKAN: I can address that if  
18 you want.

19 CHAIRPERSON ANDERSON: Well, you will  
20 get a chance.

21 MEMBER ALBERTI: You will get a  
22 chance.

1 CHAIRPERSON ANDERSON: Go ahead, Mr.  
2 Royster.

3 INVESTIGATOR ROYSTER: Oh, I was going  
4 to say this is -- I'm not sure if they were  
5 standing at the counter where I was.

6 CHAIRPERSON ANDERSON: What else is  
7 there in the video?

8 INVESTIGATOR ROYSTER: I don't believe  
9 there is anything else that really is --

10 CHAIRPERSON ANDERSON: Huh?

11 INVESTIGATOR ROYSTER: -- I don't  
12 believe there is anything else we really need to  
13 see.

14 CHAIRPERSON ANDERSON: Okay. All  
15 right. Thank you.

16 INVESTIGATOR ROYSTER: Exit out?

17 CHAIRPERSON ANDERSON: Huh?

18 INVESTIGATOR ROYSTER: Exit out?

19 CHAIRPERSON ANDERSON: Yes.

20 MR. SHIRAFKAN: I think you can pause  
21 it, just so I can -- when I'm addressing what is  
22 where, I just want to -- just the picture, that

1 frame is fine.

2 CHAIRPERSON ANDERSON: Okay. Okay.

3 MR. SHIRAFKAN: I just want to refer  
4 to it.

5 CHAIRPERSON ANDERSON: All right.

6 (Video 1 Stopped)

7 CHAIRPERSON ANDERSON: Well, Mr.  
8 Royster or Mr. -- Officer Clarke, do you have  
9 anything else you want to add before I turn to  
10 Mr. Shirafkan?

11 OFFICER CLARKE: No.

12 INVESTIGATOR ROYSTER: No, Board  
13 Members.

14 CHAIRPERSON ANDERSON: All right.  
15 Thank you. All right. Mr. Shirafkan, I'm going  
16 to start with the easy questions, a softball, he  
17 always throws a softball.

18 Has the establishment provided ABRA  
19 with its security plan?

20 MR. SHIRAFKAN: I am not -- I wasn't  
21 aware of the need for a security plan.

22 CHAIRPERSON ANDERSON: I thought --



1 oh, I'm sorry, maybe I misunderstood. Mr.  
2 Royster, you had said, what was it about a  
3 security plan?

4 INVESTIGATOR ROYSTER: Their initial  
5 application, they stated they would have a  
6 detailed security plan with a professional  
7 trained security team.

8 MR. SHIRAFKAN: I'll talk to them. I  
9 don't know that, because I just heard that there  
10 was an issue with the security plan. So it's  
11 not --

12 CHAIRPERSON ANDERSON: Didn't you read  
13 the report, Mr. Shirafkan?

14 MR. SHIRAFKAN: Mr. Chair, there was  
15 nothing in -- I didn't see anything.

16 CHAIRPERSON ANDERSON: It's not in the  
17 report?

18 MR. SHIRAFKAN: I didn't see anything  
19 in the report regarding that --

20 CHAIRPERSON ANDERSON: Is it in the  
21 report, Mr. Royster?

22 INVESTIGATOR ROYSTER: Yes.

1                   CHAIRPERSON ANDERSON:  Where is it in  
2                   the report?

3                   MR. SHIRAFKAN:  Oh, in the report.

4                   INVESTIGATOR ROYSTER:  I was going to  
5                   say it's Exhibit No. 4.

6                   MR. SHIRAFKAN:  That's an exhibit, but  
7                   in the report that I read as far as what they  
8                   have done --

9                   INVESTIGATOR ROYSTER:  It's --

10                  MR. SHIRAFKAN:  -- there was nothing  
11                  in the report that says they were supposed to  
12                  provide a security plan and they didn't.

13                  CHAIRPERSON ANDERSON:  Oh, so that's  
14                  not -- is that --

15                  MR. SHIRAFKAN:  It's not in the  
16                  report.

17                  INVESTIGATOR ROYSTER:  That's on the  
18                  last page it states after further review of ABRA  
19                  records, that there was not a security plan.  
20                  Page 4.

21                  CHAIRPERSON ANDERSON:  So you're  
22                  saying -- where is it?  Tell me where is that,

1 Mr. Royster?

2 INVESTIGATOR ROYSTER: At the top of  
3 page 4, "The review of ABRA records revealed that  
4 they did not have a security plan."

5 CHAIRPERSON ANDERSON: And then you  
6 said however, the licensee's ABC application  
7 states that.

8 MR. SHIRAFKAN: Now, I don't know your  
9 -- Mr. Chair, I don't know the answer whether  
10 they have it. I don't believe they have.

11 CHAIRPERSON ANDERSON: All right.

12 MR. SHIRAFKAN: But I can look into  
13 providing that.

14 CHAIRPERSON ANDERSON: I'm sorry, Mr.  
15 Shirafkan, I thought I was giving you a softball.

16 MR. SHIRAFKAN: I thought so, too.

17 CHAIRPERSON ANDERSON: I mean you  
18 know, you start soft and then you go to the more  
19 difficult. And I -- but I failed, so therefore  
20 if my softball question is the -- was difficult,  
21 then I'm not sure where we go from here. But  
22 anyway, I'll just leave it at that.

1                   So well let me ask -- well, what do  
2 you have to say on behalf of your client, sir?

3                   MR. SHIRAFKAN: Well, the question  
4 just so everyone knows, what we are looking at in  
5 that picture, where is and why would the security  
6 even prevent anyone from going there? And  
7 earlier in the video you saw even a customer, the  
8 lady with the striped dress was trying to come  
9 back to this area and the security kind of put  
10 his hands up like where are you going?

11                   There was a food line that was for  
12 buffet.

13                   CHAIRPERSON ANDERSON: Mr. Shirafkan,  
14 if this case goes to Show Cause, I don't know if  
15 -- what the Board is going to do, then, at that  
16 point -- so I think where we are right now, maybe  
17 the -- both the police officer and our  
18 Investigator stated that the Investigator -- we  
19 went to the establishment, tried to make contact  
20 and they were prevented.

21                   So I think it is better, at least for  
22 this proceeding, to tell us, I mean, is that

1 true? Why did that occur? I mean, the promoter,  
2 the security, I mean, is this person still  
3 working for the establishment? And does this  
4 represent this establishment?

5 MR. SHIRAFKAN: One of the things that  
6 I'll say in this -- my understanding is that this  
7 case has already been sent to OAG, so I am maybe  
8 a little bit limited as far as what we can argue,  
9 because at least the report that I got says this  
10 has already gone to OAG. I can't understand why  
11 we are having a Fact-Finding if this has already  
12 gone to OAG?

13 Nevertheless, I was just trying to  
14 address as far as what everything was, why would  
15 even there be a security there? No, this doesn't  
16 represent the establishment. What you see is not  
17 someone actively having a motive, trying to  
18 prevent anyone from seeing anything.

19 The security staff all have been  
20 retrained again, gone over and have gotten  
21 certificates to understand that we understand to  
22 check IDs. We understand you check badges. We

1 understand we tell you to protect whatever area  
2 we tell you to do. But you need to be more  
3 vigilant of who is presenting what, especially if  
4 they are not in uniform.

5 We understand we may see the uniform,  
6 but then not see uniform, but when they pull a  
7 badge, identification, whatnot, you need to be  
8 more vigilant to what is that person. So they  
9 had that talk, they had that training since this  
10 incident. And all security has gone through  
11 another training to understand that even stepping  
12 in someone's way or whatnot, it's -- it doesn't--  
13 the standard is not if you just put your hands  
14 and say that's it, nobody can go. So they have  
15 had that training.

16 With regards to why this happened,  
17 from what we have gathered is a miscommunication  
18 of the promoter pointing out to MPD. Security  
19 thinking MPD is coming, fine, but then who is  
20 this person coming in plain uniform and within a  
21 few seconds, I think, the Investigator and the  
22 security kind of set off in the wrong tone to

1 each other and there it goes. And from there on,  
2 it just becomes where we are.

3 Providing identification, I don't  
4 believe anyone was asked, anyone else. I mean,  
5 the officer stated that he had asked him for  
6 identification. But no one else was asked, the  
7 managers. I mean, anyone -- the establishment.  
8 Now, we are not talking about just the security.  
9 You asked me how did the establishment operate.

10 CHAIRPERSON ANDERSON: Well, the  
11 security -- well, I would assume security is not  
12 somebody who just came off the street and just  
13 showed up at the establishment today to say I'm  
14 security. You know what I mean?

15 MR. SHIRAFKAN: I understand. I  
16 understand.

17 CHAIRPERSON ANDERSON: Meaning that  
18 security is the establishment. So I don't want  
19 you -- there should be no separation.

20 MR. SHIRAFKAN: Well, here is the --

21 CHAIRPERSON ANDERSON: Security is the  
22 establishment. So what does security, if someone

1 comes, if an ABRA Investigator shows up, why is  
2 it that a security -- what is it that the  
3 security is told if an ABRA Investigator shows  
4 up, provides proper identification, what does  
5 that mean?

6 MR. SHIRAFKAN: That's the key. I  
7 haven't seen the Investigator's Badge. And I  
8 don't know what it looks like.

9 CHAIRPERSON ANDERSON: Mr. Shirafkan?

10 MR. SHIRAFKAN: Yes.

11 CHAIRPERSON ANDERSON: I don't care  
12 what his badge looks like. The question I'm  
13 saying to you, sir, as far as the security is  
14 concerned, if an ABRA Investigator, if someone  
15 shows up, shows a badge and say that I'm an ABRA  
16 Investigator, what does that mean to the  
17 security? What does that mean to the ABC  
18 Manager? What does that mean to the  
19 establishment? What does that mean?

20 If someone shows up to say -- who  
21 clearly identifies, shows a badge, I don't know  
22 what the badge looks like, it could be halloween,



1 I don't know.

2 MR. SHIRAFKAN: Okay. Well --

3 CHAIRPERSON ANDERSON: But what is it  
4 that -- what's the appropriate response when that  
5 occurs?

6 MR. SHIRAFKAN: Mr. Chairman, in  
7 practicality of the nightlife, there are people  
8 with all sorts of badges, right? And there are  
9 people who abuse badges and there are people that  
10 show up with badges. We cannot tell our -- I  
11 know you asked me what the standard is? Sure, we  
12 have lightened even the standard of even if a  
13 halloween badge comes, well, you need to do  
14 something. I guess you have to pull back.

15 But the staff should be trained so  
16 that they can verify who the person is. As soon  
17 as they verify this person is who he claims to be  
18 or the person in uniform says this person is good  
19 and step out of the way, they have got to step  
20 out of the way.

21 CHAIRPERSON ANDERSON: I think, Mr.  
22 Shirafkan, in my position and I think this is

1 even more, and I'm going to say it's more,  
2 egregious, maybe if Mr. Royster showed up by  
3 himself and showed a badge and then one could say  
4 well, you know, maybe it's phony.

5 But he showed up and there were  
6 clearly two MPD officers who showed up with him.  
7 And so I'm just concerned that if an ABRA  
8 Investigator shows up with two MPD officers, who  
9 are clearly marked, clearly in uniform, and if  
10 they get -- if he receives that response, what  
11 would have happened if he showed up by himself  
12 and there were no MPD officers there? That's the  
13 part of it that I need to get clarification from.

14 MR. SHIRAFKAN: This is what I want  
15 you guys to look, the Board to look at. We see  
16 the video. We all know who the Investigator is.  
17 So we see an Investigator coming with two MPD  
18 officers.

19 CHAIRPERSON ANDERSON: We are not  
20 talking about the video. The video doesn't  
21 exist. The video doesn't exist. Forget about  
22 the video, because most of the times, we don't

1 have video and we do have video.

2 What I'm hearing is that here is an  
3 ABRA Investigator showed up and on top of this,  
4 the ABRA Investigator showed up with two clearly  
5 marked and identified MPD officers. The  
6 Investigator, and I don't think there is any  
7 dispute, says this is why I'm here today. I was  
8 watching the video and I was about to question.

9 I was going to ask you how large is  
10 this establishment? Because I'm waiting for this  
11 ABC Manager to show up. I mean, like how large  
12 is the establishment? What -- I could understand  
13 if the security guard says okay, all right, we  
14 will get the ABC Manager.

15 But what is taking so long for this  
16 person to show up? I mean, how large is this  
17 establishment?

18 MR. SHIRAFKAN: Well, let me address  
19 the issue of we keep saying when the ABC  
20 Investigator shows up. When an Investigator  
21 shows up and he is identified as an Investigator,  
22 absolutely everyone must comply with whatever the

1 investigator says.

2 But we have to also understand  
3 Investigators show up in plain uniform. The  
4 fact pattern the Investigator gave initially  
5 there is no one told him this is an Investigator.  
6 His own report says that first security steps in  
7 front of him and then he says I'm an ABRA  
8 Investigator. Here is my badge. And at that  
9 point, the demeanor is changed, at that point.

10 And that's where I want to draw the  
11 line. A person that shows up, I just want to be  
12 clear, look, yes, we have told everyone, everyone  
13 understands that ABRA Investigators have the  
14 ultimate power to come and do whatever is  
15 necessary that they need to do. There is no  
16 dispute on that.

17 But what we have to address is the  
18 fact that for our staff, they have to have some  
19 sort of way and they have to be judged for their  
20 action after the Investigator has been identified  
21 as an Investigator.

22 CHAIRPERSON ANDERSON: Well --

1                   MEMBER ALBERTI: Can I ask Mr. Royster  
2 a question? Just on --

3                   CHAIRPERSON ANDERSON: Mr. Alberti?

4                   MEMBER ALBERTI: -- one point. So,  
5 Mr. Royster, I'm looking at your report.  
6 Investigator Royster, I'm looking at your report  
7 and it says you approached the main entrance of  
8 the Gryphon and were met by one male security  
9 officer and the male employee who stated that he  
10 was a promoter. Is that correct?

11                   INVESTIGATOR ROYSTER: Yes.

12                   MEMBER ALBERTI: And it says here that  
13 you told that security officer that you were an  
14 ABRA Investigator?

15                   INVESTIGATOR ROYSTER: Yes.

16                   MEMBER ALBERTI: So Mr. Shirafkan,  
17 look, I'm not buying this. I'm not buying this  
18 waving of the hands that he didn't know who he  
19 was. If the security officer at the front  
20 doesn't relay that message to the security  
21 officer at the back, you've got a problem. You  
22 have a real problem and it affects how our

1 Investigators do their job.

2 So I'm looking at this thing in  
3 totality and it's not giving me a whole lot of  
4 confidence. And it's not making me buy your view  
5 of what happened that evening.

6 CHAIRPERSON ANDERSON: What I was  
7 about to say, Mr. Shirafkan, I mean, I know you  
8 are an attorney. You are arguing the point for  
9 your client. But I think, as I said before,  
10 that's an argument for -- and I don't recall if  
11 we -- if it was sent on to Show Cause, so I'm not  
12 going to say. I don't recall, so I can't -- you  
13 said that you were told. Off the top of my head,  
14 I don't remember.

15 But I'm just saying we are just  
16 gathering facts. And I think the bottom line  
17 then, as you all know, ABRA Investigators they do  
18 not wear a uniform. MPD does. So anyone can  
19 show up. They have a badge and I -- they have a  
20 badge.

21 And if they show a badge and I think  
22 the concern that I'm having is like you asked if

1 you are asking the security guards for ID, and  
2 the language about I don't need to, I don't  
3 understand that, because this -- if this is the  
4 first contact that the public has with your  
5 establishment, that's not setting a good example,  
6 because most people when they enter an  
7 establishment, the first person that they get in  
8 contact with is your security staff.

9 MR. SHIRAFKAN: I agree --

10 CHAIRPERSON ANDERSON: And that person  
11 represents the establishment. And that is going  
12 to set the tone whether or not the person is  
13 going to have a good or a bad time once they --  
14 once or if they are allowed to enter the  
15 establishment.

16 MR. SHIRAFKAN: Okay. 100 percent I  
17 agree the tone, the demeanor, those I absolutely  
18 agree. And I am not here to say well, even if  
19 this wasn't an Investigator and it was a customer  
20 who just showed a badge and wants to get in the  
21 line or get by where our office and money and  
22 everything else is, still, it would have to,

1 because that's where the office is, be well, hold  
2 on. Let me get a manager. I 100 percent agree  
3 that their reaction should not have been the way  
4 it is.

5 And that has completely been stressed  
6 to everyone to understand that even if this  
7 wasn't an Investigator, that was uncalled for.  
8 That didn't need to happen. That part of it is  
9 100 percent there.

10 The only issue that I just want the  
11 Board to understand is that this issue of  
12 blocking the way, we know this is an  
13 Investigator. If I saw an Investigator and I  
14 don't know him and he told me he here is my  
15 badge, I would ask for identification. MPD is  
16 behind him. I don't know if he is a customer and  
17 MPD is walking behind him or not.

18 I'm just telling you what I would do.  
19 I would ask for his identification to verify that  
20 is what it is. I'm just telling you, you know,  
21 what I would do.

22 Now, with our staff, I'm asking the



1 Board what does the Board want me to do? Does  
2 the Board want me to say anybody who shows a  
3 badge, just a badge without identification then  
4 let him through or does the badge have something  
5 with a picture ID and that's why I said I wanted  
6 to see it, because I don't know what it looks  
7 like. I wasn't trying to make mockery of it. I  
8 was trying to see if it, in fact, has a picture  
9 or something next to it that says look, this is  
10 my badge and here is who I am. That's what I was  
11 trying to understand.

12 CHAIRPERSON ANDERSON: I don't know,  
13 Mr. Shirafkan. I'm not seeing it -- from my  
14 understanding, it's a badge. There is no  
15 picture. And whether or not there is -- and  
16 that's insignificant whether or not there is a  
17 picture on it or not, because you know what we  
18 are dealing with. And you are very familiar with  
19 fake ID.

20 And so therefore, if someone comes in  
21 with an identification and there is a picture  
22 there and there are issues there, so that's not--

1 that's insignificant. Mr. Short has --

2 MR. SHIRAFKAN: I apologize.

3 CHAIRPERSON ANDERSON: -- a question.

4 MR. SHIRAFKAN: I think if the  
5 security -- and that's why I go back to demeanor.  
6 I think if security had -- had I been that  
7 security, if the security had said man, I'm  
8 sorry, people show me all sorts of stuff and two  
9 seconds of different demeanor, I think if he had  
10 used different language and different demeanor of  
11 look I have never seen you. I don't know you.  
12 And within two seconds, MPD would have told him  
13 well, no, he is, in fact, who he is, things would  
14 have not gotten here.

15 CHAIRPERSON ANDERSON: And before --  
16 I'm going to have Mr. Short and you can't use  
17 that argument, because the ABRA Investigator  
18 doesn't typically show up with a police officer.  
19 So --

20 MR. SHIRAFKAN: I understand that.

21 CHAIRPERSON ANDERSON: -- the ABRA  
22 Investigator usually shows up either one or two

1 bodies other than police there, so we can't use  
2 an analogy. It has to be that the security staff  
3 has to be trained, that if the ABRA Investigator  
4 comes in, the ABRA Investigator clearly  
5 identifies him or herself, what is it -- what's  
6 their response? What is there reaction?

7 And it is then there is a question and  
8 then you are asking for ID and it's like I don't  
9 need to give you any ID and the demeanor. That's  
10 not -- but go ahead, Mr. Short.

11 MEMBER SHORT: Well, this question is  
12 to the police officer and Investigator. And  
13 thank you both.

14 Officer, did you hear the language  
15 that was described said to our Investigator?

16 OFFICER CLARKE: Yes, sir.

17 MEMBER SHORT: By the employee?

18 OFFICER CLARKE: Yes, sir.

19 MEMBER SHORT: You heard that foul  
20 language?

21 OFFICER CLARKE: Yes, sir.

22 MEMBER SHORT: And you saw him put his

1 hand on and touch him?

2 OFFICER CLARKE: I did not see that  
3 portion. I saw on the video, but I didn't see it  
4 live when I was there.

5 MEMBER SHORT: But you were close  
6 enough to hear the coarse language to a DC  
7 Government official?

8 OFFICER CLARKE: Yes, I was, sir.

9 MEMBER SHORT: In the performance of  
10 his duty?

11 OFFICER CLARKE: Yes, I was, sir.

12 MEMBER SHORT: Investigator Royster,  
13 isn't there something in the code that says  
14 Investigators or ABRA Investigators are not to be  
15 impeded. So you waited at the front door for how  
16 long?

17 INVESTIGATOR ROYSTER: Approximately  
18 10 minutes or so.

19 MEMBER SHORT: So before you even came  
20 in the front door, you told someone with the  
21 police officers and the police officer will bear  
22 witness to that.

1                   So you were at the front door. You  
2 haven't even got into the establishment, you say  
3 I'm ABRA Investigator.

4                   INVESTIGATOR ROYSTER: Yes.

5                   MEMBER SHORT: And I'm here for a  
6 regulatory inspection. And you are told wait  
7 here until I let you in?

8                   INVESTIGATOR ROYSTER: Yes, sir.

9                   MEMBER SHORT: Is that normal?

10                  INVESTIGATOR ROYSTER: Not usually.  
11 I mean, but with our jobs, we are allowed to  
12 technically go in just at that moment, but out of  
13 courtesy, sometimes I let them wait, just because  
14 it's their establishment. I wait for them  
15 usually. But after a certain period of time,  
16 that's when you don't know what is going on in  
17 there, so you have to -- so you have to tell,  
18 that's why I informed him again that we would be  
19 going in in a few minutes.

20                  MEMBER SHORT: I think you and your  
21 supervisors need to work around that, because if  
22 the code says you are not to be impeded --

1                   INVESTIGATOR ROYSTER:  Yes.

2                   MEMBER SHORT:  -- and even if you are  
3                   giving the courtesy, then sometimes you will open  
4                   yourself up to be treated like just John Doe off  
5                   the street, rather than an official of the  
6                   District of Columbia Government.

7                   INVESTIGATOR ROYSTER:  Yes, sir.

8                   MEMBER SHORT:  And I don't take kindly  
9                   to anyone, businesses or people that have  
10                  licenses to sell alcohol in the city to put their  
11                  hands on an Investigator, in the first place, but  
12                  the foul language is inexcusable.  That is not  
13                  anything anybody can explain to me in any kind of  
14                  manner.  That's uncalled for and it's  
15                  disrespectful of not only the badge that you have  
16                  and the -- that you have as an official, but to  
17                  the whole District Government that someone would  
18                  talk like that to an official.

19                  Because that means they think they are  
20                  above the law and we have enough of that going on  
21                  in this country as it is.  We don't need that in  
22                  all of our establishments.

1 MR. SHIRAFKAN: Yes, sir, I agree.

2 MEMBER SHORT: Thank you, Mr. Chair.

3 That's all I have.

4 CHAIRPERSON ANDERSON: Okay. Any  
5 other questions by any other Board Members?

6 All right. I'm going to wrap this up.  
7 Officer Clarke, do you have any final comments  
8 you want to make, sir?

9 OFFICER CLARKE: I just want to say  
10 quickly that I did identify myself to the  
11 security officer and told him Investigator  
12 Royster was an ABRA Investigator and that we  
13 needed his name and he refused to comply.

14 CHAIRPERSON ANDERSON: Well, Officer  
15 Clarke, I believe that if you have to identify  
16 yourself as an officer, based on the way you were  
17 addressing the video, then I think we do have a  
18 problem, but I'm just saying that not -- I see  
19 the way you are dressed today, but I did see the  
20 video and I thought there was another officer  
21 with you. And if you had to identify yourself as  
22 an officer in an establishment, then I think

1 that, based on the totality of, we have a  
2 significant issue.

3 I mean, I see Mr. Townsend is here.  
4 Do you want to make a statement, sir?

5 INVESTIGATOR TOWNSEND: Yes, good  
6 morning. Shawn Townsend, Supervisory  
7 Investigator with ABRA. I just wanted to add  
8 that I did respond to the establishment shortly  
9 after Investigator Royster notified me of what  
10 had occurred. I spoke to the ABC Manager, Mr.  
11 Diep, also the promoter and told them that it was  
12 unacceptable of the establishment to treat the  
13 Investigator that way. They agreed.

14 I also spoke to the security guard  
15 about his interaction with Investigator Royster.  
16 He stated that his -- he has experienced or made  
17 contact with patrons or other members -- other  
18 patrons, visitors of the establishment who use  
19 badges to get by -- you know, to gain entry, who  
20 are not actually working or not Government  
21 officials in general.

22 So his response indicated to me that



1 he -- regardless of the badge, he wasn't sure if  
2 Investigator Royster was actually an ABRA  
3 Investigator.

4           However, I did inform him that the  
5 Investigator was with MPD and he displayed his  
6 badge upon entering the establishment and, at  
7 that point, if he was unsure whether or not  
8 Investigator Royster was on official Government  
9 business, he should have contacted his manager as  
10 soon as possible and allowed his manager to  
11 intervene and confirm whether or not Investigator  
12 Royster was on official business.

13           CHAIRPERSON ANDERSON: Thank you.

14           INVESTIGATOR TOWNSEND: No problem.

15           CHAIRPERSON ANDERSON: Investigator  
16 Royster, any final comments you want to make?

17           INVESTIGATOR ROYSTER: Yes. The one  
18 thing I can add my badge, there is a picture of  
19 me next to my badge and I showed both to him. I  
20 showed the picture ID as well, so just to add  
21 that.

22           CHAIRPERSON ANDERSON: Thank you. Mr.

1 Shirafkan, he just made your life more difficult.  
2 So but as an attorney, you have to advocate on  
3 behalf of your client, so any final comments,  
4 sir?

5 MR. SHIRAFKAN: Mr. Short, you said  
6 authority of a badge and respecting the badge.  
7 And I am not -- attorney or not, I am not the one  
8 who is going to sit here and say that we should  
9 not respect the badge or we should not respect  
10 the authority of any badge or authority.

11 And I also want to let you know that  
12 there are those who abuse that authority and who  
13 abuse that badge and they use the badge. And  
14 when individuals are faced with a quick show of  
15 badges, and I'm not saying this officer -- I  
16 mean, given the picture, I agree with him.

17 I just want you to also understand  
18 that we cannot tell our staff that anyone who  
19 shows a badge one second, let them do whatever,  
20 because that exposes the business and everything  
21 that we have got to hands of those who abuse the  
22 badge.

1                   In this scenario, a few seconds went  
2 wrong and it wasn't dealt with properly. And so  
3 by no means am I here to say that we are not to  
4 respect the ABRA Investigators who come to or  
5 have them go through 10 questions before they can  
6 do anything. That's not.

7                   All I ask is there be a mutual  
8 understanding that you are a good officer, but  
9 there are those out there who are not and just  
10 keep that in mind that -- give them a few seconds  
11 to understand that you are the legitimate person,  
12 that's all.

13                   And with regards to the comment with  
14 the MPD hearing this foul language, I would hope  
15 and I don't know the truth, but I would hope that  
16 that was prior to identification of I am telling  
17 him that he is actually ABRA, which either way  
18 the foul language is wrong even if it was a  
19 customer. I'm not condoning it.

20                   I just want to put it into perspective  
21 of when the language was used for me to  
22 understand, because the security says that's not

1 what I said. When I didn't know who he was and  
2 he said I just want to get through, well, MPD I  
3 say who are you? I don't know who you are. And  
4 I hope that that was prior.

5 MEMBER SHORT: I can respect your  
6 point of view and leading up to that, because we  
7 do know there are people that do try to abuse or  
8 misrepresent themselves as Government officials.  
9 But when you have two Metropolitan Police  
10 Officers with that individual, that's a pretty  
11 good indication that this is not a fraud.

12 And when you tell the police officers  
13 along with the ABRA person wait here for 10  
14 minutes, you can't come in my establishment, then  
15 there is a problem. There is a miscommunication  
16 of some sort. And most businesses that ABRA  
17 isn't associated with in this town, nightlife or  
18 otherwise, when an official of the District  
19 Government shows his badge with his ID and  
20 picture and he has officers with him, they can't  
21 impede him coming into that establishment.

22 Our Code Book reads to that, the

1 Metropolitan Police Code reads to that, so again  
2 if the training is taking place and I think just  
3 somebody said professional training is taking  
4 place, then they will -- that training will  
5 definitely tell them never put their hands on an  
6 official of the District Government and never to  
7 -- if you have two police officers in uniform,  
8 there is no excuse.

9 MEMBER ALBERTI: May I make a quick  
10 point?

11 CHAIRPERSON ANDERSON: Yes, Mr.  
12 Alberti.

13 MEMBER SHORT: Thank you.

14 MEMBER ALBERTI: Mr. Shirafkan, I  
15 think we are trying to -- I'm sorry, but you are  
16 really distracting from the main point here.

17 So our Investigators go in and they  
18 always -- they ask for a manager, because one of  
19 the expectations they have is that they are going  
20 to be escorted in and if there isn't a manager  
21 available and another employee says I will escort  
22 you in, they will accept that. All right?

1 That's their training.

2 So to tell me well, somebody shows up  
3 with a badge and we don't know if it's them and  
4 we shouldn't let them in, if the person with the  
5 badge doesn't acquiesce to being escorted by an  
6 employee, well, then you know you have got a  
7 problem.

8 But you have to understand and you  
9 better give this message to everybody that you  
10 deal with in the industry, our Investigators have  
11 the expectation that someone will escort them.  
12 And that's your -- that's how you can rely on  
13 whether or not you can trust their badge.

14 So there really is no excuse. There  
15 is no excuse for saying I can't trust that badge,  
16 because the Investigators themselves will come to  
17 you with the demeanor of okay, I'm here, the  
18 employee is going to escort me in, you know,  
19 that's it.

20 I don't want to be left on my own. I  
21 expect to be babysat by an employee the entire  
22 time I am here.

1                   MR. SHIRAFKAN: And I agree with you.  
2                   And I am not trying to go under. You're right.  
3                   That part, dropping the ball, that somebody  
4                   should have -- if the manager is in the bathroom,  
5                   somebody else should have walked him, the  
6                   promoter should have been clear. If he is the  
7                   one that walked in, then take the responsibility  
8                   and I say that because I want you to know that is  
9                   what is being now told to the staff.

10                  MEMBER ALBERTI: Okay. Okay.

11                  MR. SHIRAFKAN: This ain't a  
12                  children's game. When they come to the door, you  
13                  -- the front person obviously verified who it is,  
14                  so when you walk him in, you are responsible now  
15                  to make sure they know what is going on.

16                  And I won't make an excuse or try to  
17                  argue that at the door somebody dropped the ball  
18                  to try to make sure this message is clear. I  
19                  just wanted to make sure we are not messing up  
20                  the two mistakes or whatnot.

21                  MEMBER ALBERTI: Okay.

22                  MR. SHIRAFKAN: One is I know you are

1 an ABRA Investigator. I say I don't care who you  
2 are and I'm going to put my hands on your chest.  
3 That's not -- that's a different wrong than  
4 somebody miscommunicating hey, the guy behind me  
5 is ABRA. I look at him and then get off the  
6 wrong path. I just want to make sure I'm clear  
7 on that.

8 MEMBER ALBERTI: Okay. We understand.

9 MR. SHIRAFKAN: Sure.

10 CHAIRPERSON ANDERSON: All right. Mr.  
11 Shirafkan, I'm reading the report and this is  
12 what the report says. After the -- Mr. Royster  
13 investigate -- identified himself, the security  
14 guard said I don't give a "blank" about no badge.  
15 I don't care who you are. That badge doesn't  
16 mean "blank" to me."

17 And later on even the promoter was  
18 asked for ID and the promoter said "You ain't  
19 getting "s" from me."

20 INVESTIGATOR ROYSTER: No, the  
21 security officer said that.

22 CHAIRPERSON ANDERSON: The security



1 officer. So it -- so there are -- I'm just  
2 saying in the report, these are what your  
3 promoter or what your security is telling us is  
4 that I'm not even going to give you. It doesn't  
5 mean nothing. So it's not a matter of that  
6 someone shows up and you are unsure what it  
7 means.

8 It's that you are just saying I don't  
9 care who you are. I don't -- don't show me any  
10 badge. I have no respect for the authority. I  
11 don't have any respect for you or for the respect  
12 of your office, because I have this job that I'm  
13 going to do and I don't care. And I think that  
14 is the issue that the Board -- and I think that's  
15 one of the reasons why the Board is very  
16 concerned that not necessarily the language, but  
17 the demeanor to both our ABRA employee and the  
18 police officer.

19 And I'm saying it is more troubling  
20 because there are police officers with the  
21 employee. I mean, a lot of times we don't have  
22 that. It's just the employee. You have two

1       Investigators show up and then it's -- but  
2       Officer Clarke doesn't work for ABRA, so  
3       therefore he can give an independent version, so  
4       this is not two employees covering for  
5       themselves, for each other.

6                   I'm not saying you are saying that.

7                   MR. SHIRAFKAN: I never said that.

8                   CHAIRPERSON ANDERSON: But I'm just --  
9       I'm not saying you are saying it, but I'm just  
10      saying normally we have just two ABRA employees  
11      and one could easily say well, you know, they are  
12      covering for each other, because they work for  
13      the same Agency.

14                   Here it is a different Agent of the  
15      Government was there to experience all of that,  
16      so --

17                   MR. SHIRAFKAN: That's why we are  
18      trying to learn here. I mean, I'm trying to make  
19      sure we are learning on what to exactly say at  
20      the front door, what mistakes was done.

21                   The demeanor is what caused everything  
22      else here as well. You're right, I don't

1 challenge it. If you have to question it, it's  
2 guilty. And I understand the Board's concern  
3 being we have ABRA Officers out there for going,  
4 investigating and they want to be babysat as soon  
5 as they get to the front, in a good term, but we  
6 are not trying to have anybody put their hands on  
7 them, assault him or try to give him a hard time.

8 I think the licensee wanted to say  
9 something as well.

10 CHAIRPERSON ANDERSON: Yes, sir.

11 MR. KARIM: I just wanted first to  
12 apologize for this incident that happened and the  
13 way one of my employees talked to him. After  
14 listening to the -- to him and the officer, that  
15 employee will not be working with me.

16 I have been in this business nightlife  
17 for 28 years and I think Mr. Silverstein and Mr.  
18 Alberti have seen me before, but this has never  
19 happened with any of my employees before. I'm  
20 sorry that it happened.

21 CHAIRPERSON ANDERSON: All right.

22 Well, thank you for the representation you made,

1 sir.

2 MEMBER ALBERTI: I will admit that you  
3 have been here before. I was a little surprised  
4 to --

5 MR. KARIM: Yes.

6 MEMBER ALBERTI: -- see this report.

7 CHAIRPERSON ANDERSON: All right.

8 MEMBER ALBERTI: All right.

9 CHAIRPERSON ANDERSON: All right.

10 MEMBER ALBERTI: Because your  
11 reputation does precede you.

12 CHAIRPERSON ANDERSON: And one other,  
13 I'm going to start the way I ended, Mr.  
14 Shirafkan. Your application -- the applicant's  
15 application to the Agency in 2015, basically,  
16 said that we have a detailed security plan with a  
17 professional and trained security team.

18 When is it that -- that summary is in  
19 the application, page 4 of the application. And  
20 so when is it that your establishment will  
21 provide an approved security plan to this Agency?  
22 Can that be provided within the next 30 days?

1 MR. SHIRAFKAN: Yes.

2 CHAIRPERSON ANDERSON: All right. So  
3 that's the only thing I'm going to -- that is the  
4 only thing that is on the record that you have  
5 agreed to provide this Agency with an updated and  
6 detailed security plan to the Agency.

7 MEMBER SHORT: Mr. Chair?

8 CHAIRPERSON ANDERSON: Yes, Mr. Short?

9 MEMBER SHORT: May I finish what I was  
10 saying?

11 CHAIRPERSON ANDERSON: Yes.

12 MEMBER SHORT: Who did the training?  
13 And can you provide a training certificate from  
14 the company doing training?

15 MR. SHIRAFKAN: Well, I believe it's  
16 the host training, Robert Smith. It is a  
17 training and yes, you --

18 MEMBER SHORT: Okay.

19 CHAIRPERSON ANDERSON: If you can  
20 provide that to us?

21 MEMBER SHORT: And if you have that,  
22 yes, provide that the certificate.

1 MR. SHIRAFKAN: All right.

2 MEMBER SHORT: Thank you.

3 MR. SHIRAFKAN: And what we will do  
4 further is because I want to make sure that the  
5 security plan specifically highlights and ensures  
6 that this, among other things, would never happen  
7 again. We will make sure we will retrain the  
8 staff with this security plan as well, so that  
9 they are aware of the promises that we made to  
10 the Board and they are to comply by it.

11 MEMBER SHORT: All right.

12 CHAIRPERSON ANDERSON: All right.  
13 Thank you. I would like to thank Officer Clarke,  
14 Mr. Royster, Mr. Shirafkan and I'm sorry, your  
15 name again, sir?

16 MR. KARIM: Karim.

17 CHAIRPERSON ANDERSON: Mr. Karim?

18 MR. KARIM: Yes.

19 CHAIRPERSON ANDERSON: Thank you for  
20 being here. And also, I appreciate the fact that  
21 you didn't have to speak. You can let your  
22 attorney speak for you. But I do take that it's

1 important to you, for you to say something and  
2 not necessarily your attorney speaking for you.  
3 So I do appreciate that.

4 With that, the Board will take this  
5 matter under advisement. Thank you for being  
6 here today. All right.

7 INVESTIGATOR ROYSTER: Thank you.

8 MR. SHIRAFKAN: Thank you.

9 INVESTIGATOR TOWNSEND: Thank you.

10 INVESTIGATOR ROYSTER: Appreciate it.

11 OFFICER CLARKE: Thank you.

12 (Whereupon, the Fact-Finding Hearing  
13 was concluded at 10:54 a.m.)

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This is to certify that the foregoing transcript

In the matter of: The Gryphon

Before: DC ABRA

Date: 10-24-18

Place: Washington, DC

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
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*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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