

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :

 :

Howard Theatre :

Entertainment, LLC, :

t/a Howard Theatre :

620 T Street NW : Fact Finding

Retailer CX - ANC 1B : Hearing

License No. 88646 :

Case #18-251-00091 :

 :

(Altercation at the :

Establishment) :

Wednesday
 May 16, 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, JR., Member
- MIKE SILVERSTEIN, Member
- JAMES SHORT, Member
- REMA WAHABZADAH, Member

ALSO PRESENT:

PAUL HREBENAK, MPD

KEVIN PUENTE, ABRA Investigator

MARK BRASHEARS, ABRA Investigator

SHANI PACE, Licensee's Representative

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

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

2 10:01 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar, a Fact-Finding Hearing, Case No.
5 18-251-00091, Howard Theatre, License No. 88646.

6 Would the parties, please, approach
7 and identify themselves for the record, please?
8 Anyone who is here for this hearing for Howard
9 Theatre, can you, please, move -- step up,
10 please?

11 INVESTIGATOR PUENTE: Kevin Puente,
12 Investigator.

13 CHAIRPERSON ANDERSON: Good morning,
14 Mr. Puente. Introduce yourself for the record.

15 LIEUTENANT HREBENAK: So Lieutenant
16 Paul Hrebenak with the 3rd District.

17 CHAIRPERSON ANDERSON: Good morning,
18 Lieutenant.

19 LIEUTENANT HREBENAK: Good morning.

20 CHAIRPERSON ANDERSON: Could you also
21 just sign-in on the sign-in sheet?

22 I see that Howard -- the Howard --

1 there is no one here for the Howard Theatre. We
2 did have two Show Cause Hearings (Status) this
3 morning at 9:30 and the Howard Theatre did not
4 show up for those Show Cause Hearings.

5 And so we have a Fact-Finding Hearing
6 today and the Howard Theatre is not here. I will
7 have Mr. Puente -- you can move forward and let
8 us know what is it that you know about this
9 establishment and what is going on. So since --
10 I'm moving forward with this hearing, because the
11 Lieutenant is here, so we can -- the Board can
12 put certain things on record and then we will
13 decide what is it that our next step will be.

14 INVESTIGATOR PUENTE: Okay. So on
15 March 11th, I was contacted by MPD Detective Eric
16 Johnson about a sexual assault that had occurred
17 at Howard Theatre that night. And he advised me
18 that he was in contact with the ABC Manager,
19 Shani Pace, about retaining surveillance video
20 and she wasn't able to get it that weekend, but
21 call her and she will get it to him as soon as
22 possible.

1 He reached out to her several times
2 via voice, calling her, he left a voicemail,
3 emailed her several times, no response and
4 finally asked ABRA for assistance.

5 I contacted Ms. Pace and immediately
6 got a response and told me to come out that
7 Friday to get the video. I went out there Friday
8 and picked up the video. There was an
9 altercation that was inside.

10 What I was told, there was a couple
11 and another male or female and there was, I
12 guess, a mistress involved and a fight ensued.
13 Then during the altercation, the female was
14 groped inappropriately by someone. The
15 altercation poured outside onto T Street.

16 MPD responded. The responding officer
17 arrived. He walked with one of the suspects down
18 T Street who was eventually assaulted by the
19 suspect. I'll let the lieutenant get more into
20 that.

21 I reviewed surveillance video. The
22 only two available cameras that were inside at

1 the time were the lobby entrance and going
2 towards the lobby that showed altercations. I
3 was advised that they had 38 operational cameras.
4 I got video of the incident, if you would like to
5 see it?

6 CHAIRPERSON ANDERSON: Go ahead,
7 please.

8 INVESTIGATOR PUENTE: I've got video
9 if you guys would like to see that?

10 CHAIRPERSON ANDERSON: All right.
11 Hold on a minute. I believe that we have Howard
12 here. So what I'll do is I'll have you start at
13 the beginning.

14 Good morning, ma'am, can you introduce
15 yourself? Have a seat and can you introduce
16 yourself for the record, please?

17 MS. PACE: Yes, Shani Pace.

18 CHAIRPERSON ANDERSON: And who are
19 you, ma'am?

20 MS. PACE: The general manager for the
21 Howard Theatre.

22 CHAIRPERSON ANDERSON: Do you have any

1 authorization stating that you can be here today
2 to represent the theatre?

3 MS. PACE: Not with me, but I have
4 been here before representing the Howard Theatre.

5 CHAIRPERSON ANDERSON: All right.
6 Well, you can have a seat, but what I would ask
7 is, I'm not sure if it's in the record, just to
8 make sure that in the future that you provide the
9 Agency with something on letterhead saying that
10 you are authorized to represent --

11 MS. PACE: Absolutely.

12 CHAIRPERSON ANDERSON: -- the Howard
13 in these proceedings. And we had two hearings
14 this morning, Show Cause Hearings and there was--
15 no one was here for those two hearings at 9:30.

16 MS. PACE: I apologize. This is the
17 only one I knew about. I received the paperwork
18 for the 10:00 a.m.

19 CHAIRPERSON ANDERSON: All right. So
20 but I'm just saying, but it's -- so I don't know
21 what happened, where the communication -- and I
22 believe that there was representation made by the

1 Government that they had spoken to Howard and
2 they had assured them that they would have been
3 here this morning for the hearing. So I just
4 wanted to let you know that.

5 But anyway, there is a sign-in sheet,
6 please, sign-in. Can you, please, sign your name
7 in on the sign-in sheet and I'm not sure if you
8 know -- what -- so let's start over again.

9 And can -- Mr. Puente, can you
10 introduce yourself again for the record, please?

11 INVESTIGATOR PUENTE: Kevin Puente,
12 Investigator.

13 CHAIRPERSON ANDERSON: Good morning,
14 Mr. Puente.

15 LIEUTENANT HREBENAK: Lieutenant Paul
16 Hrebenak with the 3rd District.

17 CHAIRPERSON ANDERSON: I didn't hear
18 your last name, Lieutenant.

19 LIEUTENANT HREBENAK: Hrebenak.

20 CHAIRPERSON ANDERSON: Hrebenak?

21 LIEUTENANT HREBENAK: Yes.

22 CHAIRPERSON ANDERSON: Good morning

1 again, Lieutenant.

2 And you can also introduce yourself
3 again, ma'am.

4 MS. PACE: Shani Pace for the Howard
5 Theatre.

6 CHAIRPERSON ANDERSON: All right.
7 This is -- we are having a Fact-Finding Hearing
8 because there has been some concerns regarding
9 the operation of this establishment. And I think
10 there has been an issue with whether or not the
11 Howard Theatre has been cooperating in providing
12 video.

13 Basically, it's the operation and so
14 we are having this hearing to get to the bottom
15 of exactly what is going on and how is it that we
16 can ensure that the -- this business operates the
17 way we want it to operate. And so therefore, do
18 you have a copy of this -- does she have a copy
19 of the report? Can someone give her a copy of
20 the report that Mr. -- does she have a copy of
21 the report, Mr. Puente?

22 INVESTIGATOR PUENTE: Yes.

1 CHAIRPERSON ANDERSON: Yes, all right.
2 So can you just start over at the beginning and
3 tell us about this report and what -- where we
4 are, please?

5 INVESTIGATOR PUENTE: Okay. So on
6 March 11th, ABRA was contacted by MPD Detective
7 Eric Johnson from the Sexual Assault Unit about a
8 sexual assault incident that had occurred inside
9 Howard Theatre and asked about ABRA assisting in
10 getting video, because he was unable to get in
11 touch with Ms. Pace. And they were playing phone
12 tag. He emailed Ms. Pace a couple of times and
13 he asked if we could get involved.

14 I was able to contact Ms. Pace right
15 away. I was able to get a response. I went out
16 there that Friday and picked up the video for
17 Detective Johnson.

18 In reviewing the video, there was some
19 kind of altercation that occurred inside near the
20 lobby. It went outside. And sometime during the
21 altercation, there was a couple and another
22 female, someone allegedly groped the female

1 against her will.

2 And then another altercation ensued.
3 911 was called. And MPD officer did arrive on-
4 scene. And just as he arrived on-scene, several
5 of the suspects began to walk away down T Street.
6 While walking away on T Street, the officer tried
7 to stop one of the individuals and he turned and
8 assaulted the officer. I'll let the lieutenant
9 get into that.

10 He walked with one of the suspects
11 down T Street who was eventually assaulted by the
12 suspect. I'll let the lieutenant get more into
13 that.

14 On the night of the incident, there
15 was security staff working on the night. Howard
16 does have a security plan. In the security plan
17 it says there will be 45 operational cameras. In
18 reviewing the camera layout from this past
19 weekend when we were at the establishment, I
20 determined that we could only see that there was
21 28 operational cameras that were working.

22 And most of those cameras were torn --

1 or turned towards the cash registers, back of the
2 house and the bar areas, nothing really covering
3 the floor or the stage or anything that shows the
4 incident.

5 CHAIRPERSON ANDERSON: Lieutenant?

6 Lieutenant, go ahead.

7 LIEUTENANT HREBENAK: Yes. So we --
8 actually, the officer was -- received a call for
9 disorderly and was already there on the scene
10 when he was watching people as they exited the
11 club. There was a large number of people exiting
12 the club spilling onto T Street as the
13 Investigator said.

14 CHAIRPERSON ANDERSON: Can you,
15 please, pull the microphone closer to you.

16 LIEUTENANT HREBENAK: Sure.

17 CHAIRPERSON ANDERSON: Please.

18 LIEUTENANT HREBENAK: The officer had
19 already received a call for disorderly and was
20 there in the block when he saw a large crowd
21 spilling out of the Howard Theatre. He was
22 flagged down by an individual saying that she had

1 been assaulted and that the person that assaulted
2 her was walking away.

3 They had all come out of the Howard
4 Theatre together. The officer attempted to stop
5 the individuals that had assaulted her. He gave
6 several loud commands and then the person refused
7 to stop and then swung a punch at the officer.

8 At that point, he called for
9 additional assistance. We had officers respond
10 to both help with the disorderly crowd that was
11 forming around the officer, as he was trying to
12 make the arrest, and for the people that were
13 continuing to come out of the club -- I'm sorry,
14 the theatre.

15 At that point, we had about 20, 25
16 officers respond. Units from all the way up in
17 Adams Morgan respond, U Street respond, and I
18 believe it was a Sunday night if I'm not mistaken
19 and that about 20, 25 officers is about, I would
20 say, 75 to 80 percent of my deployment for that
21 night.

22 So that means people are coming down

1 from Columbia Heights, Adams Morgan, all the way
2 down to -- from the Convention Center. I had
3 seven sergeants on the scene to help control with
4 the crowd control. Myself and another lieutenant
5 had to respond then. So pretty much the entire
6 District had to show up. People, you know, other
7 than people on assignments or at the station.

8 We had to do crowd control to get
9 things under control. People had formed a circle
10 around the officer, who was trying to make the
11 arrest. We had to actually move the arrestee off
12 onto 7th Street, 7th and T Street, so that we
13 could gain control of the situation.

14 We had to block off the entire street
15 from 7th Street to Florida Avenue, because there
16 was just so many people spilling out at that
17 point and things were getting out of control.

18 I would say it took the better part of
19 an hour to get control of the situation. We had
20 to have the ambulance back out of T Street onto
21 7th Street, because it couldn't go through in
22 front of the Howard Theatre, that was for the

1 victim of the assault.

2 And then we later learned that there
3 was a sexual assault involved. This is after we
4 got everything calmed down and finally were able
5 to interview the witnesses and the complainants
6 and after we got the combative subject arrested
7 and transported.

8 This is the second time this has
9 happened. This happened again last weekend on
10 May 13th when 800 people spilled out onto T
11 Street after a Howard graduation party. A
12 similar thing, I had to bring -- it was a
13 Saturday night this time. I normally have 60 to
14 70 officers in the 3rd District working. I had
15 about 30 or 40 officers had to respond to T
16 Street. It's about half of my deployment, that
17 leaves most of Adams Morgan, U Street and
18 Columbia Heights with no officers in them,
19 because now there was such a large number of
20 people on T Street, I had to get them to close
21 off T Street.

22 No vehicular traffic, no pedestrian

1 traffic, other than the people coming out of
2 Howard Theatre. And I believe this was at 3:42
3 in the morning. And then there was a simple --
4 this is when an employee actually got assaulted
5 inside the club and then they were kicking people
6 out at 3:42. This is when the 800 people,
7 roughly, exited the theatre and were on the
8 street.

9 Again, it was most of my deployment
10 for the night. I had to respond. I had to leave
11 a sergeant on-scene to manage it, to manage crowd
12 control. And coincidentally, on May 7th, I had
13 met with Ms. Pace at the Howard Theatre to offer
14 her reimbursable detail overtime officers. I'm
15 the administrator of the program at 3rd District.

16 And I'm paraphrasing what she said, we
17 are able to handle our events. We don't need
18 help. We handle our events very well. I said
19 well, we have had some complaints from the
20 neighborhood and I have witnessed, you know,
21 issues as I have described on March 11th and she
22 again said no.

1 I sent her a follow-up email and
2 Brenda Smith, who is a civilian coordinator, also
3 contacted her and said if you need any more
4 information about the Reimbursable Detail
5 Overtime Program, please, contact me. I even
6 told her that between the hours of 8:00 p.m. and
7 4:00 a.m., it's even -- ABRA actually helps with
8 the cost of that. Again, we got no response.

9 CHAIRPERSON ANDERSON: So, Lieutenant,
10 what is it you are asking the Agency to -- you
11 know, this is a Fact-Finding Hearing, so we can't
12 order -- I mean, I know that they had an event.
13 There were 800 people. So okay, so what, they
14 had 800 people. So what is it that -- I'm being
15 facetious when I said so what.

16 LIEUTENANT HREBENAK: So yeah, I
17 understand what you're saying.

18 CHAIRPERSON ANDERSON: Right. So --

19 LIEUTENANT HREBENAK: From a
20 management -- from a police public safety
21 management perspective, (A) there was no
22 advisement to myself or any other members of the

1 3rd District who have contacted her.

2 Lieutenant Smith who works evenings
3 also contacted her. Went to -- met her in-person
4 at the Howard Theatre and even said, you know, if
5 you are having large events, give us a heads up.
6 She said when I met with her that night, it's all
7 on the website. We have a calendar.

8 The other thing is --

9 MEMBER SILVERSTEIN: Wait, wait. What
10 are you saying, they did not advise you of the
11 event or --

12 CHAIRPERSON ANDERSON: They said it's
13 on the calendar. So they are saying that they
14 advised them because it's on their calendar.

15 MEMBER SILVERSTEIN: All right.

16 LIEUTENANT HREBENAK: So she said she
17 gets plans last minute or something -- she says
18 that the time blocks that she has for events at
19 the theatre may or may not be filled. As they
20 are filled, she puts them on the website and that
21 was in effect would be my notification if events
22 were going on.

1 So there was -- there is no liaison
2 with us. If we are going to have 800 people
3 exiting a location at 3:00 in the morning on a
4 Saturday when I have U Street to contend with and
5 Adams Morgan, a little heads up would be nice.

6 Second, the request I would make is
7 obviously security was not sufficient to control
8 the crowd getting out there. While, yes, they
9 had security on-site, if you have 500 to 800
10 people exiting a club, the surrounding
11 neighborhood is (A) going to be affected, (B)
12 traffic is going to be affected, (C) pedestrian
13 traffic is going to be affected and there was no
14 control. It was just mass exodus of people,
15 especially after this event happened inside, they
16 decided to kick it -- I don't know if they
17 decided to kick everybody out at that moment, but
18 it was just hundreds of people exiting the
19 theatre with no control.

20 And then third, I would say if we had
21 an establishment like Kiss across the street
22 happened to have RDOs working, reimbursable

1 detail officers who actually went over to Howard
2 Theatre to help with the incident.

3 So another establishment, in this case
4 Kiss, was at the time acting -- in this instance,
5 was acting responsible by having the reimbursable
6 detail.

7 CHAIRPERSON ANDERSON: I think the
8 owner would feel a great deal if he would have
9 heard that. So I appreciate that.

10 LIEUTENANT HREBENAK: This instance
11 yes. They were acting responsible. They had two
12 officers working and those officers had to stop
13 what they were doing, because as our general
14 order -- even though our general orders say,
15 those officers are responsible for that block
16 when they are working detail.

17 So they had to stop what they were
18 doing, monitoring traffic in and out of Kiss and
19 in front of that establishment and go over to the
20 Howard Theatre, in effect robbing an
21 establishment of what they are paying for, what
22 they are doing, so that they could go and handle

1 Howard's problem, which I was told they handle
2 very well. And I would not agree with that, at
3 this point.

4 CHAIRPERSON ANDERSON: So if you had
5 to make recommendations, what recommendations
6 would you ask that Howard -- what is it that you
7 want Howard to do when they have these type of
8 events?

9 LIEUTENANT HREBENAK: If they are
10 going to have an event that is going to have
11 hundreds of people consuming alcohol (A) I would
12 ask that they send some sort of notification to
13 the 3rd District, especially if it's going to be
14 on a bust Saturday night and say 3rd District
15 Commander Emerman, whoever they want to liaise
16 with, me, whoever they would like to talk to, we
17 are having a large event. Please, be advised
18 it's going to go from 11:00 p.m. to 3:00 a.m.,
19 whatever their license allows just to let us
20 know.

21 Unfortunately, I don't have enough
22 time to consistently check the Howard Theatre

1 website. I have hundreds of establishments that
2 I'm responsible for on U Street and when Town
3 Nightclub on 9th Street has a large event, guess
4 what? They contact us and let us know. When
5 Cobalt has events, they let us know. So I don't
6 think it is too much to ask for you to come to us
7 and say hey, we are having a large event, such as
8 a Howard graduation event that happens annually,
9 we might want to know.

10 And secondly, I don't think it's too
11 much to ask if other establishments, much smaller
12 establishments can have RDOs present, I don't
13 understand the reason why Howard Theatre can not
14 have RDOs as well.

15 CHAIRPERSON ANDERSON: So how many
16 RDOs would it -- would you ask that, I mean, they
17 have? I mean, I'm asking you. This is -- you
18 have an opportunity to -- for the perfect world.

19 LIEUTENANT HREBENAK: Right.

20 CHAIRPERSON ANDERSON: So of course we
21 can't, but you are telling the Board and so maybe
22 we could have conversations with Howard to see

1 what they can do. So what is it that you would
2 recommend that they do regarding RDO?

3 LIEUTENANT HREBENAK: I think it would
4 need to be proportional to the event and it would
5 have to -- you would have to take into context
6 what the event was. So I believe the week before
7 that, they had a bar mitzvah. There is a lot of
8 people at the bar mitzvah and that's when I
9 actually talked to Ms. Pace. It was after the
10 bar mitzvah.

11 We didn't have any issues with the bar
12 mitzvah. It was a younger crowd. I don't think
13 there was a lot of alcohol consumption, you know,
14 because there was a lot of probably underage kids
15 there. So that maybe is an event where they
16 don't need RDOs.

17 But if you are going to have a large
18 event with hundreds of people, I would say you
19 need to put -- the RDOs need to be proportional
20 to the amount of people that are going to be
21 there. So if you are going to have 800 people
22 there, I mean, I don't know the magic number of

1 RDOs per person, but it needs to be proportional
2 to the amount of people definitely.

3 I mean, for example, Kiss Nightclub
4 has -- I don't know exactly how many, but they
5 can not fit more than a couple -- maybe a hundred
6 people inside that club and they have two
7 officers. This is 800 people with zero officers.

8 CHAIRPERSON ANDERSON: Okay. Thank
9 you. I'm going to have the Board ask questions,
10 but I'll give you an opportunity, Ms. Pace, to
11 respond to -- about this incident and what is
12 going on. And one of the things I'll say to you,
13 I have now been on the Board since -- this is my
14 third year on the Board when I first joined the
15 Board. I think they were -- Howard was here a
16 lot prior to my assuming the position on the
17 Board.

18 And I haven't heard of Howard over the
19 last couple of years, in the past two years.
20 This morning we had two Show Cause (Status)
21 Hearings. Now, we have a Fact-Finding Hearing.
22 What's going on? Why is it that now Howard is

1 now back on the radar? In a sense, negatively.

2 When I said negatively, in the sense
3 that ABRA needs to be involved. What's going on?

4 MS. PACE: So I don't know which event
5 you would like me to comment on first.

6 CHAIRPERSON ANDERSON: Comment on --
7 I think one of the reasons why you are here is
8 because, I think, this last event, in the sense
9 you didn't have enough -- I think this report was
10 about the sexual event and I think there is some
11 issue with turning cameras over to MPD. So why
12 don't you let us know about that factor and maybe
13 you can arrest -- you can address the other
14 incidents as addressed by the --

15 MEMBER SHORT: Ms. Pace, pull the mike
16 a little closer to you.

17 MS. PACE: Sure.

18 CHAIRPERSON ANDERSON: -- as the
19 Lieutenant mentioned.

20 MS. PACE: Okay. Well, the first
21 incident, which I guess is being considered
22 sexual assault, was a Friday night promoter

1 event. I read through the paperwork and the
2 report and it sounds mildly inaccurate to what
3 actually happened.

4 CHAIRPERSON ANDERSON: Then you need
5 to correct the record what is it --

6 MS. PACE: Okay.

7 CHAIRPERSON ANDERSON: -- from your
8 perspective what happened.

9 MS. PACE: All right. So this sounds
10 very random and that might just be how I'm
11 reading the sub-text, but from my understanding
12 of the situation, this was a couple or rather a
13 guy with his not girlfriend that attended the
14 event.

15 The girlfriend continuously kept
16 calling the guy's phone, which is what caused the
17 couple to get into a verbal argument. I guess it
18 was mildly loud and one of the servers observed
19 this, so she immediately grabbed security, our
20 in-house security.

21 Our in-house security tried to diffuse
22 the situation and escort both people out as per

1 the ABRA request for a security plan. I guess as
2 they were exiting the establishment, the guy
3 trying to reach over to his not girlfriend,
4 grazed her breast. That is what was construed as
5 sexual assault. That absolutely happened. You
6 can see that on the footage, which I was happy to
7 turn over.

8 Then from my understanding following
9 that, once the couple made it outside, the
10 girlfriend was actually there. That escalated
11 into something very different as now the
12 girlfriend was involved in the situation. The
13 not girlfriend ended up getting injured.

14 I'm not entirely clear by whether it
15 was the guy or his girlfriend. What I do know is
16 that one of my security officers who placed the
17 911 call, they assisted in trying to diffuse the
18 situation even when it was outside. And I know
19 that the guy was fleeing from the arresting
20 officer and my security team still continued to
21 try to assist with that as well.

22 Since -- from what my security team

1 explained to me, the guy took off running
2 towards, I guess that would be, 7th Street. And
3 they attempted to help with that situation as
4 well.

5 We were staffed according to what our
6 security plan requires.

7 CHAIRPERSON ANDERSON: What's -- tell
8 me how many people were there and what was the
9 staffing level, please?

10 MS. PACE: So we do one security for
11 every 50. I don't recall the specific click, but
12 it was probably, I would say, 900 most likely.

13 CHAIRPERSON ANDERSON: So about how
14 many security that you had in that -- I don't
15 want you to say that we do one for every 50.

16 MS. PACE: Oh.

17 CHAIRPERSON ANDERSON: I'm trying to
18 find specifically.

19 MS. PACE: I had 20 that night.

20 CHAIRPERSON ANDERSON: They had 20
21 security that night?

22 MS. PACE: Yes. And I turned over the

1 log-in sheet, so security documents every single
2 person that works, so we have a sign-in sheet for
3 security. I turned that over as well along with
4 our in-house incident reports. So I provide one
5 for the company and then security provides one as
6 well. I turned both of those over in addition to
7 a copy of the sign-in sheet.

8 CHAIRPERSON ANDERSON: So there is an
9 allegation that either yourself or someone from
10 the establishment was not cooperating with
11 Inspector Johnson regarding, I think, the
12 incident. What can you state about whether or
13 not the -- your company was providing information
14 as requested by MPD?

15 MS. PACE: So that would have been me.
16 That wasn't anybody else and I guess we played
17 phone tag or email tag for a while and I
18 apologize if it came across as my being evasive,
19 that was not at all the case, because the moment
20 I received the email from ABRA, I think, I
21 responded within less than an hour.

22 So it might have just been bad

1 circumstance and I again apologize if it came
2 across as my trying to avoid anything, because
3 that's, obviously, not the case. But I on most
4 shows run as a solo manager, so there is a lot of
5 emails and phone calls and turmoil that I deal
6 with outside of the shows, so it's again, not
7 intentional.

8 I returned the phone call as soon as
9 I received the voicemail. I didn't get a reply
10 and then I guess when I was contacted back, I
11 didn't answer the phone immediately. Again, I
12 apologize if that came across as my trying to be
13 evasive, but that was not at all the case.

14 I'm happy to cooperate, just like I am
15 happy to provide a list of the shows. My
16 statement that night when I was asked absolutely
17 correct was yes, we always put everything we have
18 up on the website. We occasionally do get last
19 minute bookings, just because we may have thought
20 something else would get contracted and it ended
21 up not getting and so we settled on a secondary
22 show or a different event, but the moment that

1 things get finalized, they do automatically get
2 uploaded to the website.

3 That was my statement. Again, I
4 apologize if that came off the wrong way, but
5 when I first started at the Howard, we did
6 actually have a liaison within MPD who I provided
7 monthly. And then as things got added last
8 minute, I updated according to that. I am happy
9 to do that again. We are not trying to hide
10 anything. I want to be cooperative. So if that
11 makes everyone's life easier, again, I'm very
12 happy to do that.

13 CHAIRPERSON ANDERSON: So Lieutenant,
14 Ms. Pace has stated that there at one point was a
15 liaison that she contacted, so how can we get
16 this system back in place, since, at least what
17 I'm hearing is that, we don't have a problem
18 doing -- providing you the information. So who
19 is this? How can we establish the chain that
20 they will have a liaison to make sure that your
21 office will know what is going on at the
22 facility?

1 LIEUTENANT HREBENAK: Yes, sir. I
2 mean, I would venture to say I already offered
3 myself up as a liaison. I have already emailed
4 Ms. Pace about the RDO program, so if she --

5 CHAIRPERSON ANDERSON: Well, not
6 necessarily as an RDO. I think we are -- we
7 haven't got to the RDO yet. We are just talking
8 about the liaison in the sense that -- I think
9 one of the things that you stated was that you --
10 as other establishments when they have large
11 events, they have informed you that they are
12 having a large event. And so you, therefore,
13 want them to do the same.

14 LIEUTENANT HREBENAK: Yes.

15 CHAIRPERSON ANDERSON: So I'm --

16 LIEUTENANT HREBENAK: That would be me
17 as well.

18 CHAIRPERSON ANDERSON: All right. So
19 at this stage --

20 LIEUTENANT HREBENAK: Independently.

21 CHAIRPERSON ANDERSON: We haven't
22 gotten to the RDO yet. It's just a liaison in

1 the sense that from what I'm told is that Howard,
2 they don't have a problem doing that, so I just
3 want to make sure that both parties are aware who
4 is it that they need to -- how this communication
5 is going to occur.

6 MEMBER ALBERTI: May I ask --

7 CHAIRPERSON ANDERSON: Yes, Mr.

8 Alberti.

9 MEMBER ALBERTI: -- a question? So I
10 am a little bit confused, because, Ms. Pace, I
11 didn't hear you say that you would contact MPD.
12 What I heard you say was that you would update
13 your list.

14 CHAIRPERSON ANDERSON: No.

15 MEMBER ALBERTI: Let me finish. Let
16 me finish. Update your list of events.

17 CHAIRPERSON ANDERSON: That's not what
18 she said.

19 MEMBER ALBERTI: No, wait, wait. Am
20 I mistaken?

21 CHAIRPERSON ANDERSON: Yes.

22 MEMBER ALBERTI: Did you tell us that

1 you would contact MPD?

2 MS. PACE: I'm happy to contact MPD.

3 MEMBER ALBERTI: Every time you have
4 an event?

5 CHAIRPERSON ANDERSON: Hold on.

6 MEMBER ALBERTI: Okay. Fine.

7 CHAIRPERSON ANDERSON: Mr. Alberti,
8 hold on one minute.

9 MEMBER ALBERTI: I didn't hear it. I
10 just want to make sure.

11 CHAIRPERSON ANDERSON: What she said
12 is that at one point we did have a liaison with
13 MPD. And so what she also stated is that I don't
14 have a problem returning to that. And so that's
15 one of the reasons why I'm saying is that I was
16 trying to get clear with --

17 MEMBER ALBERTI: Fine. Thank you.

18 CHAIRPERSON ANDERSON: -- the
19 Lieutenant that we are going to re-establish that
20 contact.

21 MS. PACE: So we have certain shows or
22 certain events that get booked months out, so

1 those are easier. But to my point, to the
2 Lieutenant was that we happened to have certain
3 events that do get booked. By last minute, I
4 mean within that same month or within a couple of
5 weeks of that date, because we would have had
6 several things on hold.

7 One contract didn't go through,
8 something else did. Again, I'm happy to whatever
9 is easier, whether it's an email or a phone call
10 or whatever it is to update whatever the before
11 list was.

12 CHAIRPERSON ANDERSON: Well, let me
13 ask you a question, Lieutenant. What is it that
14 for other establishments, because I'm not going
15 to ask them to do any -- at least the contact
16 part, I want to use the same type of channels
17 that you said like Town or other organizations.

18 So what type of notification do you
19 get from these other establishments in the sense
20 of when they are having large --

21 LIEUTENANT HREBENAK: All right. So--

22 CHAIRPERSON ANDERSON: -- yeah.

1 LIEUTENANT HREBENAK: -- I mean, I'm
2 going to talk a little about the RDO program. I
3 know we are going to address that separately, but
4 places like Town and Cobalt will contact us or
5 Brenda Smith, the civilian coordinator, and say
6 we are having a large event on Saturday, this
7 Saturday, which we don't normally have RDO
8 services, let MPD know and I would like to hire
9 two RDO.

10 MEMBER ALBERTI: When do they contact
11 you? I think that's the question.

12 CHAIRPERSON ANDERSON: Right.

13 LIEUTENANT HREBENAK: Oh, as soon as
14 they know they are going to do it. I think they
15 only need to -- Brenda Smith only requires 72
16 hours notice and I mean I get -- when Heaven and
17 Hell, for example, is reinstated with the RDO
18 program, I had 24 hours to start booking officers
19 for overtime for the weekend. It was like a
20 Thursday morning I got the notification.

21 So there is literally no lead time.

22 CHAIRPERSON ANDERSON: Okay. All

1 right.

2 LIEUTENANT HREBENAK: Yeah. I mean,
3 and I work every weekend, so all it takes is an
4 email and I'm the Watch Commander on weekends.

5 CHAIRPERSON ANDERSON: Okay.

6 LIEUTENANT HREBENAK: Okay. And I was
7 wondering if I might speak to the -- she said the
8 security assistant, the officer.

9 CHAIRPERSON ANDERSON: Sure. Go
10 ahead.

11 LIEUTENANT HREBENAK: I just happen to
12 do the Use of Force investigation and, therefore,
13 watched the body-worn camera footage, at least
14 what was available, because the officer's camera
15 actually got turned off by the struggle. I
16 didn't -- I'm not sure what you mean by the
17 security assisting him, because what happened was
18 officers actually surrounded and had to actually
19 call, what we call a 10-33, which means that an
20 officer needed assistance.

21 And there was -- when I watched the
22 body-worn camera footage, there was no security

1 pursuing the individual. The officer was
2 pursuing him alone. And certainly when I arrived
3 on the scene, other officers arrived on the
4 scene, I was watching body-worn camera, there was
5 no security assisting there.

6 So I don't know if they assisted
7 inside or how it worked, but I will push-back a
8 little bit on that, as far as the security
9 assisting him.

10 CHAIRPERSON ANDERSON: Do you have
11 anything else you want to add, Ms. Pace? I'm
12 going to have the other Board Members ask
13 questions. All right. Any questions by any of
14 the Board Members? Yes, go ahead, Mr. Alberti.

15 MEMBER ALBERTI: So I'm going to go
16 off track here. I'm going to go to another event
17 that you mentioned, Lieutenant. And you said
18 that there was an occasion where an employee
19 recently was assaulted inside?

20 LIEUTENANT HREBENAK: Correct.

21 MEMBER ALBERTI: Do you know the date
22 of that?

1 LIEUTENANT HREBENAK: Yes, I do. Give
2 me one second. It was May 13th.

3 MEMBER ALBERTI: May 13th.

4 LIEUTENANT HREBENAK: The Saturday
5 night into Sunday morning.

6 MEMBER ALBERTI: Has ABRA been made
7 aware of that?

8 LIEUTENANT HREBENAK: Yes.

9 MEMBER ALBERTI: Okay. So the 251 has
10 gone over to ABRA?

11 LIEUTENANT HREBENAK: Yes, correct.

12 INVESTIGATOR PUENTE: I was on-scene
13 for that.

14 MEMBER ALBERTI: Okay. So we will be
15 getting a report on that one?

16 INVESTIGATOR PUENTE: Yes, and I got
17 video and photos as well. I can show you if you
18 would like.

19 MEMBER ALBERTI: You have got video
20 from inside the club?

21 INVESTIGATOR PUENTE: Of the
22 altercation leading up to what happened outside.

1 MEMBER ALBERTI: Oh, okay. From
2 inside the club?

3 INVESTIGATOR PUENTE: Yes.

4 MEMBER ALBERTI: Great. Let me make
5 sure --

6 MEMBER SHORT: When you say club, Mr.
7 Alberti, you meant theatre?

8 MEMBER ALBERTI: Yeah, but in my mind,
9 the way they conduct themselves is more like a
10 club. But yes, so excuse me if I refer to them
11 as a club.

12 And I see that -- I say that, Ms.
13 Pace, for your edification, because you really
14 are -- this place is conducting itself as a
15 nightclub on these occasions and not as a
16 theatre, not as I ever expect a theatre to
17 conduct itself. So just so you know where, at
18 least, I'm coming from.

19 So, Investigator Puente, we were given
20 a show of what 12 video cameras or 16 video
21 screens, all right?

22 INVESTIGATOR PUENTE: Yes.

1 MEMBER ALBERTI: So you were able to
2 spot this, what led up to the event on one of
3 these?

4 INVESTIGATOR PUENTE: So this is from
5 Sunday, May 13th. Myself, Investigator Townsend
6 and Peru --

7 MEMBER ALBERTI: Right.

8 INVESTIGATOR PUENTE: -- asked to see
9 video coverage of the incident that led up to the
10 altercation.

11 MEMBER ALBERTI: Okay.

12 INVESTIGATOR PUENTE: And as we were
13 reviewing the cameras, we were shown all the
14 available cameras, as you can see, most of the
15 cameras, if not all, are either at the lobby or
16 at the bar or service wells and back of the
17 house.

18 Investigator Peru asked where is all
19 the cameras for the seeing the stage and all the
20 patron areas and everything? And none could be
21 located.

22 MEMBER ALBERTI: All right. Thank

1 you. So, Ms. Pace -- can we give Ms. Pace a copy
2 of this? Are you familiar with the layout of the
3 club, Ms. Pace?

4 MS. PACE: Yes.

5 MEMBER ALBERTI: Are you familiar with
6 the security video system?

7 MS. PACE: Yes, sir.

8 MEMBER ALBERTI: All right. Can you
9 go through all six of these and tell us what we
10 are seeing? Starting with the top right hand
11 corner going across the top to the second row,
12 the third row and then the fourth row. Tell us
13 exactly and we will label it 1. The top row is
14 1, 2, 3, 4. And then the next row is 5, 6, 7, 8.
15 If you would tell us quickly what each of those
16 cameras is focused on.

17 CHAIRPERSON ANDERSON: Hold on, Mr.
18 Alberti. Did you say you had video, live video?

19 INVESTIGATOR PUENTE: Yes.

20 CHAIRPERSON ANDERSON: Well, is it
21 covering the same thing?

22 INVESTIGATOR PUENTE: It's of the

1 altercation that led to the --

2 CHAIRPERSON ANDERSON: Oh, so it
3 doesn't cover it all.

4 MEMBER ALBERTI: Can you -- I'm not
5 sure which one --

6 INVESTIGATOR PUENTE: Yeah.

7 MEMBER ALBERTI: -- Ms. Pace has two
8 of them there?

9 MS. PACE: Yes.

10 INVESTIGATOR PUENTE: Right.

11 CHAIRPERSON ANDERSON: So I was trying
12 to see if you had live video, then we could look
13 at the live video and ask the questions. But the
14 live video is not covering these camera angles.

15 MEMBER ALBERTI: So which one is Ms.
16 Pace -- so --

17 CHAIRPERSON ANDERSON: Go ahead and
18 ask your question, Mr. Alberti.

19 MEMBER ALBERTI: Can you point,
20 Investigator Puente, do you know which one Ms.
21 Pace has?

22 MS. PACE: I have both.

1 INVESTIGATOR PUENTE: She has both of
2 them.

3 MEMBER ALBERTI: All right. And can
4 someone -- can you tell me how they differ?

5 INVESTIGATOR PUENTE: These are two
6 different screens that Ms. Pace showed us. As
7 you see, Camera 1, 2, 3 and 4 up top on this
8 page.

9 MEMBER ALBERTI: All right. So are
10 they showing --

11 INVESTIGATOR PUENTE: They are two
12 different DVR showing different monitors,
13 cameras.

14 MEMBER ALBERTI: Two different DVRs
15 showing different monitors. So there is 32
16 cameras in here?

17 INVESTIGATOR PUENTE: The security
18 plan calls for 45. I only counted 28 working.

19 MEMBER ALBERTI: Okay. So let's go
20 through real quickly. Which one do we want to go
21 through? You tell me which one is first and
22 which one is second. A and B.

1 INVESTIGATOR PUENTE: Oh, A.

2 MEMBER ALBERTI: That's A? Okay. So
3 Ms. Pace, start with A and tell me which one --
4 what we are seeing.

5 MS. PACE: The top you want me to
6 start on the right side top row?

7 MEMBER ALBERTI: Yep.

8 MS. PACE: Okay.

9 MEMBER ALBERTI: Real quickly. Just
10 real quickly, just say, you know, behind the bar,
11 from lobby, dance floor, stage, whatever we are
12 seeing.

13 MS. PACE: Okay. Office, bar to
14 stairwell, downstairs dressing rooms, kitchen, I
15 can't actually tell from that one. Oh, liquor
16 room.

17 MEMBER ALBERTI: Wait, what?

18 MS. PACE: The camera, second row to
19 the right.

20 MEMBER ALBERTI: No, no, I want --
21 start with the left hand side and go across,
22 please.

1 MS. PACE: Oh, I apologize.

2 MEMBER ALBERTI: Yes.

3 MS. PACE: Kitchen, downstairs
4 dressing rooms, lobby to bar, stairwell, office.

5 MEMBER ALBERTI: No, no, wait. So
6 I've got office, bar, bar to stairwell, dressing
7 rooms, kitchen and then I've got this one which
8 has two doors on it. Which one is that?

9 MS. PACE: That's the lobby.

10 MEMBER ALBERTI: That's the lobby.

11 Okay. Continue.

12 MS. PACE: The second one is the
13 opposite end of the kitchen, service elevator,
14 liquor room, the second hallway and the basement
15 leading to the dressing rooms, second office,
16 downstairs lobby by the restrooms, box office and
17 lobby, downstairs storage, back end of kitchen.

18 MEMBER ALBERTI: Okay. The next one?

19 MS. PACE: Balcony, stairwell.

20 MEMBER ALBERTI: Um-hum.

21 MS. PACE: Lobby.

22 MEMBER ALBERTI: All right.

1 MS. PACE: Bar.

2 MEMBER ALBERTI: Um-hum.

3 MS. PACE: Back stage side doors.

4 MEMBER ALBERTI: Um-hum.

5 MS. PACE: The second end of the back
6 stage.

7 MEMBER ALBERTI: Um-hum.

8 MS. PACE: Walk into lobby.

9 MEMBER ALBERTI: Um-hum.

10 MS. PACE: Server side station.

11 MEMBER ALBERTI: Um-hum.

12 MS. PACE: Side doors.

13 MEMBER ALBERTI: Um-hum.

14 MS. PACE: Outside the front doors.

15 MEMBER ALBERTI: Um-hum.

16 MS. PACE: Second floor bar.

17 MEMBER ALBERTI: Um-hum.

18 MS. PACE: I can't really tell, it's
19 so fuzzy. I apologize, I can't tell what that
20 is.

21 MEMBER ALBERTI: So okay, so you can't
22 tell which one that is?

1 MS. PACE: It just looks fuzzy to me,
2 so I can't tell.

3 MEMBER ALBERTI: All right. The next
4 one?

5 MS. PACE: It looks like one of -- oh,
6 it's the -- I'm sorry, it's the server side
7 station on the second floor.

8 MEMBER ALBERTI: Um-hum.

9 MS. PACE: Lobby, first floor bar,
10 second floor bar.

11 MEMBER ALBERTI: Okay. Investigator
12 Puente, you heard all of that.

13 INVESTIGATOR PUENTE: Yes.

14 MEMBER ALBERTI: You are familiar with
15 this, right?

16 INVESTIGATOR PUENTE: Yes.

17 MEMBER ALBERTI: How much of the
18 publicly accessible area is not covered by the
19 cameras?

20 INVESTIGATOR PUENTE: Well, a large
21 amount. I mean, the main stage area and patron
22 area is not covered.

1 MEMBER ALBERTI: Where people
2 socialize and dance?

3 INVESTIGATOR PUENTE: Yes.

4 MEMBER ALBERTI: Not covered?

5 INVESTIGATOR PUENTE: No. Also
6 Investigator Brashears, he did the camera point
7 out check two years ago. He would know more
8 about the camera position as well, if you wanted
9 him to --

10 MEMBER ALBERTI: Okay. So --

11 CHAIRPERSON ANDERSON: Investigator
12 Brashears, can you come forward, please, and
13 identify yourself for the record? All right.

14 INVESTIGATOR BRASHEARS: Investigator
15 Mark Brashears from ABRA.

16 CHAIRPERSON ANDERSON: Can you tell us
17 about what it is that you know about the camera
18 system at Howard, the Howard Theatre, please?
19 Since we are talking about the camera, then maybe
20 you can help -- Mr. Alberti can ask some further
21 questions.

22 INVESTIGATOR BRASHEARS: Yes, sir. I

1 was tasked with conducting investigations at
2 Howard Theatre. Numerous times in the past,
3 approximately 12 investigations, during that time
4 frame, there were 38 operational cameras with
5 recording capacity of 30 days. Due to an issue
6 with a female falling over the balcony, a
7 subsequent issue with someone being injured in
8 the vestibule and a sex abuse case that happened
9 in the stairwell, at the request of the Board, I
10 did a camera review at the establishment and,
11 basically, those areas didn't have any camera
12 coverage.

13 So the original 38 covered a very good
14 chunk of the establishment, with the exception of
15 those three areas I mentioned. Seven cameras
16 were added to cover the stairwells, the balcony
17 and the vestibule area, in essence, giving all
18 the public access areas and the perimeter, the
19 outside of the building, camera coverage.

20 MEMBER ALBERTI: So can I ask a
21 question?

22 CHAIRPERSON ANDERSON: Yes, go ahead.

1 MEMBER ALBERTI: So thank you,
2 Investigator Brashears. When was this,
3 approximately?

4 INVESTIGATOR BRASHEARS: I want to say
5 2015.

6 MEMBER ALBERTI: Okay. Did you
7 follow-up to make sure that most, if not all, of
8 the publicly accessible areas were covered by the
9 cameras?

10 INVESTIGATOR BRASHEARS: Yes, sir.
11 After -- basically the establishment submitted
12 the security plan with the addition of the
13 cameras, I went out and viewed them and,
14 basically, I saw that we were looking to make
15 sure there were no camera blindspots in any of
16 the public areas where they would have access.
17 And during the inspection, I want to say it was
18 the fall of 2015, all the areas were covered.

19 MEMBER ALBERTI: So I'm going to ask
20 you something that's obvious to me, but I'll ask
21 you. You have seen these pictures and you have
22 heard the description of the cameras coverage,

1 right?

2 INVESTIGATOR BRASHEARS: Yes, sir.

3 MEMBER ALBERTI: Okay. So would you--
4 would it be your conclusion or assessment that
5 the cameras have been -- camera angles have been
6 altered since your review in 2015?

7 INVESTIGATOR BRASHEARS: Well, I mean,
8 yes, sir. There is obviously a substantial
9 number less than my last viewing.

10 MEMBER ALBERTI: Okay. Great. Ms.
11 Pace?

12 MS. PACE: Yes, sir.

13 MEMBER ALBERTI: Do you have a copy of
14 the club's -- excuse me, the theatre's security
15 plan here or at the theatre?

16 MS. PACE: At the theatre, yes, sir.

17 MEMBER ALBERTI: If you went back to
18 it, could you get it right away?

19 MS. PACE: Yes.

20 MEMBER ALBERTI: Okay. You could find
21 it right away. You know exactly where it is?

22 MS. PACE: Yes.

1 MEMBER ALBERTI: Great. Our records
2 show that in the security plan it says that the
3 security plan has a blueprint of where the
4 cameras, the angles, the coverage of the cameras.
5 It's a diagram showing what is covered by the
6 cameras.

7 MS. PACE: Okay.

8 MEMBER ALBERTI: Okay? We don't have
9 that. For some reason, I don't know whether we
10 didn't get it or that we lost it, we don't have
11 it. Can you provide that blueprint by COD today?

12 MS. PACE: I don't know that I have
13 ever seen a blueprint. I know that I have seen a
14 detailed written description of the locations.

15 MEMBER ALBERTI: So you don't have --
16 so you are telling us that even though the
17 security plan tells us that there is a diagram,
18 you have never seen it?

19 MS. PACE: Personally. That doesn't
20 mean it doesn't exist. It could be sitting at
21 the corporate office. I am happy to look for it
22 though. I personally have not seen one. No,

1 sir.

2 MEMBER ALBERTI: This is of great
3 concern to us. Absolutely great concern. And it
4 really tells me, and I'll end here, but this
5 really tells me of the attitude of how Howard
6 Theatre and its management views its
7 responsibility. I have no further questions.

8 CHAIRPERSON ANDERSON: Any other
9 questions by -- yes, Mr. Short?

10 MEMBER SHORT: Yes, good morning
11 still, Ms. Pace. Ms. Pace, what's the total
12 occupancy of the Howard Theatre?

13 MS. PACE: Fully standing is 1,200.

14 MEMBER SHORT: 1,200. And those are
15 placards to the -- that are posted in the
16 theatre?

17 MS. PACE: The capacity --

18 MEMBER SHORT: The placard says what
19 the total capacity is that DCRA puts in?

20 MS. PACE: On the permits, yes, but
21 it's not placard-posted.

22 MEMBER SHORT: It's not posted on the

1 wall anywhere?

2 MS. PACE: Well, we have the COI and
3 that sitting within the box office and behind the
4 bar and on both of those it states the capacity.

5 MEMBER SHORT: Okay. I'm kind of
6 familiar with that. I think that is supposed to
7 be posted conspicuously on the wall in the
8 theatre, but you're going to take care of that, I
9 guess?

10 MS. PACE: Yes.

11 MEMBER SHORT: All right. Thank you.
12 And also you mentioned something about promoter
13 events. So when you have promoter events, do
14 they provide their own security or Howard
15 provides it?

16 MS. PACE: Howard.

17 MEMBER SHORT: So how do you control
18 how many tickets a promoter sells?

19 MS. PACE: Well, that's generally
20 contracted in advance by the Booking Department.

21 MEMBER ALBERTI: Actually, I have
22 further questions.

1 MS. PACE: And we get updates
2 accordingly. I normally tend to staff on the
3 safer end of things, so would rather end up with
4 not to say too much security, but more than what
5 is needed versus less than what is needed.

6 MEMBER SHORT: So okay. I guess the
7 point I'm trying to find out is the night of the
8 incident where the Lieutenant testified there
9 were 800 to 900 people on the street, how many
10 people were in the club that -- meaning the
11 theatre that night?

12 MS. PACE: If I remember correctly,
13 the click was 842.

14 MEMBER SHORT: 842. And how many
15 personnel, I mean, how many security did you have
16 working that night?

17 MS. PACE: 25.

18 MEMBER SHORT: 25. So how are they
19 stationed, the security persons? When you have
20 800 people in the theatre and -- because I'm just
21 trying to think in my mind the testimony we heard
22 before. And we mentioned to the last person who

1 were there with Howard that security on the front
2 should be really revved up, because that's the
3 main way in and the main way out, correct?

4 MS. PACE: Yes.

5 MEMBER SHORT: And so we were promised
6 that there would be extra security in the lobby
7 area. So do you have that now?

8 MS. PACE: So we have had -- we had
9 six outside monitoring the lines. We had two, I
10 believe, in the lobby on both ends leading into
11 the main theatre. There were two upstairs in the
12 balcony. There was one back stage. There was
13 two on either side of the main bar. I know there
14 was one downstairs in the basement lobby. And
15 then there were two on opposite ends of the pit,
16 so either side of the theatre.

17 MEMBER SHORT: Okay. So it sounds
18 like you pretty much know where the -- or the
19 manager should know where the security is.

20 MS. PACE: So we generally try to keep
21 the same points to make sure that everything is
22 covered as humanly possible.

1 MEMBER SHORT: Now, I'm going to have
2 to explain myself a little bit, before I ask this
3 next question, so that I don't go around the
4 Board and what our authority is.

5 The RDO questions that were asked
6 earlier, they have been asked before. Why does
7 not Howard have an RDO?

8 MS. PACE: I don't have an answer.

9 MEMBER SHORT: Well, I guess the
10 question I want to ask then, do you think you may
11 need an RDO?

12 MS. PACE: I mean, I can understand
13 the concern and the benefit of having one,
14 absolutely.

15 MEMBER SHORT: So you knowing the
16 concerns and the benefits, we can't require you
17 to do anything here today at this hearing, but we
18 can only just ask questions that might lead to a
19 better understanding or a better management of
20 the properties.

21 What would be the drawback of Howard
22 not having an RDO? From a manager's point,

1 management point of view.

2 MS. PACE: I guess having MPD already
3 there simplifies. It is a deterrent. I know we
4 have had that conversation before. The visual
5 aspect of having MPD officers on-site is a
6 deterrent to negative behavior. I can only see
7 positives to it.

8 MEMBER SHORT: Okay. Which leads me
9 to ask if you know that and you feel that way
10 about it, then why haven't or why has not Howard
11 gotten RDO?

12 MS. PACE: I can't speak to the past.
13 I recently returned to Howard. And Mr. Ellis and
14 I actually spoke about that yesterday about the--

15 MEMBER SHORT: We have heard from Mr.
16 Ellis. We have had him here several times.

17 MS. PACE: Yes.

18 MEMBER SHORT: I'm surprised he is not
19 here today.

20 MS. PACE: He had something with his
21 son he had to do.

22 MEMBER SHORT: Oh, okay.

1 MS. PACE: His son -- so I told him I
2 would come in his place. But we actually did
3 have that conversation yesterday and so looking
4 to the possibility to adding. And again, like
5 the Lieutenant said, it's -- I don't deem it
6 necessary to every single event that we have. We
7 have a lot of private events like the bat mitzvah
8 that we had last weekend. A lot of it is very
9 family-friendly.

10 However, for the later crowds, for the
11 later nights, for the promoter-type events, I can
12 absolutely see the benefit.

13 MEMBER SHORT: And most promoters,
14 what is the number, the occupancy of the -- a
15 normal promoter who would rent Howard?

16 MS. PACE: So it's a standing room
17 only event, so the occupancy or their ability of
18 capacity would be 1,200. That is not to say they
19 always hit that number, but that would be their
20 capacity on those.

21 MEMBER SHORT: Which leads me now to
22 ask if you know you are going to have a promoter

1 and you know they are going to come pretty close
2 to capacity, then promoted events should have an
3 RDO. I mean, I'm asking you would that seem
4 reasonable for the management --

5 MS. PACE: Yes.

6 MEMBER SHORT: -- to consider that?

7 MS. PACE: Yes.

8 MEMBER SHORT: So are you going to
9 have a talk with Mr. Ellis about that?

10 MS. PACE: Yes.

11 MEMBER SHORT: And do your liaison
12 with the Lieutenant, then maybe that can come up
13 again and --

14 MS. PACE: Absolutely.

15 MEMBER SHORT: -- because basically
16 what happens is Howard University or Howard
17 Theatre means a lot to Washington, D.C. and to
18 LeDroit Park and to that whole area and we can't
19 have these kind of incidents continue, especially
20 with a liquor license there because we are
21 talking about 1,200 people, 800, 900 people
22 drinking alcohol and not properly supervised,

1 then we can look forward to more incidents like
2 this, which gives me nightmares.

3 MS. PACE: Yes.

4 MEMBER SHORT: And I would imagine as
5 management, would do the same to you.

6 MS. PACE: Yes.

7 MEMBER SHORT: So can I ask you, can
8 you give me a suggestion or can you tell me what
9 it looks like with RDO and Howard now? I mean,
10 we can't require you to do anything, so what do
11 you think is the best way to -- I, as a Board
12 Member, am quite concerned about it. I can only
13 speak about my concern. I don't know about the
14 rest of the Board Members.

15 MEMBER ALBERTI: Yes.

16 MEMBER SHORT: But I have heard the
17 testimony and you come off as a very legitimate
18 person. So what are we going to do with -- as
19 far as the RDO goes?

20 MS. PACE: I need to --

21 MEMBER SHORT: What can we do?

22 MS. PACE: -- well, to be completely

1 fair, I am not the say-all, unfortunately, to all
2 decisions. And I hate to say this, but I feel
3 like if I were the say-all to all decisions, we
4 would have had RDO a long time ago. But I am
5 working on making that happen.

6 MEMBER SHORT: Okay. Now, also I have
7 got to get this question in. You have heard the
8 testimony from the Lieutenant. This melee or
9 fight that occurred, sexual assault allegedly,
10 all of the police officers in this District were
11 in front of your establishment, which meant the
12 rest of the citizens in that area had no
13 protection.

14 And you have a liquor license, which
15 is very valuable and a part of your business
16 model. We can't continue to have that. And
17 listen, what really happens is your history gets
18 piled up, sooner or later it's going to come to a
19 head and this Board is going to have to make a
20 decision whether or not Howard is going to
21 continue to have a liquor license if these kind
22 of incidents keep occurring.

1 MS. PACE: Understood.

2 MEMBER SHORT: So what guarantee can
3 you give the Board that you are going to do more
4 to make sure these things don't continue? What
5 can you say to us, as a Board, today or any
6 commitment you can make that when you have
7 motives and you have 1,200 people and you are
8 going to liaison with the Lieutenant, all these
9 things sound good here today, but apparently we
10 have heard them before.

11 MS. PACE: I understand.

12 MEMBER SHORT: And here we are again
13 in the same place we started. I'm quite, quite
14 concerned. And I want to -- I just want to hear
15 what your concern is and what you are going to
16 commit -- I know you are not the say-all, as you
17 said, but what can you say to us to make at least
18 me feel better today before we leave here?

19 MS. PACE: My concerns are completely
20 shared with you 100 percent. And I wish I had
21 the ability to do things completely my way,
22 unfortunately, that's not the case. I don't

1 believe in making promises I can't keep.

2 What I can promise you is that I am
3 happy to liaison. I am happy to share any
4 information that is required by MPD by all means
5 as often as they would like it from me. And I
6 absolutely give you my word that I am going to
7 fight to the best of my ability to get RDOs
8 placed on these promoter late night events.

9 MEMBER SHORT: Okay. And I would also
10 like to say to you I'm only one vote for licenses
11 that come before us that have problems. And I
12 wouldn't like to think to say to anyone what I
13 would or would not do without hearing all of the
14 circumstances, but this can't continue.

15 MS. PACE: I understand.

16 MEMBER SHORT: That's all I have, Mr.
17 Chair. Thank you.

18 CHAIRPERSON ANDERSON: Any other --
19 Mr. Silverstein?

20 MEMBER SILVERSTEIN: Yeah, I would
21 like to go over what I have heard from all of you
22 here and share some thoughts with you.

1 Ms. Pace, you were told that 75 to 80
2 percent of the total deployment available in the
3 3rd District had to be sent to outside of your
4 establishment to quell a melee and to maintain
5 peace and order.

6 MS. PACE: Um-hum.

7 MEMBER SILVERSTEIN: That meant that
8 only 20 to 25 percent of the total deployment of
9 the entire 3rd District was available to protect
10 over 70,000 people. That, to me, to this Board
11 Member, constitutes an imminent danger to public
12 safety. And that is a very serious legal
13 threshold. I'm speaking as one Board Member. It
14 is that much concern to me.

15 You have stated that you are willing
16 to have the Lieutenant as the liaison and to work
17 with him. You have stated and I agree that, as
18 one Board Member, an RDO may not be necessary for
19 every single event. That if there is a small
20 event, if there is a family event, things of
21 those sort, that it may not be absolutely
22 necessary at that point to have an RDO.

1 And I can understand that, but if
2 there is a large event, if there are things you
3 are not sure, I would say that you should consult
4 with the police. First of all, inform them, so
5 that they are not blindsided. And second of all,
6 if they believe and you believe that maybe you
7 should have an RDO, you should.

8 We are not at the point right now
9 where we can order it. But if things occur that
10 are really bad, then we can and you will not have
11 the option that you have now of saying well,
12 maybe we shouldn't have one here and maybe this
13 does not rise to that occasion. We can impose
14 things in those types of situations that will not
15 give you the flexibility.

16 MS. PACE: Yes, sir.

17 MEMBER SILVERSTEIN: Please take that
18 back to your management and, please, do not put
19 us in the situation where things go south and we
20 are all forced to do things that are much more
21 difficult for all of us.

22 Do you have any response?

1 MS. PACE: I wholeheartedly agree.
2 Absolutely.

3 MEMBER SILVERSTEIN: Thank you.

4 CHAIRPERSON ANDERSON: Any other
5 questions by any of the Board Members then?

6 MEMBER ALBERTI: Yes.

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

9 MEMBER ALBERTI: So, Ms. Pace, I would
10 like to return to the cameras.

11 MS. PACE: Okay.

12 MEMBER ALBERTI: Because now that I
13 think back about where we ended this, I think
14 there is more of a discussion that we could have.

15 Whose -- you are general manager,
16 right?

17 MS. PACE: Yes, sir.

18 MEMBER ALBERTI: So you have purview
19 over the day-to-day operations of the club,
20 right?

21 MS. PACE: (No audible answer.)

22 MEMBER ALBERTI: So does the coverage

1 of these cameras, the camera angles, how they are
2 placed in the club and how they are aimed in the
3 club, does that come under your purview?

4 MS. PACE: No, not necessarily.

5 MEMBER ALBERTI: Whose purview is it?

6 MS. PACE: The owners.

7 MEMBER ALBERTI: So only the owners
8 can tell you where the cameras should be
9 covering, should have coverage?

10 MS. PACE: Well, the final decision is
11 theirs, yes.

12 MEMBER ALBERTI: And the owner is not
13 here today.

14 MS. PACE: No, sir.

15 MEMBER ALBERTI: So I can't really ask
16 you to -- if you would be willing to work with
17 our Investigators to make sure that all public
18 areas were covered, right? I can't ask you to do
19 that, because you would have to go back to the
20 owner, right?

21 MS. PACE: Right.

22 MEMBER ALBERTI: It's unfortunate. I

1 mean, do you understand? Do you see my
2 frustration here?

3 MS. PACE: Yes.

4 MEMBER ALBERTI: It's because you tell
5 us that you are in charge, but you are not really
6 in charge. And so we have all these problems
7 with this establishment and nothing can happen.
8 Okay. Enough of that, I'm not going to lecture
9 you any more on that.

10 But I do want to go back to the event
11 on March 11th, all right? Detective Johnson said
12 he sent you two emails, one on the 14th and one
13 probably around March -- on March 14th and
14 probably one somewhere around March 19th. It's
15 not clear exactly the date, but he sent you two
16 emails.

17 Did you get those emails?

18 MS. PACE: Yes, sir.

19 MEMBER ALBERTI: Did you respond with
20 I have the video, you can come pick it up?

21 MS. PACE: I believe one of them was
22 trying to coordinate a right time, yes, sir.

1 MEMBER ALBERTI: A right time for
2 what?

3 MS. PACE: That was convenient.

4 MEMBER ALBERTI: For what?

5 MS. PACE: Lieutenant to come view or
6 pickup, because I didn't know which angles he
7 would -- wanted either, because this was all
8 prior to my conversation with ABRA regarding the
9 video, so I didn't know which angle was required.

10 MEMBER ALBERTI: All right. Did you
11 ask? I mean, did you suggest times that he could
12 come in?

13 MS. PACE: I said let me know your
14 availability and I'm happy to accommodate
15 accordingly.

16 MEMBER ALBERTI: And did he?

17 MS. PACE: I think short after that
18 was when I was contacted by ABRA and I met with
19 him within the next day or so I believe. He came
20 and viewed the cameras. I provided everything
21 that was needed.

22 MEMBER ALBERTI: So he says that he

1 wanted video from 2:45 a.m. to 4:00 a.m.,
2 correct?

3 MS. PACE: (No audible answer.)

4 MEMBER ALBERTI: Would it have been
5 possible for you to give him every camera angle
6 in that time period?

7 MS. PACE: I suppose so.

8 MEMBER ALBERTI: And did you offer?

9 MS. PACE: No.

10 MEMBER ALBERTI: No. I have no
11 further questions. Thank you.

12 CHAIRPERSON ANDERSON: Investigator
13 Puente, you said you have some video that you
14 wanted to share with the Board?

15 INVESTIGATOR PUENTE: Yes.

16 CHAIRPERSON ANDERSON: So can you --
17 what's this video you are going to share with the
18 Board, please?

19 INVESTIGATOR PUENTE: So the first one
20 is from the March 11 incident.

21 CHAIRPERSON ANDERSON: All right.
22 There is a monitor over there, Mr. Puente. You

1 can --

2 MEMBER ALBERTI: Can we take this
3 under advisement? I have come comments on it.

4 (May 11 - Video 1 Played)

5 CHAIRPERSON ANDERSON: So what are we
6 looking at?

7 INVESTIGATOR PUENTE: The security is
8 escorting some people off the camera site over
9 here. There is something going on over here, but
10 it's not caught on the cameras. And those two
11 enter the camera frame here in a second or two.

12 MEMBER ALBERTI: Okay. So we are
13 looking at what? From inside?

14 INVESTIGATOR PUENTE: Yes, this is
15 inside right when you come off the lobby area
16 entering the stage hall, the D Area.

17 MEMBER ALBERTI: Okay. So these
18 people are coming?

19 INVESTIGATOR PUENTE: Yes, right here
20 an altercation takes place.

21 MEMBER ALBERTI: All right.

22 INVESTIGATOR PUENTE: Security is

1 trying to escort them out.

2 MEMBER ALBERTI: Well, I see security
3 with his name on his back. Who -- where else is
4 security in there?

5 INVESTIGATOR PUENTE: He's the only
6 one I see so far, because they have -- they are
7 clearly identified with safety enforcement on the
8 back of their shirts.

9 MEMBER ALBERTI: So I only see one
10 security. Is that correct?

11 INVESTIGATOR PUENTE: Yes, that I can
12 tell unless these other guys have security shirts
13 covered.

14 MS. PACE: Yes, they have arm bands
15 though identifying --

16 MEMBER ALBERTI: Themselves as
17 security?

18 MS. PACE: Yes.

19 MEMBER ALBERTI: Okay. Geez.

20 INVESTIGATOR PUENTE: They now enter
21 the lobby area near the front doors.

22 MEMBER ALBERTI: Okay.

1 CHAIRPERSON ANDERSON: What is this?
2 What are we looking at now?

3 INVESTIGATOR PUENTE: This is someone
4 being escorted out by security.

5 CHAIRPERSON ANDERSON: Okay.

6 MS. PACE: Whew.

7 MEMBER SHORT: And, Mr. Puente, real
8 quick, so right outside of those doors that is T
9 Street?

10 INVESTIGATOR PUENTE: Yes, sir.

11 MEMBER SHORT: And that's where the
12 RDO would be if they had one?

13 INVESTIGATOR PUENTE: Yes.

14 MEMBER SHORT: All right. Thank you.
15 I just wanted that for the record.

16 MEMBER SILVERSTEIN: Thank you.

17 INVESTIGATOR PUENTE: And here comes
18 the rest of security with other patrons being
19 escorted out. And it appears that there is some
20 kind of shoving going on out here with -- between
21 the patrons. Then a crowd starts forming out
22 here.

1 And momentarily, you will see at the
2 top of the screen an MPD officer walking up.
3 Right there is the MPD officer that arrived on
4 the scene. Then it cuts off.

5 (May 11 - Video 1 Stopped)

6 INVESTIGATOR PUENTE: Then this next
7 video is from Sunday, May 13th.

8 MEMBER ALBERTI: Should we be seeing
9 that now? I mean, that's part of another case.

10 CHAIRPERSON ANDERSON: Investigator,
11 I mean --

12 MEMBER ALBERTI: I don't know.

13 CHAIRPERSON ANDERSON: The Lieutenant
14 spoke about it, so --

15 MEMBER ALBERTI: All right.

16 MEMBER SHORT: It's on the record.

17 MS. PACE: Well --

18 MEMBER ALBERTI: This is a different
19 incident.

20 CHAIRPERSON ANDERSON: Well, the
21 Lieutenant spoke about it.

22 MEMBER ALBERTI: I'm just trying to be

1 safe.

2 CHAIRPERSON ANDERSON: Well, the
3 Lieutenant spoke about it, so since we have a
4 video on the event and it's part of the record,
5 so you can go ahead.

6 (May 13 - Video 2 Played)

7 INVESTIGATOR PUENTE: So someone is
8 already escorted outside over here where the two
9 security guards are. And that male, the security
10 guard is bringing back in and the rest of the
11 patrons. So these two security guards are still
12 dealing with a patron over here outside the door.
13 The rest of the security starts escorting people
14 out.

15 So at what point do you feel as things
16 are transpiring that you guys need to call MPD
17 instead of letting security handle it themselves?

18 (May 13 - Video 2 Paused)

19 CHAIRPERSON ANDERSON: What am I
20 hearing?

21 MS. PACE: Well, normally --

22 INVESTIGATOR PUENTE: I was talking to

1 Ms. Pace there.

2 CHAIRPERSON ANDERSON: Oh, okay. All
3 right. Okay.

4 (May 13 - Video 2 Played)

5 INVESTIGATOR PUENTE: So security
6 escorts patrons out and there is some kind of --
7 another altercation right outside the door. All
8 the folks are being escorted out. Clearly, there
9 is, you know, a problem with patrons.

10 MEMBER ALBERTI: So you don't have any
11 video of inside the club, right?

12 LIEUTENANT HREBENAK: No, that's why
13 we asked to see the club video.

14 INVESTIGATOR PUENTE: This guy right
15 there with his shirt off, so that's -- this is
16 all transpiring now.

17 LIEUTENANT HREBENAK: The camera is
18 not in range. I haven't arrived just yet.

19 INVESTIGATOR PUENTE: They are right
20 at the door.

21 LIEUTENANT HREBENAK: MPD and I saw
22 all this unfold in front of me.

1 (May 13 - Video 2 Stopped)

2 INVESTIGATOR PUENTE: At this point,
3 someone should be calling MPD. And the
4 disconcerting thing for me on this is with the
5 past issues. We had worked very closely with the
6 management, at the time, and security personnel
7 that when something happened, we had enough
8 coverage that you could literally see it
9 transpire and watch everything all the way out.

10 And my concern is (A) why we have
11 dropped so many cameras and (B) some of the
12 angles I'm looking at the quality is much poorer
13 than what was originally there. That would be a
14 question I would have.

15 MEMBER ALBERTI: Can I ask how -- do
16 you have an approximate number of people that got
17 escorted out?

18 INVESTIGATOR PUENTE: It looked like
19 probably 5 to 10 patrons.

20 MEMBER ALBERTI: 5 to 10 patrons got
21 escorted out. Did they call MPD at that point?

22 INVESTIGATOR PUENTE: No, there was --

1 Kiss had the RDO and the two officers at Kiss saw
2 this unfold and they split the --

3 MEMBER ALBERTI: But the club made no
4 attempt to call?

5 INVESTIGATOR PUENTE: No, because we
6 asked did anyone from the club call and we were
7 told no.

8 MEMBER ALBERTI: Okay. So let me get
9 it straight. They escorted 10 people, maybe
10 more, out of the establishment and no one thought
11 to call MPD. Am I correct?

12 INVESTIGATOR PUENTE: That's what we--
13 Investigator Peru asked that question several
14 times that night.

15 MEMBER ALBERTI: Lieutenant, do you
16 want to respond? Make any comment on that?

17 LIEUTENANT HREBENAK: All I can say is
18 we did -- the only thing receive was a priority
19 call from the overtime officers, which happened
20 to be a sergeant and an officer. Never once did
21 I receive any sort of --

22 MEMBER ALBERTI: Would it be your

1 advice that, I mean, if you escort that many
2 people out that you call MPD?

3 LIEUTENANT HREBENAK: I think there is
4 a high propensity for an assault to occur outside
5 the club if they are fighting inside the club. I
6 mean, so --

7 MEMBER ALBERTI: And --

8 LIEUTENANT HREBENAK: -- if they were
9 fighting outside the club --

10 MEMBER ALBERTI: Yes. I'm going to--

11 LIEUTENANT HREBENAK: From inside the
12 club to outside the club.

13 MEMBER ALBERTI: Okay. So and I'm
14 focusing on the number of people. I mean, if
15 it's two people, I understand, but with 10
16 people, it doesn't -- I would say the odds go up,
17 am I correct, that you are going to have problems
18 outside?

19 LIEUTENANT HREBENAK: Absolutely.

20 MEMBER ALBERTI: Okay. Thank you.

21 CHAIRPERSON ANDERSON: Ms. Pace, let
22 me ask you a question. What is the policy and

1 procedure that the theatre utilizes when there is
2 an incident? What is it that security does? I
3 mean, do we just take the individuals and just
4 escort them out the front door and just leave
5 them there or tell me what it is that -- what is
6 it that the theatre does?

7 MS. PACE: It all depends on the
8 circumstance. In this particular one, which is
9 what I said that night, is we would have called.
10 It was 5 people that got escorted out. And we
11 would have called, but the moment the second
12 person got escorted out, the officer that was
13 sitting in front of Kiss was already there.
14 There was no need for us to place a call, because
15 he already got involved.

16 And to my understanding, he already
17 got on the radio and called it in.

18 CHAIRPERSON ANDERSON: No, I guess
19 that's not necessarily what I'm trying to find
20 out. What I'm trying to find out is that just
21 generally, what do you do? There is an incident,
22 you just escort the person out and put them out

1 and then the security goes back in and/or --

2 MS. PACE: No.

3 CHAIRPERSON ANDERSON: -- that's what
4 I'm just trying to find out.

5 MS. PACE: So I mean, truthfully, it
6 depends on the situation, but when it is an
7 altercation, we call. We place the call to MPD.
8 Just like we did on the night with this
9 paperwork, with the so-called sexual assault. We
10 placed that call. We placed that call before
11 everyone was escorted -- or the two individuals
12 involved were escorted out.

13 CHAIRPERSON ANDERSON: Okay. All
14 right. Any other -- is this the extent of the
15 video?

16 INVESTIGATOR PUENTE: Yes. And these
17 are just some photographs I took of outside what
18 MPD was dealing with.

19 CHAIRPERSON ANDERSON: Okay.

20 INVESTIGATOR PUENTE: The large crowd.

21 CHAIRPERSON ANDERSON: All right.

22 INVESTIGATOR PUENTE: And just to note

1 that the two sergeants on-scene advised me that
2 they asked Ms. Pace to shut the event down early
3 at 2:00, because -- due to their concerns of what
4 was happening in the mini scrimmages that were
5 unfolding at the time. So MPD asked her to close
6 the event early that night.

7 CHAIRPERSON ANDERSON: And what
8 happened?

9 INVESTIGATOR PUENTE: She complied and
10 patrons started coming out.

11 CHAIRPERSON ANDERSON: So the
12 establishment did comply and closed the
13 establishment?

14 INVESTIGATOR PUENTE: Yes. I know the
15 promoter was not happy, but the sergeant, based
16 on what was unfolding, he asked the establishment
17 to close down for the night early.

18 CHAIRPERSON ANDERSON: Okay. Well, I
19 appreciate that, Ms. Pace. That I want to just--
20 that I appreciate that the Investigator put that
21 in on the record that you were asked to close, to
22 shut the event down and you did comply, because

1 part of this is that you didn't comply with --

2 MS. PACE: No.

3 CHAIRPERSON ANDERSON: -- the
4 allegation is that you did not comply with
5 certain things with the -- with MPD, so I'm
6 hearing that you did, so I want to comment to
7 you, the Board is not here to always beat up on
8 you if you do something well, then I will commend
9 you on doing that. Okay?

10 MS. PACE: So if I may, he only asked
11 us once and I told him I am happy to shut down.
12 The only concern we expressed to the officers who
13 made that request was about us opening the door
14 and letting such a tremendous amount of people
15 out all at once.

16 I will not argue with MPD. They asked
17 me, I said absolutely. And we followed their
18 orders. However, this was my big concern,
19 because I knew that the crowd would be unhappy
20 about us shutting down early to begin with and
21 this escalated out of control very, very quickly.

22 CHAIRPERSON ANDERSON: Yes,

1 Lieutenant?

2 LIEUTENANT HREBENAK: If I may, while
3 she is correct, yes, she did comply and it was an
4 additional amount of crowding, people that came
5 out. However, there was already a large crowd
6 forming outside Howard Theatre prior to us asking
7 her to shut it down.

8 So, yes, it was compounded by the fact
9 that he asked her to close the club early, the
10 theatre early and people -- more people ended up
11 coming out, but it wasn't like there were five --
12 only those five people out on the street at the
13 time, because that would not -- obviously, this
14 is two sergeants, I'm told, I think 20 to 30
15 officers, if there was only five people out there
16 being disorderly.

17 I mean, my officers handle that on a
18 nightly basis on U Street, so there is already an
19 unruly crowd to begin with prior to her shutting
20 down the event.

21 CHAIRPERSON ANDERSON: And this is
22 just as an aside. It does -- and I'm not in that

1 area, but it is say Howard's Homecoming, Howard's
2 graduation or whenever Howard itself have large
3 activities, it appears that there are going to be
4 crowds of people in that vicinity. So I think
5 that's something that moving forward that whether
6 or not the theatre, whether or not they have RDO
7 or whether or not they are called, but I think
8 it's a factor that if it's Howard's Homecoming,
9 if it's Howard's graduation, there is going --
10 and especially if it's nice weather, there is
11 going to be a tremendous amount of people in that
12 area and we have to all figure out how to, both
13 the establishments in the area and MPD has to,
14 figure out how can we plan for these type of
15 events?

16 Because we know that historically
17 there is going to be a tremendous amount of
18 people in the area. Not necessarily because this
19 establishment might have 800 people, but folks
20 just want to be in that area because.

21 LIEUTENANT HREBENAK: Yes, in the
22 area, general area.

1 CHAIRPERSON ANDERSON: Yes.

2 LIEUTENANT HREBENAK: But I would also
3 say that area, T Street, there is not a lot of
4 other establishments. 9th and U Street, I would
5 absolutely agree with you.

6 CHAIRPERSON ANDERSON: Okay.

7 LIEUTENANT HREBENAK: There is -- 14th
8 and U Street is another example. I can't
9 attribute a crowd to any one specific
10 establishment. But at T Street, the only other
11 establishment is Kiss and the Kiss crowd was much
12 smaller. So once you get past Howard Theatre,
13 it's mainly residential.

14 You have Shaw's Tavern which, I
15 believe, closed -- is well beyond closed at that
16 point. So yes, people -- it's going to be a
17 Saturday night, it's going to be busy,
18 absolutely. I manage U Street every weekend, but
19 I would also say there was an abnormally large
20 amount of people in the crowd that attributed to
21 the Howard Theatre specifically that night.

22 CHAIRPERSON ANDERSON: Okay. Thank

1 you. Yes, Mr. Short?

2 MEMBER SHORT: Ms. Pace, occupancy
3 again. How many seats are in Howard Theatre?

4 MS. PACE: 130 built-in roughly, but
5 that is without any additional tables or chairs.
6 That is --

7 MEMBER SHORT: So fixed seating, how
8 many fixed seats are in the Howard Theatre?

9 MS. PACE: Roughly 130.

10 MEMBER SHORT: 130 seats. So you have
11 130 seats for the theatre and then you have 900
12 people standing? Is that what the occupancy is?

13 MS. PACE: Yes. So --

14 MEMBER SHORT: And I mean, that's what
15 you said the DCRA and the city and the Fire
16 Marshal approved?

17 MS. PACE: (No audible answer.)

18 CHAIRPERSON ANDERSON: You have to
19 answer, ma'am.

20 MS. PACE: Yes. I'm sorry, yes. We
21 have built-in seats into the theatre, booths and
22 stadium seats and then anything in addition --

1 MEMBER SHORT: So 130 seating and 900
2 standing?

3 MS. PACE: Roughly, yes, sir.

4 MEMBER SHORT: Or 1,100 standing. You
5 had -- I guess then I'm going to ask the
6 Investigators, have you seen any posted occupancy
7 in the theatre?

8 INVESTIGATOR PUENTE: Other than just
9 the Certificate of Occupancy.

10 MEMBER SHORT: But I mean, is it
11 posted?

12 INVESTIGATOR PUENTE: No.

13 MEMBER SHORT: The placard stating how
14 many seating, how many standing?

15 INVESTIGATOR PUENTE: No.

16 MEMBER SHORT: Is that normal for a
17 theatre?

18 INVESTIGATOR PUENTE: Yes.

19 MEMBER SHORT: So it not in that
20 theatre, but it's normal for and legal. So will
21 you check and make sure that they get the
22 placards up?

1 INVESTIGATOR PUENTE: Yes.

2 MEMBER SHORT: And for our record,
3 too, will you send something to the Board, so we
4 can see that placard? The one stamped and
5 approved by the city?

6 INVESTIGATOR PUENTE: Yes.

7 MEMBER SHORT: All right. Thank you
8 very much. Thank you, Ms. Pace.

9 CHAIRPERSON ANDERSON: All right. Any
10 other questions by any of the Board Members? Can
11 someone turn the lights back on, please? Any
12 final comments from both Investigators?

13 INVESTIGATOR PUENTE: Well, just the
14 event from Sunday night, that's done twice a year
15 at Howard Theatre on homecoming and graduation,
16 so it's an annual event every year, twice a year
17 all total.

18 MEMBER ALBERTI: Fine. Thank you.

19 LIEUTENANT HREBENAK: And something
20 else that the manager didn't clarify, my
21 understanding is in addition to the fixed
22 seating, you guys have the capability to put in

1 tables and chairs and things.

2 MS. PACE: Yes.

3 LIEUTENANT HREBENAK: Per the event.

4 MS. PACE: Yes.

5 LIEUTENANT HREBENAK: So the actual
6 fixed seating is 130, but it can go up or down
7 based on them setting up tables and chairs and
8 things of that nature.

9 MEMBER SHORT: So again, will you
10 provide the Board with that seating?

11 LIEUTENANT HREBENAK: Yes, sir.

12 MEMBER SHORT: Okay. Thank you very
13 much.

14 CHAIRPERSON ANDERSON: Lieutenant?

15 LIEUTENANT HREBENAK: Nothing.

16 CHAIRPERSON ANDERSON: Ms. Pace, any
17 final comments you want to make?

18 MS. PACE: No, sir.

19 CHAIRPERSON ANDERSON: No? Well, I
20 want to thank you for being here today. I would
21 like to thank both of the Investigators and I
22 would like to thank the Lieutenant for being here

1 today.

2 And the Board will take this matter
3 under advisement. Thank you very much. Have a
4 good day.

5 MEMBER SILVERSTEIN: Thank you.

6 (Whereupon, the Fact-Finding Hearing
7 was concluded at 11:20 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

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Before: DC ABRA

Date: 05-16-2018

Place: Washington, DC

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