

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :
 :
 2007 14th Street :
 Productions, LLC, :
 t/a Marvin :
 2007 14th Street NW : Fact Finding
 Retailer CT - ANC 1B : Hearing
 License No. 76166 :
 Case #19-251-00138 :
 :
 (Disorderly Conduct, :
 Failed to Follow Security:
 Plan) :

Wednesday
 February 12, 2020

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
 JENI HANSEN, Member
 BOBBY CATO, JR., Member
 RAFI ALIYA CROCKETT, Member
 JAMES SHORT, JR., Member
 REMA WAHABZADAH, Member

ALSO PRESENT:

CANDICE FITCH, Counsel for Applicant
 ERIC HILTON, Applicant
 ELIZABETH SZATKOUSKI, Witness
 ROXANNE FEREDOUNI, Witness
 JAMES PROCTOR, Witness

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

2 (10:05 a.m.)

3 MEMBER ANDERSON: Our next case is a
4 fact finding case, case number 19-251-00138,
5 Marvin, license number 76166. Will the parties
6 please approach and identify themselves for the
7 record?

8 MS. FITCH: Thank you. Good morning.

9 MEMBER ANDERSON: Good morning. Yes.
10 Go ahead.

11 MS. FITCH: Candice Fitch on behalf of
12 the licensee.

13 MEMBER ANDERSON: Good morning, Ms.
14 Fitch. Who is with you, this morning?

15 MR. HILTON: I am the licensee, Eric
16 Hilton.

17 MEMBER ANDERSON: Mr. Hilton.

18 MS. SZATKOWSKI: Elizabeth Szatkouski,
19 the general manager.

20 MEMBER ANDERSON: I'm sorry. Last
21 name, ma'am.

22 MS. SZATKOWSKI: S-Z-A-T-K-O-W-S-K-I.

23 MEMBER ANDERSON: I'm not even going
24 to try, but say it one more time for me just to
25 hear so I can try to butcher your name, please.

1 MS. SZATKOWSKI: Szatkowksi.

2 MEMBER ANDERSON: Oh, that's not bad.
3 Good morning. Who else?

4 MS. FEREYDOUNI: Roxanne Fereydouni.

5 MEMBER ANDERSON: I can't hear, ma'am.

6 MS. FEREYDOUNI: Roxanne Fereydouni.

7 MEMBER ANDERSON: Fereydouni. Good
8 morning, ma'am.

9 MR. PROCTER: James Procter.

10 MEMBER ANDERSON: Good morning, Mr.
11 Procter. There's a sign-in sheet. Would
12 everyone please sign in? This is a fact finding
13 hearing, and the reason why we have this hearing
14 today is that this is an incident that occurred
15 at the establishment on or about August 22, 2019.

16 We've got a female patron reported to
17 MPD that a male patron inserted his hand into her
18 vagina without permission.

19 The Agency investigated the incident,
20 and based on our review of the video, it appeared
21 that the incident had, as reported by the victim,
22 was substantiated.

23 This also was a request that was made
24 by the Metropolitan Police Department that we
25 investigated. The Board has not made a decision

1 whether or not we are going to take no further
2 action on this matter or whether or not we are
3 going to send this over to the Office of the
4 Attorney General for further action.

5 So I guess from you perspective, Ms.
6 Fitch, maybe you can tell us what is it that from
7 the establishment's perspective, what occurred.

8 MS. FITCH: I think Roxanne and James
9 were the managers on duty that evening. Is that
10 correct? And so that's why they're here to
11 present what happened as witnesses.

12 MEMBER ANDERSON: Sure. And as I said
13 before, no one's under oath. The Board has not
14 made any determination whether or not we're going
15 to take any further action or whether or not
16 we're going to send this to the Office of the
17 Attorney General.

18 We are just trying to gather some
19 facts and to see whether or not the, in our view,
20 whether or not the establishment responded
21 appropriately.

22 And also, normally, if the Chief of
23 Police sends to us and asks us to have a fact
24 finding hearing -- unfortunately, there's no one
25 here from the Metropolitan Police Department, but

1 we're still moving forward. So you can go
2 forward.

3 And introduce yourself. There is a
4 microphone, a black microphone. So when you
5 speak, please speak into and introduce yourself
6 for the record please when you speak.

7 MR. PROCTER: My name is James
8 Procter.

9 MEMBER ANDERSON: Yes, Mr. Procter.

10 MR. PROCTER: I remember that night.
11 I was checking IDs on top of the stairs. Two of
12 my coworkers, they escorted a young lady or two
13 ladies through, past the restroom to the lounge
14 where it was closed.

15 And all I remember she was -- well,
16 her friend was just there. And she was like yo,
17 she got sexually harassed. And she was calling
18 the police at the same time. And when I tried to
19 talk to her, they just left. They left.

20 MEMBER ANDERSON: What do you mean
21 they just left?

22 MR. PROCTER: They left Marvin's.

23 MS. FEREYDOUNI: So whatever happened

24 --

25 MEMBER ANDERSON: Introduce yourself

1 for the record, ma'am.

2 MS. FEREYDOUNI: Yes. My name is
3 Roxanne Fereydouni. I was bartending that night,
4 and also a manager. So to further explain what
5 James said, when the women -- when it was noticed
6 that there was a situation, the security guards
7 that were posted outside on the deck area, took
8 them through the closed area of another part of
9 the bar so they were not around any other patrons
10 so we can find out what was going on.

11 Brought them around to James, who is
12 MOD security manager in the front. They movd
13 over into the foyer where there were no other
14 patrons so they could try to assess the
15 situation.

16 The patron was already on the phone,
17 which was the friend of the alleged victim. And
18 they were calling the police and said that they
19 told -- as they were talking to police, they said
20 what happened.

21 And they walked out the front door to
22 the outside. We did notice MPD outside, but they
23 never came in. We were open for another probably
24 20, 30 minutes. And no one came in to approach
25 about the situation.

1 MEMBER ANDERSON: How did the
2 establishment find out about this incident then?
3 How did -- when and how did the establishment
4 find out the nature of this incident?

5 MS. FERAYDOUNI: Just I mean we found
6 out because we were there onsite at that moment.

7 MEMBER ANDERSON: All right.

8 MS. FERAYDOUNI: But like we weren't
9 able to do anything more than just ask, you know,
10 be there to see if they wanted us to do anything.
11 But they were already handling it. And this was
12 in the last 40 minutes of the bar being open.

13 MEMBER ANDERSON: All right. Anything
14 else that the establishment wants to provide to
15 us?

16 MS. FITCH: No, sir.

17 MEMBER ANDERSON: Any questions that
18 Board has of the establishment?

19 MEMBER SHORT: Just one.

20 MEMBER ANDERSON: Go ahead, Mr. Short.

21 MEMBER SHORT: I guess this would be
22 to the owner. Has anything like this ever
23 happened at this establishment before, ever?

24 MR. HILTON: (No audible response.)

25 MEMBER SHORT: What exactly did the

1 ownership do when they found out about it?

2 MR. HILTON: I came here. I came here
3 for a fact finding.

4 MEMBER SHORT: I mean before. I mean
5 did you hear about it on the night of the
6 incident or a week or --

7 MR. HILTON: I did not hear about it,
8 no.

9 MEMBER SHORT: No one ever reported it
10 to you, none of your owners -- I mean your
11 bartenders or your security?

12 MR. HILTON: Yeah, I mean actually I
13 heard about it from Liz, who is the general
14 manager. And Liz is my -- she's deputized by me
15 to handle anything like this.

16 MEMBER SHORT: I'm just trying to find
17 out. You're coming from security to the manager,
18 your right hand. When exactly did that occur?

19 MR. HILTON: I probably heard about it
20 --

21 MEMBER SHORT: Can I ask her?

22 MR. HILTON: Oh, sure.

23 MEMBER SHORT: When exactly did you
24 hear? Yes.

25 MS. SZATKOWSKI: Within a day. I have

1 it in my text message chain. I believe it was on
2 --

3 MEMBER SHORT: So the night that it
4 happened, you weren't notified?

5 MS. SZATKOWSKI: I was notified in the
6 morning. It happened at 1:00 in the morning. So
7 when I woke up, I woke up to a report telling me
8 that this happened.

9 MEMBER SHORT: Okay. And what, if any
10 actions did you take? Please speak into the
11 microphone.

12 MS. SZATKOWSKI: I told both Eric and
13 Candice, our lawyer, that this had happened at
14 our establishment the night before, that this
15 accusation had happened.

16 MEMBER SHORT: Okay. Now have you
17 taken any actions to make sure something like
18 this can't happen again? I know it's kind of
19 random.

20 MS. SZATKOWSKI: We've spoke with
21 security and made them aware of how to continue
22 handling potential situations like that. And we
23 viewed our security plan to make sure we were in
24 compliance.

25 MEMBER SHORT: Okay. That's I have.

1 Thank you. That's all I have, Mr. Chair.

2 MEMBER ANDERSON: I know that
3 subsequently you provided the video to MPD and I
4 think our Agency. Did your establishment review
5 the security video to see what actually occurred?

6 MS. SZATKOWSKI: Yes. I did not, but
7 our head of security did.

8 MEMBER ANDERSON: And so what is it
9 that -- I mean from what I'm seeing here, it says
10 that a man went into the restroom. At least the
11 letter that we got from -- the request for a fact
12 finding hearing that we got from the Chief of
13 Police.

14 It says that the man actually went in
15 the restroom and sexually assaulted her as she
16 left the location. So I guess what I'm saying,
17 and as stated by the Metropolitan -- the Chief of
18 Police said that -- he said that something
19 similar occurred.

20 Their review of the history of service
21 calls at this location revealed that numerous
22 reported assaults, to include a misdemeanor
23 sexual assault occurred on February 2, 2019.

24 At least that's what was reported by
25 the Chief of Police. That occurred February 2,

1 2019. So I'm just saying, this is what the Chief
2 of Police said to us to say that they had that.
3 So you guys are not aware of that?

4 MS. SZATKOWSKI: We were not made
5 aware of that.

6 MEMBER ANDERSON: Did you -- did your
7 establishment review the video? And what
8 happened? Did you review the video?

9 MS. FERAYDOUNI: My understanding was
10 that they both walked into the bathroom together
11 is what the videotape showed. It wasn't that
12 somebody was in there and then a male patron
13 walked in after the fact, from my understanding
14 of the video.

15 MEMBER ANDERSON: But let me ask you
16 a question. Can -- describe your bathrooms at
17 Marvin's. Are they unisex? Are they single sex
18 or what?

19 MS. FERAYDOUNI: They're unisex.
20 They're in a bathroom hallway where there's five
21 different bathrooms all next to each other in a
22 lit hallway. And there's a, I believe a camera
23 right on the hallway as well.

24 MEMBER ANDERSON: I guess the only
25 concern that I have is that I'm just curious what

1 is it that -- you heard this occurred. You
2 reviewed the tape. You reviewed the video.

3 At least it's substantiated that this
4 did occur. So what is it that you believe that
5 your establishment can do to prevent these types
6 of incidents from occurring?

7 MS. SZATKOWSKI: There is a -- there
8 is one security guard that is now stationed
9 directly in the bathroom hallway to make sure
10 that only person goes into a stall at a time.
11 And they are literally positioned. They just
12 stand in the bathroom hallway all night long.

13 MEMBER ANDERSON: Do you have a
14 security plan?

15 MS. SZATKOWSKI: Yes.

16 MEMBER ANDERSON: And also from your
17 video, it captures -- does your -- the camera,
18 does it capture who goes in and out of the
19 bathroom?

20 MS. SZATKOWSKI: It captures like you
21 walking into the hallway of the bathrooms.

22 MEMBER ANDERSON: You can't see who
23 goes into the bathroom. Is there a way that the
24 camera can be repositioned to pick up who goes
25 into the bathroom? I don't know.

1 MS. SZATKOWSKI: I know. I think we
2 have to move the physical camera in order for
3 that to happen. And it won't capture every -- so
4 there's three that are here, and then there's
5 kind of another doorway where there's two more.

6 And there's no way that one camera
7 capture could capture the entrance of all five of
8 the stalls. Yeah, we'd have to add another
9 additional source.

10 MEMBER ANDERSON: I'm not --

11 MS. SZATKOWSKI: No, I'm just saying
12 the one that is there, the way they're angled, it
13 would be impossible for the one camera to capture
14 each doorway.

15 MEMBER ANDERSON: At a fact finding
16 hearing, we're not -- we can't order you to do --
17 however, it would be for your own safety and
18 protection if you believe or if you -- I mean we
19 can -- the Agency and investigator can come to
20 review your camera angles to see whether or not
21 if they can be repositioned in any way to capture
22 all blind spots in the establishment.

23 So if you would like us to do that,
24 that is something that we can do as a courtesy to
25 you to make sure that all angles are covered. Is

1 that something that you'd agree to?

2 MR. HILTON: It is.

3 MEMBER ANDERSON: All right. Any
4 other questions by any of the Board members?
5 Sexual assaults, of course they are very -- it's
6 something that the Board frowns upon.

7 It's not apparent to me that the
8 establishment acted -- because investigating and
9 doing the report, he did not establish that the
10 establishment committed any infraction.

11 And based on the presentation here
12 today, I, as was stated, the establishment heard
13 about the incident as the person was contacting
14 MPD and then they left the establishment.

15 I am -- I'd be more concerned than I
16 have this that I would have hoped that the
17 establishment did its own investigation to get to
18 the bottom of the matter.

19 In fact, an incident occurred because
20 the video, it was captured to substantiate that
21 it did occur. I would have hoped that the
22 establishment would have done a better job in
23 trying to cover to see how -- what can be done to
24 improve its performance in this matter.

25 But I don't believe that anything

1 rises to a violation. So with that said, I will
2 make a motion that the Board takes no further
3 action on this matter.

4 MEMBER SHORT: Second.

5 MEMBER CROCKETT: Second.

6 MEMBER ANDERSON: Both Mr. Short and
7 Ms. Crockett second the motion. All those in
8 favor, say aye.

9 (Chorus of ayes)

10 MEMBER ANDERSON: Those opposed? The
11 matter passes 6-0-0. Thank you very much for
12 being here today, and I would just ask you to
13 follow up with the Agency to have one of our
14 investigators look in the positioning of your
15 cameras to see if there's any suggestions, if
16 anything can be done.

17 And this is to protect you, not us.
18 It's for your own protection. All right. Thank
19 you for being here today.

20 MS. FITCH: Thank you.

21 MEMBER ANDERSON: All right. Thanks.

22 (Whereupon, the above-entitled matter
23 went off the record at 10:22 a.m.)
24
25

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This is to certify that the foregoing transcript

In the matter of: Marvin

Before: DCABRA

Date: 02-12-20

Place: Washington, DC

was duly recorded and accurately transcribed under
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Court Reporter

NEAL R. GROSS

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