

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

IN THE MATTER OF:	:
	:
The McKenzie Group, LLC,	:
t/a Ocean Lounge	:
1220 H Street NE	: Fact Finding
Retailer CT - ANC 6A	: Hearing
License No. 114106	:
	:
(Review of Transfer	:
Application)	:

Wednesday,
July 10, 2019

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
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

PAMELA MCKENZIE, APPLICANT

NORMAN "DOC" HAYES, CONSULTANT FOR APPLICANT

ROBERT JOHNSON, DC MPD

SUPERVISING INVESTIGATOR MARK BRASHEARS, DC ABRA

SUPERVISING INVESTIGATOR JASON PERU, DC ABRA

INVESTIGATOR JEREMY ZOLLARCOFFER, DC ABRA

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

STATEMENTS

Jeremy Zollarcoffer, Investigator.10

Robert Johnson, MPO MPD.24

Jason Peru, Investigator 28/87

Mark Brashears, Investigator 33/89

Pam McKenzie, Licensee 47/75

Norman Doc Hayes, Consultant.. . . . 62/82

VIDEO

No. 1.17

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

2 11:01 a.m.

3 CHAIRPERSON ANDERSON: Good morning
4 again. We are back on the record. Our next case
5 is a Fact-Finding Hearing on Ocean Lounge,
6 License No. 114106.

7 Would all parties here for this
8 matter, please, identify yourself for the record,
9 please? I'll start on this side. I'll start
10 with the Investigators.

11 INVESTIGATOR ZOLLARCOFFER:
12 Investigator Jeremy Zollarcoffer.

13 CHAIRPERSON ANDERSON: Good morning,
14 sir.

15 INVESTIGATOR PERU: Supervisory
16 Investigator Jason Peru with ABRA.

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

19 INVESTIGATOR BRASHEARS: Supervisory
20 Investigator Brashears with ABRA.

21 CHAIRPERSON ANDERSON: Good morning,
22 Mr. Brashears.

1 MPO JOHNSON: Master Patrol Officer
2 Robert Johnson for Metropolitan Police
3 Department.

4 CHAIRPERSON ANDERSON: Mr. Patrol --

5 MS. McKENZIE: Good morning.

6 CHAIRPERSON ANDERSON: Hold on, hold
7 on, hold on, I'm writing.

8 MS. McKENZIE: Okay.

9 CHAIRPERSON ANDERSON: Good morning,
10 Mr. Johnson.

11 MS. McKENZIE: Good morning, Pam
12 McKenzie. I am the licensee, applicant.

13 CHAIRPERSON ANDERSON: Your last name,
14 ma'am?

15 MS. McKENZIE: McKenzie, M-C-K-E-N-Z-
16 I-E.

17 CHAIRPERSON ANDERSON: Yes, good
18 morning, Ms. McKenzie.

19 MR. HAYES: Norman Doc Hayes. I'm a
20 senior consultant for Oceans and Ms. McKenzie and
21 Mr. --

22 CHAIRPERSON ANDERSON: Your last name,

1 sir?

2 MR. HAYES: Hayes, H-A-Y-E-S.

3 CHAIRPERSON ANDERSON: You are the
4 consultant. Okay. That's it?

5 All right. Ms. McKenzie, thank you
6 for attending the Fact-Finding Hearing. The ABC
7 Board doesn't generally hold hearings on
8 applications that transfer license to a new
9 owner. But because these types of applications
10 are not placarded for the benefit of -- for
11 public input, we would be doing the public a
12 disservice if we did not discuss the application
13 with you.

14 I say that because the Board is in
15 receipt of information that, if true, doesn't
16 speak well of your management or operational
17 practices.

18 Specifically, the Board is concerned
19 that you, rather than John Brown the transferor,
20 may have been responsible for managing the
21 Dynamix Lounge over the last few months. If that
22 is the case, there are some very disturbing

1 incidents that appear to have occurred on your
2 watch.

3 MPD, as you will hear today, has
4 brought to our attention that on the weekend of
5 May 18th through 19, 2019, a fight broke out among
6 your patrons requiring MPD assistance. The
7 following weekend, May 25, 2019, two victims were
8 stabbed. Additionally, MPD advised that during
9 the assault with the deadly weapon incident, it
10 was learned that the establishment had undergone
11 an illegal transfer of ownership.

12 This incident was investigated by ABRA
13 and the report was before the Board on our
14 Investigative Agenda today. And as a result of
15 the Board's review of those incidents on our
16 Investigative Agenda, we have submitted a request
17 to the Attorney General's office for a Show Cause
18 Hearing on that specific event.

19 I just wanted to let you know that we
20 reviewed it and we made a decision that it is
21 serious enough that we are going to ask the
22 Attorney General's office to take further action.

1 On June 15th MPD notified ABRA that
2 there was a large crowd outside the establishment
3 and when MPD attempted to enter and conduct a
4 walk-through, they were advised by the promoter
5 that it was a private event and MPD was not
6 permitted to enter.

7 When MPD pressed the issue, the
8 promoter blocked the officer, placed a hand on
9 his chest and advised him that he could not enter
10 unless he paid a \$50 entry fee. This act of
11 interference with MPD as well as the use of a
12 promoter to superintend the establishment is also
13 under investigation by ABRA.

14 The Board is expecting a full report
15 on that in the near future. One of the things I
16 want to say to you as an owner at no time if an
17 ABC, if an ABRA Investigator or MPD shows up at
18 your establishment, no one can impede their
19 presence. As long as an ABRA Investigator shows
20 up, they have identified themselves with their
21 identification and if they ask for an ABC manager
22 or owner, the security guard, whoever, the

1 doorman can say I'll get the person, but you
2 cannot block the entrance.

3 I want you to know that that is just
4 a no-no. All right.

5 I mean lastly, the Board is aware that
6 on May 29, 2019, you contacted MPD in an effort
7 to secure RDO services. You indicated to MPD
8 that you had purchased the Dynamix business with
9 all of its assets, licenses and inventory, yet,
10 you did not file your transfer application until
11 June 5, 2019 and you have yet to file a temporary
12 operating permit, a TORP, that allows you to
13 operate as a transferee until the application is
14 approved.

15 This morning, we are going to take
16 testimony from ABRA Investigators, from MPD and
17 then the Board would like to hear from you
18 regarding any assurances that you can provide to
19 us to convince us that you will be a good and
20 attentive owner, fully in compliance with the
21 laws and regulations that govern ABRA licenses.

22 If we are not satisfied with what we

1 learned today, it may be necessary to hold a
2 Qualifications Hearing in order to determine
3 whether you are fit to hold a license.

4 Rest assured that we are only here
5 today to conduct a Fact-Finding and we are
6 keeping an open mind. All right.

7 So we will start with Mr. -- I'm
8 sorry, give me your name again, sir.

9 INVESTIGATOR ZOLLARCOFFER: Jeremy
10 Zollarcoffer.

11 CHAIRPERSON ANDERSON: Mr.
12 Zollarcoffer. So we will start with Mr.
13 Zollarcoffer.

14 Mr. Zollarcoffer, can you state your
15 name again for the record, please?

16 INVESTIGATOR ZOLLARCOFFER:
17 Investigator Jeremy Zollarcoffer.

18 CHAIRPERSON ANDERSON: And where are
19 you currently employed?

20 INVESTIGATOR ZOLLARCOFFER: ABRA.

21 CHAIRPERSON ANDERSON: And are you
22 familiar with this establishment?

1 INVESTIGATOR ZOLLARCOFFER: Yes, I am.

2 CHAIRPERSON ANDERSON: And how are you
3 familiar with this establishment, please?

4 INVESTIGATOR ZOLLARCOFFER: On
5 Saturday, May 25th, I responded to an incident
6 over there involving a stabbing. I was advised
7 by my supervisor to respond to investigate a
8 scene over there.

9 CHAIRPERSON ANDERSON: And so what did
10 you -- as a result of going to the establishment,
11 what were you able -- what did you find out?
12 Tell me what is it you found out.

13 INVESTIGATOR ZOLLARCOFFER: My
14 investigation determinations were based on the
15 MPD 251. I interviewed with the owner, the ABC
16 manager, the head of security and the promotions
17 manager, the host as well.

18 The MPD stated, the MPD 251 stated V1
19 and V2 state that an unknown suspect stabbed them
20 with a knife following an argument at the listed
21 date, time and location. V1 and V2 sustained the
22 above listed injuries. However, were not able to

1 identify any possible suspects.

2 The unknown suspects fled the scene
3 prior to the MPD arrival. Officer Aikin applied
4 his tourniquet on V1's arm to stop the bleeding
5 until medics arrived.

6 I arrived with other ABRA
7 Investigators, Earl Jones and Jovan Miller, about
8 3:20 a.m. I noticed that the scene had already
9 been taped off by MPD indicating that there had
10 been some type of crime scene.

11 Initially, I spoke with Officer David
12 Aikin, who was the reporting officer for the 251.
13 He explained to me that this was the incident and
14 this is the area that it happened.

15 I moved on to speak with the head of
16 security, what was his name, Corbett Turner, he
17 let me know that he was there during the
18 incident. He indicated that two males approached
19 him to gain entry. He recognized the two males
20 from a previous altercation involving the host,
21 Ricardo Sykes, who was performing that night. He
22 denied them access to enter into the

1 establishment.

2 While they were waiting in line,
3 bystanders got into an argument with the people
4 trying to come in, basically, siding with the --
5 sided with security and they got into an
6 altercation, that's kind of how it started.

7 The security guard remained at the
8 door. He didn't assist in breaking up the fight.
9 He did witness the fight. He didn't interfere
10 with it. He didn't help break it up. He didn't
11 contact MPD for any kind of response. That's
12 kind of what I got from him.

13 I also interviewed with the ABC
14 manager, Christopher McPhaul. He let me know he
15 was inside the establishment when it happened,
16 but he was unaware that it happened until the MPD
17 arrived.

18 I also, while doing an inspection,
19 interviewed with Percy Harris, who identified at
20 the time as the owner of Dynamix Lounge.

21 CHAIRPERSON ANDERSON: Who was the --

22 INVESTIGATOR ZOLLARCOFFER: After

1 further questioning, we come to find out --

2 CHAIRPERSON ANDERSON: Who is Percy
3 Harris? Who is --

4 MS. MCKENZIE: He is the general
5 manager and represents me.

6 CHAIRPERSON ANDERSON: Okay. Go
7 ahead. All right. But, go ahead, tell me some
8 more about him.

9 INVESTIGATOR ZOLLARCOFFER: Percy is--

10 CHAIRPERSON ANDERSON: Okay.

11 INVESTIGATOR ZOLLARCOFFER: Okay.
12 Percy Harris. He originally, when I introduced
13 myself as an ABRA Investigator, introduced
14 himself as the owner of the establishment. After
15 asking him some more questions, I came to find
16 out that he is not the owner. He is involved in
17 the transfer of ownership, as we know now, but he
18 also informed me that John Brown was the owner,
19 to get in contact with him, he was the sole
20 owner.

21 Percy Harris, he indicated that he
22 wasn't there during the incident, but he was in

1 the establishment between 6:30 and 7:30 to
2 deposit money into the drawer, but he was unaware
3 until he got contacted that there was an incident
4 outside.

5 At approximately 12:55 on Wednesday,
6 May 29th, at approximately 12:55 p.m.,
7 Investigator Zollarcoffer made contact via
8 telephone with John Brown, the owner of ABRA's
9 records -- the owner in ABRA's records of Dynamix
10 Lounge.

11 Mr. Brown stated that he was not
12 working on the night of the incident. Mr. Brown
13 stated that he had no information regarding the
14 incident that occurred on May 25, 2019. Mr.
15 Brown suggested that Investigator Zollarcoffer
16 contact Mr. Harris for any information or for
17 further questioning regarding the incident.

18 Mr. Brown stated that Mr. Harris
19 purchased the business from him for \$80,000 and
20 that he is in the process of completing the
21 application to paperwork with ABRA.

22 That was my interaction with John

1 Brown, so, basically, he was giving all the power
2 saying back to them in ownership.

3 I do have video in regards to -- that
4 I was able to access from Truth Lounge, which is
5 a shared establishment. They share the same
6 address, which is up above them.

7 I made contact with Jovan Stewart,
8 which is the owner of Truth Lounge. I was able
9 to get video of the incident that occurred,
10 basically at that shared address. There is no A
11 or B. They are sharing the same 1220 H Street
12 address.

13 CHAIRPERSON ANDERSON: Okay.

14 INVESTIGATOR ZOLLARCOFFER: Now, I'm
15 able to pull that up for you as well.

16 CHAIRPERSON ANDERSON: Let's see the
17 video. Maybe you can explain to us what is it
18 that we are supposed to see by this video?

19 INVESTIGATOR ZOLLARCOFFER: This is
20 the incident that occurred. This is Truth
21 Lounge's video from the top. Dynamix Lounge is
22 underneath.

1 CHAIRPERSON ANDERSON: Okay.

2 INVESTIGATOR BRASHEARS: Describe to
3 them where Dynamix is in his video.

4 (Video 1 Playing)

5 INVESTIGATOR ZOLLARCOFFER: So as we
6 are looking here, this is the video looking down.
7 Dynamix is actually underneath the stairwell
8 right there. Underneath the stairwell right
9 here.

10 CHAIRPERSON ANDERSON: Okay.

11 INVESTIGATOR ZOLLARCOFFER: I'm going
12 to pull it to 2:24. So at 2:24:36, V1, all black
13 shirt, is seen walking outside, walking up the
14 stairs, he is leaving. He is one of the first
15 victims. You will see him come up right around
16 there. He is involved, so he kind of comes out.
17 He is hanging out just for a few seconds.

18 And at 2:24:47, you will see these two
19 passing, coming in with the black, the white
20 shirt. Those are the two involved and the one
21 with the white, all white on, those two are
22 involved right there.

1 This is when they go down to the front
2 of the Dynamix door. They have an interaction
3 with the security guard, Mr. Turner. This is
4 when he recognizes them to be involved in a
5 previous incident involving the host and those
6 two. He denies them access into the
7 establishment.

8 They seem to be getting into an
9 argument with these other two patrons,
10 bystanders, and the fight starts right there in
11 the stair dwelling right here.

12 2:25:39, when it starts, you see the
13 guy with the -- well, they kind of have -- both
14 have a black shirt with a white stripe, but one
15 of them steps off. You can see with the white
16 on, he does the stabbing as well.

17 That's the head of security right
18 there with the all black shirt on. He has no
19 security notification on him indicating that he
20 is security, but that's him, that's Mr. Turner
21 with the camo pants.

22 At this time, he never notified MPD of

1 any fight or any altercation. He stated that 911
2 was called by bystanders. I'm not sure what he
3 passes them there.

4 (Video Paused)

5 MR. HAYES: May I ask a question?

6 CHAIRPERSON ANDERSON: No, sir.

7 (Video Resumed Playing)

8 INVESTIGATOR ZOLLARCOFFER: You will
9 see the two victims return. They are going to
10 start to sit on that black cadillac right there.

11 CHAIRPERSON ANDERSON: So that person
12 in the baseball cap, that's a security from the
13 establishment?

14 INVESTIGATOR ZOLLARCOFFER: Yes. Yes,
15 sir.

16 CHAIRPERSON ANDERSON: All right.

17 INVESTIGATOR ZOLLARCOFFER: Right
18 there with the -- standing up with his arm out,
19 like his left arm, that's one of the victims, who
20 appeared to be stabbed in the -- under his left
21 arm and upper chest.

22 (Video Paused)

1 CHAIRPERSON ANDERSON: Are you talking
2 about the person in the white shirt or black?

3 INVESTIGATOR ZOLLARCOFFER: Excuse me,
4 with the black and the white stripe.

5 CHAIRPERSON ANDERSON: Oh, who is --
6 okay.

7 INVESTIGATOR ZOLLARCOFFER: Right
8 there, yep.

9 CHAIRPERSON ANDERSON: Do you know who
10 the person in the white shirt is? Do you know if
11 that's the one who works at the establishment?

12 INVESTIGATOR ZOLLARCOFFER: No, he is
13 one of the patrons, I believe.

14 CHAIRPERSON ANDERSON: All right.

15 INVESTIGATOR ZOLLARCOFFER: Yes.

16 (Video Resumed Playing)

17 INVESTIGATOR ZOLLARCOFFER: The
18 incident report might have a name for him, but
19 I'm not sure. I wasn't -- I'm not sure of his
20 name.

21 There was a significant time lapse
22 between the start of the incident and the arrival

1 of MPD. It was about 2:24:36 when the
2 altercation began and here we are at 2:29, so I
3 believe it was about 5 or 10 minutes before they
4 arrived.

5 (Video Stopped)

6 CHAIRPERSON ANDERSON: And again, who
7 called MPD?

8 INVESTIGATOR ZOLLARCOFFER: When I
9 asked the security guard, he said that he did not
10 and the bystanders was the ones that called 911.

11 CHAIRPERSON ANDERSON: All right.

12 INVESTIGATOR ZOLLARCOFFER: He didn't
13 assist breaking it up or notifying MPD.

14 CHAIRPERSON ANDERSON: And do you know
15 who does the security? Who employed the
16 security, do you know? Was the security employed
17 by the promoter or by the owner of the
18 establishment? Do you know?

19 INVESTIGATOR ZOLLARCOFFER: I'm not
20 quite sure. He did indicate he was the only
21 security there, so they only have one security
22 member at the front door.

1 They had about -- when I asked the ABC
2 manager about how many patrons in there, he said
3 there was approximately 65 people inside.

4 CHAIRPERSON ANDERSON: What night of
5 the week was this?

6 INVESTIGATOR ZOLLARCOFFER: That was
7 Saturday night at 2:00 in the morning. Oh,
8 excuse me, that would be Saturday morning at
9 2:00.

10 CHAIRPERSON ANDERSON: It was Saturday
11 morning?

12 INVESTIGATOR ZOLLARCOFFER: 2:24:36.

13 CHAIRPERSON ANDERSON: Okay. So I
14 guess what their operation hours is what 3:00
15 a.m.?

16 INVESTIGATOR ZOLLARCOFFER: 3:00 a.m.,
17 yes.

18 CHAIRPERSON ANDERSON: Okay. All
19 right. Anything else you want to offer?

20 INVESTIGATOR ZOLLARCOFFER: No, that's
21 it.

22 CHAIRPERSON ANDERSON: I guess were

1 you -- did you make any conclusions as a result
2 of -- I'm sorry, this is the -- hold on. I'm
3 sorry, what date was this incident again?

4 INVESTIGATOR ZOLLARCOFFER: Saturday,
5 May 25th.

6 CHAIRPERSON ANDERSON: Okay. All
7 right. Okay. So this is the incident that was
8 on our investigative report today that's before
9 you.

10 INVESTIGATOR ZOLLARCOFFER: I guess I
11 would add that after reviewing the video of the
12 incident, Investigator Zollarcoffer determined
13 the security personnel from Dynamix Lounge did
14 not attempt to stop the fight or notify MPD.
15 Dynamix Lounge appeared not to have any security
16 procedures in place to handle the altercation.

17 They also -- I would also note that
18 they do not have a settlement agreement or a
19 security plan.

20 CHAIRPERSON ANDERSON: All right. So
21 this is the incident that we referred to the
22 Office of the Attorney General then for further

1 action. All right.

2 Let me see, Master Patrol Officer
3 Johnson, do you have anything you can add
4 regarding this incident, sir?

5 MPO JOHNSON: Yes, sir. As the
6 Investigator related to and testified today that
7 on the night in question, the two gentlemen that
8 were denied entry had been involved in a fight
9 inside of the lounge earlier and that was never
10 reported to MPD either.

11 CHAIRPERSON ANDERSON: So how do you
12 know that that occurred, that they were involved
13 in a fight earlier in the establishment?

14 MPO JOHNSON: Because during the
15 investigation by the detectives, they discovered
16 that information once they secured the scene and
17 they were talking to, I guess, the employees of
18 the establishment and other bystanders that the
19 fight had ensued earlier and that one was never
20 reported to MPD, no one responded to. And we
21 didn't respond until the actual stabbing call
22 came out.

1 CHAIRPERSON ANDERSON: Okay. Mr.
2 Zollarcoffer, did anyone from the establishment
3 advise you that a fight had occurred that these
4 two individuals were involved or were not
5 involved in a previous incident?

6 I know you mentioned that the doorman
7 was aware of they had some previous incident
8 with, I guess, the entertainer, whoever, or maybe
9 someone involved in there. But did they tell you
10 that it was something that had happened this
11 night or was it something happened previously?

12 INVESTIGATOR ZOLLARCOFFER: On
13 Wednesday, May 29th, at approximately 2:30,
14 Investigator Zollarcoffer made contact with
15 Larry, who used a first name basis, who is the
16 promotional manager. He noted that he was
17 unaware of any previous altercations between Mr.
18 Sykes and the two -- and the host and the two
19 patrons trying to gain access.

20 But no one told me that they --
21 outside of -- head of security, that they noticed
22 these two people.

1 CHAIRPERSON ANDERSON: Yes, but why
2 did the -- again, why did the doorman, or I guess
3 the head of security, allow these two gentleman
4 in?

5 INVESTIGATOR ZOLLARCOFFER: Him?

6 CHAIRPERSON ANDERSON: Yes, why?
7 Because I remember you -- I think you mentioned
8 that --

9 INVESTIGATOR ZOLLARCOFFER: He said he
10 recognized the two from a previous altercation
11 either a few days, a few weeks ago, two weeks
12 prior to the incident. He recognized them. I'm
13 not saying that it wasn't -- apparently it might
14 be hours before, an incident that might have
15 occurred in the establishment prior to, but he
16 told me there was -- of an incident two weeks
17 prior and he recognized the faces, so he denied
18 them.

19 CHAIRPERSON ANDERSON: But these are--
20 but I guess as you are stating, Officer Johnson,
21 is that this -- these two gentlemen were from an
22 incident that occurred earlier that evening?

1 MPO JOHNSON: I'm not sure, sir, if it
2 was earlier that evening, but they had been
3 involved in a previous altercation inside the
4 lounge.

5 CHAIRPERSON ANDERSON: Okay. All
6 right. All right. Then okay. My apologize. I
7 thought that it was earlier that evening.

8 Was there -- does anyone know if there
9 was any incident in the establishment that
10 evening?

11 INVESTIGATOR ZOLLARCOFFER: I'm not
12 aware of any incident.

13 CHAIRPERSON ANDERSON: Do you know
14 whether or not -- do they have any camera system
15 inside?

16 INVESTIGATOR ZOLLARCOFFER: They did
17 have one camera, I believe, in the back of the
18 establishment, which they were unable to provide
19 any video for when I asked them. So they
20 referred me to the video from Truth Lounge, which
21 had video of the incident that we are looking at
22 now.

1 CHAIRPERSON ANDERSON: Okay.

2 INVESTIGATOR ZOLLARCOFFER: I was
3 unable to -- when I requested video from inside,
4 I was unable to obtain any video from any cameras
5 that they had.

6 CHAIRPERSON ANDERSON: So they had
7 cameras, but they didn't have any cameras that
8 would have captured this incident from your
9 perspective?

10 INVESTIGATOR ZOLLARCOFFER: Yes.

11 CHAIRPERSON ANDERSON: All right.
12 Thank you.

13 Mr. Peru, do you have anything you
14 want to add?

15 INVESTIGATOR PERU: Not with reference
16 to the actual incident, if you want to stick on
17 that or hop around? It's just --

18 CHAIRPERSON ANDERSON: Hop around,
19 please.

20 INVESTIGATOR PERU: Okay. My only is
21 going to be in reference to the complaints that
22 we had been receiving. You know, MPD has called

1 us on numerous occasions, some of the incidents
2 you mentioned for our assistance. There have
3 been complaints through MPD through the call
4 centers as well.

5 We received approximately four noise
6 complaints in the last couple months and we have
7 also received several email complaints.

8 CHAIRPERSON ANDERSON: Can you give me
9 dates? Remember, one of the reasons I'm asking
10 is that this is a Fact-Finding Hearing regarding
11 the transfer application. So I'm trying to find
12 out and I'm not quite sure how long Ms. McKenzie
13 has been operating. Maybe we will get some
14 clarification today.

15 So I'm trying to see if maybe you can
16 give us some dates when these incidents occurred,
17 so to see if we can establish whether or not
18 these incidents occurred on her watch or under --
19 well, although since she is not an owner, ABRA
20 has not approved her as an owner and there is no
21 TORP, so nothing should occur on her watch,
22 because she should not be running the

1 establishment.

2 But it appears that she might have
3 been involved, so that's why I'm trying to get
4 some dates from you, please.

5 INVESTIGATOR PERU: Okay. No, I
6 understand, sir. So the noise complaints that we
7 have recorded were in December of 2018 and there
8 were two in June of 2019, actually, hotline calls
9 received from ABRA.

10 The e-complaints came in starting on
11 December 14th. There was actually an e-complaint
12 that came in through ABRA.

13 CHAIRPERSON ANDERSON: What's an "e?"

14 INVESTIGATOR PERU: I'm sorry, the
15 ABRA Email Complaint Lines, so through our
16 website.

17 CHAIRPERSON ANDERSON: Okay.

18 INVESTIGATOR PERU: There was a filed
19 complaint December 14, 2018, February 3, 2019.
20 There are actually three complaints that came in
21 on December 14th, unable to tell if they are from
22 the same individual, but they are all different

1 times and reference to the same problems of
2 noise.

3 We also got a call from -- on
4 Wednesday, April 10, 2019, MPD notified us that
5 they had concerns about possibly underage
6 drinking inside of the establishment. Nothing
7 was substantiated or confirmed that there were
8 patrons underage drinking, but that was all --
9 another call that was received from MPD.

10 And you know, based on my personal
11 knowledge, it's going to be strictly based on the
12 calls and MPD's concerns that have been voiced to
13 me in person out on the scene from the sergeants
14 on-scene or the officers that are working about
15 lack of cooperation by the staff when they are
16 operating.

17 As you can see, the one incident that
18 they were -- they actually wrote a report on in
19 reference to interference.

20 And you know, in general, it seems to
21 be, you know, with the noise and the new
22 operation of some procedures that need to be

1 tightened up with them. You know, from no
2 security plan, no settlement agreement, so there
3 is no restrictions that are currently put in
4 place for them and I think that's where MPD is
5 kind of running into -- they are heading into the
6 wall, you know, based on any time there is
7 interaction with them, they call us, because they
8 are not being cooperative with MPD.

9 So that has kind of been the general
10 premise of an MPD officer reported that, you
11 know, a female overly intoxicated got in her
12 vehicle and up the street and ran into another
13 vehicle that was parked and she was arrested for
14 DUI.

15 Well, once again, that was on H
16 Street, but then they determined she came from
17 Dynamix Lounge. So you know, I'm not saying
18 directly tied to, but stuff like that, incidents
19 like that MPD keeps running into the same
20 location, keeps coming up in those reports. So
21 that's it, sir.

22 CHAIRPERSON ANDERSON: Thank you. Mr.

1 Brashears, anything you want to add?

2 INVESTIGATOR BRASHEARS: Well, yes,
3 sir. I can speak specifically to the
4 interference issue on June 15th. Additionally, I
5 can also speak to the fact that speaking with the
6 MPD officers on the PSA assigned to that area,
7 over the last few months, Dynamix has been the
8 location that they say well, we always wind up
9 having to be here. They have actually started,
10 you know, posting up near that area, because as
11 I'm told, we are going to wind up there any way.

12 There are issues and problems and as
13 such, we have placed the establishment on the
14 monitoring list. But as far as the interference
15 incident on June 15th, I was manning the ABRA
16 hotline. I got a notification from MPD Officer
17 Magee, who is assigned to that area, and he was
18 wanting clarification, basically asking me what
19 the rules were, because as you were probably
20 briefed and were authoring a case on it, when --
21 he noticed a large group of people outside.

22 He approached the establishment

1 attempting to walk through and see what was going
2 on. He was stopped at the door. The promoter
3 blocked his way and basically put his hand on his
4 chest and advised him that you have to pay \$50 to
5 come in. And of course, Officer Magee is like
6 no, you don't understand, I'm a Metropolitan
7 Police Officer, I need to come in. And they
8 refused him. So he notified us and we visited
9 the establishment.

10 When I got there, basically, the
11 individual that was doing all the talking and
12 basically running the show was a promoter. There
13 was an ABC manager present. He was sitting on a
14 stool near the front door. We IDed him and I
15 advised him the rules for allowing ABRA
16 Investigators, MPD and DCRA Inspectors in without
17 delay. I actually gave him a copy of the
18 regulation detailing that and advised him that,
19 you know, it is an interference charge.

20 He didn't seem real concerned about
21 it, didn't seem to know much about the
22 establishment, which was a little disconcerting

1 and I also told him obviously you can't let a
2 promoter be in charge.

3 Other than that, we noticed some
4 discrepancies on some of the documents when we
5 did our walk-through. Several of them had
6 different trade names than the Dynamix, which
7 kind of goes into the transfer.

8 And then we were also notified that
9 prior to our arrival, I guess when the
10 establishment realized ABRA was coming, the trade
11 name Ocean Lounge was taken down and the MPD
12 officer provided me video footage where the
13 people from the establishment were putting
14 Dynamix back on the front window with stick-on
15 letters.

16 So it seemed a little suspect and
17 then, of course, we also learned -- that was when
18 we learned of the possible illegal transfer and
19 ownership. And as such, MPD authored a 251 and
20 we are in the process of writing an interference
21 case.

22 CHAIRPERSON ANDERSON: Thank you.

1 INVESTIGATOR BRASHEARS: Yes, sir.

2 CHAIRPERSON ANDERSON: Any questions
3 by any Board Members? Mr. Short?

4 MEMBER SHORT: This is for either one
5 of you, Investigators and supervisors.

6 What is the capacity of this
7 establishment?

8 INVESTIGATOR ZOLLARCOFFER: The C of
9 O says 75.

10 MEMBER SHORT: Would you give that
11 again, please? I didn't --

12 INVESTIGATOR ZOLLARCOFFER: 75
13 patrons.

14 MEMBER SHORT: 75 patrons.

15 INVESTIGATOR ZOLLARCOFFER: 75, yes.

16 MEMBER SHORT: Thank you. I guess
17 this is also for either three of you and the
18 officer. If we could, basically, is this
19 stabbing on May the 25th, is this the first
20 incident of violence for this location? The
21 Officer or the Investigators. Is this stabbing
22 of May 25th, which we are here today about, is

1 this the first instance of violence for this
2 establishment?

3 MPO JOHNSON: No, sir.

4 MEMBER SHORT: Can you elaborate,
5 please?

6 MPO JOHNSON: Yes, sir. On April 28,
7 2019 at approximately 3:45 a.m., members of the
8 1st District responded to 1220 H Street, N.E., for
9 an assault in progress.

10 Once on the scene, the officers found
11 an intoxicated and agitated male who was in an
12 altercation with one of the managers for Dynamix
13 Lounge. The intoxicated male had been a patron
14 of Dynamix Lounge prior to the incident. The
15 intoxicated male was later arrested on unrelated
16 charges, but an ABRA incident report was also
17 filed through our Central Complaint Network
18 System.

19 MEMBER SHORT: Okay. Thank you. So
20 April the 28th is the only one you have reported?
21 Is that it?

22 MPO JOHNSON: Yes, sir. There is that

1 one, that's the only one of violence, and then
2 there is the Investigator alluded to about the
3 individual that was arrested for DUI that crashed
4 into several parked cars and stated that they
5 consumed three mixed drinks and a shot of tequila
6 at the Dynamix Lounge prior to operating her
7 vehicle.

8 CHAIRPERSON ANDERSON: When was that?

9 MPO JOHNSON: That one was on May 31st.
10 And there was a June 9th, the reporting officer
11 listed date and time. The doorman let an
12 intoxicated female into the listed location.
13 Officers advised that they should not have let
14 her in. Upon entry, the female became disorderly
15 and started a verbal altercation and had to be
16 escorted out of the club.

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

19 CHAIRPERSON ANDERSON: Any other
20 questions by any other Board Members? Yes, Mr.
21 Silverstein?

22 MEMBER SILVERSTEIN: This is just a

1 horrific list of things that have gone on. Can
2 anybody perhaps speak to how neighbors and nearby
3 businesses are coping with this and how they are
4 reacting to it?

5 MPO JOHNSON: Well, sir, when I was
6 reviewing my information this morning that my
7 Captain sent to me, there have been several, I
8 mean several calls for disorderly conduct
9 involving this lounge and there has also been
10 several calls from citizens about, as the
11 Investigator alluded to, noise complaints.

12 As you can see, a lot of this stuff
13 goes on in the wee hours of the morning and, you
14 know, D.C. has the law of no noise at night after
15 10:00 p.m. And when all the patrons are out in
16 the street and we have the assaults and the
17 stabbings going on, so we have had numerous calls
18 for disorderly conduct coming from that location.

19 MEMBER SILVERSTEIN: I wanted to serve
20 a first world problem, looking at what I saw
21 there and what I heard, are people afraid of what
22 is going on here? Is there a climate of fear

1 beyond peace, order and quiet?

2 MPO JOHNSON: Well, as the
3 Investigator alluded to, that's why the officers
4 spend a lot of time -- during that time frame,
5 they spend close to that area, because of the
6 things that go on outside.

7 INVESTIGATOR BRASHEARS: Which takes
8 resources away from -- as you know, there are a
9 lot of ABC establishments along that block.

10 MEMBER SILVERSTEIN: Sure.

11 INVESTIGATOR BRASHEARS: And due to
12 the issues that are happening, that's where they
13 have to focus their attention, kind of leaving
14 the other places unsupervised, I guess you could
15 say.

16 MEMBER SILVERSTEIN: Are you getting
17 any feedback from the other places regarding
18 patrons?

19 INVESTIGATOR BRASHEARS: I haven't,
20 sir.

21 MEMBER SILVERSTEIN: Or regarding the
22 things that are going on here?

1 INVESTIGATOR PERU: What I'm looking
2 at is this, sir, February 3rd e-complaint that
3 came in to the ABRA and this complaint is very
4 specific in the sense of excessive noise, music
5 heard coming from this lounge into the early
6 morning hours. There has been an increase in
7 violent activities in the neighborhood since the
8 establishment opened. Patrons park on my street,
9 which is Linden Place, and gather there to keep
10 partying once Dynamix closes.

11 So to answer your question about the
12 community, all these complaints that I have
13 received via hotline and via e-complaints have
14 come from neighbors or residents in that area
15 that have concerns.

16 MEMBER SILVERSTEIN: So there is a
17 double issue here. There is one of the people
18 who live there who deserve quality of life. The
19 other issue is that you have businesses there and
20 a bad business or a business that draws
21 disorderly and violent conduct can make it a
22 frightening situation and can deter people from

1 enjoying the hospitality of the good businesses.

2 And it would seem that both of these
3 things appear to be going on, according to what
4 you are reporting. Mr. Puente?

5 INVESTIGATOR PERU: Yes, sir.

6 Everything that you said is correct. That's
7 definitely a concern. And especially now the
8 tricky part is going to be because the
9 establishment that just opened above them that
10 shares the same address, Truth, any calls that
11 come through MPD's Call Center or to ABRA is
12 going to reference that address, so we have to
13 now determine Dynamix or Truth of where the
14 problems or noise is stemming from.

15 Which is, you know, going to be --
16 could be -- I guess the point is that Truth could
17 get, you know, possibly blamed or vice versa or
18 Dynamix blamed --

19 MEMBER SILVERSTEIN: Sure, sure.

20 INVESTIGATOR PERU: -- for stuff that
21 occurs at that same shared address.

22 MEMBER SILVERSTEIN: I mean, you know,

1 we bring it up here, I forever do the case, the
2 one place on Capitol Hill that had over 200
3 service calls in a year and it was a very quiet
4 place, but it was across -- catty-corner from a
5 Metro stop and any time anybody got sick on the
6 train, this was the address that was called for
7 the police. And these poor folks had hundreds of
8 calls and they had done nothing.

9 And so if you have two places sharing
10 the same address and something is happening in
11 one place, the other place is going to still have
12 all of these service calls and it's going to look
13 like what is going on there? So it is a
14 difficult situation. Thank you, Investigator.

15 CHAIRPERSON ANDERSON: Okay. And then
16 the one -- how long are -- how long has Dynamix
17 been in business? Does anyone know?

18 INVESTIGATOR PERU: I don't want to
19 guess either. It has been close to a year, if
20 not -- I can recollect. I would have to check
21 files.

22 CHAIRPERSON ANDERSON: No, that's --

1 so Dynamix is basically a new business then.

2 INVESTIGATOR PERU: Yes, sir.

3 CHAIRPERSON ANDERSON: All right.

4 It's basically a year old and now within the
5 year, they are transferring to another
6 establishment. And the reason why -- the reason
7 I have asked is because you said one of the e-
8 complaints someone said since this new business,
9 we have had all this sound.

10 What I'm trying to at least establish
11 in my mind was that Ms. McKenzie moving in or was
12 this -- this is a new place that folks are like
13 saying now there is trouble.

14 INVESTIGATOR BRASHEARS: Yes, sir.

15 CHAIRPERSON ANDERSON: Yes?

16 INVESTIGATOR BRASHEARS: It's my
17 understanding one of the first responsibilities I
18 had taking the ABRA Hotline last October, when I
19 became a supervisor, was noise complaints and
20 things. And the establishment from what I
21 understand, I took a noise complaint there in
22 October of 2018, at that time it was fairly new

1 because the individual that I met had talked
2 about working with the neighbors behind the
3 establishment to mitigate the sound.

4 So I'm not sure how old they were, but
5 my understanding is it was a fairly new
6 establishment in October of 2018.

7 CHAIRPERSON ANDERSON: All right.
8 Thank you. All right. Prior to addressing Ms.
9 McKenzie, anything else that anyone wants to put
10 on the record?

11 MPO JOHNSON: No, sir.

12 CHAIRPERSON ANDERSON: All right. As
13 I stated to Ms. McKenzie, normally we don't have
14 Fact-Finding Hearings for a transfer. It's
15 automatic and the community is not -- but these
16 are some troubling incidents. And you are coming
17 to us to ask permission to allow you to operate
18 this business. And what assurances can or
19 confidence can you give this Board that we should
20 allow you, give you this privilege of operating a
21 business in the District of Columbia?

22 I just thought maybe you can tell us

1 about yourself and whatever you can let me know
2 what and unofficial or officially, we know you
3 have been operating prior to the transfer. So
4 you can admit that.

5 I'm just saying, you can -- it's
6 factual. So I'm just trying to find out from you
7 how long has this been going on for? I mean, are
8 these under your watch or is it under the old
9 owner's watch?

10 And I heard something that is very
11 troubling to me today, it's our -- Mr. Brown is
12 the owner of record, as far as ABRA is concerned.
13 And our Investigator and he has no reason to --
14 Mr. Zollarcoffer, I mean, he has no reason not to
15 be truthful. He is new to ABRA and this is
16 probably one of the first times he is testifying
17 to me and I have no reason to think that he is
18 going to tell me something that is an untruth.

19 So once he said to me today was that
20 under -- he testified today that when he
21 contacted Mr. Brown, Mr. Brown told him that he
22 needs to call Mr. Percy Harris because Mr. Percy

1 Harris had purchased the property and -- for 100
2 percent. That's what our Investigator stated.

3 And as far as our records are
4 concerned moving forward, you are the 100 percent
5 owner. So maybe you can in coming to us tell us
6 what is it -- bring some clarification to us on
7 that.

8 MS. MCKENZIE: Sure. I'm Pam
9 McKenzie.

10 CHAIRPERSON ANDERSON: Speak up,
11 please.

12 MS. MCKENZIE: I'm Pam McKenzie and
13 ultimately --

14 CHAIRPERSON ANDERSON: Pull the --

15 MS. MCKENZIE: This?

16 CHAIRPERSON ANDERSON: Yeah.

17 MS. MCKENZIE: Of course, I'm
18 disturbed by seeing the video and hearing the
19 collection of complaints. And just in standing
20 here representing the organization, you know, we
21 apologize as a corporate citizen.

22 Quite honestly, we are quite new to

1 what is going on. I do have a document here that
2 basically shows the purchase. We were unaware, I
3 know it's not an excuse, that there was an
4 illegal transfer. I paid cash for the business.

5 CHAIRPERSON ANDERSON: What do you
6 mean you were unaware that there was an illegal
7 transfer?

8 MS. MCKENZIE: Well, we have a
9 document here to show the transfer of assets,
10 liabilities, etcetera, and that's -- we got it
11 notarized and we did it on August 26th, effective
12 -- I'm sorry, April 26th, effective April 29th.

13 The incident that somebody mentioned,
14 one of the Investigators, on April 28th where
15 there was somebody arrested, unfortunately, that
16 was John Brown.

17 CHAIRPERSON ANDERSON: All right. So
18 you are saying that you have a document, which
19 I'll -- I mean, I'll ask that you provide us that
20 document. So you have a document to say that you
21 bought the property when?

22 MS. MCKENZIE: It was actually

1 effective -- we have it effective May 1st. Of
2 course, the document is dated April 26th. So
3 right about April 28th, they had like a farewell
4 party or so and there was an issue. And I think
5 there was an arrest and I think from my
6 recollection, it may have been a former owner.

7 There was some kind of altercation
8 between one of the promotional persons and the
9 prior owner.

10 CHAIRPERSON ANDERSON: Well, all
11 right. So you are going to provide to me some
12 document to say that I bought this business as
13 of, it's mine as of April 26.

14 So therefore, you are going to stand
15 up and say I'm responsible as of April 26th,
16 although you are -- anyway, the reason I'm asking
17 is that you are not responsible until we give you
18 a license and/or until when you purchased the
19 property on April 26th and you could have come to
20 us on April 26th and asked for a TORP, which is a
21 temporary operating permit, to say I can -- I now
22 own the business as of April 26. I want to

1 operate the business until such time as you have
2 approved us.

3 So but -- so all right, go ahead. So
4 you bought the property.

5 MS. MCKENZIE: Um-hum.

6 CHAIRPERSON ANDERSON: And so what is
7 it that you believed you could do as of April 26?
8 Go ahead.

9 MS. MCKENZIE: And here is the thing,
10 coming into the business I'll be completely frank
11 and transparent, I had no idea that this was
12 going on. We had no idea that there was a
13 history and accumulation of all of these
14 concerns, right?

15 So no matter what, you have to take
16 responsibility. So what we ended up doing is
17 hiring this gentleman as our consultant to help
18 us drive the bus in the right place. That was
19 like the first thing we did one month in, we
20 hired him. We just sealed the Statement of Work.
21 He has 25 years of entertainment experience, a
22 club owner for many years, and just one of the

1 well-oriented persons in PG County, Maryland.

2 So we brought him in. He sort of even
3 driving before we even officially made an
4 agreement, but he has been helping us an awful
5 lot. We have taken direction. We have taken
6 action.

7 Corbett, the security guard, who did
8 the right thing and did not let these guys in who
9 had weapons, he had -- he did his whole security
10 scenario and found that they had metal on them,
11 that's why they didn't get in.

12 The officer alluded to an earlier
13 incident in the club. We have no knowledge of
14 that and we can supply you with videos from the
15 inside. We have four cameras on the inside at
16 all angles. There was no altercation. Folks
17 were happy, dancing, having a good time.

18 So we have no -- I was surprised to
19 hear that, sir. So when the situation happened
20 outside, the guys could not get in to address
21 some guy called Ricardo Sykes, whom we got rid
22 of. He is no longer allowed in our establishment

1 because of the issues. That incident ultimately
2 happened outside of the club.

3 Yes, there is some connection, because
4 they tried to get in, but we tried to do the best
5 job we could. At the time, we, you know, are not
6 very aware of what is going on in terms of the
7 demographic in the area. We are just trying to
8 run a business, but we realize we've got to do it
9 differently.

10 So we have like a new mission
11 statement. We have hired this professional here.
12 And we have fired a number of people. We got all
13 bar -- new bartenders. Everybody is e-TIPS
14 trained. I'm even e-TIPS trained. And we are
15 trying to really target a different demographic
16 and provide a more friendlier place and be a
17 better corporate citizen.

18 This is awful. It's disturbing. We,
19 you know, are like shaking in our boots like oh,
20 my God, what do we do? And we really didn't
21 think, honestly, we thought we did it right. We
22 ran up to DCRA. We -- I came down to ABRA. We

1 did application. I have every element of my
2 application.

3 I thought it was going well and
4 suddenly the incident that happened where the
5 promotional person blocked the officer from
6 getting in, we were so -- he turned around and
7 came back down. He said put Officer Magee on the
8 phone. He is a great officer. We were like why
9 didn't you let him in? Where was our manager?
10 In the restroom.

11 So we take full responsibility. He
12 came back. He was able to enter the premises.
13 And we tried to resolve it that night. We stood
14 out and talked to him for a long time about it.
15 He was like you guys got to make a change. And
16 so that's what -- why we are here.

17 You know, I just -- the stabbing is
18 the worst thing. Like I can't even get over
19 that. That's the worst ever. And we don't want
20 to target a group of people who would want to
21 draw that to the community. You know, we want to
22 be able to represent ourselves as a corporate

1 citizen to support the organization, to be a part
2 of the community, again sign up for the New
3 Licensee Transfer course that you guys offer.

4 You know, we promise, we are going to
5 make a change. We just need a chance. We have
6 only been in place about two and a half months.
7 And we put a number of things in place. It's
8 expensive ultimately, but we will get there.

9 You know, we have the assets to get
10 there. We just -- we ran into something we
11 probably should have taken a little bit of time
12 and done some homework.

13 CHAIRPERSON ANDERSON: Who are you?
14 Who are you?

15 MS. MCKENZIE: My background
16 ultimately?

17 CHAIRPERSON ANDERSON: I mean, you are
18 -- it's like two and a half months and you are
19 asking us to -- and as I said before, this is --
20 we don't normally do this, but we are doing this
21 because of -- now, these incidents have occurred
22 under your watch, so --

1 MS. McKENZIE: Can I just --

2 CHAIRPERSON ANDERSON: All right.

3 Hold on. I was told you signed a contract on
4 April 26th. On April 26th, is that correct?

5 MS. McKENZIE: (No audible answer.)

6 CHAIRPERSON ANDERSON: And we are
7 talking about incidents that occurred May 25th,
8 June 15th, and I think there is May 18 through
9 19th. So this is you.

10 MS. McKENZIE: Yes.

11 CHAIRPERSON ANDERSON: Okay. So
12 whatever happened, I mean, you are here today
13 because of we sent this -- we sent the May 25th
14 incident to Show Cause. That's a month after you
15 signed the contract, so that's you.

16 MS. McKENZIE: Right. Yes,
17 absolutely.

18 CHAIRPERSON ANDERSON: So it's -- so
19 let's not get it -- this is you. It should not
20 have been you, but since you said I signed those
21 documents and I'm ready to move forward, it's
22 you. So in this just -- in two and a half

1 months, and you are asking us to give you a
2 license, that's not very promising. That's not a
3 very promising start.

4 So tell us about who you are and what
5 is it that you bring. And you still haven't
6 answered the -- that John Brown said that Mr. --
7 this other person is the owner.

8 MS. MCKENZIE: Mr. Harris.

9 CHAIRPERSON ANDERSON: So Mr. Harris
10 is the owner, that's what John Brown told our
11 Investigator.

12 MS. MCKENZIE: Yes.

13 CHAIRPERSON ANDERSON: So I need you
14 to tell me who are you and what is it that you
15 bring to say that what type of experience do you
16 bring to convince this Board that you are able to
17 operate this establishment. And who are these
18 people who come in? I mean, are these promoters?
19 Why do you have -- if -- why do you have
20 promoters? And when -- why do you have
21 promoters?

22 I mean, you are in the business. You

1 are running a business. Why are you bringing
2 promoters in? Maybe you can tell us. I don't
3 know what your business -- that's your call, but
4 you are new and I don't know who these promoters
5 are and I don't quite understand what role they
6 play.

7 So when a promoter comes, is it you
8 that say well, I don't know, I put my hand behind
9 my back and so the promoter is now running the
10 store, running the shop? The promoter is at the
11 door saying who can come in and come out of
12 there. And I'm not talking about the promoter
13 telling MPD that he can't come in. But you have
14 a promoter at the door basically picking and
15 choosing who is coming in to your establishment.
16 What's that all about?

17 MS. McKENZIE: Yeah, so you asked a
18 number of questions, but I'm going to address one
19 of the points you made.

20 CHAIRPERSON ANDERSON: Answer all of
21 them, ma'am.

22 MS. McKENZIE: Okay. So Percy Harris

1 is the general manager. Okay? So when he is
2 there, he ultimately manages the entire
3 establishment. He has about five years of
4 experience for managing clubs in Baltimore,
5 Maryland.

6 I don't have club management
7 experience, but I have a background in business.
8 I have an Econ degree.

9 MEMBER SILVERSTEIN: Please speak a
10 little louder.

11 MS. MCKENZIE: Oh, sorry. I have an
12 Econ degree. I went to Maryland University, a
13 business background degree and I have a secret
14 clearance in Federal Government. I work as a
15 Government employee and this is kind of like my
16 transition career. I have always wanted to do
17 entertainment.

18 So I have been an entertainer. It's
19 not like I'm just grabbing the business that's
20 available, but this is something I deeply want to
21 do. I love providing operations that make people
22 happy. Unfortunately, we saw the incident, that

1 doesn't look too happy, but that's the thing I
2 want to do. And that's where I come from, from a
3 personal perspective.

4 Business-wise, you know, I try my best
5 to reshape and refine the operation, like I
6 mentioned. I got rid of several bartenders. I
7 got rid of -- unfortunately, got rid of Corbett
8 because of that connection. They guy that is
9 recognized as fame in the report, Ricardo Sykes,
10 gone. I told him do not come back.

11 And also we all got trained and we all
12 signed up for the new licensee, because,
13 obviously, there are things we are missing.
14 Right? So we understand that.

15 Who am I? I am a person who I
16 represent -- I'm trying to represent myself as a
17 corporate citizen and trying to be an asset to
18 the folks on H Street.

19 I realize that people are coming by
20 and in the community words are probably, you
21 know, complaining about. I understand that.

22 But it's difficult for me to say that,

1 you know, once sort of April the 29th hit, that
2 every single thing might be associated, but I
3 realize we have a responsibility. I'm not
4 denying that. I want you to understand I can
5 hear you there.

6 But every little thing that happens on
7 that street can't be blamed on a small little
8 club.

9 CHAIRPERSON ANDERSON: No, we are not
10 talking about every little thing, ma'am. This is
11 what we -- what I'm talking about is May 25th.

12 MS. MCKENZIE: Right.

13 CHAIRPERSON ANDERSON: June 15th, these
14 are May 25th, June 15, these -- and May 29, so
15 again, May, April, and so I'm not talking about
16 the December, that's one of the reasons why I
17 asked Mr. Peru to be clear --

18 MS. MCKENZIE: Okay.

19 CHAIRPERSON ANDERSON: -- the dates
20 that we are talking about. So I'm not talking
21 about -- H Street is a busy street. It's there--
22 a lot of stuff happens on H Street.

1 MS. MCKENZIE: Okay, yes.

2 CHAIRPERSON ANDERSON: And as one of
3 the clarifications that was told, there is
4 another establishment Truth Lounge. It is on top
5 of your building, but I'm hearing, everyone is
6 talking about this establishment. So, yes, we
7 are talking about this establishment and the
8 concerns that are regarding this establishment.

9 So I need you to -- I am not talking
10 about everything else that occurs on H Street.
11 I'm being very specific in giving you dates when
12 -- yes, you should not be running this
13 establishment, but it -- the indications here is
14 that you are.

15 And so you have now given me a start
16 date, when you are somewhat responsible. And so
17 that's why I'm going with your start date.
18 That's why I specifically asked you when is it --
19 do you have a start date? When was that? When
20 was that date?

21 MS. MCKENZIE: Yes, sir. So and we
22 are also putting a security plan in place. We

1 know we need one.

2 CHAIRPERSON ANDERSON: What do you
3 mean you are putting a security plan in place?
4 Tell me.

5 MS. McKENZIE: So we have -- Sir Hayes
6 is going to help us with that to help us
7 establish a system whereby we are going to have
8 someone on the inside of the club.

9 CHAIRPERSON ANDERSON: Well, let me
10 ask you a question. Now, who is he? Maybe you
11 can tell me, give me your background, sir.

12 MR. HAYES: Sure. My name is Norman
13 Hayes. I'm known as Doc. I have been -- I'm
14 sorry. I'll speak up.

15 I have been in the D.C. area doing
16 nightclub/restaurant endeavors for quite a while.
17 I'm a former division director for naval
18 intelligence in Suitland, Maryland. And somehow
19 in 1997 I lost my mind and bought a nightclub.

20 And so I began operations there at a
21 place called Club Elite, which is pretty famous
22 around here. I also --

1 CHAIRPERSON ANDERSON: Is that in
2 D.C.?

3 MR. HAYES: No, it's in Maryland.

4 CHAIRPERSON ANDERSON: Okay.

5 MR. HAYES: Prince George's County.

6 CHAIRPERSON ANDERSON: Have you
7 operated any establishments in D.C.?

8 MR. HAYES: Yes.

9 CHAIRPERSON ANDERSON: What
10 establishments?

11 MR. HAYES: Jordan's 8 on Capitol
12 Hill.

13 CHAIRPERSON ANDERSON: Who?

14 MR. HAYES: Jordan's 8 on Capitol Hill
15 on 8th Street and Capitol Hill and Hogates at the
16 end, which was on the D.C. Waterfront.

17 CHAIRPERSON ANDERSON: And what were
18 the -- what was your role at these
19 establishments?

20 MR. HAYES: At these establishments,
21 it was both investor, advisor, consultant at
22 Jordan's 8, general manager, trying to turn

1 around.

2 Essentially, if you have ever seen the
3 TV show Bar Rescue, it is that kind of
4 circumstance, because they were in -- they didn't
5 have -- rise to the level of some of these
6 complaints. But financially, tax-wise,
7 otherwise, they were in trouble. So I went in
8 and helped save them. And on a referral to these
9 folks, I came in to help them.

10 Now, back to my background, I have
11 been very successful in the endeavors I have had.
12 I'm a former chairman of the board of the
13 Restaurant Association of Maryland, which is a
14 fairly prestigious circumstances, but your
15 responsibilities include 11,000 restaurants for
16 the state.

17 So I have seen a number of operations,
18 big and small, from 50 people to 2,000. And so
19 one of the Mayors of a city in Maryland near
20 District Heights knows me very well and said Doc,
21 would you come out and help these folks? Because
22 they are -- they have run into a buzzsaw. And

1 with all due respect for them, they haven't been
2 -- they haven't done this very long.

3 And so immediately I'm walking, I
4 start to see the things that were going on. We
5 formalized our relationship to where I'm
6 literally writing and helping them with policy
7 and acumen, pointing out the things that are
8 wrong.

9 I'm not here to impugn the honor or
10 the investigations that the Officers and the
11 Investigators have done. I believe exactly what
12 they are saying. I did note that some of the
13 things were really before they got started and we
14 all know how that happens. You kind of -- this
15 place winds up being a hot spot and then
16 continues to be a hot spot.

17 My observation so far is it was a hot
18 spot before they got there and that may be one of
19 the reasons why the owner said I've got to find
20 somebody to sell this to or let me move this and
21 get out of the way.

22 It does not look like he did all he

1 was supposed to before Ms. McKenzie and Mr.
2 Harris got there.

3 I do believe it is salvageable. There
4 is an -- actually, we have had extensive
5 conversations about the difference in
6 demographics, but that takes a minute. You can't
7 one day be 25 and older and then the following
8 day be 25 and -- one day be 25 and under and the
9 next day be 25 and older.

10 CHAIRPERSON ANDERSON: But I'm hearing
11 promoters. So why do you have promoters? Why
12 are there promoters? Why? Yes?

13 MR. HAYES: It has to be one of the
14 top five questions I asked them when I got there,
15 because from my standpoint, if you are getting a
16 promoter to be in this business, you've got to
17 identify why you are in the business.

18 I think this is some legacy stuff that
19 came from the prior owner.

20 CHAIRPERSON ANDERSON: Well, I'm
21 talking to the new owner now.

22 MR. HAYES: Yes, sir.

1 CHAIRPERSON ANDERSON: And I'll ask
2 you this, would you agree not to use promoters?
3 I mean, would you consider not using promoters?

4 MS. MCKENZIE: Certainly, yes.

5 CHAIRPERSON ANDERSON: Because it
6 appears that I'm hearing promoters. You are
7 saying that you want this clean start, this is
8 what I'm going to do.

9 So at a Fact-Finding Hearing, I can't
10 order you to do anything. The Board cannot at a
11 Fact-Finding Hearing. We can ask if you commit
12 to do certain things, then we will hold you
13 responsible. So I wanted to let you know, so if
14 I ask a question and it's not -- and to be fair,
15 I don't want you to say if I say things to you
16 and you believe that you are forced to say yes,
17 because it's going to be negative.

18 I just want to say there is -- the
19 Board cannot order you to do anything at a Fact-
20 Finding Hearing. At a Contested Hearing we can
21 order you to do so. But it appears that if you
22 are saying I'm new and I'm hearing promoters,

1 would you agree not to use promoters?

2 MS. McKENZIE: Yes.

3 CHAIRPERSON ANDERSON: And I heard you
4 talk about the security plan. I mean, is it --
5 are you aware of -- because our Investigators
6 will show you, will help you with developing a
7 legally sufficient security plan.

8 So are you agreeing -- would you agree
9 to have a security plan?

10 MS. McKENZIE: Yes, sir.

11 MR. HAYES: Chairman, may I ask a
12 question?

13 CHAIRPERSON ANDERSON: Yes, sir.

14 MR. HAYES: If we told you some of the
15 -- we want to make a distinction between
16 promoters and promotions. Some of the promotions
17 that we are working on might indicate the --

18 CHAIRPERSON ANDERSON: Why don't you
19 explain to me what you are talking about? When I
20 talk about a promoter and a promotion, so maybe
21 why don't you explain?

22 MR. HAYES: Sure. Obviously, in the

1 entertainment business or whenever you do some
2 promotions that garner customers, typically you
3 want them to be favorable and be security
4 conscious and enjoy themselves, spend money for
5 your business to make money.

6 A promoter, my connotation of a
7 promoter and probably the same for you is
8 somebody you hire on the outside that has no
9 legal representation of the place, other than
10 somebody that says hey, I got a Facebook
11 following and I'm going to bring all these folks
12 in. Listen, I hear from six a day. I can pack
13 your club. I've got Instagram following. I've
14 got this, that and the other.

15 I don't even use Facebook. I'm not
16 kidding you about, so the difference to me is a
17 promoter was somebody that would come and promise
18 what they can do while you kind of give over some
19 level of control of your place to them to make
20 this magic that they are going to wave a wand
21 over and make happen.

22 What I'm talking about is natural,

1 organic promotions that establishments should be
2 doing. You should be coming from -- promotions
3 should be coming from what your vision is for the
4 location and the business. Have we not had that
5 conversation?

6 MS. MCKENZIE: Yes, we have.

7 MR. HAYES: Extensively about what
8 your vision is for this particular place.

9 CHAIRPERSON ANDERSON: Let me ask,
10 either Mr. Brashears or Mr. Peru, what is your --
11 so we can get some clarification here, what is --
12 how would you describe a promoter?

13 INVESTIGATOR PERU: I agree in the
14 sense of what he said. The promoter is a person
15 that is brought in from the outside to
16 superintend the business for that evening to
17 bring in a following, a crowd to hold an event
18 that is contracted, sub-contracted, paid for by
19 the actual owners of the establishment for that
20 evening, whether they share a profit on the door,
21 share a profit on the bar or a profit on ticket
22 sales, if that's what they are doing. That

1 outside individual is now, basically, given the
2 reins to run the club for that evening.

3 Quite different than the owner
4 promoting themselves.

5 MR. HAYES: Right.

6 INVESTIGATOR PERU: Quite different
7 than, you know, them putting up promotions or
8 having their own events. If they are having in-
9 house events, we have seen the different pattern
10 of roles of controls, right, that the owner is
11 now subject to their own license are doing
12 things.

13 When they introduce promoters, we have
14 seen a pattern historically where we have run
15 into unfortunate problems and incidents that, as
16 you can see, MPD has the incident that occurred
17 that night and other clubs across the city using
18 promoters sometimes end up in a bad situation.

19 CHAIRPERSON ANDERSON: Okay. All
20 right. So --

21 MR. HAYES: Mr. Chair, I was going to
22 say what he said.

1 CHAIRPERSON ANDERSON: All right.

2 MR. HAYES: That's exactly perfect.

3 CHAIRPERSON ANDERSON: All right. So
4 we have some agreement. So would you then agree
5 not to -- if we were to go not to have promoters?
6 I think we have -- I think that we are in
7 agreement what is meant by promoters.

8 MR. HAYES: Mr. Chairman, I agree. I
9 would say to folks the one thing promoters don't
10 have that the owner of an establishment has, they
11 have zero loyalty. If something goes wrong, if
12 somebody gets stabbed, if somebody is served that
13 is underage, when you go to look for that
14 promoter, they are gone. Where have they gone?
15 They have probably gone next door or upstairs.
16 There is zero loyalty with promoters. This
17 business is too hard to deal with somebody that
18 is like that or people that show they are like
19 that.

20 You know, you've got promoters that
21 can have 2,000 people and they want the door and
22 10 percent of your bar and all that kind of wild

1 stuff is not what they need to do at the 75
2 capacity place. It is the right -- I told them
3 it's the right size for them to get in the
4 business.

5 I'm glad they don't have one that is
6 275 people and don't know how to do this yet. I
7 think they did the right thing. But if nothing
8 else, they recognize -- in other words, they know
9 what they don't know.

10 Now that they know what they don't
11 know and then are trying to do the things that
12 sure that up, that's why I think they come in and
13 lay their hands on the table in front of you and
14 say hey, let's take another chance to get this
15 done.

16 CHAIRPERSON ANDERSON: All right. Ms.
17 McKenzie, will you also agree -- you said you had
18 cameras. I don't know, but clearly it doesn't
19 appear that you have any cameras that would cover
20 the outside of your establishment.

21 So would you agree to work with ABRA
22 to have sufficient cameras to cover your

1 establishment?

2 MS. McKENZIE: Yes, absolutely.

3 CHAIRPERSON ANDERSON: And I was also
4 told that you had tried to contact -- are you
5 familiar with RDOs?

6 MS. McKENZIE: Yes.

7 CHAIRPERSON ANDERSON: And I was told
8 that you tried to contact the police to establish
9 RDO.

10 MS. McKENZIE: Yes.

11 CHAIRPERSON ANDERSON: Why were you
12 doing that? And for what evenings were you
13 trying to do that for?

14 MS. McKENZIE: So I applied. I didn't
15 try to contact them. I did an application.

16 CHAIRPERSON ANDERSON: Yeah.

17 MS. McKENZIE: And I called in.

18 CHAIRPERSON ANDERSON: Tell me why.

19 MS. McKENZIE: I figured it would be
20 smart to have someone to help us, because --

21 CHAIRPERSON ANDERSON: All right.

22 MS. McKENZIE: -- I mean, ultimately,

1 I didn't understand what had been placed in front
2 of us.

3 CHAIRPERSON ANDERSON: Okay.

4 MS. MCKENZIE: In terms of this
5 business. We were like okay, now we see. So we
6 wanted someone there who is responsible for that,
7 the front of that place to help us with managing
8 even some of the loitering. I don't even
9 understand the D.C. Loitering Laws. I've got to
10 understand that, but there is a lot of people
11 that stand around and there is a couple vacant
12 buildings.

13 So I really can't do a lot about some
14 of the congregation, but I thought if I had
15 someone that we were paying, that they would have
16 sort of some level of responsibility for what
17 occurs.

18 CHAIRPERSON ANDERSON: But I'm not
19 quite sure if that's the exact role of an RDO,
20 but you are in the ballpark, but that's not
21 necessarily the role and they can explain to you,
22 but so you were asking for -- so you were trying

1 to apply for RDO for what night? Every night
2 or --

3 MS. MCKENZIE: I applied for RDO for
4 Thursday, Friday and Saturday. And I think you
5 have to have a minimum of two officers, so it
6 would have been two officers for the three days
7 from, we thought, 10:30 to the closing time.

8 CHAIRPERSON ANDERSON: Oh, it's four
9 hours and I think they start working, I think, at
10 12:00, I think.

11 MPO JOHNSON: Around that time, sir.

12 CHAIRPERSON ANDERSON: Yeah, I think
13 the RDO start working at 12:00 and they -- it's
14 two officers for four hours. And we will pay, I
15 believe, the percentage is I think 60, 65 percent
16 that ABRA pays and you only pay -- all right.

17 So you would agree to have RDO
18 Thursday, Friday and Saturday? That's something
19 that you would be willing to do?

20 MS. MCKENZIE: Yes.

21 MR. HAYES: Mr. Chairman, may I? What
22 sounded like a decent arrangement, the officer

1 can probably explain whether or not that's
2 possible.

3 CHAIRPERSON ANDERSON: Sir, you can
4 apply. I mean, there is -- we have someone in
5 the audience who you can talk to at the end.

6 MR. HAYES: Oh, perfect.

7 CHAIRPERSON ANDERSON: Who can
8 explain. She runs the program. She is sitting
9 in the audience. She actually runs the program
10 for MPD, so they can explain to you what the
11 process is and how that operates, yes. And the
12 RDO is not -- the RDO person, they are in the
13 general vicinity --

14 MR. HAYES: Yes, sir.

15 CHAIRPERSON ANDERSON: -- of your
16 establishment. They are not going to stand at
17 your door and take care of your actions.

18 MR. HAYES: Well, I understand that.
19 I was talking more about the administration or
20 administratum circumstance because Truth and
21 Ocean are stacked.

22 CHAIRPERSON ANDERSON: Right.

1 MR. HAYES: If there were two
2 officers, maybe Truth might pay for one officer
3 and Oceans pay for the other officer and wind up
4 with two.

5 CHAIRPERSON ANDERSON: This is what
6 I'm -- it has to be two officers. Okay?

7 MR. HAYES: yes, sir.

8 CHAIRPERSON ANDERSON: And this is on
9 your license and whatever arrangement, whatever
10 I'm asking you now, this is what you are agreeing
11 to do, if you so desire. You can say no, I'm not
12 going to do RDO. I don't want to do that. Maybe
13 I need to investigate it. So that's one of the
14 reasons I was told that you attempt to -- you had
15 applied for it before. You shouldn't have had,
16 because you are not the owner.

17 But so since we are here today and I'm
18 trying to find out from you, you are trying to
19 tell or prove to us that you are an owner, a
20 reputable person, so I'm just asking if this is
21 something that you would agree to do.

22 MS. McKENZIE: Yes, we intended to.

1 CHAIRPERSON ANDERSON: All right.

2 MS. MCKENZIE: But we were stopped,
3 because of public-related issues.

4 CHAIRPERSON ANDERSON: All right. I
5 just want to ask a question. I see on your
6 application that you are asking for -- I don't
7 know, maybe you can let me know, were you asking
8 for a cover charge?

9 MS. MCKENZIE: Well, here is the --

10 CHAIRPERSON ANDERSON: Was that -- the
11 reason I'm asking is on your application
12 entertain -- the box for entertainment was clear.
13 The box for dancing was clear. But for cover
14 charge, I don't know what you were asking. Just
15 a clarification if on your application were you
16 asking for a cover charge, that's all?

17 MS. MCKENZIE: Yes, pretty much
18 anything goes.

19 CHAIRPERSON ANDERSON: You still
20 haven't answered my question. I'm not asking you
21 to do -- I'm not going to say to you we are not
22 going to give it to you, I'm just asking you what

1 is it that were you asking for cover charge?

2 MS. MCKENZIE: It's yes.

3 CHAIRPERSON ANDERSON: So you are
4 asking for a cover charge on your application.
5 Okay.

6 On your application you are asking --
7 on the -- I guess, what's your concept? What is
8 your concept of this business? What it is that--
9 what is your concept?

10 MS. MCKENZIE: We have a vision
11 statement. All right. And then an action plan.
12 And then we have some record of what we have done
13 to try to go in the direction of the vision
14 statement. So can I read the vision statement
15 into the record?

16 CHAIRPERSON ANDERSON: Yeah, what is
17 your concept?

18 MS. MCKENZIE: All right.

19 CHAIRPERSON ANDERSON: What is it
20 you are --

21 MS. MCKENZIE: We offer a memorable
22 experience that fosters friendlier -- a

1 friendlier space and a diverse appeal and the
2 service of great cocktails, while making every
3 effort to include the corporate personality and
4 build an effective community relationship. And
5 then the last word is impact.

6 CHAIRPERSON ANDERSON: Well, you are
7 asking for a tavern, which is fine. On the
8 weekends, why do you need to be open until 3:00
9 a.m.? I'm asking you. Tell me.

10 MS. MCKENZIE: I mean, honestly,
11 that's -- so far that's kind of like the time
12 period that the common lounge is open until.

13 CHAIRPERSON ANDERSON: I'm asking. I
14 mean, why, why, why? Why do you want to be open
15 until 3:00 a.m.? I mean, is that your cliental?
16 Who is out partying at 3:00 a.m. in the morning?
17 I mean, this incident occurred at like 2:00,
18 2:45. I mean, people are coming in at -- if you
19 are going to close at 3:00 and this incident
20 occurred at -- what time did this incident occur,
21 2, what?

22 INVESTIGATOR ZOLLARCOFFER: 2:34.

1 MEMBER SHORT: 2:20.

2 CHAIRPERSON ANDERSON: 2:34. You
3 should be closed. Why? Why do you want to be
4 open until 3:00 and let somebody come in there at
5 2:00 and create -- if you close at 2:00, you
6 wouldn't have had this incident. So I mean, I'm
7 just asking. Why do you need to be open until
8 3:00?

9 MS. MCKENZIE: That's a good question.

10 CHAIRPERSON ANDERSON: Why do you need
11 to be open until 3:00? Why not --

12 MR. HAYES: Better cliental.

13 CHAIRPERSON ANDERSON: Why not -- I'm
14 sorry, why not close at 2:00 a.m.?

15 MR. HAYES: Better cliental. We have
16 got plans to bring some of the national acts as a
17 -- it's too small for them to perform, but they
18 come after they have a performance.

19 Say one of my best friends is Michael
20 Colyar, the comedian. I brought him down to the
21 location the other -- just a week or so ago.
22 There are other comedians, there are other

1 entertainers I have known for a long time.
2 Typically when they get done with their show,
3 they want some place to go and hang out and tell
4 somebody when I'm in town, I go to Ocean Lounge.

5 Those things happen at 1:00, 2:00 and
6 3:00 in the morning. Up to 3:00 in the morning.
7 So I think the whole thing that solves this
8 without being over simplified is you've got to
9 get a different cliental that comes here. The
10 one that is the legacy from the former owner to
11 now, we don't want to build anything around that.
12 That's not successful.

13 That I believe is why this guy did
14 such a short sale, got his money and ran. So
15 that has been a bad circumstance from the time
16 they signed that piece of paper forward for them.

17 So certainly an older cliental,
18 certainly a cliental that likes to come to some
19 place where they feel safe to have a drink or two
20 and have something to eat, meet maybe the Michael
21 Colyars of the world and come by. And it cuts
22 down on what the RDO has to go through, what MPD

1 has to go through, what ABRA has to go through.
2 All those things are the goal of what this place
3 wants to be.

4 And frankly, they need the revenue.
5 There isn't any question about that, they need
6 the revenue.

7 CHAIRPERSON ANDERSON: All right.
8 Anything else anyone wants to add before bringing
9 closing --

10 MEMBER SHORT: I have a question.

11 CHAIRPERSON ANDERSON: Yes, Mr. Short,
12 I apologize.

13 MEMBER SHORT: This is to the
14 consultant.

15 MR. HAYES: Yes, sir.

16 MEMBER SHORT: You've stated you have
17 run businesses before in Maryland and in the
18 District of Columbia?

19 MR. HAYES: Among other places, yes,
20 sir. Illinois, California.

21 MEMBER SHORT: When did you first
22 start consulting this particular client?

1 MR. HAYES: That was, I want to say,
2 May 30th.

3 MS. MCKENZIE: Yeah, it was like a
4 month after the --

5 MEMBER SHORT: Did you have any idea
6 that they had not come down here to the Alcohol
7 Office and get the appropriate papers?

8 MR. HAYES: No, I did not.

9 MEMBER SHORT: And prior to
10 consulting, you don't ask those kind of
11 questions?

12 MS. MCKENZIE: So I have been here.
13 This is probably my third time here. I honestly
14 have an application pending, that's why we are
15 here. So we have been here.

16 MEMBER SHORT: Okay. But --

17 MS. MCKENZIE: We have --

18 MEMBER SHORT: -- no. I don't mean to
19 cut you off, but I'm just trying to make this
20 very brief.

21 You say you have a business
22 background. What other businesses have you run?

1 Can you tell us about them?

2 MS. McKENZIE: I currently own
3 multiple homes, so I have a real estate --

4 MEMBER SHORT: Businesses, businesses,
5 businesses, like this.

6 MS. McKENZIE: Right. I'm a real
7 estate investor.

8 MEMBER SHORT: Okay. Yes.

9 MS. McKENZIE: So that's the business.
10 And then I also am a mortgage broker. So or
11 actually I'm a mortgage hard money lender.

12 MEMBER SHORT: Have you ever run a
13 club before or a tavern or --

14 MS. McKENZIE: I used to do
15 promotions. I did comedy shows. I would handle
16 work like -- no, not a bar. Not this one, so
17 this is -- I have got the business background
18 where I understand the accounting and tax and all
19 that stuff. I get that piece, which is why I
20 just have to say I was ignorant of the fact that
21 there was something at the top I did not know.

22 MEMBER SHORT: Okay.

1 MS. McKENZIE: And I'm --

2 MEMBER SHORT: I'm just trying to be
3 helpful with the process, if I can. So what
4 would you tell someone if they were going to buy
5 a business like you just bought? Would you tell
6 them to come to ABRA and get all your paperwork
7 first before you start operating?

8 MS. McKENZIE: Do a lot more than I
9 probably did, yes.

10 MEMBER SHORT: Okay.

11 MS. McKENZIE: The more investigative
12 work --

13 MEMBER SHORT: Okay. Thank you that's
14 all I have, Mr. Chair.

15 CHAIRPERSON ANDERSON: Thank you. Any
16 other questions by any of the other Board
17 Members?

18 Any final comments? We will start
19 with the Investigators and then the Officer.

20 INVESTIGATOR PERU: Sir, I just want
21 to add for the record is that if the Board does
22 approve the transfer, that the owner needs to

1 know, be aware that ABRA is a resource. We are
2 an educational tool that you can use. And that
3 we are here for any questions moving forward to
4 help with advice that we can give or we are
5 allowed to give, based on the regulations and
6 guidelines.

7 So please use that to help your
8 business moving forward so we have the
9 relationship. It's not just an enforcement
10 entity. We also are an educational piece as
11 well. So please, reach out to us with any
12 questions and any help. I'll give you my card
13 when we are done here.

14 CHAIRPERSON ANDERSON: All right.

15 MR. HAYES: I'm not smiling because I
16 think it's funny. I'm smiling because it's
17 exactly what he told them. I'm sorry.

18 MS. MCKENZIE: And we have signed up
19 for new owner, new licensing. We are on the
20 books for August 8th, I think it is. So thank
21 you.

22 CHAIRPERSON ANDERSON: Well, you know

1 what, I think I'm happy and I know Mr. Short will
2 be especially happy that you put that on the
3 record that you have actually signed up for
4 training in August and you actually provided the
5 date. I don't know who gave you that slip of
6 paper for you to impress the Board to tell us the
7 exact date of the training that you are going to
8 go to, I'm saying that that is a positive step
9 that you have put on the record.

10 That you have signed up for the
11 training and you actually know when the date of
12 the training is to tell that to the Board. So I
13 will say that that is a positive light on your
14 part. I do appreciate you making that
15 representation.

16 All right. All right. With that, I
17 would -- yes, Mr. Brashears?

18 INVESTIGATOR BRASHEARS: I would just
19 add too, sir, that even though it's a transfer,
20 if the establishment would like, if they are
21 licensed, we can actually send an Investigator
22 out to conduct a final inspection, walk them

1 through some of the things they need and make
2 sure they get started on the right foot.

3 MS. MCKENZIE: Okay.

4 CHAIRPERSON ANDERSON: Well, these are
5 -- you have been given guidance by two of our
6 Supervisory Investigators, so these are two very
7 competent and qualified individuals who have
8 worked in this Agency for a while. They know
9 what they are doing and they are very competent
10 in what they do.

11 And they have extended themselves to
12 say this is what the Agency can do for us. And
13 so therefore, I would like to say to you if the
14 Board, at some point, decides to grant the
15 license, I hope and pray that we don't see you
16 again, because normally people never come to us
17 because it's -- we don't see people to say hello.
18 It is always because you have done something
19 wrong and especially new businesses.

20 The Board does not want to see new
21 businesses, because that's telling the Board that
22 our judgment, we made the wrong decision in

1 authorizing or granting this person the
2 privilege. And I don't know what the Board is
3 going to do, but I'm just saying normally, what
4 happens when you -- if we grant a new license and
5 the person shows up or we haven't even granted a
6 license and we have seen the person already,
7 that's a red flag to the Board that does the
8 Board really want to go down that road by
9 granting the license.

10 And so I'm just saying and that's one
11 of the reasons we started off this hearing by
12 saying this is a transfer and we normally don't
13 do -- we normally don't do this, but there is
14 sufficient red flags in the area by this
15 establishment that we need to bring you in to
16 find out who you are and what it is that -- and
17 what is going on with this application.

18 All right. So I would like to thank
19 Mr. Zollarcoffer for the report you wrote today,
20 Supervisory Investigator Peru, Supervisory
21 Investigator Brashears and Master Patrol Officer
22 Johnson, is that correct? I want to make sure

1 that I got your --

2 MPO JOHNSON: Yes.

3 CHAIRPERSON ANDERSON: -- I would like
4 to thank you for being here today and for your
5 presentation. Thank you very much.

6 MPO JOHNSON: Thank you.

7 MEMBER SHORT: Thank you for your
8 service.

9 CHAIRPERSON ANDERSON: And I would
10 also -- oh, and I'm -- before you leave, there is
11 a sign-in sheet. I need everyone to sign in on
12 the sign-in sheet.

13 And so, Ms. McKenzie, thank you for
14 being here today, for your presentation. I don't
15 know what we are going to do, but at least I feel
16 better based on the presentation that you made
17 today. And I thought that you brought Mr. Hayes,
18 right?

19 MR. HAYES: Yes, sir.

20 CHAIRPERSON ANDERSON: Mr. Hayes to
21 support you. So the Board will take this matter
22 under advisement what the next step is, that we

1 will do regarding your application for transfer.

2 But as I said before, the incident --
3 there is going to be a Show Cause Hearing on the,
4 specifically, incident that occurred on the 25th.

5 So anyway, again, I thank everyone for
6 being here today and have a great day. Thank
7 you.

8 MR. HAYES: Thank you very much.

9 MS. MCKENZIE: Thank you.

10 (Whereupon, the Fact-Finding Hearing
11 was concluded at 12:30 p.m.)
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A			
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