

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
: :
The Public Group, LLC, :
t/a Public Bar :
1214 18th Street NW : Fact Finding
Retailer CT : Hearing
License No. #81238 :
Case #18-251-00138 :
: :
(Assault with Bodily :
Injuries) :

Friday,
October 19, 2018

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
JAMES SHORT, Member
MIKE SILVERSTEIN, Member
BOBBY CATO, JR., Member

ALSO PRESENT:

PAUL HUGHES, APPLICANT
INVESTIGATOR KEVIN PUENTE, ABRA

SERGEANT ROBINSON

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

2 10:31 a.m.

3 CHAIRPERSON ANDERSON: All right.

4 We're back on the record. Our next case is a
5 Fact-Finding Hearing, Case No. 18-251-00138,
6 Public Bar, License No. 81238.

7 Will the parties, please, identify
8 themselves for the record? We can start with
9 you.

10 SGT. ROBINSON: I'm Sergeant Robinson
11 with the Metropolitan Police Department. I work
12 for the 2nd District Nightlife Unit, which is the
13 Dupont Circle area.

14 CHAIRPERSON ANDERSON: Good morning.

15 SGT. ROBINSON: Good morning.

16 INVESTIGATOR PUENTE: Kevin Puente,
17 ABRA investigator.

18 CHAIRPERSON ANDERSON: Good morning,
19 Mr. Puente.

20 MR. HUGHES: Paul Hughes, GM of Public
21 Bar.

22 CHAIRPERSON ANDERSON: Good morning,

1 Mr. Hughes. You said you are the general
2 manager?

3 MR. HUGHES: Yes, sir.

4 CHAIRPERSON ANDERSON: Did the owner,
5 did you -- have you provided us with -- have you
6 provided ABRA with any type of authorization
7 saying that you can speak on behalf of the
8 establishment today?

9 MR. HUGHES: I have not, but I am the
10 point of contact. Our lawyers told us that the
11 point of contact, because I am the ABRA Manager.

12 CHAIRPERSON ANDERSON: But I am saying
13 have you appeared in front of ABRA before?

14 MR. HUGHES: I have not.

15 CHAIRPERSON ANDERSON: Part of the
16 problem is that when we have hearings, we need an
17 owner. And if the owner is not going to be here,
18 then the owner needs to provide --

19 MR. HUGHES: I was not aware of that.

20 CHAIRPERSON ANDERSON: So I'm just
21 saying the owner --

22 MR. HUGHES: Okay.

1 CHAIRPERSON ANDERSON: -- needs to
2 provide the Agency with authorization to say --

3 MR. HUGHES: Okay.

4 CHAIRPERSON ANDERSON: -- this person
5 is appearing before us today and he is --

6 MEMBER SHORT: Authorized.

7 CHAIRPERSON ANDERSON: -- authorized
8 to make decisions on part of the establishment,
9 because I -- based on what is going on here
10 today --

11 MR. HUGHES: Right.

12 CHAIRPERSON ANDERSON: -- if --
13 although it was a Fact-Finding Hearing, I can't
14 necessarily order anything, but then the owner
15 can say I never authorized him to speak on my
16 behalf.

17 MR. HUGHES: Right. I have appeared
18 for public -- different -- not just with ABRA,
19 but with other litigation as well as the
20 representative, so I assume that that --

21 CHAIRPERSON ANDERSON: Yes, but you
22 have always -- but have you always provided some

1 letter to say -- you just don't show up and say
2 I'm Public Bar and no one knows who you are.
3 Anyone can show up to say I represent Public Bar.

4 MR. HUGHES: Right. My apologies for
5 that. I have been GM for the last year and a
6 half, since June of last year, so all this is
7 kind of new to me.

8 MEMBER SHORT: Mr. Chair?

9 CHAIRPERSON ANDERSON: Okay. Yes, Mr.
10 Short?

11 MEMBER SHORT: Is there any way you
12 could get on you cell phone and call the owner
13 and have them to authorize? Either send a text
14 or an email to ABRA or write a letter and send it
15 in a text or email before the close of business
16 today stating that --

17 MR. HUGHES: Oh, definitely.

18 MEMBER SHORT: -- he is allowing you
19 to --

20 MR. HUGHES: Yes.

21 MEMBER SHORT: Well, that's what we
22 need.

1 MR. HUGHES: I can.

2 MEMBER SHORT: We need something from
3 the owner of the business stating that you can --

4 MR. HUGHES: Okay.

5 MEMBER SHORT: -- bind him or bind
6 that business to whatever decisions are made
7 today. Other than that, anybody can say I'm the
8 GM. But we need some type of representation --

9 MR. HUGHES: Yes, sir.

10 MEMBER SHORT: -- from the owner.

11 MR. HUGHES: Okay.

12 CHAIRPERSON ANDERSON: All right.

13 MEMBER SHORT: We would like to have
14 a letter.

15 MR. HUGHES: Okay.

16 CHAIRPERSON ANDERSON: What we are
17 going to do is that Ms. Randall will give you her
18 card and so I would like you to provide something
19 by close of business today from the owner.

20 MR. HUGHES: Okay.

21 CHAIRPERSON ANDERSON: Saying that you
22 were authorized.

1 MR. HUGHES: I can do that as soon as
2 this is finished.

3 CHAIRPERSON ANDERSON: Fine. To say
4 that you are authorized to represent the owner in
5 this hearing today.

6 MR. HUGHES: Okay.

7 CHAIRPERSON ANDERSON: Okay. I'm
8 sorry, your last name again, sir?

9 MR. HUGHES: Hughes, H-U-G-H-E-S.

10 CHAIRPERSON ANDERSON: Mr. Hughes.
11 All right. Okay. So Ms. Randall will give you
12 her card and so you can have that done today.

13 All right. So Mr. Puente, can you
14 just bring us up to speed about this
15 establishment and what happened?

16 INVESTIGATOR PUENTE: Yes. So on July
17 7, 2018, ABRA received an MPD-251 report, written
18 on Saturday, July 7th, alleging an assault with
19 significant bodily injury occurred at Public Bar.

20 After reviewing the MPD-251 report,
21 there was an altercation inside the establishment
22 where two patrons were escorted out by security

1 staff. Once escorted outside, the two
2 complainants engaged in a physical altercation
3 again.

4 The one complainant ended up going to
5 the hospital with a broken jaw and required
6 surgery. MPD was notified by the victim's parent
7 and she telephoned MPD and advised them what
8 happened.

9 I attempted to -- I went to the
10 establishment. I met with the ABC Manager on
11 duty, Giamatti Banks, did a regulatory
12 inspection. I advised her that I needed any
13 surveillance video as well as incident reports
14 from the incident.

15 On Tuesday, July 24th, I contacted MPD
16 Detective Jonathan Lauderdale, who advised me
17 that he was investigating the incident. To date,
18 he still didn't have any suspect. From what he
19 is gathering from this investigation, the
20 incident did occur inside Public Bar. It is the
21 result of a racial slur was used and the two
22 complainants got into a physical altercation.

1 Once taken outside, the altercation
2 escalated and MPD was not notified or called
3 about the incident. And when they were -- the
4 Detective made it clear that there was a
5 Nightlife Details right outside the door and no
6 one went and notified MPD.

7 I contacted Mr. Hughes to get any
8 incident reports and surveillance video. He
9 provided me all the incident reports and
10 surveillance video. In the incident report, Mr.
11 Hughes stated that his security team escorted
12 both patrons out and once outside, they were
13 outside, and he did not feel the need to call MPD
14 or 911. He believe the situation to be resolved.

15 CHAIRPERSON ANDERSON: Who, Mr.
16 Hughes?

17 INVESTIGATOR PUENTE: Yes. In his
18 report for Mr. Hughes.

19 CHAIRPERSON ANDERSON: No, I'm saying
20 so Mr. Hughes is the one who decided that he
21 didn't need to call the police? That's what I'm
22 just trying to get.

1 INVESTIGATOR PUENTE: Yes, that's what
2 it seemed like from the incident report.

3 CHAIRPERSON ANDERSON: Okay. Okay.
4 Go ahead.

5 INVESTIGATOR PUENTE: I reviewed
6 video. The video does capture the incident up on
7 the summer garden. There was an altercation and
8 security separated the two individuals. In the
9 meantime, the individual's friends proceeded to
10 attack the victim again. Once they got the
11 victim outside --

12 MEMBER SHORT: How many people?

13 INVESTIGATOR PUENTE: It looked like
14 three different people on all three occasions.

15 MEMBER SHORT: They all had been in
16 the bar?

17 INVESTIGATOR PUENTE: Yes, on the
18 rooftop summer garden. Then they finally got
19 their victim outside with one of the complainants
20 and that's when they saw each other again outside
21 on the sidewalk. And that's why MPD -- that's
22 why ABRA was notified, because they -- no one

1 called 911 or MPD with the incident.

2 CHAIRPERSON ANDERSON: All right.

3 Now, is this the same Mr. Hughes who is sitting
4 next to you that you have spoken to?

5 INVESTIGATOR PUENTE: Yes, Mr. Paul
6 Hughes, yep.

7 CHAIRPERSON ANDERSON: Okay. All
8 right. Sergeant Robinson, what, if anything, can
9 you add to this, sir?

10 SGT. ROBINSON: He basically touched
11 everything. There is nothing that needs to be
12 added in reference to that event.

13 CHAIRPERSON ANDERSON: Did the
14 establishment -- were they very cooperative to
15 MPD?

16 SGT. ROBINSON: Yes. Yes, they were.

17 CHAIRPERSON ANDERSON: Now, you said
18 you work on the -- you are on the Nightlife Unit
19 in this area. So is this -- can you tell us, at
20 least from your perspective, about this
21 establishment? Is this a troubled establishment?
22 Is this something -- or from your perspective.

1 SGT. ROBINSON: So I have been the
2 supervisor for the Nightlife Unit for about eight
3 months. I'm still new to ABRA hearings and
4 everything like that, but for this establishment,
5 Public Bar, they are one of the best bars. They
6 usually notify us when there is a situation.

7 When it comes to disorderly crowds,
8 the officer is usually right next to the bar.
9 They usually disperse the disorderlies, but in
10 reference to this bar, there is no complaints as
11 far as me and my officers.

12 CHAIRPERSON ANDERSON: All right. All
13 right. Mr. Hughes, can you explain from your
14 perspective what happened and why is it that you
15 asked -- why is it that the establishment acted
16 the way it did in this particular case?

17 MR. HUGHES: Sure. The altercation if
18 you look at the time line on the video happened
19 close to closing. It was between, I would say
20 roughly between, 2:30 and 2:45. The bar was
21 being emptied. The alleged defendants, the ones
22 who were called the racial slur, were from out of

1 town.

2 There have been -- they were in the
3 bar for I would say a good few hours, probably
4 like 10:00, 11:00 p.m. that night. I don't know,
5 I didn't look at the surveillance for when the
6 instigators came into the bar, but the story I
7 had gotten from several of my security staff was
8 that, and you can see from the video, the
9 altercation started on the dance floor.

10 The black gentleman was a very big
11 stocky gentleman. When the altercation started,
12 I have another security who is also about 270,
13 6'2", so also very big dude. He grabbed him
14 because the caucasian guy was getting beaten,
15 pushed him away and in pushing him away, that's
16 when the caucasian's friend started to go after
17 him and he was hit by another one of the black
18 patron's friends.

19 The other security, there were two
20 other security on the roof, and then the
21 situation got separated. What we do in
22 situations like that is that we escort the

1 instigators out first.

2 The instigators were escorted under
3 their own -- they were able to walk out with no
4 issues. There was a little bit of blood, but
5 nothing gushing or anything like that.

6 MEMBER SILVERSTEIN: Did you say there
7 was a little bit of blood?

8 MR. HUGHES: Yes, from the -- from
9 like a scrape on the plaintiff's face.

10 MEMBER SILVERSTEIN: All right.

11 MR. HUGHES: All right. They walked
12 out and the other party was not escorted out.
13 They were saying they were closing their tabs and
14 they -- because like I said, it was close to last
15 call now by this time. And the security at the
16 front door after both of them were escorted out,
17 were still trying to come and they did not
18 disperse from the area.

19 At this point, the crowd started to
20 calm down. When they got out, the guy saw one of
21 the friends coming out and started to heckle him.

22 MEMBER SHORT: This is at your front

1 door?

2 MR. HUGHES: This is outside at the
3 front door, correct. Outside of the
4 establishment.

5 My security -- at this point we were--
6 other patrons were coming out. The two gentlemen
7 were talking and one of the friends blindsided
8 him with a punch and he fell onto the sidewalk.
9 Right where he fell was actually on like a step.
10 This is what -- the story I'm getting from my
11 security.

12 Those patrons decided to --

13 MEMBER SHORT: No cameras on the
14 front?

15 MR. HUGHES: We do not have cameras on
16 the front, but MPD has a camera on the lamp post
17 that is in Dupont Circle right on the corner by
18 Jefferson and 18th, there is a camera there.

19 MEMBER SHORT: Um-hum.

20 MR. HUGHES: At this point, the
21 patrons -- excuse me, the black guys who had hit
22 him the second time when he was outside, they

1 left. My security said he got up, the gentleman
2 that was hit and started to walk after them. At
3 that point, his friend was escorted out and the
4 two of them --

5 MEMBER SHORT: Did anybody call the
6 police, at that time?

7 MR. HUGHES: At this point, I was not
8 -- downstairs and I was not made aware that this
9 continued outside, at the time.

10 MEMBER SHORT: Again, did anyone from
11 your staff who saw this take place, call the
12 police?

13 MR. HUGHES: No, sir.

14 MEMBER SHORT: You all was inside and
15 no one called police.

16 MR. HUGHES: The fight happened inside
17 and usually when it is a small altercation like
18 this, the police are not involved. If it's --

19 MEMBER SHORT: Forgive me. How often
20 does -- you have fights, is this a regular thing?
21 This is --

22 MR. HUGHES: No, sir, it is not. This

1 is probably -- I mean, they have people that push
2 and shove.

3 MEMBER SHORT: Okay.

4 MR. HUGHES: But this is something
5 that escalated into a hit.

6 CHAIRPERSON ANDERSON: You were
7 downstairs. Hold on, Mr. Silverstein. He is not
8 done. So you are telling us, then let's try not
9 to interrupt. So when you are done, you can let
10 me know and then we will ask questions.

11 MR. HUGHES: Okay. When the gentleman
12 walked out of sight behind the two others, there
13 were, like I said, more patrons coming out. The
14 rest of his friends came out. The caucasian dude
15 who was getting his friend who was coming down,
16 my security was asking him what happened? He
17 didn't say anything to my security at all. He
18 asked him if he needed help. If anything -- he
19 didn't say anything to him.

20 And he was escorted out. You can see
21 that on the video. This is a friend that got --
22 that tried to hit the defendant -- the black guy

1 when my security was trying to move him.

2 The security said probably about five
3 minutes later, the two of them came back down the
4 street. The guy was spitting blood and they went
5 and they sat down and an ambulance came, like
6 probably about 10 minutes after that.

7 So they walked back down. So there is
8 a bench that is in front of Nando's and the two
9 caucasians sat there and then an ambulance came.

10 CHAIRPERSON ANDERSON: So when did the
11 broken jaw occur? How did -- where was the --

12 MR. HUGHES: I don't --

13 CHAIRPERSON ANDERSON: -- was it --
14 you said -- and you can't tell me, but I'm just
15 saying did -- was he hit, because you had said
16 that probably once the person exited the club,
17 someone got hit.

18 MR. HUGHES: Yes.

19 CHAIRPERSON ANDERSON: Then they -- he
20 went after him.

21 MR. HUGHES: Yes.

22 CHAIRPERSON ANDERSON: So --

1 MR. HUGHES: So at this point, when he
2 exited Public Bar, there was no broken jaw.
3 There was no pain. There was nothing that would
4 -- no injuries that appeared to us that would
5 require medical attention, because they left
6 under their own steam.

7 The gentleman after Detective
8 Lauderdale called me, I think a day after the
9 incident happened, the second guy came back for
10 his cell phone, because it had dropped in the
11 melee and we had it. And the first thing he said
12 to me was I'm sorry about last night. And this
13 gentleman had been --

14 CHAIRPERSON ANDERSON: So which one of
15 the guys is this?

16 MR. HUGHES: The second one. The one
17 who instigated -- not the one that started the
18 fight. Not the one that got the broken jaw.

19 CHAIRPERSON ANDERSON: All right.

20 MR. HUGHES: His friend. And his
21 friend has been back to Public three or four
22 times after this. So he is -- I wouldn't say he

1 is a regular, but he has come in and he has told
2 the bartender that he got kicked out for a fight
3 before. Not bragging or boasting, but in
4 conversation.

5 All right. And like I said, that day
6 when I handed him his cell phone back, he was --
7 like and again, I followed up with my security.
8 I asked him what happened. He shrugged and he
9 left. He did not give me any detail of the
10 incident.

11 CHAIRPERSON ANDERSON: So I guess --
12 I'm sorry, go ahead, Mr. Silverstein.

13 MEMBER SILVERSTEIN: I would like to
14 ask the Officer and Mr. Puente how far away from
15 the scene of this were the reimbursable detail
16 people, the Nightlife people at the time that
17 this happened?

18 SGT. ROBINSON: So for reimbursable
19 details, there is no officers on that street
20 alone. However, for the Nightlife Unit, there is
21 usually a parked scout car in front of Public and
22 Sauf Haus, which is right next to his

1 establishment. But if it was during closing
2 time, there is usually an island in between
3 Connecticut and Jefferson and they usually hang
4 out on the island.

5 MEMBER SILVERSTEIN: So --

6 MR. HUGHES: Which they usually face
7 Rosebar, Decades, which is the outside of the
8 1200 Block of Connecticut and behind them is
9 usually 18th Street.

10 MEMBER SILVERSTEIN: Because this is
11 the very epicenter of club central.

12 MR. HUGHES: Yes.

13 MEMBER SILVERSTEIN: And it is very
14 heavily policed. And if an event occurs inside a
15 licensed establishment, all it takes is security
16 or a responsible person to take a few steps, go
17 outside, flash a flashlight or something like
18 that and inform the police so that they need not
19 come over here and pick somebody up off the floor
20 or off the street, but rather make sure that the
21 event does not happen.

22 And that appears to be the really

1 glaring error here. This is not the first time,
2 Mr. Hughes, that there has been a serious
3 incident occurring there. I specifically recall
4 someone losing vision in an eye because of an
5 incident that occurred within a few feet of your
6 establishment. But there are so many
7 establishments there, that it may not have been
8 yours. It probably wasn't.

9 But we have had a number of serious
10 incidents down there, simply because there are so
11 many people and so much going on. And it really
12 is not excusable to push people out onto the
13 street like that without giving the police who
14 are there a heads up that this is going to
15 happen.

16 It is so much easier to avoid these
17 things by giving that heads up than it is by
18 simply pushing it out and saying it is somebody
19 else's business.

20 MR. HUGHES: I agree with you, but
21 from the way the incident unfolded, my security
22 team asked if -- what was happening and if they

1 needed help on that second person that was
2 walking down and they did not respond.

3 The situation where we kept the person
4 that was called the racial slur inside, it is not
5 my responsibility if the person does not disperse
6 the area and is still trying to instigate once
7 they are outside the establishment.

8 My goal is to keep my patrons safe
9 once they are inside my establishment, which I
10 think with this, we separated them. And we kept
11 the rest of the patrons in the establishment
12 safe.

13 MEMBER SILVERSTEIN: I cannot disagree
14 with you more, sir. Your goal is not only to
15 keep them safe in your establishment, but to do
16 what you can to ensure their safety immediately
17 upon their leaving.

18 MR. HUGHES: This is true.

19 MEMBER SILVERSTEIN: Because they are
20 not necessarily hostage in your place. By
21 nature, by definition, they are going to leave.
22 And if there is any danger, any threat, anything

1 like that, it is so much better to be safe than
2 sorry.

3 MR. HUGHES: I agree with you, sir.
4 But this -- if you look at the video to when the
5 rest of the crowd came down to when the first
6 person left, there is a significant gap in time
7 where that person could have dispersed, but was--
8 continued to instigate the situation.

9 Again, my security did not allow him
10 back into the building. And he was hit and they
11 left.

12 CHAIRPERSON ANDERSON: Go ahead, Mr.
13 Short.

14 MEMBER SHORT: Do you have a security
15 plan for your establishment?

16 MR. HUGHES: Yes, sir.

17 MEMBER SHORT: Okay. Now, do you
18 realize some of your testimony today is, to me,
19 kind of damaging for your establishment? Let me
20 tell you why I'm saying that.

21 Someone was hit and were bleeding
22 inside of your establishment. You are saying

1 that the broken jaw and those things didn't
2 happen in your establishment, but let me say this
3 to you, you know in the NFL we have football
4 players that wear helmets. But now they have new
5 rules, because football players will tell you he
6 has been hit upside the head or knocked down, I'm
7 fine, coach. I'm good to go.

8 But the protocol now says you take
9 them to a tent and check them out, because he
10 doesn't know what he is saying. And the same
11 thing happens with people inside of your
12 establishment. And what happens is when someone
13 is bleeding inside of your establishment, that
14 creates what they call a crime scene, which you
15 aren't allowed to clean up by law. You are --
16 you should have called the police right then and
17 there.

18 Two things happened that you are lucky
19 you are not being sued by one of those persons,
20 because you had some responsibility, because the
21 altercation started in your business.

22 Now, what is going to happen I hope

1 today is your security plan, what does it say
2 about altercations?

3 MR. HUGHES: It says that we separate
4 the parties and establish the instigators out
5 first.

6 MEMBER SHORT: Now, Mr. Hughes, let me
7 say this to you. Just suppose that night this
8 happened you called the police before you let
9 anybody out of the door, which meant the police
10 would have been there so that anything happening
11 in front of your after that, there would have
12 been a police officer to take care of the
13 situation for you.

14 But you're looking out the door saying
15 it's not my responsibility any more, it's not
16 true.

17 MR. HUGHES: I didn't say that it
18 wasn't my responsibility. What I'm saying to you
19 is that there are scuffles that happen within the
20 bar with people that are intoxicated.

21 MEMBER SHORT: Mr. Hughes, I respect
22 that and let me say this to you. I, as a Board

1 Member, would expect you from now on if there is
2 a fight and someone is bleeding, you call the
3 police right then and there before you let
4 anybody out. Let the police handle it outside of
5 your establishment.

6 When you let them out and there is
7 fighting in front of your establishment, it's
8 still your responsibility because the altercation
9 started inside of your place. And if I were
10 somebody who got injured, I would get a good
11 lawyer and I would win, I would sue you. I would
12 sue you and the business person.

13 And I would say this, you would lose.
14 You would settle out of court or whatever else,
15 but you don't want that and we don't want that.
16 So I would hope from now on if there is an
17 altercation inside of your location, where
18 somebody is bleeding, injured, call the police
19 right away. Call EMS right away.

20 It doesn't -- it's not going to hurt
21 you at all. It's going to save you and help save
22 the city and the nightlife establishments along

1 18th and Connecticut Avenue. You have been lucky
2 apparently if this has been your policy ever
3 since you have been there.

4 And let me ask you this question.
5 Your security people, are they trained? And if
6 so, by whom?

7 MR. HUGHES: Some of our security are
8 special police that come from -- they "moonlight"
9 from other establishments.

10 MEMBER SHORT: Okay. Are they trained
11 in nightlife security for a nightclub or a bar?

12 MR. HUGHES: I don't --

13 MEMBER SHORT: There is a little
14 difference between being a special policeman
15 outside of a hospital door and inside of a bar
16 where people are drinking.

17 MR. HUGHES: All my security personnel
18 are independent contractors, so I would have to
19 get that information for you.

20 MEMBER SHORT: I wish you would. And
21 you should put that as a part of your security
22 plan, because again, if you were in court now for

1 someone being injured or killed inside of your
2 establishment, that's one of the main questions
3 they are going to ask. Who trained your security
4 and why did they do what they did?

5 And again, like I said, if they are a
6 security person who worked at a hospital or
7 outside of a Government building and they have
8 never been inside of a nightclub where people are
9 drinking and fighting, there is a little
10 difference in training. And I would think that
11 you would want to do this for your business.

12 As a general manager, it would be a
13 great practice for you.

14 MR. HUGHES: Correct. We are also in
15 the process -- we will be closing to renovate
16 pretty shortly in these next few months, so when
17 we reopen, we are planning to upgrade.
18 Everything is getting upgraded.

19 MEMBER SHORT: Okay. Good. I'm glad
20 you let me -- that's a great segue for me.

21 Now, your security plan. Has it ever
22 been submitted to ABRA?

1 MR. HUGHES: Yes, when we have applied
2 for extended hours and different things, I
3 believe the last one was submitted for the world
4 -- the Allstar Game. I think we had to submit a
5 security plan in order to get the extended hours.

6 MEMBER SHORT: Okay. The reason why
7 I asked that question and Mr. Chair kind of
8 reminded me, some security plans in the city have
9 not been submitted to ABRA for our legal people
10 and our staff to go over. And that way if there
11 is any holes in it or anything that maybe you
12 should be aware that --

13 MR. HUGHES: Right. Again, the
14 establishment has been open for -- December will
15 be 10 years.

16 MEMBER SHORT: Okay. So --

17 MR. HUGHES: And I have been there a
18 year and a half.

19 MEMBER SHORT: -- when is the last
20 time you submitted something to ABRA about your
21 security plan or have you ever?

22 MR. HUGHES: Like I said the --

1 MEMBER SHORT: 10 years ago?

2 MR. HUGHES: -- no. For the Allstar
3 extended hours.

4 MEMBER SHORT: What year was that, for
5 the record?

6 MR. HUGHES: It was -- the Allstar was
7 this year, 2018.

8 MEMBER SHORT: So you resubmitted a
9 plan? You had a security plan when you started
10 10 years ago, but you resubmitted it for ABRA
11 approval?

12 MR. HUGHES: There was, in the
13 application, a security plan that needed to be
14 provided.

15 MEMBER SHORT: Okay. I think we have
16 a --

17 INVESTIGATOR PUENTE: No, you
18 submitted a security plan in December 2009. Then
19 you submitted a revision in 2013.

20 MEMBER SHORT: So they don't have the
21 latest approval. So again, that's the reason I
22 asked that question, Mr. Chair. And I'm glad we

1 are getting this out.

2 So do you have any problem
3 resubmitting it --

4 MR. HUGHES: No.

5 MEMBER SHORT: -- for ABRA to go over?

6 And then Mr. Puente could help you and any --

7 MR. HUGHES: Sure.

8 MEMBER SHORT: -- deficiencies that
9 might be in it.

10 MR. HUGHES: I have no problem looking
11 at the deficiencies before I resubmit it, based
12 on the 2013.

13 MEMBER SHORT: Okay. If you work
14 closely with Mr. Puente, I'm quite sure that all
15 my questions that I have asked will be answered.

16 MR. HUGHES: Sure.

17 MEMBER SHORT: And you will be a lot
18 safer with that. And you might want to look at
19 getting some training specifically for nightlife
20 security. I know your place. I know your place
21 real well, but you -- trust me. If you ever have
22 to go to court and you can answer all those

1 questions, guess what? Your problems are going
2 to go away. You have done everything
3 prerequisite.

4 MR. HUGHES: I have.

5 MEMBER SHORT: You have done
6 everything --

7 MR. HUGHES: I appreciate the advice,
8 sir.

9 MEMBER SHORT: Okay. All right.
10 Thank you very much for listening, Mr. Hughes.
11 Thank you, Mr. Chair.

12 CHAIRPERSON ANDERSON: Mr. Hughes, in
13 our -- in the report by Mr. Puente on page 3 of
14 the investigative report, it says from page 7,
15 paragraph 4 of your security agreement, it says
16 "Should the circumstances of the alteration
17 warrant MPD notification, staff members will
18 alert MPD reimbursable detail."

19 What does this statement mean?
20 "Should the circumstances of the alteration
21 warrant MPD notification," so when is it based on
22 the -- based on how this is written, how is it

1 determined whether or not MPD will be notified?

2 MR. HUGHES: So we have had incidents
3 of pickpocketing, robbery and we have apprehended
4 and notified the police right away when these
5 incidents have occurred inside the establishment.

6 We had one as recent as about three
7 and a half weeks, maybe a month ago, where a
8 military personnel took a drunk patron into the
9 bathroom and robbed him. And we were able to
10 apprehend. The person tried to exit the club.
11 My security were there with walkie talkies. We
12 were able to apprehend him and I believe an
13 arrest was made for that.

14 CHAIRPERSON ANDERSON: Yeah, but in --
15 I guess what I'm saying, there is a fight
16 occurred, so -- and that's --

17 MR. HUGHES: Right. So --

18 CHAIRPERSON ANDERSON: -- so how do
19 you determine --

20 MR. HUGHES: -- again, we asked the --
21 one of the people that were in the fight if they
22 needed assistance and what happened? And they

1 kept walking and they walked out and they did not
2 indicate to us that they needed help. Because
3 they were leaving.

4 CHAIRPERSON ANDERSON: But I'm saying
5 a different thing. Your security plan said
6 "should the circumstances" --

7 MR. HUGHES: Right.

8 CHAIRPERSON ANDERSON: -- "of an
9 alteration warrant MPD notification." So it's
10 not --

11 MR. HUGHES: So my -- based on that
12 wording, having somebody walk out and not
13 "injured" to the point where they indicate just
14 that they need help, it's just a fight that was
15 dispersed or an alteration that was dispersed.

16 CHAIRPERSON ANDERSON: Well, that
17 doesn't make sense though, because what Mr. Short
18 said is that you -- so who makes the decision?
19 Because what you are saying, based on what you
20 are just saying to me, is that the injured patron
21 is the one who would determine whether or not the
22 police should be -- and so that's what -- I'm

1 asking you.

2 This is your security plan. And your
3 security plan says "Should the circumstances of
4 the alteration warrant MPD notification," and so
5 how do you define --

6 MR. HUGHES: And so --

7 CHAIRPERSON ANDERSON: -- that?

8 MR. HUGHES: -- that decision was
9 placed on me and I made a decision not to call,
10 because it was dispersed and the patrons were
11 escorted and the ones who were -- who did not
12 start the fight, were still inside. I asked that
13 question of my security personnel that night.

14 I went to the video immediately. I
15 saw that they were escorted out. From the video
16 it did not look like there was any grave bodily
17 harm to the individuals that were being escorted
18 out.

19 So from that perspective, from my
20 perspective, that's why it was not called. Now,
21 other incidents where somebody is being robbed or
22 something like that, then the situation warrants

1 that right away.

2 CHAIRPERSON ANDERSON: But I think
3 though --

4 MR. HUGHES: But I'm just trying to
5 tell you from my perspective that night, because
6 it was closing, because everybody was leaving and
7 everybody was under their own steam. I asked the
8 security personnel what happened and by that
9 time, they had dispersed.

10 CHAIRPERSON ANDERSON: Well, I think
11 for most establishments, you are more so
12 concerned about fighting. You are not
13 necessarily concerned about pickpocket, because
14 that's obvious that for a -- there are --

15 MR. HUGHES: Well, when somebody is
16 assaulted in my bathroom, I take that very
17 seriously.

18 CHAIRPERSON ANDERSON: Well, no, but
19 that's -- so that's an assault, that's not
20 necessarily --

21 MR. HUGHES: But it was a robbery.

22 CHAIRPERSON ANDERSON: Well, I know.

1 But what I'm trying to say, the distinction I'm
2 trying to make, I think for more establishments,
3 we hear more about their incidents in the sense
4 of fights. And we are more concerned how is it
5 that the establishment responds when this type of
6 incident occurs?

7 I mean, of course, if someone gets
8 robbed in your establishment --

9 MR. HUGHES: Right. So my goal is to
10 prevent an incident from escalating to the point
11 where there is a fight. So that's why I have as
12 many security as I do on a busy night like this
13 and that's why everybody has radios and that's
14 why we try to prevent it from happening.

15 In the odd occasion, I believe this
16 and there was a previous one in 2016 that was
17 also pretty grave.

18 CHAIRPERSON ANDERSON: And how did
19 you -- I'm looking at how did your -- because
20 clearly there was another Fact-Finding Hearing
21 and --

22 MR. HUGHES: Yes.

1 CHAIRPERSON ANDERSON: -- it says NFA,
2 so what -- how is it that your establishment --
3 were you working there in 2016?

4 MR. HUGHES: I was working, but I was
5 not in the role that I am right now.

6 CHAIRPERSON ANDERSON: But so you were
7 -- but were you there for that incident?

8 MR. HUGHES: I was not.

9 CHAIRPERSON ANDERSON: Okay.

10 MR. HUGHES: It happened on New Year's
11 Eve.

12 CHAIRPERSON ANDERSON: Okay.

13 MR. HUGHES: I was not there for that
14 incident.

15 CHAIRPERSON ANDERSON: All right. So
16 I can't ask you anything specific about that
17 then.

18 MR. HUGHES: But I was asked to
19 testify about that as the representative of
20 Public now, so I had to make myself very aware of
21 what happened during that time.

22 CHAIRPERSON ANDERSON: So what's the

1 difference between how the establishment
2 responded that time and how they responded this
3 time?

4 MR. HUGHES: Because that time the
5 grave bodily harm happened within the
6 establishment. So I believe EMS and everybody
7 was called right then and there.

8 CHAIRPERSON ANDERSON: All right. All
9 right. Any --

10 MEMBER SHORT: I would just like to
11 reiterate.

12 CHAIRPERSON ANDERSON: Go ahead, Mr.
13 Short.

14 MEMBER SHORT: Thank you very much,
15 Mr. Hughes. And I hope that you will --

16 MR. HUGHES: I will follow-up on this.

17 MEMBER SHORT: Okay. And again,
18 someone bleeding, it shouldn't be up to them
19 whether you call EMS.

20 MR. HUGHES: I am not sure --

21 MEMBER SHORT: Let me finish, please.
22 Let me finish, if you don't mind.

1 MR. HUGHES: All right.

2 MEMBER SHORT: Someone bleeding it
3 should not be left up to them to decide whether
4 they -- you call for help, because if EMS comes
5 and they decide they don't want to go, they get
6 what they call a signed release, that takes
7 everybody off the hook. It's on them then. But
8 if they go down the street and we have had
9 incidents not far from your club where somebody
10 has gone down and fallen out.

11 But they left the club, because the
12 club said we are fine. The club closed the door
13 and the person went down the street and fell out.
14 And they did have some injuries that required
15 them to be hospitalized.

16 So we would like, I as a Board Member,
17 and I can't speak for all the Board, I would like
18 to think that if someone is bleeding inside of
19 your establishment, your club, that you will call
20 then, right then and there, for police and EMS.
21 If the person wants to turn around and don't want
22 to go, that's fine, but you will be covered and

1 the city will be covered. Your liability then
2 goes way down.

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

5 CHAIRPERSON ANDERSON: All right. Do
6 you have any final -- all right. I'll have you
7 go last. Sergeant Robinson, do you have any
8 final comments you want to make?

9 SGT. ROBINSON: No, sir.

10 CHAIRPERSON ANDERSON: Mr. Puente?

11 INVESTIGATOR PUENTE: I know in
12 speaking with Sergeant Robinson and Lieutenant
13 Loftus several weeks ago about this incident,
14 Lieutenant Loftus made it clear to me that if MPD
15 would have been notified, they could have stopped
16 the situation from escalating.

17 It would not mean this club being in
18 trouble, someone getting arrested, just the
19 presence of MPD being out front, the aggressor
20 would have saw the presence of MPD and walked
21 away and everything would have been done for the
22 night.

1 So just calling MPD is going to save
2 you a lot of trouble. So you just have to be
3 going forward, anytime if you call 911, you're
4 not going to get in trouble. It's going to help
5 you out, save you from being in front of this ABC
6 Board or possible lawsuits going forward.

7 CHAIRPERSON ANDERSON: One last
8 question, Mr. Puente.

9 As a result of your investigation, did
10 you find any potential violation?

11 INVESTIGATOR PUENTE: Just the
12 security plan that paragraph page 7 paragraph 4,
13 just the wording of it kind of threw me off, so I
14 just wanted to bring it to your guys' attention.
15 Maybe that needs to be fixed by the
16 establishment.

17 But their security plan says they are
18 able to escort the patrons out, the aggressive
19 patrons and then if it warrants MPD, notify MPD.
20 To me this felt like it should have been
21 warranted by just what I saw on video. The
22 altercation and where his friends got involved as

1 well, to me, MPD should have been notified right
2 away.

3 CHAIRPERSON ANDERSON: Mr. Hughes, any
4 final comments?

5 MR. HUGHES: I would take the Board
6 Member's advice and follow-up with Mr. Puente to
7 update the security plan.

8 CHAIRPERSON ANDERSON: Well, one of
9 the things that I think and we can't order you
10 and especially -- this is why it's important that
11 by close of business today, you provide this
12 Agency with authorization from an owner.

13 MR. HUGHES: Yes.

14 CHAIRPERSON ANDERSON: So meaning
15 someone who is on the license that we recognize
16 to say that you are authorized to speak on behalf
17 of the establishment today.

18 And with that, one of the things that
19 I would ask that it -- would you agree to provide
20 this Agency within the next 30 days an updated
21 security plan?

22 MR. HUGHES: Yes.

1 CHAIRPERSON ANDERSON: All right. And
2 all right.

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

6 MR. HUGHES: Thank you.

7 (Whereupon, the Fact-Finding Hearing
8 was concluded at 11:08 a.m.)

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In the matter of: Public Bar

Before: DCABRA

Date: 10-19-18

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