

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

IN THE MATTER OF:	:	
	:	
The Fab Lounge Inc.,	:	
t/a Safari Restaurant	:	
and Lounge	:	
4306 Georgia Avenue NW	:	Summary Suspension
Retailer CT - ANC 4C	:	Hearing
License No. 090424	:	
Case #19-251-00034	:	
	:	
	:	

Thursday
March 7, 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
NICK ALBERTI, Member
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member

ALSO PRESENT:

WALTER ADAMS, OAG
LINDSAY MARKS, OAG
NUNU WONDWOSSEN, Licensee

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

10:02 a.m.

CHAIRPERSON ANDERSON: Good morning.

As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia, in accordance with D.C. Office Code Section 2576d of the Open Meetings Act, I am announcing the convening of an emergency meeting.

The subject of this emergency meeting is a summary suspension hearing in case number 19-251-00034, Safari Restaurant and Lounge, License Number 090424.

The nature of this emergency is a closure of the establishment by Chief Newsom on - - Chief Newsom, right? Yes, Chief Newsom -- by the Chief of Police on February 24, 2019.

And then, on February 27, 2019, the ABC Board determined that the closure should occur.

Public Notice of this emergency meeting was provided by publication of the hearing calender to the ABRA website and by

1 proposing -- posting of the hearing calendar to
2 the ABC Board Hearing Room Hearing Bulletin Board
3 at 2000 14th Street, Northwest, Suite 400.

4 My name is Donovan Anderson, I'm
5 Chairman of the Board.

6 We are joined today by Mister -- I
7 think I'm not quite ready for that.

8 We are joined to day --

9 MEMBER SILVERSTEIN: Can I get you a
10 cup of coffee, Mr. Chairman?

11 CHAIRPERSON ANDERSON: Yes, I think
12 the day is too for me -- we're joined -- these
13 back to back hearings.

14 MEMBER SILVERSTEIN: Yes.

15 CHAIRPERSON ANDERSON: We're joined
16 today, to my far right is -- all right, let me,
17 you know, let me do it the way I normally do it.

18 I would like to introduce members of
19 the Board with us today. To my far right is Mr.
20 Bobby Cato. To my immediate right is Mr. Nick
21 Alberti.

22 And, to my far left is Mr. Mr. Mike

1 Silverstein.

2 I'm Donovan Anderson, I'm Chairman of
3 the Board.

4 We have four members in attendance
5 today so we do have a quorum.

6 I would like to mention two things
7 before we get started.

8 First of all, if you have an
9 electronic device, pagers, cell phone, or such,
10 please make certain that they're turned off to
11 avoid any interruption of the proceeding.

12 Secondly, there is a piece of paper at
13 each table. When you come forward as the case is
14 called, please take a seat at the table and
15 please sign in. This is to ensure the correct
16 spelling of your name for the recorder.

17 Additionally, when you introduce
18 yourself for the record, please spell you name
19 allowed for the court reporter.

20 And so, as I stated before, so I would
21 like everyone to introduce themselves for the
22 record today, please.

1 Yes, ma'am, go ahead.

2 MS. WONDWOSSEN: My name is Nunu
3 Wondwossen.

4 CHAIRPERSON ANDERSON: I'm sorry, I
5 didn't hear the last name, ma'am.

6 MS. WONDWOSSEN: Nunu Wondwossen.

7 CHAIRPERSON ANDERSON: How do you
8 spell your last name, ma'am?

9 MS. WONDWOSSEN: W-O-N-D --

10 CHAIRPERSON ANDERSON: W-O-N-D --

11 MS. WONDWOSSEN: -- W-O-S-S-E-N.

12 CHAIRPERSON ANDERSON: -- W-O-S-S-E-N.

13 And, who are you, ma'am?

14 MS. WONDWOSSEN: I'm present, I'm
15 mean, attorney for Frez Teame for Safari
16 Restaurant.

17 CHAIRPERSON ANDERSON: Oh, so, you're
18 an attorney?

19 MS. WONDWOSSEN: For --

20 CHAIRPERSON ANDERSON: I'm sorry?

21 MS. WONDWOSSEN: Yes.

22 CHAIRPERSON ANDERSON: You are an

1 attorney?

2 MS. WONDWOSSEN: No, for -- power of
3 attorney.

4 CHAIRPERSON ANDERSON: Oh, you have a
5 power of attorney to represent --

6 MS. WONDWOSSEN: Because he is out of
7 town.

8 CHAIRPERSON ANDERSON: All right, so,
9 you have the power of attorney? So, you're
10 providing the Agency with this power of attorney?

11 MS. WONDWOSSEN: Yes.

12 CHAIRPERSON ANDERSON: Can I have a
13 copy of the power of attorney, please?

14 (OFF MICROPHONE COMMENTS)

15 CHAIRPERSON ANDERSON: Okay, I have
16 it. Miss -- okay, okay, yes, we have that.
17 Pronounce your last name again for me, please?

18 MS. WONDWOSSEN: Wondwossen.

19 CHAIRPERSON ANDERSON: Wondwossen?

20 MS. WONDWOSSEN: Yes, sir.

21 CHAIRPERSON ANDERSON: All right.

22 I'll -- hopefully, I will do a good job and not

1 butchering your name. You can have a seat.

2 Okay, thank you, ma'am.

3 Yes, Mr. Adams?

4 MR. ADAMS: Yes, good morning, Mr.
5 Chairman, members of the Board. I'm Walter Adams
6 representing the District of Columbia.

7 CHAIRPERSON ANDERSON: Good morning,
8 Mr. Adams.

9 MS. MARKS: Lindsay Marks,
10 representing the District of Columbia.

11 CHAIRPERSON ANDERSON: Good morning,
12 Ms. Marks.

13 Are there any preliminary matters in
14 this case?

15 MR. ADAMS: Two preliminary matters,
16 Mr. Chairman.

17 Number one, the District would like to
18 invoke the rule on witnesses for this matter,
19 even for the opening statements.

20 We believe that there are -- I believe
21 the establishment might have potential witnesses
22 in the room. And, we wanted to invoke the rule

1 on witnesses.

2 CHAIRPERSON ANDERSON: Okay.

3 MR. ADAMS: Also, ask for admonition
4 that anything that is discussed in terms of
5 testimony during -- while the hearing is
6 proceeding is not discussed with any potential
7 witnesses while the case is still proceeding.

8 CHAIRPERSON ANDERSON: Okay.

9 Ms. Wondwossen, and I'm sorry, I will
10 get it, do you have any witnesses that you're
11 calling to testify today?

12 MS. WONDWOSSEN: Yes.

13 CHAIRPERSON ANDERSON: Who are the
14 witnesses? Are they here?

15 MS. WONDWOSSEN: They are here.

16 CHAIRPERSON ANDERSON: Who are they?
17 How many witnesses do you have?

18 MS. WONDWOSSEN: Two.

19 CHAIRPERSON ANDERSON: And, who are
20 the two witnesses?

21 MS. WONDWOSSEN: So, the managers --

22 CHAIRPERSON ANDERSON: I'm sorry, the

1 who?

2 MS. WONDWOSSEN: It's managers.

3 CHAIRPERSON ANDERSON: What's the
4 managers' name?

5 MS. WONDWOSSEN: John Shuler.

6 CHAIRPERSON ANDERSON: John Shulee?

7 MR. ADAMS: Shuler.

8 MS. WONDWOSSEN: Shuler.

9 MR. ADAMS: Shuler.

10 CHAIRPERSON ANDERSON: Shuler?

11 MS. ADAMS: S-H-U-L-E-R.

12 CHAIRPERSON ANDERSON: And, who else?

13 MR. HARRISON: John Harrison.

14 CHAIRPERSON ANDERSON: And the second
15 name? Who's the second witness?

16 MR. HARRISON: John Harrison.

17 CHAIRPERSON ANDERSON: John Harrison?

18 MR. HARRISON: Yes, sir.

19 CHAIRPERSON ANDERSON: And, what
20 witnesses does the Government have?

21 MR. ADAMS: The Government has five
22 witnesses, Lieutenant Louis Jenkins, Detective --

1 CHAIRPERSON ANDERSON: Hold on, hold
2 on. So, Lieutenant Jenkins? Who else?

3 MR. ADAMS: Detective Felix Claxton,
4 Detective Christian Bastian --

5 CHAIRPERSON ANDERSON: What's the last
6 name? I'm sorry.

7 MR. ADAMS: Bastian, B-A-S-T-I-A-N.

8 CHAIRPERSON ANDERSON: Okay.

9 MR. ADAMS: Investigator Felicia
10 Dantzler. And --

11 CHAIRPERSON ANDERSON: Okay.

12 MR. ADAMS: -- Investigator Mikea
13 Kelly.

14 CHAIRPERSON ANDERSON: Kelly?

15 MR. ADAMS: Yes.

16 CHAIRPERSON ANDERSON: All right. Are
17 all those people in the audience today?

18 MR. ADAMS: A couple of them are,
19 including Detective Claxton.

20 So, Ms. Marshall take our -- the
21 District's witnesses to the room. I believe the
22 Respondent's witnesses, I'm not sure --

1 CHAIRPERSON ANDERSON: All right.

2 MR. ADAMS: -- if there's a space for
3 them, but we have our room.

4 CHAIRPERSON ANDERSON: All right, who
5 are the witnesses for the licensee? All right, I
6 need you to be out of -- I need you to be outside
7 of the room and then, they can follow our
8 Associate General Counsel and we will -- when
9 it's time for you testify, then they'll bring you
10 in the room. Okay?

11 You can leave your stuff, nobody's
12 going to -- we're just going to put you in a
13 secure location. You can take -- only if you --
14 well --

15 MR. ADAMS: They may want to take --

16 CHAIRPERSON ANDERSON: If you want to
17 go outside --

18 MR. ADAMS: It might take a little
19 while before --

20 CHAIRPERSON ANDERSON: If you want to
21 go outside, fine, you can do that. But, I'm just
22 saying that -- yes, fine.

1 Can someone find a location for them
2 to be at so they are --

3 MEMBER ALBERTI: John's out there and
4 should be doing that.

5 CHAIRPERSON ANDERSON: Okay, but I'm
6 not sure if they know where they're going.

7 MEMBER ALBERTI: Oh, okay.

8 CHAIRPERSON ANDERSON: It appears that
9 -- yes, it appears that they're walking away and
10 --

11 MEMBER ALBERTI: I was hoping John
12 would take care of that.

13 CHAIRPERSON ANDERSON: Can you help
14 those two witnesses so they'll know where to go,
15 please? All right, thank you.

16 (OFF MICROPHONE COMMENTS)

17 CHAIRPERSON ANDERSON: They're
18 outside.

19 MR. ADAMS: The investigators are in
20 a secure room.

21 CHAIRPERSON ANDERSON: All right. So,
22 there's no one else here in the audience who's

1 going to testify today, is that correct?

2 MS. WONDWOSSEN: No.

3 CHAIRPERSON ANDERSON: All right,
4 okay.

5 All right, does the Government wish to
6 make an opening statement?

7 MR. ADAMS: The Government does.
8 Permission to make an opening statement.

9 CHAIRPERSON ANDERSON: All right.

10 MR. ADAMS: Also, Mr. Chairman, we're
11 here for this emergency hearing based on summary
12 suspension.

13 Briefly, Mr. Chairman, this case is
14 really about a rouge establishment that has shown
15 little interest in observing District law and
16 somewhat indifference to the patron and community
17 safety.

18 Based upon the events that occurred at
19 or near the establishment on February 24, 2019,
20 the events they held, the type of events they
21 held, the establishment's lack of logical
22 preparation for the events, the establishment's

1 lack of candor in response to these incidents and
2 the lack of appearance and the role the
3 establishment had, the Board must hold and must
4 conclude that the establishment presents imminent
5 danger to safety and health of the public.

6 There are several distinct issues that
7 will be confronted within this case, and some of
8 going through the facts in general.

9 Obviously, the evidence will show that
10 two violent incidents occurred at this
11 establishment, Safari Restaurant and Lounge
12 between 1:23 a.m. and 1:27 a.m.

13 And, the evidence will show that those
14 events are connected.

15 The evidence will show that at about
16 -- first of all, on the night of February 23 --
17 24th, 2019, the establishment -- this is an
18 establishment that has two levels, that there's a
19 level -- a first floor level and a second floor
20 level.

21 That the evidence will show that there
22 was a promoted event on the second floor of the

1 establishment and that it was a hip hop event,
2 open mic event type performance on that level in
3 which a number of people showed up for the event.

4 That the information will also show to
5 the Board that on that night, that there was a
6 promoter who was working for the establishment or
7 more or less had rented out the space --

8 CHAIRPERSON ANDERSON: Hold on, hold
9 on for a minute, Mr. Adams.

10 Are you going to testify today, sir?

11 WITNESS: I believe so.

12 CHAIRPERSON ANDERSON: All right, if
13 you can follow her, please?

14 MR. ADAMS: So, in terms of the two
15 violent incidents that occurred, the information
16 that has been given is that at approximately 1:23
17 a.m., several patrons got into a confrontation,
18 specifically confronted a DJ.

19 The reason -- from the evidence that
20 will be shown is that they were frustrated from
21 promises that were made by a promoter for the
22 performances that were happening that night.

1 And, based upon their frustrations,
2 they took out at least between 8 to 10 patrons
3 took out their frustrations upon this DJ and
4 physically assaulted him and striking him with
5 their feet and apparently, at some point, with a
6 chair.

7 That was to show, at some point,
8 someone from the establishment, and we're not
9 sure who that person is, some unidentified person
10 from the management responded to the incident
11 and, at that point, had everyone who was upstairs
12 at the event told to leave the establishment, all
13 at the same.

14 The evidence will show that the people
15 left the establishment and at 1:27, which is
16 within five minutes of the calls for the assault
17 of the DJ, that there was a shooting.

18 There was a shooting that the shooting
19 involved patrons who had just left the
20 establishment at that time after the open mic
21 event or coming from the open mic event.

22 And, the evidence will show then how

1 that occurred and that basically all patrons of
2 the establishment and the time frame of which it
3 occurred.

4 And, the evidence will then show that
5 the MPD immediately responded to that incident.

6 The second issue that is the -- that
7 you will confront in this case is the lack of
8 control for a promoted event.

9 This event was held by a promoter.
10 The evidence will show that the establishment
11 made arrangements with a promoter to have the
12 event at the establishment, but there was no
13 written agreement between the establishment and
14 the promoter.

15 That, based upon this agreement,
16 although this establishment does have an
17 endorsement to accept cover charges, that all
18 cover chargers were accepted by a promoter, not
19 the establishment, that as part of the
20 arrangements that the establishment claimed that
21 the promoter would provide security at the event
22 as well, not the establishment itself.

1 The evidence will also show that when
2 the assault occurred at approximately 1:23 or
3 during the night that witnesses did not --
4 couldn't identify anyone who was visibly a member
5 of security.

6 No security person intervened in the
7 event. No person took any control whatsoever as
8 things escalated at the event. And that the only
9 known person -- representative of the
10 establishment on the second floor of this event
11 was a bartender, and that's it.

12 The third issue is that the
13 establishment has security plan. The security
14 plan requires them to, at a minimum, have
15 security to secure the guests for while they are
16 open, that they are obviously -- the
17 establishment did not -- the evidence will show
18 the establishment does not have security.

19 They're supposed to have an incident
20 log and no incident log was found, granting that
21 the fact that the MPD have responded immediately.

22 The fourth issue is that -- is a lack

1 of a security camera. The establishment did not
2 have any security cameras as it -- to the extent
3 that there are questions in this case is that the
4 one thing that is certain is -- from the evidence
5 is that the Metropolitan Police Department and
6 representatives of ABRA went to the establishment
7 and one of the questions was looking for security
8 cameras.

9 Although they found security cameras,
10 no security system was working at the time due to
11 a claim that the establishment's security system
12 was damaged by water. And, as a result, there is
13 no security footage.

14 I apologize, Court's indulgence.

15 The fifth issue, Mr. Chairman, is that
16 there was a lack of cooperation with this
17 investigation and lack of candor.

18 The evidence will show that there is
19 differing accounts regarding what occurred at
20 this establishment from that night. Some -- and
21 a lack of information coming from establishment
22 employees regarding what occurred.

1 The evidence will show that one of the
2 employees -- and that their accounts that came
3 were do different that it was very hard for the
4 investigators to tack the accounts.

5 That some of the account -- one of the
6 people who was a manager at the time that this
7 occurred was intoxicated.

8 And that there was refusal at times to
9 answer basic questions and at certain times, they
10 almost had to pull information from people who
11 were in a management position at the
12 establishment at the time.

13 Another issue is the confusion
14 regarding the ownership of the establishment.

15 At the time that the Metropolitan
16 Police Department did their initial interviews,
17 they spoke with a person named John Shuler, who I
18 believe is here as an establishment witness, who
19 claimed to be the owner of the establishment to
20 the Metropolitan Police Department.

21 And, at a certain point, there was
22 confusion also regarding whether Mr. Harrison,

1 who has been listed as a witness, well now, he
2 made a claim to be either a manager of
3 establishment.

4 Neither one of those people are listed
5 as ABC managers. So, it was also -- the evidence
6 will show there was confusion regarding what
7 their role is.

8 The evidence will also show that there
9 are social media accounts for the establishment
10 under a different trade name, a trade name of
11 Shuler's Safari D.C.

12 The establishment's name is clearly
13 Safari Restaurant and Lounge, but apparently,
14 John Shuler, who we're not quite sure what his
15 role is, at some point, made his name -- put his
16 name as the actual trade name of the
17 establishment.

18 Thus, with the information regarding
19 the representations made about what Mr. Shuler's
20 role is provided complete confusion in regarding
21 who the ownership is.

22 So, as a result, because there are --

1 taking all the factors we've got in this case,
2 taking the events, the lack of control, the lack
3 of prevention, the lack of cooperation, the
4 complete confusion regarding the control of the
5 establishment, we believe that it creates an
6 impression that the establishment cannot be
7 reasonably as fact of the current situation to be
8 able to operate in a safe manner.

9 And, the testimony will confirm that
10 and will give the Board reason to continue the
11 suspension of this establishment.

12 CHAIRPERSON ANDERSON: Okay, all
13 right, do you want to make an opening statement
14 now or you can wait until the Government presents
15 its case and then you can make an opening
16 statement. What do you want to do?

17 MS. WONDWOSSEN: Yes, after.

18 CHAIRPERSON ANDERSON: So, you'll
19 wait? Okay, fine. All right.

20 MR. ADAMS: All right, so we're going
21 to pull our first witness.

22 CHAIRPERSON ANDERSON: So, who is the

1 Government's first witness?

2 MR. ADAMS: It will be Lieutenant
3 Jenkins, Mr. Chairman.

4 CHAIRPERSON ANDERSON: Lieutenant who?

5 MR. ADAMS: Jenkins.

6 CHAIRPERSON ANDERSON: Jenkins? Okay.

7 MR. ADAMS: I keep on messing up his
8 name, I think Francis Jenkins. He'll introduce
9 himself and he'll give his first name.

10 CHAIRPERSON ANDERSON: All right.

11 MR. ADAMS: But I'm forgetting his
12 first name.

13 CHAIRPERSON ANDERSON: Lieutenant
14 Jenkins, can you raise your right hand, please?

15 Do you swear or affirm to tell the
16 truth and nothing but the truth?

17 LIEUTENANT JENKINS: Yes, I do.

18 CHAIRPERSON ANDERSON: All right.

19 Thank you, you may have a seat.

20 Can you pull that microphone closer to
21 you, please?

22 WHEREUPON,

1 FRANCIS JENKINS

2 was called as a witness by Counsel for the
3 Government and, having been first duly sworn,
4 assumed the witness stand, was examined and
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. ADAMS:

8 Q Sir, could you state your name and
9 spell it for the record?

10 A Lieutenant Francis Jenkins, III, F-R-
11 A-N-C-I-S J-E-N-K-I-N-S.

12 Q And, you're employed by the
13 Metropolitan Police Department?

14 A Yes, sir.

15 Q And, that's with D.C. Government?

16 A Yes, sir.

17 Q And, you have the rank of Lieutenant?

18 A Yes, sir.

19 Q Okay, so, Lieutenant Jenkins, thank
20 you for joining us.

21 Lieutenant Jenkins, how long have you
22 been serving as your position as Lieutenant?

1 A This is my 17th year.

2 Q As a Lieutenant?

3 A Oh, I'm sorry. This is my first year.

4 Q First year as a Lieutenant?

5 A Last January.

6 Q So, this is January? And, can you --

7 A Yes.

8 Q -- provide the Board with a general
9 description of your job duties?

10 A I'm a manager and sometimes I conduct
11 Watch Commander duties. That basically means I'm
12 the messenger to the Commander if anything
13 happens throughout the tour.

14 Q Okay. And, how long have you been
15 with the Metropolitan Police Department?

16 A This is my 17th year.

17 Q Okay. And, in the 17 years of being
18 with the Metropolitan Police Department, have you
19 conducted investigations for the Department?

20 A Yes.

21 Q And, would the investigations include
22 investigations regarding violent incidents that

1 occurred at various locations in the city?

2 A Yes.

3 Q Lieutenant Jenkins, were you on duty
4 on the night of February 23rd going into February
5 24th, 2019?

6 A Yes.

7 Q And, what was your role that night?

8 A I was the Watch Commander for the full
9 District.

10 Q And, as the Watch Commander, did
11 anything -- and, what's your normal hours and
12 duties when you're the watch commander?

13 A Nine p.m. to 5:30 a.m.

14 Q And, you stated as a Watch Commander
15 your -- associated to your duties is to relay
16 information to the Commander, correct?

17 A Regarding significant incidents.

18 Q Yes, regarding significant incidents?

19 A Yes, sir.

20 Q Did anything of significance occur
21 during your tour of duty on February 23rd?

22 A February 24th, yes.

1 Q Yes, during February 24th? Okay.

2 A Yes, sir.

3 Q And, on February 24th, can you tell us
4 what occurred?

5 A We -- the 4th District received a call
6 at 1:25 a.m. in reference to an assault and two
7 minutes at 1:27 a.m. we received a call for
8 multiple sounds of gunshots.

9 The location given for the assault was
10 4306 Georgia Avenue, Northwest at the Safari
11 Restaurant and Lounge; and, the gunshots came out
12 for 4300 block of Georgia Avenue.

13 Q And, prior -- in terms of the calls
14 that were provided, was any description -- were
15 any descriptions given regarding these calls?

16 A Was there any descriptions?

17 Q Any descriptions of what occurred at
18 that time?

19 A The -- in reference to the assault, we
20 were advised that a DJ was assaulted. In
21 reference to the gunshots, there was just
22 multiple sounds of gunshots, about seven shots

1 that were heard.

2 Q And, I don't mean to interrupt your
3 testimony, Lieutenant Jenkins, as part of your
4 duties, do you review information regarding or
5 have -- actually, I'll withdraw the question.
6 I'm going to move forward.

7 So, once you received the call
8 regarding gunshots, what occurred at that point?

9 A Once the call for gunshots came out,
10 multiple units responded to the location. The
11 first unit on the scene, Officer Williams,
12 observed several people leaving the location.

13 He then observed shell casings and a
14 pool of blood on the street.

15 Q All right. And, in terms of -- and
16 Officer Williams, who is he?

17 A He's an officer that works for the 4th
18 District.

19 Q And, in terms of the order, was he the
20 first one to arrive at the establishment?

21 A Yes, sir.

22 Q And, when you said that there were --

1 noticed people on the street, can you provide a
2 description of what you mean by that?

3 A He informed me that there were about
4 20 to 30 people when he first pulled up that were
5 leaving the area and leaving the establishment.

6 Q So, leaving the area, leaving the
7 establishment?

8 A Yes, sir.

9 Q And, where were they?

10 A Like in front of the door, along the
11 sidewalks, walking away from the scene.

12 Q And then, you said that he -- you
13 stated that he also I believe said saw shell
14 casings and a pool of blood?

15 A Yes, sir.

16 Q All right. And, what did he -- how
17 did he describe that?

18 A I know he discovered five shell
19 casings on the street. There were about maybe 20
20 yards from the front door of Safari Lounge. And,
21 there was just a pool of blood.

22 Q Twenty yards? Twenty feet?

1 A To put in -- yes, I'd say about 20
2 yards.

3 Q And, what else occurred or what else
4 did police officer?

5 A Once I arrived on the scene and they
6 were still having a private party on the bottom
7 level of Safari Lounge.

8 I spoke to a couple Sergeants and
9 officers on the scene. I was advised that they
10 were having a rap evening on the top level of the
11 lounge. And, at some point, 10 to 11 males
12 started assaulting the DJ. The DJ was in the
13 booth upstairs.

14 They went to the booth, started
15 assaulting him. I was told that a manager went
16 up and intervened and then ushered everyone
17 outside of the establishment.

18 Q And, I want to back up a little bit,
19 Lieutenant Jenkins. Have you been to --
20 obviously, you went to the establishment.

21 A Yes, sir.

22 Q Are you familiar with how the

1 establishment looks like?

2 A Yes.

3 Q Have you seen the establishment any
4 other time prior to this night?

5 A I have not.

6 Q Have you seen it afterwards?

7 A Yes.

8 MR. ADAMS: All right.

9 I'm going to mark for identification
10 purposes what is identified -- well, I'm going to
11 mark it for identification purposes as the
12 District's Exhibit 1. I'm going to provide a
13 copy to Miss -- I apologize if I mess up your
14 name, Ms. Nunu, is that an appropriate name?

15 (Whereupon, the above-
16 referred to document was
17 marked as District Exhibit
18 No. 1 for identification.)

19 CHAIRPERSON ANDERSON: And, I don't
20 have -- the Board doesn't have those.

21 MR. ADAMS: And, I'll provide that to
22 the Board. And, I'll pass up copies to the Board

1 now.

2 And, they're not actually marked, Mr.
3 Chairman, you might have to write on this thing.

4 CHAIRPERSON ANDERSON: That's fine.

5 MR. ADAMS: Can I get one more copy,
6 Mr. Johnson?

7 Now, with the Board's permission, I'd
8 like to approach the witness.

9 CHAIRPERSON ANDERSON: Sure, go ahead.

10 MR. ADAMS: Lieutenant Jenkins, I've
11 handed you a photograph. And, I know you did not
12 take this photograph, but are you familiar with
13 the scene -- with the depiction of this photo --
14 within the photograph?

15 LIEUTENANT JENKINS: Yes, sir.

16 BY MR. ADAMS:

17 Q And, in terms of -- I see there's
18 about three buildings in this -- is it safe to
19 say there's three buildings in this document?

20 A Yes, sir.

21 Q And, is it -- and, is this a true and
22 accurate representation -- or, sorry, are you

1 familiar -- being familiar with this, what is
2 represented in this photograph?

3 A Safari Restaurant and Lounge.

4 Q Is it a true and accurate
5 representation of, I guess, can we say the front
6 of Safari Restaurant and Lounge, is that a true
7 and accurate representation of the front of
8 Safari Restaurant and Lounge?

9 A Yes, sir.

10 MR. ADAMS: All right.

11 Mr. Chairman, I would like to move
12 into evidence what has been marked for
13 identification purposes as District's Exhibit
14 Number 1 which is a photograph of the front of
15 Safari Restaurant and Lounge.

16 CHAIRPERSON ANDERSON: Do you have any
17 objection??

18 MS. WONDWOSSEN: No.

19 CHAIRPERSON ANDERSON: All right, so
20 moved.

21 (Whereupon, the above-
22 referred to document was

1 received into evidence as
2 District Exhibit No. 1.)

3 MR. ADAMS: So, all right, so, you
4 said that you arrived and that the -- once you
5 arrived, you stated -- did you observe shell
6 casings as well?

7 LIEUTENANT JENKINS: Yes.

8 BY MR. ADAMS:

9 Q And, where did you -- you said
10 approximately within 20 yards of the
11 establishment?

12 A Yes, sir.

13 Q All right, in terms of this
14 photograph, can you tell us approximately where
15 the shell casings were in relations to this
16 photograph.

17 A I would say somewhere in between the
18 light pole and the white sign in front of 4308.

19 Q And, I'm going to provide you a pen,
20 if you don't mind circling -- oh, actually, if
21 you don't mind circling on the picture that you
22 have.

1 A Okay.

2 Q And, I'm going to show this to the
3 Board, if you don't mind.

4 So, you're saying -- and for the
5 record, you made a mark -- a circle on the
6 photograph?

7 A Yes, sir.

8 Q And, it's approximately in front of
9 the white real estate sign?

10 A Yes, sir.

11 Q Or close to a white real estate sign?

12 A Yes, there were multiple shell
13 casings, so they were all spread out between.

14 Q And, so, for the record, you have made
15 -- added an additional circle on the photo?

16 A Yes, sir.

17 Q And, it extends -- it's in the area of
18 the actual asphalt?

19 A Yes, sir.

20 Q And, it extends to the -- to, I would
21 say, the -- a window, the ground floor window of
22 the building that's next to it?

1 A Yes.

2 Q And, the building that's next to it,
3 that is a tan colored building?

4 A Yes, sir.

5 Q And, what is that?

6 A Condominiums.

7 Q It's condominiums?

8 A Residence.

9 MR. ADAMS: I'm going to show this to
10 Ms. Nunu. This is the -- where he's indicated.

11 And, with the Board's permission, I
12 can approach?

13 CHAIRPERSON ANDERSON: Sure. Okay.

14 MR. ADAMS: Thank you very much, Mr.
15 Chair.

16 CHAIRPERSON ANDERSON: All right.

17 MR. ADAMS: So, Lieutenant Jenkins,
18 you're stating that you spoke with -- that you
19 went inside and you said there was an event going
20 on?

21 Before you -- before I ask you another
22 question about that, so, this establishment, how

1 is this set up? Is it a single floor? Is it two
2 floors?

3 LIEUTENANT JENKINS: There's a -- I
4 think it's three floors. I don't think the
5 basement level is used for any entertainment.

6 But, the first level, there was a
7 private party and the second level up was the rap
8 event.

9 BY MR. ADAMS:

10 Q Now, turning to this private party, do
11 you happen to know what kind of private party it
12 was?

13 A I think it was a birthday party for an
14 adult.

15 Q And, how long was it before you
16 actually arrived on the scene from the times the
17 calls first went out?

18 A I'd say like 20 minutes, 15 to 20
19 minutes.

20 Q Okay, so, one you arrived on the
21 scene, can you describe -- was the private party
22 still ongoing?

1 A Yes, sir.

2 Q And, was that means -- did they have
3 music live, something of that sort?

4 A Music was still playing, folks were
5 still at the bar.

6 Q Folks were still at the bar?
7 Approximately how many people were at that event
8 at the time that you arrived?

9 A From what I could observe, I would say
10 no more than 15, I would say 12-ish.

11 Q So, 12-some people? All right, so,
12 Lieutenant Jenkins, after -- okay, so, you --

13 A I apologize.

14 Q Sorry, go ahead.

15 A Yes, there were more than 12 people.
16 I know once the officers received some names and
17 whether or not they saw or heard anything, a lot
18 of folks left.

19 Q So, people started leaving once MPD
20 got there?

21 A After we talked to them, after the
22 officers talked to them.

1 Q Okay.

2 A So, I would say there were at least 20
3 folks at the bar area.

4 Q Now, so, you were -- you're describing
5 -- Board's indulgence -- you're describing the
6 people being there, have we -- and, just repeat,
7 what was the next -- once you got there and you
8 saw that there were people still at the party,
9 what else did you observe at that point?

10 A Well, I was speaking with the -- I
11 spoke with the Sergeant, Sergeant Compher, and I
12 spoke with Officer Saunders.

13 Q Okay. You spoke -- and, Compher is
14 that C-O-M-P-H-E-R?

15 A Yes.

16 Q And, Officer Saunders?

17 A Yes, sir.

18 Q And, that's S-A-U-N-D-E-R?

19 A S -- S on the end.

20 Q Oh, S, that's on the end? So,
21 Saunders? All right.

22 And, what did they tell you?

1 A Speaking with them, I was told that,
2 again, they had the rap event upstairs, some
3 patrons became upset because they thought the DJ
4 wasn't giving enough microphone time to the rap
5 act.

6 At that point, he was assaulted. The
7 manager intervened and ushered everyone outside
8 of the establishment. Two minutes later, we
9 received a call for sounds of gunshots.

10 Q In terms of the manager intervention,
11 do you know which manager it was or who it was?

12 A I later discovered it was John Shuler.

13 Q Okay. And, how did you discover that?

14 A Through, I don't know -- I know
15 Investigator Dantzler for ABRA spoke with him.

16 Q And, I'm going to move on.

17 Okay, so now, let's -- you say you
18 were speaking with Compher, Compher and Shuler.
19 So, did -- and, Office Compher -- sorry, Sergeant
20 Compher and Officer Saunders, where did they get
21 this information from about this?

22 A They were interviewing multiple people

1 on the scene. I believe Mr. Shuler -- I'm sorry,
2 I honestly don't know who interviewed who, but
3 there was a lot of people on the scene. Officers
4 were getting the information from all over and
5 relaying most of that information to me.

6 Q Okay. Was that your role to have
7 information relayed to you about what happened?

8 A Yes, sir.

9 Q Now, in terms of Sergeant Compher, did
10 he give you -- tell you anything else in terms of
11 describing what he found at the scene?

12 A He mentioned that there was -- the
13 front door was -- well, it was broken off its
14 hinges, it was taken off its hinges or it was
15 loose and that Mr. Shuler was trying to fix it as
16 he was talking to Sergeant Compher.

17 Q All right. Well, let's talk about
18 that. Now, according to -- in the photograph
19 that you have in front of you, can you tell us
20 approximately where the front door is for Safari
21 D.C.?

22 A Right there in the center of the

1 building, there's a glass door.

2 Q And, I notice that there's two yellow
3 signs in this photograph. Can you tell us which
4 one it is?

5 A The one with the lower yellow sign.

6 Q And, there's one to the left as well,
7 is that correct?

8 A I'm sorry?

9 Q Is it correct, it's the one that's on
10 the lefthand side as well?

11 A Correct.

12 Q All right. So, for the record,
13 Lieutenant Jenkins has identified the front door
14 of Safari as being on the -- where the left
15 yellow sign is.

16 So, in terms of -- did you get a
17 chance to -- did you look at this door at all?

18 A I've never seen it. I didn't see the
19 door.

20 Q Okay. And, in terms of from Sergeant
21 Compher and noticing that the door had been
22 broken, he said, you state that Mr. Shuler was

1 looking at this door?

2 A He was attempting to fix it.

3 Q Attempting to fix it? All right.

4 A Put it back in place.

5 Q Did Sergeant Compher provide a
6 description of this door?

7 A He only mentioned that it was off its
8 hinges, a portion of the door.

9 Q Did he make any conclusions about how
10 the door may have been broken?

11 A I believe that it was broken when
12 everyone was ushered out and exiting en mass.

13 Q Okay. In terms of discussing anything
14 else with Sergeant Compher, did he say anything
15 about -- he did not -- I guess at some point, he
16 said that he was speaking with Mr. Shuler,
17 correct?

18 A Yes.

19 Q Did he have any conversation with Mr.
20 Shuler regarding what occurred at the
21 establishment?

22 A Yes, he did. He was informed that Mr.

1 Shuler -- well, Mr. Shuler advised him that he
2 did go upstairs to break up two females that had
3 gotten in to it -- into an argument, something
4 like that. And, that's why he put everyone out
5 and he locked the doors behind them.

6 And, made a statement as to, you know,
7 he don't want them coming back in shooting the
8 place up.

9 Q So, I'm going to ask you another
10 question, so, in terms of -- and focusing on
11 Compher, did -- at some point, you said that
12 through the people who were there that you
13 learned that a DJ was assaulted?

14 A Yes.

15 Q How long did it take for MPD to learn
16 that a DJ had been assaulted?

17 A That was the initial call.

18 Q Okay. Did -- in terms of Compher
19 speaking with the manager, did it take along time
20 for the manager to identify that someone had been
21 assaulted or that the DJ was still within the
22 establishment?

1 A I think the manager stated that no
2 assault occurred.

3 Q Okay.

4 A He wasn't aware of any assault.

5 Q You said he was not aware of an
6 assault?

7 A Not aware of any assault that had
8 taken place, only that two females had got into a
9 verbal.

10 Q So, you said the manager denied
11 knowledge of the assault?

12 A Correct.

13 Q Okay. So, I apologize, and I know
14 we've been all over the place.

15 Okay, so, in terms of -- you spoke
16 with Compher and Saunders, is that the extent of
17 your conversation with those officers or the
18 Sergeant and the officer?

19 A That was the bulk of it as far as what
20 happened to the DJ and what led up, you know, to
21 the shooting.

22 Q And, when you say led up to the

1 shooting, it was -- was it --

2 A Just to --

3 Q -- anything else --

4 A Just the chronology of the whole
5 incident.

6 MEMBER SILVERSTEIN: I'm sorry, I
7 couldn't hear you because you were speaking --

8 LIEUTENANT JENKINS: I'm sorry.

9 MR. ADAMS: I apologize.

10 Actually, go ahead, please.

11 LIEUTENANT JENKINS: I was just
12 mentioning just the chronology of the events that
13 kind of culminated in the shooting.

14 BY MR. ADAMS:

15 Q Later on, what -- did you speak with
16 anyone else after you spoke with those two in
17 regard to this?

18 A Yes.

19 Q And, who did you speak with?

20 A Now, are you referring to MPD
21 personnel or to any individuals within --

22 Q Any.

1 A I, myself, spoke with a gentleman who
2 identified himself as the manager, John Harrison.

3 Q And, can you describe John Harrison at
4 the time?

5 A He was intoxicated. He's an older
6 gentleman. He's about in his 50s.

7 Q I apologize.

8 A I'm sorry.

9 Q Go ahead, complete what you were --

10 A But I spoke with him upstairs when the
11 Commander arrived on scene.

12 Q Okay, so the Commander did arrive on
13 scene?

14 A Yes, sir.

15 Q So, this is on the second floor? You
16 stated that he was intoxicated, why do you --
17 what leads you to say that?

18 A Slurred speech and just his behavior.
19 He also mentioned that he was downstairs at the
20 bar. He was just a little obvious intoxication.

21 Q And, in terms of you being an officer,
22 have you had experience in identifying people who

1 are intoxicated?

2 A Yes.

3 Q Are there any particular general
4 characteristics of those who are intoxicated?

5 A Yes.

6 Q And, what are those?

7 A Slurred speech, glassy eyes, those,
8 about the bulk of it.

9 Q And, did that -- is that consistent
10 with how Mr. Harrison appeared at that time?

11 A Yes.

12 Q And, what did Mr. Harrison tell you or
13 what was the conversation that you had with Mr.
14 Harrison?

15 A He stated that he was a manager, that
16 he had been a manager for approximately six
17 months. I asked him did he go upstairs when the
18 DJ was assaulted? He said, no, he never went
19 upstairs.

20 I asked him if there were any other
21 managers on site? He mentioned that Crystal
22 Brown was a manager and that John Shuler was a

1 manager. But that Crystal Brown went upstairs
2 either.

3 Q So, basically, he's claiming that he,
4 himself, never went upstairs and Ms. Brown never
5 went upstairs?

6 A That's correct.

7 Q And, he was down on the first floor
8 the whole time?

9 A I'm sorry, say that again?

10 Q He was on the first floor the whole
11 time?

12 A Yes, he stated that he was at the bar
13 at the party.

14 Q And, did he provide any descriptions
15 about earlier in the evening where he was?

16 A No.

17 Q All right, and, after you spoke with
18 Mr. Harrison, did you speak with anyone else, MPD
19 or otherwise?

20 A Yes, I spoke to several people.

21 Q Okay, and go ahead.

22 A I spoke to Detective Gonzales a quick

1 second who just mentioned that she was talking to
2 the DJ about the assault.

3 Q And, what did she say?

4 A She was just mentioning that he had
5 swelling to his face, but that it would probably
6 fall under a simple assault.

7 I spoke -- Sergeant Butler was on the
8 scene. Field Commander, Captain Woodson was on
9 the scene. Several homicide detectives.

10 Q Did anyone else provide you any facts
11 regarding what occurred that night of those you
12 spoke with?

13 A My apology.

14 Q Take your time.

15 A I can't think off the top of my head
16 right now of who may have given me any more
17 information. Than -- I mean, everyone was pretty
18 much giving the same information, you know, that
19 the DJ was assaulted, everyone was ushered out by
20 a manager then the shooting happened.

21 Q Did you -- was there any discussion
22 about whether the establishment had any security

1 that night?

2 A Yes, that was mentioned that no
3 security was observed. I know Mr. Shuler had
4 advised that there was security on the site at
5 the time, but there was no security there when
6 MPD arrived.

7 Q And, I'm sorry to say, this might be
8 a silly question, but did you personally observe
9 anyone who was -- who identified themselves as
10 security from the establishment?

11 A No.

12 Q Did you -- was there any discussion
13 regarding whether or not the establishment had
14 security cameras?

15 A Yes. They do have cameras on site;
16 however, we were told that they were inoperable.

17 Q Is one of the cameras near the
18 entrance?

19 A I believe.

20 Q Or would have been at the entrance?

21 A I believe so.

22 Q And, in terms of the shooting, okay,

1 actually, what description -- outside of what was
2 said about the DJ actually being beaten, was
3 there any description about what led to the
4 assault or any observations by the establishment
5 staff regarding the assault at all?

6 A No.

7 Q Were any questions to witnesses --
8 first, well, from any witness, civilian or
9 otherwise, regarding the shooting?

10 A You said were there any questions?

11 Q Yes.

12 A That were posed to the --

13 Q Yes.

14 A Yes.

15 Q Well, let's start with the
16 establishment staff. What did the establishment
17 staff tell MPD regarding any facts or observances
18 regarding the shooting?

19 A Well, no one stated that they observed
20 anything. I believe Crystal Brown mentioned she
21 may have heard gunshots. But no one stated that
22 they observed anything outside.

1 Q Did anyone mentioned -- was there any
2 information that came to you about any
3 altercations or anything that led -- any
4 altercations outside the establishment that would
5 have led to the shooting?

6 A No.

7 Q So, essentially, what you have is
8 that, essentially, at least 20 to 30 people were
9 -- came out at the same time?

10 A That's correct.

11 Q And then, a shooting occurred?

12 A Yes, sir.

13 Q All right. Now, Lieutenant Jenkins,
14 at any point -- and in terms -- I'm sorry, let me
15 back up.

16 Were -- was there any information that
17 you received while you were on the scene at that
18 time?

19 A Was there any information that I
20 received --

21 Q Any other information or facts that
22 you received on the scene?

1 A I can't think of anything at this
2 time.

3 Q At some point, did -- was -- did MPD
4 --

5 A I'm sorry, I'm sorry, let me back that
6 up. At 1:38 a.m., we received a call saying that
7 there were two gunshot victims at Washington
8 Hospital Center.

9 So, officers arrived at that location.
10 They were in pretty bad conditions. Obviously,
11 the one died.

12 Q All right. And so, the other thing
13 that -- and how -- I'm sorry, how does that
14 relate to Safari?

15 A Yes, I know it was 11 minutes after
16 the sounds of gunshots came out. I believe the
17 person who drove them there -- I can't really
18 speak on this because I don't really know.

19 Q That's fine, that's fine.

20 A But, at some point, it was connected
21 to the Safari.

22 Q All right. After you left the scene,

1 did you have -- did you, at any point -- does --
2 did the Metropolitan Police Department do
3 research regarding all the calls of service for
4 4306 Georgia Avenue?

5 A Yes.

6 Q And, were you involved in that
7 research?

8 A Yes.

9 MR. ADAMS: All right. I'm going to
10 provide what I'm going to make for identification
11 purposes as the District's Exhibit Number 2.
12 And, I'm going to provide that -- a copy to Ms.
13 Nunu and the rest of the copies to the Board.

14 And, I apologize, members of the
15 Board, they're not marked because, frankly, I
16 didn't know what order any of these exhibits
17 would be published prior to the hearing.

18 And, we're going to approach to
19 provide a copy to --

20 (Whereupon, the above-
21 referred to document was
22 marked as District Exhibit

1 No. 2 for identification.)

2 CHAIRPERSON ANDERSON: Sure.

3 MR. ADAMS: -- Lieutenant Jenkins.

4 Lieutenant Jenkins, are you familiar
5 with this document?

6 LIEUTENANT JENKINS: Yes, sir, I've
7 seen it before.

8 BY MR. ADAMS:

9 Q And, what is it?

10 A It's an Event Search Summary that
11 dates back to March 2018, just a -- kind of a log
12 of the events that were dispatched to this
13 location.

14 MR. ADAMS: And, I apologize, Board's
15 indulgence. Is this -- are your copies two sided
16 or have two sides on the copies?

17 CHAIRPERSON ANDERSON: Yes.

18 MR. ADAMS: All right.

19 And, during the course of your duties,
20 do you pull -- and, do you pull documents similar
21 to these?

22 LIEUTENANT JENKINS: Yes.

1 BY MR. ADAMS:

2 Q And, Events Search Summaries, where do
3 they come from?

4 A The ones I pull usually come from the
5 NETBUR account or the COBALT system.

6 Q And, who -- and, what Agency provides
7 this information for this?

8 A MPD.

9 Q And, does all the unit by command?

10 A Yes, OUC.

11 Q Is OUC the Office of Unified
12 Communications that provide this?

13 A Yes, they're in charge of the call
14 logs.

15 Q And, so, what information is captured?
16 Is it just calls for service?

17 A This appears to be calls for service
18 and different services that were provided to a
19 particular address.

20 Q And, all right, and you're familiar
21 specifically with this document?

22 A Yes, sir.

1 Q And, this is a true and accurate
2 representation of an Event Search Summary for, I
3 guess, in this case, 4306 Georgia Avenue,
4 Northwest?

5 A Yes.

6 Q I'm going to turn your attention to
7 the second page.

8 A Yes, sir.

9 Q Turning your attention to the second
10 page, there are -- it looks -- were there entries
11 here for February 24th?

12 A Yes.

13 Q And, it looks like there are several
14 entries.

15 A Yes, sir.

16 Q All right. So, I'm going to have you
17 turn your attention to, let's see, one, two,
18 three, four, the fifth line down on that page.

19 A Okay.

20 Q All right. And, what does that --
21 first of all, what's the time of that call?

22 A For the fifth call, 1:24.

1 Q One twenty-four, okay. And, it says
2 type. What does type mean?

3 A The type of call, the type of incident
4 that's occurring or that the call came in for.

5 Q Underneath, there is the next line,
6 can you tell us what time that -- what does it
7 represent there?

8 A One twenty-six a.m.

9 Q And so, it's safe to say, 1:24 and
10 1:26 are essentially within two minutes of each
11 other?

12 A Correct.

13 Q And, what is put on to -- what's
14 listed as the type there?

15 A For 1:24, the type was assault fight;
16 and, for 1:26 is for shots fired.

17 Q Okay. So, that's nearly two minutes
18 between the two?

19 A Yes, sir.

20 MR. ADAMS: All right, I'd like to
21 have -- move into evidence what's marked for
22 identification purposes as the District's Exhibit

1 Number 2 which is the Event Search Summary
2 produced through MPD.

3 CHAIRPERSON ANDERSON: Any objection,
4 ma'am?

5 MS. WONDWOSSEN: No.

6 CHAIRPERSON ANDERSON: No? Okay, so
7 moved.

8 (Whereupon, the above-
9 referred to document was
10 received into evidence as
11 District Exhibit No. 2.)

12 MR. ADAMS: And, lastly, at some
13 point, the, Lieutenant Jenkins, you're familiar
14 that the establishment was closed, that the
15 Metropolitan Police Department issued a 96-hour
16 closure letter?

17 LIEUTENANT JENKINS: Yes, sir.

18 BY MR. ADAMS:

19 Q And, in terms of your familiarity with
20 there, were familiar at all with how the Police
21 Department made the decision to issue the 96-hour
22 closure?

1 A Yes.

2 Q And, how is that?

3 A You had an assault that occurred
4 inside, police were not notified. You had a
5 camera system that was inoperable and not of
6 service to any of the police investigation.

7 You had multiple managers on scene
8 stated that they didn't observe any assault take
9 place, one was intoxicated.

10 Q And, by the way, and I guess what I
11 really meant, did you have any participation in
12 the creating of this letter?

13 A Yes.

14 Q Actually, and I noticed in the letter,
15 there's a mentioning of a food runner within the
16 letter. Are you familiar with that being
17 mentioned?

18 A Yes, I know there was an individual
19 who identified himself as the -- a food runner
20 for the establishment. He was completely
21 uncooperative with the investigation.

22 Q Were any other members of staff

1 uncooperative in that manner?

2 A Not as defiant as he, no.

3 MR. ADAMS: All right, Board's
4 indulgence.

5 Mr. Chairman, the District has no
6 further questions for Lieutenant Jenkins.

7 CHAIRPERSON ANDERSON: Ms. Nunu, do
8 you have any questions for the detective? The
9 Lieutenant, I'm sorry, for the Lieutenant?

10 MS. WONDWOSSEN: No, sir.

11 CHAIRPERSON ANDERSON: All right, does
12 any of the Board members have any questions for
13 the Lieutenant?

14 Mr. Alberti?

15 MEMBER ALBERTI: Hi, Lieutenant
16 Jenkins, thank you for being here. I'm trying to
17 get the time lines straight.

18 Do you what -- what time did you
19 arrive approximately?

20 LIEUTENANT JENKINS: I arrived 15 to
21 20 minutes after the call came out.

22 MEMBER ALBERTI: After? Okay, after

1 the first call came in?

2 LIEUTENANT JENKINS: Correct.

3 MEMBER ALBERTI: So, approximately
4 1:40 to 1:45?

5 LIEUTENANT JENKINS: Yes, sir.

6 MEMBER ALBERTI: Okay. And, there
7 were still patrons inside? When you arrived,
8 when you got there, what as -- I mean, were the
9 patrons --

10 LIEUTENANT JENKINS: The private party
11 was still going on.

12 MEMBER ALBERTI: Was still going on?
13 It wasn't like they were focused on what was
14 going outside?

15 LIEUTENANT JENKINS: Correct.

16 MEMBER ALBERTI: The party was still
17 going?

18 LIEUTENANT JENKINS: Correct.

19 MEMBER ALBERTI: And, that was at
20 least 10 minutes after the call for the shots?

21 LIEUTENANT JENKINS: Yes, sir.

22 MEMBER ALBERTI: Is that correct?

1 LIEUTENANT JENKINS: Yes, sir.

2 MEMBER ALBERTI: All right, thank you.

3 CHAIRPERSON ANDERSON: Any other
4 question by any other Board members?

5 (NO AUDIBLE RESPONSE)

6 CHAIRPERSON ANDERSON: Ma'am, do you
7 have any questions of the officer based on the
8 questions that was asked by Mr. Alberti?

9 MS. WONDWOSSEN: I don't have any
10 questions, no.

11 CHAIRPERSON ANDERSON: All right,
12 thank you.

13 Mr. Adams, do you have any question of
14 the officer based on the questions that were
15 asked by Mr. Alberti?

16 MR. ADAMS: No, Mr. Chairman.

17 CHAIRPERSON ANDERSON: Lieutenant
18 Jenkins, thank you very much for your testimony
19 and I just want to let you know that, until the
20 decision has been made regarding this case,
21 please do not discuss the nature of your
22 testimony with anyone.

1 LIEUTENANT JENKINS: Thank you.

2 CHAIRPERSON ANDERSON: Thank you very
3 much, sir.

4 MR. ADAMS: And, Board's indulgence.

5 (OFF MICROPHONE COMMENTS)

6 CHAIRPERSON ANDERSON: Does the
7 Government have another witness?

8 MR. ADAMS: I do, the Government does
9 have another witness. It is going to be
10 Detective Felix Claxton when he arrives. He's --

11 CHAIRPERSON ANDERSON: Detective who?

12 MR. ADAMS: Felix Claxton.

13 CHAIRPERSON ANDERSON: Claxton?

14 MR. ADAMS: Yes.

15 CHAIRPERSON ANDERSON: Well, he'll
16 spell it when he comes. I don't want to be
17 putting Mr. Adams in the position of not getting
18 it right.

19 Good morning, Detective Claxton, could
20 you raise your right hand, please?

21 Do you swear or affirm to tell the
22 truth and nothing but the truth?

1 DETECTIVE CLAXTON: I do.

2 CHAIRPERSON ANDERSON: All right,
3 thank you.

4 Your witness. And, there is a
5 microphone there, so make sure that you speak in
6 the microphone, please.

7 DETECTIVE CLAXTON: Thank you.

8 WHEREUPON,

9 FELIX CLAXTON

10 was called as a witness by Counsel for the
11 Government and, having been first duly sworn,
12 assumed the witness stand, was examined and
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MR. ADAMS:

16 Q Thank you.

17 Thank you, sir. Good morning, could
18 you please state and spell your name for the
19 record?

20 A Yes, Detective Felix Claxton, Felix
21 spelled F-E-L-I-X, Claxton spelled C-L-A-X-T-O-N.

22 Q All right. And, Detective Claxton,

1 you work for the District of Columbia Government
2 in the Metropolitan Police Department?

3 A That is correct, yes.

4 Q And, you're currently a detective?

5 A Yes.

6 Q How long have you been in the position
7 of detective?

8 A Almost five years.

9 Q Okay. And, how long have you been --
10 and you're assigned with the 4th District, is
11 that correct?

12 A Correct.

13 Q And, how long have you been with the
14 4th District?

15 A On and off almost four years.

16 Q And, are you familiar with Georgia
17 Avenue and the events -- or establishments on
18 Georgia Avenue?

19 A Yes.

20 Q All right, and how long have you been
21 with the Metropolitan Police Department?

22 A Almost 11 years.

1 Q And, during the course of your 11
2 years as a -- with the Metropolitan Police
3 Department, and five years as being a detective
4 for the Metropolitan Police Department, have you
5 had occasions to investigate violent events
6 throughout the city?

7 A Yes, I have.

8 Q And, have you testified and helped
9 with the prosecution of -- based upon those
10 investigations?

11 A Yes.

12 Q Thank you.

13 All right, now, Detective Claxton,
14 turning to February 23rd, actually, February
15 24th, 2019, were you on duty?

16 A I was.

17 Q Did you have -- did it come a point
18 during that morning that you, during that date,
19 that you were at 4306 Georgia Avenue, Northwest?

20 A Yes, correct.

21 Q And, what is at 4306 Georgia Avenue,
22 Northwest?

1 A It is a bar and restaurant called
2 Safari Restaurant, to my recollection.

3 Q And, why were you there?

4 A We received a call for a shooting
5 outside of that location and we were also
6 notified that there was an assault inside the
7 location.

8 Q And so, were you assigned to anything
9 in particular on that?

10 A So, when we were notified, detectives
11 from the Detective Unit responded, myself
12 included, responded to conduct the initial on
13 scene investigation.

14 Q All right. So, in conducting the
15 initial on scene investigation, first of all,
16 what did you observe -- or when did you arrive?

17 A Well, we were not -- myself and my
18 partner, Detective Gonzales, were not the first
19 units on the scene. When we arrived, patrol
20 units had already been on the scene for some
21 time.

22 They had secured a crime scene outside

1 of the restaurant. They informed us that there
2 was a victim, I believe two victims, transported
3 from the scene prior to our arrival --
4 transported to the hospital.

5 We went inside the establishment and
6 the scene was calm. Patrol officers had secured
7 the scene. And we began to try to locate and
8 identify witnesses and conduct interviews.

9 Q And, did you identify and locate
10 witnesses?

11 A We spoke to, I personally spoke to two
12 individuals who stated that they witnessed an
13 assault inside the establishment.

14 Q Okay, who was the person or individual
15 that you spoke with?

16 A The -- Mr. Struhar or Struler, I'm
17 sorry, who -- he represented himself as the
18 manager and owner of the bar.

19 Q All right, I just want to make sure,
20 he represented himself as the manager and the
21 owner of the bar?

22 A Correct, yes.

1 Q Okay. And, what did he tell you?

2 A He stated that he was present inside
3 the bar and that there was a physical altercation
4 on the second floor of the bar between two
5 opposing groups. He described them as female
6 patrons of the bar.

7 He stated that he went upstairs, he
8 stopped the altercation. He separated the
9 groups. He escorted them outside. And, after
10 escorting them outside, he did not hear or
11 witness anything further.

12 Q I want to make sure I understand this,
13 and I apologize if this is repetitive, he -- so,
14 he said that they -- that there was a physical
15 altercation upstairs?

16 A Correct.

17 Q And, where did he say that the
18 physical altercation took place?

19 A He stated that it occurred upstairs on
20 the second floor.

21 Q Did he describe where he was at the
22 time it occurred?

1 A He did not, no.

2 Q So, it happened on the second floor?

3 And, you said that there two -- that there are
4 two female groups?

5 A That's how he described them.

6 Q And, describing an altercation, did he
7 provide any description of this altercation?

8 A No, he did not.

9 Q And, then you said he stepped into the
10 altercation? Or --

11 A Correct.

12 Q And, did he describe how he did that?

13 A He did not get into detail. He stated
14 that he broke up the altercation, escorted both
15 groups out of the bar.

16 Q And, did he provide any other
17 information regarding this altercation?

18 A Concerning the altercation itself, no.

19 Q And, how about escorting people out?

20 A Beyond escorting people out, he was
21 asked repeatedly by myself and some other
22 officers if he had any knowledge of what occurred

1 outside of the bar after the fight. And, he
2 stated that he did not.

3 Q He did not? All right. And so, did
4 you have any other conversations with Mr. Shuler?

5 A I did. We asked Mr. Shuler about the
6 promoter who promoted the groups that evening.

7 Q Okay. And, what did he tell you?

8 A He stated that he did not have the
9 information about who promoted the groups that
10 evening. He did not have it with him at the
11 time, but that he would be able to get it -- get
12 that information.

13 Q So, this owner had -- and he said that
14 he had communications with this promoter at all?

15 A Correct, he did.

16 Q But, he didn't have the contact
17 information for this person?

18 A Right, we asked him for that
19 information. We went through several lines of
20 questioning and he repeated stated he did not
21 have the information with him at the time, that
22 he would have to go and do some research to

1 obtain it.

2 MEMBER SILVERSTEIN: I'm sorry, he did
3 not have it and --

4 DETECTIVE CLAXTON: That he would be
5 able to get it but he would have to go and do
6 some research and follow up with us at a later
7 time.

8 MR. ADAMS: Did he provide an identity
9 for the promoter?

10 DETECTIVE CLAXTON: He did.

11 BY MR. ADAMS:

12 Q He did?

13 A And later.

14 Q When --

15 A Some days later.

16 Q Days later?

17 A Yes, sir.

18 Q So, on -- I apologize, I don't mean to
19 be glib, but February 24th, he did not provide
20 you a name of this person that he had?

21 A Of the promoter?

22 Q Yes.

1 A No, he did not.

2 Q All right.

3 A All right, let me -- I'm sorry, let me
4 clarify.

5 The exact amount of time that
6 transpired when he provided the information, I
7 would have to go back and review my notes. But
8 it was not that night and, to my recollection, I
9 don't believe it was the following day, but he
10 did contact us later and provided that
11 information.

12 Q Okay. And, when you said that you had
13 several lines of questions regarding the
14 promoter, I mean, how long was this conversation
15 going on?

16 A My -- well, several different units of
17 detectives responded to the scene.

18 Q Okay.

19 A District detectives, to including
20 myself as well as homicide detectives because
21 there was a homicide investigation that, because
22 of the events that happened outside.

1 My personal questioning with the --
2 with Mr. Shuler went on probably for about 20 to
3 25 minutes.

4 Q Twenty to 25 minutes, okay.

5 A And then, afterwards, he was
6 interviewed by homicide detectives.

7 Q And, were you present for that?

8 A I was not present for those
9 interviews.

10 Q All right, so, after you were talking
11 about the whatchamacallit, the promoter, what
12 other information did you get from -- what was
13 the next information that you got from Mr.
14 Shuler?

15 A He mentioned that a group called Eight
16 Mile Productions had either performed or was a
17 part of the entertainment that night. But,
18 beyond that, no other -- no further information
19 was provided.

20 Detectives checked the venue system,
21 not myself personally, but members of the
22 homicide branch informed me that the video system

1 was not functioning.

2 Q All right. And so, after you learned
3 that the video system was not functioning, what
4 was the next part of your investigation?

5 A Then, myself and Detective Gonzales,
6 we spoke to some individuals on the second floor.
7 I personally spoke to a female employee. She
8 identified herself as an employee of the
9 establishment.

10 She stated that she was a bartender.
11 To my -- her name is Miss Lolita.

12 Q Miss Lolita?

13 A Johnston or Johnson, to my
14 recollection.

15 And, she provided us a statement about
16 an eyewitness account of what she observed
17 upstairs.

18 Q And, what did this eyewitness say?

19 A So, she stated that she was upstairs
20 as a bartender doing her duties when she observed
21 several males assault the victim who was the --
22 who was working as a DJ that evening.

1 Several males assaulted the victim
2 with hands and fists and then one particular male
3 she observed strike the victim repeatedly with a
4 chair. And, she provided a physical description
5 of that male but did not know his identity.

6 Q And, oh she provided a physical
7 description of the person? Did she provide any
8 other information?

9 A That was the extent of the information
10 that she provided.

11 Q To what extend did, and, obviously, so
12 is just the extent, but was there any information
13 regarding what may have led to the assault of the
14 DJ?

15 A So, that information we received from
16 the DJ himself.

17 Q Okay.

18 A And, he stated that several of the
19 groups that were slated to perform that evening
20 became upset because certain music that they
21 expected to be there was not there -- was not
22 ready for them.

1 And, that they became upset and,
2 because of them becoming upset, they began to
3 assault the DJ.

4 Q Okay. And, I'm going to get to him in
5 a second, but with Ms. Lolita -- Ms. Johnson, I
6 apologize, I got lost in my train of thought.

7 Was she -- did she describe whether or
8 not -- or, first of all, how the fight was broken
9 up?

10 A She did not get into that. She just
11 basically described how the fight started and who
12 she witnessed participating in the fight.

13 Q And, did she describe whether she was
14 or whether other employees of the establishment
15 were on the second floor with her?

16 A She did not go into detail about that.

17 Q Did anybody --

18 A Not to my knowledge, not to me.

19 Q Okay. All right, so, the next person
20 you spoke with was actually the DJ?

21 A Correct, yes.

22 Q And so, the DJ explained why the

1 assault occurred, and what was the description
2 why it occurred?

3 A Basically, what I previously stated,
4 that the groups became upset that the music
5 wasn't ready for them. There were some words
6 exchanged and an assault -- they began to assault
7 him.

8 Q And, did he describe how many people
9 were involved?

10 A He said several individuals. He was
11 unsure the amount and he was unsure of the
12 identity of these persons. He stated that he did
13 not know who they were. He stated he is not a
14 regular -- that he was not a regular act at the
15 bar. And, he did not know who they were, and he
16 had limited contact with the promoter.

17 Q Now, turning to the DJ, well, no, in
18 terms of the attack, could you describe what they
19 did to him of anything like that?

20 A Yes, he described that they assaulted
21 him with hands and fists and that he was also
22 struck with a chair.

1 Q All right. In terms of his injuries,
2 were able to observe anything about them at the
3 time?

4 A His injuries I observed were he had
5 some swelling to his forehead and face.

6 Q All right. And, now, did he make the
7 observations regarding establishment staff or
8 anyone else that was there with -- at all being -
9 - whether he -- whether there were any security
10 or anyone else upstairs?

11 A He did not mention any security, no.

12 Q He did not mention security? And, by
13 the way, how long was this assault? Did anyone
14 between Lolita or Ms. Johnson and the victim, did
15 they mention how long the assault was going on?

16 A They did not specify.

17 Q All right. And, did -- outside of any
18 of the questions I've asked, was there any other
19 information that -- between Ms. Johnson and Mr. -
20 - I believe the victim, was there anything --
21 other information that was provided at that time?

22 A Regarding the individuals at that

1 location?

2 Q Yes, anything else at that location?

3 A No.

4 Q And, did you interview anyone else or
5 get any other information from anyone else on
6 that evening?

7 A No.

8 MR. ADAMS: I have no further
9 questions for Detective Claxton.

10 CHAIRPERSON ANDERSON: Do you have any
11 questions, ma'am?

12 MS. WONDWOSSEN: No.

13 CHAIRPERSON ANDERSON: Detective
14 Claxton, I just want to get some clarification.
15 What was the name of the person who identified
16 himself to you as the manager and owner?
17 Specifically, what was that person's name?

18 DETECTIVE CLAXTON: Mr. John Struler.

19 CHAIRPERSON ANDERSON: John Struler or
20 Shuler? I'm just --

21 DETECTIVE CLAXTON: I may be
22 pronouncing it incorrectly, but S-T-R-U-H, I

1 believe it's L-E-R.

2 CHAIRPERSON ANDERSON: And, the first
3 name was John?

4 DETECTIVE CLAXTON: Yes, correct.

5 CHAIRPERSON ANDERSON: All right,
6 okay.

7 All right, Mr. Alberti?

8 MEMBER ALBERTI: Real quick, Detective
9 Claxton, thank you for coming.

10 So, Mr. Struler or Shuler, he -- you
11 testified that he said that there was an
12 altercation between two groups of females and he
13 escorted everyone out, correct?

14 DETECTIVE CLAXTON: That's correct,
15 yes.

16 MEMBER ALBERTI: From the description
17 that you got from Ms., is it Lolita Johnson is
18 her name?

19 DETECTIVE CLAXTON: Yes.

20 MEMBER ALBERTI: Okay, the individuals
21 involved in the assault on the DJ, were they male
22 or female?

1 DETECTIVE CLAXTON: Her description
2 was that they were males.

3 MEMBER ALBERTI: Okay. So, we can
4 conclude that those were two separate events, if
5 in fact, there was a melee between two groups of
6 females? Assuming that there was, we can assume
7 that there are two separate events, is that
8 correct, in terms of your understanding of
9 events?

10 DETECTIVE CLAXTON: Based on my
11 interview with the DJ himself, there's no
12 evidence to suggest that the assault between two
13 female groups actually occurred.

14 MEMBER ALBERTI: Okay, fine. I
15 understand that, thank you.

16 And, Mr. Shuler mentioned the group --
17 he mentioned an assault between -- a fight
18 between two females but he said there was no
19 other assault, is that correct?

20 DETECTIVE CLAXTON: He mentioned the
21 assault between two female groups and he did not
22 mention any additional assault.

1 MEMBER ALBERTI: Thank you, that's
2 what I wanted to make sure.

3 Thank you.

4 CHAIRPERSON ANDERSON: Any other
5 questions by any other Board members?

6 (NO AUDIBLE RESPONSE)

7 CHAIRPERSON ANDERSON: All right.

8 Do you have any questions of the
9 Detective based on the questions that were asked?

10 MS. WONDWOSSEN: No, sir.

11 CHAIRPERSON ANDERSON: No?

12 Mr. Adams, do you have any questions
13 of the Detective based on the questions that were
14 asked by the Board?

15 MR. ADAMS: No further questions.

16 CHAIRPERSON ANDERSON: Thank you, all
17 right.

18 Detective Claxton, thank you very much
19 for your testimony. And, I would just remind you
20 that, please do not discuss the nature of your
21 testimony with anyone until this case is over.

22 DETECTIVE CLAXTON: Sure.

1 MR. ADAMS: Court's indulgence.

2 (OFF MICROPHONE COMMENTS)

3 CHAIRPERSON ANDERSON: Does the
4 Government have another witness?

5 MR. ADAMS: Yes, our next witness is
6 Detective Bastian.

7 CHAIRPERSON ANDERSON: Detective who?

8 MR. ADAMS: Bastian, B-A-S-T-I-A-N or
9 I can wait until he gets here.

10 CHAIRPERSON ANDERSON: Detective
11 Bastian, I just want to know for when I call the
12 name, at least I'll be close to it.

13 An you raise your right hand, sir?

14 Do you swear or affirm to tell the
15 truth and nothing but the truth?

16 DETECTIVE BASTIAN: Yes, sir.

17 CHAIRPERSON ANDERSON: Okay, have a
18 seat.

19 Your witness, Mr. Adams.

20 MR. ADAMS: Thank you very much, Mr.
21 Chairman. Board's indulgence.

22 CHAIRPERSON ANDERSON: There's a

1 microphone in front of you, so please speak
2 through the microphone, please.

3 WHEREUPON,

4 CHRISTOPHER BASTIAN

5 was called as a witness by Counsel for the
6 Government and, having been first duly sworn,
7 assumed the witness stand, was examined and
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. ADAMS:

11 Q Good morning, sir.

12 A Good morning, sir.

13 Q Could you please -- sorry, I don't
14 know what's wrong with me -- state and spell your
15 name for the record?

16 A It's Christopher Bastian, C-H-R-I-S-T-
17 O-P-H-E-R B-A-S-T-I-A-N.

18 Q And, can you -- and Mr. Bastian, you
19 are with the Metropolitan Police Department?

20 A Yes, sir.

21 Q And, you -- and that's the District,
22 pardon me, Government?

1 A Yes.

2 Q And, you have the rank of Detective,
3 right?

4 A Yes.

5 Q So, Detective Bastian, how long have
6 you been in the role of Detective?

7 A About seven years.

8 Q And, what unit are you actually
9 assigned to?

10 A The homicide branch.

11 Q The homicide branch? And, how long
12 have you been with the homicide branch?

13 A Five years.

14 Q Five years? So, five of seven years
15 of being a Detective, you've been in homicide?

16 A Yes.

17 Q And, how long have you had affiliation
18 with Metropolitan Police Department?

19 A About ten years.

20 Q And, you were officer for three years,
21 then?

22 A Yes.

1 Q So, were you on duty on February 24th,
2 2019?

3 A Yes.

4 Q And, during February 24th, 2019, were
5 you called to Safari Restaurant and Lounge of
6 4306 --

7 A Yes.

8 Q Georgia Avenue, Northwest?

9 Why -- and, describe why you were
10 called.

11 A Two shooting victims had shown up at
12 Washington Hospital Center. The District
13 detectives had kind of pieced together that the
14 shooting had occurred at that location and one of
15 the shooting victims was not in -- actually, both
16 of them were in bad shape.

17 One of looked like he was not going to
18 survive, so they notified us to come take
19 responsibility for the case.

20 I sent a couple detectives to the
21 hospital to go see what was going on with these
22 two gentlemen who had been shot and then, I

1 responded to the nightclub to see what was going
2 on at the scene.

3 Q All right. Now, and, in terms of the
4 hospital, you said, two detectives went. What
5 did they learn once they arrived?

6 A When they got there, they found out
7 that the -- one of the gentlemen had been
8 pronounced dead. And, the second individual was
9 in critical condition and was going into, I think
10 going into surgery at that point.

11 They also were -- made efforts to make
12 contact with the family of both gentlemen to
13 tell, obviously, the one family that the, you
14 know, that their son had died; and, the second
15 one to give an update on his status.

16 Q All right. So, you stated that prior
17 to your -- or you sending detectives there, that
18 other members of the Police Department had pieced
19 together that the shooting victims were connected
20 to the shots fired at Safari Restaurant D.C.?

21 A Yes.

22 Q And, why did they make that

1 connection?

2 A They had gotten a call for a large
3 fight outside of the club. When they got there,
4 there was a large group and they saw that there
5 were cartridge casings from fired bullets on the
6 sidewalk in front of the building next door to
7 the club.

8 And there was blood in the same
9 general area that had pooled. So, once that --
10 they figured out that there had probably been a
11 shooting there and then these two young guys show
12 up at Washington Hospital that had been shot,
13 they figured out that it had occurred there.

14 Q In terms of the, unfortunately, the
15 two young victims who showed up or those who were
16 wounded, were there any questions or anything
17 asked that -- which of them -- to learn whether
18 or not they were -- they had any connection with
19 Safari that night?

20 A Yes, we've interviewed the surviving
21 victim and, obviously, we didn't talk to the
22 decedent, he was pronounced dead shortly after

1 getting to the hospital.

2 But we've talked to the surviving
3 victim and had found out that they were in
4 attendance at the nightclub.

5 Q And, did they provide any information
6 about why they left the nightclub?

7 A He's been not very forthcoming. I
8 can't get into too many of the details, but there
9 was a fight upstairs that caused everyone
10 upstairs to be kicked out of the nightclub.

11 Q All right. And, I won't delve any
12 further in that, I apologize.

13 How did they -- based upon your
14 investigation, do you know they got to the
15 hospital?

16 A The surviving victim drove himself and
17 the decedent to the hospital in his own car.

18 Q So, actually, one of the gunshot
19 victims was actually trying to manipulate a car
20 to the hospital?

21 A Yes, he drove himself there.

22 Q All right. So, at some point, you

1 actually arrived at the -- at Safari?

2 A Yes.

3 Q And, can you please describe what you
4 observed once you got there?

5 A I basically was dealing with the
6 outside scene for the most part. I went into the
7 nightclub, was briefed by the 4th District
8 Detectives, what they knew so far.

9 The outside of the club had several
10 cartridge casings on the sidewalk and one in the
11 street.

12 There was a pool of blood and,
13 ultimately, we had the Department of Forensic
14 Sciences collect all of that and then held the
15 scene overnight. It was raining and it was dark
16 out there.

17 So, we held it overnight and came back
18 in the morning and did a recanvas of it and
19 recovered some additional firearm related
20 evidence in the block.

21 MR. ADAMS: And, I'm going to provide
22 to -- I'd like to approach the witness with

1 what's already been admitted into evidence as
2 District Exhibit Number 1.

3 CHAIRPERSON ANDERSON: Sure.

4 MR. ADAMS: Detective Bastian, I just
5 provided to you a photograph. Can you describe,
6 is that -- is the contents of that photograph
7 familiar to you?

8 DETECTIVE BASTIAN: Yes, this shows
9 the Safari Lounge and the area where the
10 ballistic evidence and the blood was found.

11 BY MR. ADAMS:

12 Q And, in terms of the area where
13 ballistic evidence and was found, in terms of
14 that photograph, can you tell us where that was
15 or describe where that was?

16 A It was on the sidewalk and in the
17 street in front of 4308 Georgia Avenue.

18 Q And, is 4308 -- 4308 is that tan
19 building that's next to Safari?

20 A Yes.

21 Q Okay. All right, from that night, did
22 you learn, in general, because I know you've been

1 -- you stated that you were outside the
2 establishment and that was your main concern.

3 A Well, I was inside as well, but I
4 directed the Department of Forensic Sciences
5 what I wanted done outside. But I did spend some
6 time inside as well.

7 Q So, what information that night did
8 you ascertain at the establishment?

9 A There had been --

10 Q In general, you don't have to get into
11 any specifics if it will impact the
12 investigation.

13 A There had been an event, some kind of
14 a -- several different musicians schedule to
15 perform in the upstairs area. It was not what, I
16 guess, they had expected.

17 The promoter allegedly had left prior
18 to getting like a schedule organized of who was
19 going to perform in what order.

20 A fight broke out upstairs. The DJ
21 was assaulted and the people upstairs were kicked
22 out of the bar.

1 Ultimately, when they got kicked out,
2 that confrontation continued outside in front of
3 the bar and in front of the neighboring apartment
4 building. And that's when the shooting occurred.

5 Q So, in terms of the shooting,
6 obviously, this matter is still under
7 investigation?

8 A Yes.

9 Q Are there parts of the matter that
10 have been made available to the public?

11 A Yes, we recovered surveillance footage
12 from 4308, the neighboring building, as well as a
13 private residence on the opposite side of the
14 street and another place further down the block.

15 And, we clipped some different
16 portions of video together and released it to the
17 public in an effort to see if we could get some
18 tips about who the shooter may have been.

19 Q And, when you say we, who -- what do
20 you mean by we?

21 A The Police Department. We -- after we
22 clipped it together, they did a press release and

1 put it on the MPD YouTube channel and on Twitter.

2 Q So, it's on MPD YouTube's channel and
3 Twitter?

4 A Yes.

5 Q Are -- have you seen this video?

6 A Yes, I mean, we've submitted for it to
7 be clipped together and then the Police
8 Department had someone who does that for us, kind
9 of puts together a video to try to get the best
10 shots of people involved to try to get
11 information.

12 MR. ADAMS: I'm going to mark for
13 identification purposed, and this is going to be
14 different, I'll mark for identification purposes
15 what's going to be the District's Exhibit Number
16 3 which is going to be information from the
17 YouTube video.

18 (Whereupon, the above-
19 referred to video was marked
20 as Government Exhibit No. 3
21 for identification.)

22 CHAIRPERSON ANDERSON: That's fine.

1 MR. ADAMS: And, Ms. Marks, can you
2 please hit that right there?

3 All right, Detective, there's a -- is
4 this -- above you is a screen and the screen says
5 "Perp sensitive vehicle and entrance/view of the
6 entrance CCN 19-032-221." Is this the video
7 that's on the YouTube channel from MPD?

8 DETECTIVE BASTIAN: Yes.

9 BY MR. ADAMS:

10 Q And, is this a true and -- based upon
11 what's represented, is that a true and accurate
12 of the zero second of that video?

13 A Yes.

14 MR. ADAMS: All right. I'm going to
15 ask Ms. Marks to hit play and to hit that X on
16 the after incident.

17 (WHEREUPON, THE POLICE VIDEO IS
18 PLAYED)

19 MR. ADAMS: And, this, as we're
20 watching this, this is all from that 4308 or that
21 portion of the 4308?

22 DETECTIVE BASTIAN: No, some of it is,

1 some of it is from the -- this is 4308, which you
2 just saw. Some of it is like that's across the
3 street and then the part where you see the
4 suspect go in and out of that SUV is actually a
5 camera at the end of the block.

6 So, it's three different sources that
7 are clipped together.

8 BY MR. ADAMS:

9 Q So, I am going to repeat this video,
10 but -- and then, it's still playing right now.
11 Is this a true and accurate representation of the
12 video displaying the shooting that occurred in
13 front of I guess in the area of the 4300 block of
14 Georgia Avenue?

15 A Yes.

16 MR. ADAMS: Mr. Chairman, I'd like to
17 have entered into evidence what's marked for
18 identification purposes as the District's Exhibit
19 Number 3.

20 CHAIRPERSON ANDERSON: Do you have any
21 objection, ma'am?

22 MS. WONDWOSSEN: No, sir, I don't.

1 CHAIRPERSON ANDERSON: All right --

2 MR. ADAMS: I'm going to --

3 CHAIRPERSON ANDERSON: -- so moved.

4 (Whereupon, the above-
5 referred to document was
6 received into evidence as
7 Government Exhibit No. 3.)

8 MR. ADAMS: I'm sorry, I apologize,
9 Mr. Chairman.

10 All right, so, I'm going to have this
11 stopped and I'm going to scroll back to the very
12 beginning.

13 And, I just want to have a little bit,
14 just for the record, a description of what's
15 happening on the video.

16 So, hit play. So, we're -- can you
17 pause that for a minute? Sorry.

18 We're at seven seconds, and what
19 camera -- where is this at? What camera is this
20 from?

21 DETECTIVE BASTIAN: Can you play it a
22 little bit more?

1 BY MR. ADAMS:

2 Q Sure. And, what's being represented
3 from seven seconds and counting?

4 A So, the easiest way to describe this
5 is the first part of the video is the guys coming
6 up going into the -- going towards the bar and,
7 you know, when they're walking in.

8 And then, it moves to -- you're going
9 to see the portion where the suspects goes and
10 gets the gun out of the car or what we believe to
11 be the suspect getting the gun out of the car and
12 then you're going to see the actual shooting.

13 Q So, that was, for the record, that's
14 from the second -- number seven second,
15 approximately 23. That is where the people are
16 walking towards toward that bar.

17 A Right.

18 Q Okay. Now, we're at 23rd second and
19 now it's play. And, can you describe what you're
20 seeing here at the 23rd second?

21 A So, the suspect is -- has taken that
22 jacket off that he came in with. But we believe

1 this is when he got the gun out of the car and
2 this is what appears to be happening and it looks
3 like he's putting something into his waistline.

4 And then, you see him running back,
5 again, it looks like he's probably holding
6 something in his, you know, waistline.

7 And now, we're going to see the
8 physical altercation and the shooting.

9 Q So, this time stamp, for the record,
10 the time stamp 23rd second to 46 seconds is when
11 we're seeing the person go to the car and remove
12 an object from the car. Is that correct?

13 A Yes.

14 Q So, now, we're at second 46. Now, is
15 this the camera that's at -- from 4308?

16 A Yes.

17 Q And, 4308 is condominiums?

18 A Yes.

19 Q All right. Can you select play?

20 And give us -- describe what you're
21 seeing here.

22 A So, you're going to see the -- they're

1 obviously in some kind of verbal altercations, a
2 punch is throw and now the shooting happens.

3 Q Stop, pause it there.

4 And so, from 46 to 58, that's where
5 we're seeing that from directly the 4308 camera?

6 A Yes. And, this camera, now, you
7 stopped that is the camera across the street.

8 Q Okay. And, just to establish, and
9 this is probably an obvious question, but 4308 is
10 next to 4306?

11 A Yes, they are -- it's a -- they're
12 almost connected. There's like a -- I think
13 there's a very small space in between them.

14 Q Then, about approximately 50 feet,
15 less than 50 feet?

16 A No, I mean, it's right next door.

17 Q Okay.

18 A It's not even close to 50 feet.

19 Q Okay, very well. Can you continue?

20 Is this from across the street?

21 A Yes.

22 Q And, what are we seeing here? Oh wow,

1 okay, stop, pause. Can you pause that?

2 At about 1:04, it looks like there's
3 someone in a white tee shirt. It looks like his
4 arm was pointed and can you describe what
5 happened when his arm was pointed?

6 A He fired a couple more rounds as he
7 ran down the sidewalk which I mentioned we
8 recovered that that morning recanvas.

9 Q Okay. And, hit play.

10 And, can you describe anything else
11 from this video?

12 A Basically, at that point, the suspect
13 gets into that SUV and they flee the scene.

14 Q And, you know what? I think we can
15 cut this off at this point. And then, of course,
16 there'll be a go police at that point?

17 A Yes.

18 Q Is there any other information that
19 can be shared regarding essentially the shooting
20 that occurred?

21 A No, I mean the cameras pretty much
22 tell the whole story in terms of, you know, the

1 altercation and the shooting out there.

2 MR. ADAMS: Okay, I have no further
3 questions for Detective Bastian.

4 CHAIRPERSON ANDERSON: Do you have any
5 questions, ma'am, for the Detective?

6 MS. WONDWOSSEN: No, sir.

7 CHAIRPERSON ANDERSON: Do we have any
8 questions by the Board?

9 Mr. Alberti?

10 MEMBER ALBERTI: Detective Bastian,
11 can we -- I don't know if we need to go back to
12 the beginning of this, just so we can go back.

13 I mean, what I'm interested in is, you
14 said that it looked like people were walking into
15 the establishment. Okay? What time was that?
16 It's all pieced together, so it's not a, you
17 know, I can't tell.

18 DETECTIVE BASTIAN: I don't know the
19 exact time, sir. I think it was some time around
20 midnight that they went in.

21 MEMBER ALBERTI: Okay. So, this is an
22 earlier video and you identified some people that

1 you believe to be from this -- are you sure that
2 that's where they were going? I mean, you've
3 seen other --

4 DETECTIVE BASTIAN: Yes. We do
5 believe that they went into the nightclub. The
6 earlier video, we just put in there because he
7 had a jacket on and, at the time of the shooting,
8 he'd shed it. So, we wanted people who may have
9 seen him with the jacket on, you know, if that --

10 MEMBER ALBERTI: Okay. So, that gets
11 to my next question just so we have it for the
12 record. The people that you saw go in are those
13 people that are involved later on in the melee
14 out front?

15 DETECTIVE BASTIAN: Yes. So, we were
16 able to see who that person is with the jacket on
17 and match the other clothing and their build to
18 the person who commits the shooting.

19 We just wanted to have people be able
20 to see both in case they saw him, you know, with
21 a jacket.

22 MEMBER ALBERTI: Okay. I just wanted

1 to make sure we had it on the record and I just
2 wasn't assuming things.

3 Thank you.

4 DETECTIVE BASTIAN: Sure.

5 CHAIRPERSON ANDERSON: Any other
6 questions by any other Board members?

7 (NO AUDIBLE RESPONSE)

8 CHAIRPERSON ANDERSON: Hearing none,
9 ma'am, do you have any questions off --

10 MS. WONDWOSSEN: No, sir.

11 CHAIRPERSON ANDERSON: No?

12 Mr. Adams, do you have any questions
13 of the Detective based on the questions that Mr.
14 Alberti had asked?

15 MR. ADAMS: No, I have no further --
16 actually, wait a second. No, I have no further
17 questions.

18 CHAIRPERSON ANDERSON: Detective
19 Bastian, thank you very much for your testimony.
20 And I would ask that you not discuss the nature
21 of your testimony until this case is over.

22 DETECTIVE BASTIAN: Okay, thank you.

1 CHAIRPERSON ANDERSON: Thank you very
2 much.

3 MR. ADAMS: And, Board's indulgence.

4 CHAIRPERSON ANDERSON: Does the
5 Government have another witness?

6 MR. ADAMS: We do, the next witness is
7 Investigator Felicia Dantzler. Yes, we need --
8 or, yes, we need to find her. We'll find
9 Investigator Dantzler.

10 CHAIRPERSON ANDERSON: Ms. Dantzler,
11 can you raise your right hand, please?

12 Do you swear or affirm to tell the
13 truth and nothing but the truth?

14 INVESTIGATOR DANTZLER: I affirm.

15 CHAIRPERSON ANDERSON: All right,
16 thank you.

17 Your witness.

18 WHEREUPON,

19 FELICIA DANTZLER

20 was called as a witness by Counsel for the
21 Government and, having been first duly sworn,
22 assumed the witness stand, was examined and

1 testified as follows:

2 DIRECT EXAMINATION

3 BY MR. ADAMS:

4 Q Thank you very much, Mr. Chairman.

5 How are you doing, Ms. Dantzler?

6 A Fine.

7 Q Hi, oh sorry.

8 A Hi.

9 Q That was -- you said, fine, never
10 mind. I apologize.

11 Could you please state your name and
12 spell it for the record?

13 A Felicia Dantzler, F like Frank, E-L-I-
14 C-I-A D like David, A-N-T like Tom, Z like zebra,
15 L-E-R.

16 Q All right, Ms. Dantzler, you're an
17 employee of the District of Columbia Government?

18 A Correct.

19 Q I apologize, sorry, one second.

20 Sorry, you're employed with the
21 District of Columbia Government?

22 A Correct.

1 Q and, you work for the Alcoholic
2 Beverage Regulation Administration?

3 A Correct.

4 Q And, what's your role with the -- and
5 that's known as ABRA?

6 A Correct.

7 Q And, how long have you been -- what's
8 your position at ABRA?

9 A I'm a lead investigator.

10 Q And, how long have you been in your
11 current role?

12 A My current role, since October 2018.

13 Q And, before you were a lead
14 investigator, what was your role?

15 A Investigator.

16 Q And, how long have you, in total, have
17 you worked as an investigator for ABRA?

18 A Approximately seven and a half years.

19 Q And, in terms of your general
20 responsibility --

21 A Correction, I'm sorry, approximately
22 11 and a half years.

1 Q Oh, yes, that's quite a difference.

2 A Yes.

3 Q Eleven and a half years? And, in
4 terms of your role with ABRA, can you give a
5 description of your role as an investigator?

6 A Yes, I enforce the alcohol regulations
7 for the District of Columbia and conduct
8 regulatory inspections.

9 Q All right. And, what do you mean by
10 that? I mean, what do you do as part of doing
11 those investigations and regulatory inspections?

12 A As it relates to regulatory
13 inspections, we ensure that the licensee has
14 proper license issued from our Agency, ensure
15 that there's a manager or owner on site when we
16 conduct the inspections.

17 As it relates to investigations, we
18 received investigations in a variety of ways.
19 One way could be self-initiated or an inspection
20 can come to our office through the Metropolitan
21 Police Department or from a member of the public.

22 Q All right. And, so, as part of -- I

1 apologize, let me -- Board's indulgence.

2 Prior to you coming to ABRA, what
3 position did you have prior to coming to ABRA?

4 A I had a couple positions prior to, but
5 the longevity I have was with the Metropolitan
6 Police Department as a police officer.

7 Q And, how long were you a police
8 officer?

9 A Approximately 16 years.

10 Q So, as a police officer and as an
11 investigator, you've had occasions to investigate
12 several -- I mean, probably more than 100 cases?

13 A Yes.

14 Q And, as part of your job, have you had
15 experience in questioning witnesses?

16 A Yes.

17 Q So, I want to turn to the night of
18 January 24th, 2019, were you on duty?

19 A I was.

20 Q And, did any -- and what occurred on
21 that night of significance?

22 A My supervisor, Mark Brashirs, alerted

1 me to a shooting which occurred at Safari
2 Restaurant and Lounge. It was a double shooting
3 with one confirmed fatality.

4 Q And so, once you received that call,
5 what did you do?

6 A I, myself and ABRA Investigator, Mikea
7 Nelson, responded to the establishment.

8 Q Okay. And so, when -- I assume you
9 did, at some point, arrive at the establishment.
10 When did you arrive?

11 A We arrived approximately 2:35 in the
12 morning.

13 Q And, what did you observe once you
14 arrived?

15 A That particular night, the -- it was
16 heavy rain. Once we reached the unit block,
17 correction, the 4300 block of Georgia Avenue,
18 Northwest, observed the entire block of the 4300
19 block of Georgia Avenue, cordoned off by police
20 tape as well as police vehicles.

21 Q And, what happened after that?

22 A From that point, a female police

1 officer made contact with us as we drove into the
2 block. I identified myself and Investigator
3 Nelson as ABRA Investigators and stated that we
4 were here to do an investigation as it related to
5 the shooting.

6 Q All right. And so, after you made
7 identification, what was the next step?

8 A From that point, we were led into --
9 through the parts of the area that was cordoned
10 off. The police officer led us into the interior
11 of the establishment.

12 Q I apologize, Board's indulgence.

13 A There's my exhibits here, counselor.

14 Q Court's indulgence, I need to grab
15 things from the witness that should not be there.

16 All right, Investigator Dantzler, I
17 apologize, what was the last thing you stated?
18 That you had gone inside the establishment?

19 A Correct.

20 Q Okay. So, then, once you went inside
21 the establishment, what took place from that
22 point?

1 A We entered in on the street level and
2 I recall the lights were on, the house lights
3 were on. Some music was playing. Multiple
4 police officers inside.

5 And, both uniformed police officers
6 and detectives as well as approximately ten
7 individuals inside who were non-police but I
8 didn't know if they were actually employees or
9 patrons who were still there.

10 Q Now, was there still audio in the
11 establishment?

12 A As far as music?

13 Q Yes.

14 A Yes.

15 Q All right. So, when you said there
16 were people who were -- who could potentially be
17 patrons, did you learn anything about -- first,
18 where was that and -- sorry, let me start over.

19 Where were those people? They were on
20 the first floor?

21 A Yes, they were on the first floor.

22 Q And, did you learn anything about what

1 was going on on the first floor?

2 A Yes, I did learn as I entered further
3 into the establishment, prior to going further
4 into the establishment, I asked one of the
5 officers if they knew who the owner was. And,
6 they pointed me to the rear of the establishment,
7 still on the first floor.

8 So, once I reached that area, I can
9 see individuals sitting at the bar. And, there
10 were approximately three or four individuals
11 behind the bar just doing different duties.

12 Q When you say you were pointed into the
13 direction of an owner?

14 A Yes.

15 Q And, someone who was identified as an
16 owner?

17 A Not at that time, when I asked to
18 speak to the owner or the ABC manager, a female
19 came forward stating that she was the ABC
20 manager.

21 Q And, who did you speak with?

22 A Crystal Brown.

1 Q And, did you have an extensive
2 conversation with Ms. Brown?

3 A I did not.

4 Q And, why not?

5 A Because it was a homicide case. I
6 wasn't sure what witnesses the police actually
7 engaged, so I did not want to interfere with any
8 type of investigation.

9 Q Very well. And, sorry, let's back up
10 a little bit. You stated 6 to 12 people were
11 still there, what were they doing on the first
12 floor?

13 A There were individuals sitting at the
14 bar engaged in conversations with two of the
15 females who were behind the bar. There was
16 talking going on, but I wasn't concentrating on
17 the conversations because I was trying to figure
18 out who the owner was and who the ABC manager
19 was.

20 Q Okay. So, you spoke with the ABC
21 manager. So, what was the next thing -- well,
22 who was the next person you spoke with?

1 A I asked the ABC manager where the
2 owner was. And, she was not sure, that was Ms.
3 Brown.

4 Q Sorry, I apologize.

5 A Right.

6 Q What did she say?

7 A She wasn't sure where the owner was.

8 Q She wasn't sure where the owner was?

9 A Correct.

10 Q Okay, all right. So, did you search
11 for the owner further?

12 A I did. I went back to the front of
13 the establishment and made contact with the
14 officer who told me the owner was in that same
15 area from where I left.

16 And, then he stated, there he is right
17 there. So, he pointed to a gentleman who was
18 standing at the far end of the bar. And, the
19 officer was more descriptive stating, it's the
20 gentleman, the tall gentleman with the baseball
21 hat turned backwards.

22 Q Okay. And, can you describe who this

1 gentleman was or did you ever learn who this
2 gentleman was?

3 A Yes, I learned that gentleman to be
4 Mr. Shuler.

5 Q So, once you identified who this
6 person was, what happened next?

7 A So, as I was walking back to the bar
8 are where I saw him, he then went behind a door,
9 a closed door.

10 Q And, what took place next after he
11 went behind a closed door?

12 A Investigator Nelson and myself were
13 still together. So, I knocked on the door and
14 there was a detective that I later learned who
15 opened the door and I made my identity known of
16 Investigator Nelson and myself. And, he invited
17 us to come in.

18 Q And so, what was taking place or what
19 was going on in the office?

20 A The -- it's a very small office. And
21 so, Mr. Shuler, who was identified as the owner
22 to me, was standing immediately to my right. So,

1 it was so small, you know, you really couldn't
2 fit a lot of individuals in there.

3 Actually, by the time Investigator
4 Nelson and myself entered this small space, it
5 was actually filled to capacity. It only can fit
6 like four people.

7 Q Right.

8 A And so, at that time, we took the
9 position just to listen as the detective asked
10 questions of Mr. Shuler.

11 Q Okay. And, can you describe the --
12 what the -- what conversation was going on with
13 Mr. Shuler?

14 A Yes. The detectives name escapes
15 right now.

16 Q That's fine, that's fine.

17 A But the detective was asking focused
18 questions as it relates to Mr. Shuler's
19 relationship to the promoter.

20 Q Okay. And, what did you learn?

21 A I learned that the -- Mr. Shuler had
22 an agreement, a verbal agreement with a -- I

1 believe it was -- his name is Tony Blunt who was
2 a promoter for Eight Mile Production.

3 And that Mr. Shuler had a verbal
4 agreement for the promoter, Mr. Blunt, to come in
5 on that night and provide music like music for
6 the evening.

7 Mr. Shuler and Mr. Blunt agree to
8 have, as far as payment or compensation, Mr.
9 Blunt was going to provide his own security, two
10 people, his own security and that Mr. Blunt can
11 take all proceeds from the door which was \$5 for
12 a cover charge.

13 And the house, Safari, would accept --
14 would take all proceeds from the bar.

15 Q All right. Now, how can I say this,
16 how long -- now, you described this conversation,
17 just on the promoter, how long did it take for
18 you to -- for that information to be given to
19 you, the information you just gave us?

20 A I was in the office over an hour. It
21 -- my testimony seems as though this information
22 came forthright -- no, forthcoming with Mr.

1 Shuler.

2 Mr. Shuler, I found to be a very
3 evasive witness.

4 Q Why do you say he's evasive?

5 A He had -- he refused to answer
6 questions directly. The simplest of questions,
7 whereas, he was -- the detective asked Mr. Shuler
8 where did he first come in contact with Mr.
9 Blunt.

10 And there were the longest pauses that
11 you can think of. And so, we just waited until
12 he responded.

13 Q Now, I want to take you back. Now,
14 when he was asked -- and, first of all, did they
15 have to repeat the questions about the promoter?

16 A Yes.

17 Q Now, taking you back, and let me ask
18 you this, when you initially heard them ask for
19 the identification of the promoter, what
20 occurred?

21 A A long pause. Mr. Shuler would just
22 look around and just look in the air like he's

1 searching for an answer in his head.

2 It got to the point where I had to ask
3 the detective, hey, can I just ask some
4 questions? And so, I asked Mr. Shuler, I'm like,
5 hey look, where did you meet this guy? You know,
6 where did you meet him?

7 And, you know, he would down. He
8 would look up. He was searching the air for an
9 answer. And then, he finally stated, well,
10 people call here all the time, you know, they
11 call here all the time and, you know, we may get
12 information and that's how we get acts in here.

13 Q All right.

14 A So, I said, well, how many times have
15 you met Mr. Blunt? And he said, well, twice. I
16 said, okay. I said, so when you met him the
17 first --

18 Q And, I apologize, at that time, did he
19 actually say the name, Mr. Blunt?

20 A Yes.

21 Q Okay.

22 A Yes.

1 Q Okay.

2 A And so, I asked of him, so, where did
3 you first meet Mr. Blunt? And there's another
4 long pause.

5 And, I said, well, you said you met
6 him twice. Now, you stated that when Mr. Blunt
7 came that night, he came in at 10:00 and that you
8 did a head nod just to let him know, hey, I see
9 you.

10 And then, Mr. Blunt went upstairs to
11 the second floor. So, I asked of him, I said, so
12 where was the first time you met him? And, his
13 response was a question, oh, I said I met him
14 twice? I said, yes, you said tonight was the
15 second time, so where was the first time?

16 He never answered where the first time
17 he met Mr. Blunt.

18 Q All right. And so, and, there are so
19 many questions there, but I'm going to go all the
20 way back to this.

21 In terms of -- at any point, was --
22 did he immediately identify Mr. Blunt or was

1 there a process that took place to get him to
2 identify the person? Did the detectives have to
3 intervene at any point to get the identification
4 of the promoter?

5 A Well, yes and no, as far as your
6 question about intervening. Because the
7 detective was asking him questions directly and
8 Mr. Shuler was just either refusing to answer or
9 just didn't answer at all.

10 And it wasn't until I had to step in
11 and like, look, we need to get some information
12 about really what happened here.

13 Q And, before you go on, was there
14 anything involving a photograph for this
15 interrogation? A photograph being brought in by
16 a detective?

17 A Yes, as we were standing there,
18 eventually, another detective came in. And, I
19 couldn't tell you at which point he came during
20 our interview of Mr. Shuler.

21 But, he brought up a photograph of Mr.
22 Blunt --

1 Q Okay.

2 A -- and showed Mr. Shuler, is this the
3 guy? And, Mr. Shuler didn't readily answer. We
4 went back to the staring in the air, searching
5 for an answer until he finally stated, yes,
6 that's him.

7 Q All right. And so, prior to that, had
8 he mentioned a name?

9 A Yes.

10 Q He had mentioned a name? But he took
11 --

12 A Yes.

13 Q -- a while to identify who the person
14 was?

15 A Correct.

16 Q Okay. All right, so, he said that he
17 had mentioned twice that -- and now, Shuler
18 stated that the promoter came in at approximately
19 10:00 p.m.?

20 A Yes.

21 Q What communications did, according to
22 Mr. Shuler, did he have with the promoter?

1 A Absolutely none, no verbal
2 communication the entire night.

3 Q Where was Mr. Shuler at that time?

4 A Mr. Shuler stated that he stayed on
5 the first level, which is the street level,
6 engaging in a cousin's birthday party.

7 Q And, in terms of engaging -- did that
8 situation change in terms of his location?

9 A It did.

10 Q All right, but when did that change?

11 A Well, Mr. Shuler, during the
12 questioning, stated that on the second floor, the
13 bartender had reached out to him a few times
14 stating that he needed -- stated that she needed
15 different items for him to bring upstairs, ice,
16 food.

17 But when questioned about the calls
18 that came in, first, Mr. Shuler said that her
19 name is Lolita is the bartender up on the second
20 floor, that she called him between I want to say
21 it was 12:30 and 1:22 a.m., those were the calls
22 between that time.

1 Q So, and, those are the only cases that
2 he -- sorry, is it fair to say from your
3 testimony, those are the only cases that Mr.
4 Shuler actually went up to the second floor?

5 A Well, yes. Although Mr. Shuler stated
6 that he was up and down the second floor on
7 several occasions, after more probing from the
8 detective, we learned that he had only made two
9 visits to the second floor.

10 Q Now, before we move on from that
11 particular area, in terms of the arrangements
12 that you say were for the promoter, you said that
13 this also involved security, correct?

14 A Yes.

15 Q And, what did Shuler say about whether
16 or not security was there?

17 A Mr. Shuler stated that the
18 establishment didn't have security.

19 Q Okay.

20 A And that the promoter brought his own
21 security, two individuals.

22 Q All right. And, in terms of the terms

1 of the agreement, did he actually provide two or
2 anything that actually showed you the terms of
3 the agreement?

4 A No, but I asked of him, could he
5 provide me with a contract, a written contract
6 for the promoter.

7 Q And, did he ever do that?

8 A He did not do it simply do it simply
9 because, as he told me, nothing was in writing.

10 Q Nothing was in writing?

11 A Correct.

12 Q All right. I'm sorry, the Board's
13 indulgence.

14 So, in terms of these discussions, was
15 Mr. Shuler freely giving information or was he
16 reluctant?

17 A Reluctant.

18 Q Now, getting to -- you said that he
19 had communications with a bartender, correct, and
20 that's Lolita?

21 A Correct.

22 Q All right. So, can you describe -- so

1 what were those conversations that he had with
2 Lolita?

3 A He stated that Lolita needed ice at
4 one point. Lolita requested food at another
5 point. And then, she called him and stated that
6 she needed him up on the second floor.

7 Q And, when did that occur?

8 A We able to determine that only two
9 calls were placed and that the last call which
10 was around 1:22 in the morning, that was the call
11 that Lolita stated that she needed Shuler on the
12 second floor.

13 Q And, once he got the call for -- that
14 Lolita needed assistance on the second floor --
15 and did he describe what she needed assistance
16 with?

17 A No.

18 Q Okay. So, what did he do at that
19 point?

20 A He went to the second floor and stated
21 that he saw two females engaged in a verbal
22 dispute.

1 Q Can you describe -- in a verbal
2 dispute?

3 A Yes.

4 Q Did he give any other descriptions?

5 A Yes, he was very adamant and just
6 using animations with his hands stating there was
7 nothing physical involved, nothing physical
8 involved, it was just a verbal dispute.

9 Q And then, what happened after he said
10 that it was just a verbal dispute?

11 A So, he then stated, I put everybody
12 out.

13 Q And, what did he do after he put
14 everybody out?

15 A He stated that he put everyone out and
16 then once they were outside of the establishment,
17 he locked the door.

18 Q He locked the door? And did he
19 describe how he locked the door?

20 A Just with his hands, he said, I locked
21 the door.

22 Q All right. And, did he say why he

1 locked the door?

2 A He didn't state why. I asked why
3 would he do such a thing?

4 Q Okay, and what did he say?

5 A His response was, I didn't want them
6 to come back inside and, besides, they could have
7 came back in and shot up the place.

8 Q And, what else -- and, was there any
9 kind of dialogue after that?

10 A Well, yes, when he stated that he
11 locked the door because he didn't want them to
12 come back inside, I said, well, why would you
13 lock the door if you're still open at that
14 moment. And, that's when he said, well, I didn't
15 them to come back inside and shoot up the place.

16 Q Did he give any explanation of why he
17 would say, I don't want people to shoot up the
18 place?

19 A No, earlier in his conversation, I had
20 learned that he did not know there was a shooting
21 until the police knocked on the door.

22 Q According to him, there was no

1 shooting until the police knocked on the door?

2 A Correct.

3 Q Okay. So, when you asked, did you ask
4 him any questions about the shooting?

5 A No, I just had my own thought. I was
6 a little perplexed as in thinking his earlier
7 statement to the detective that he did not know
8 that there was a shooting and the reason why he
9 locked the door was because he didn't want them
10 to come back inside and he didn't want them to
11 come inside and shoot up the place.

12 I'm thinking, one must clairvoyant in
13 order to know that a shooting would occur at the
14 moment you're putting someone outside the
15 establishment.

16 Q And, so, when you got there about an
17 hour after, but I actually want to show you
18 what's already been admitted into evidence as the
19 District's Exhibit Number 1.

20 Now, Investigator Dantzler, is that
21 appear, that's a depiction of the front of Safari
22 D.C. Restaurant and Lounge, is that correct?

1 A It is.

2 Q On the first floor, where there's
3 yellow signs, is that clear material or is that
4 like wood or metal? What's that?

5 A It's clear.

6 Q It's clear? So, those are windows?

7 A Yes.

8 Q So, the full front of the first floor
9 has windows?

10 A Yes.

11 Q That's all I needed to establish.

12 So, the other question, now in terms
13 of Shuler's communication regarding the promoter,
14 was there a discussion regarding contact
15 information for the promoter? Do you remember or
16 recall that such as a phone number?

17 A Yes.

18 Q Okay. How did that go?

19 A Well, well into our interview with Mr.
20 Shuler, and I was saying to him, it's important
21 for the police to have some sort of contact
22 information for the promoter.

1 And, that's when I asked of him, you
2 know, you know, I probed more and I'm like, so,
3 do you have a contract -- a contact number, an
4 address? And, he was like, no, we don't do that
5 in this business.

6 You know, we just, you know, they
7 bring individuals in, they want you to -- they'll
8 tell you, they being the promoter, they'll bring
9 folks in, we'll bring you money. You can make
10 money, we can make money. So, that's how it
11 went.

12 Q So, you said you were in the office --
13 essentially, this conversation we've probably had
14 about -- discussed in the last 20 minutes, and
15 this took a full hour?

16 A Yes.

17 Q All right. Was any indication given
18 about why it was so difficult to get information
19 out of Mr. Shuler? Or, let me take that back.

20 Did Mr. Shuler make any statements
21 about communications with those in the office at
22 that point?

1 A Yes.

2 Q What did he say?

3 A Mr. Shuler, one of the striking
4 statements he said to me, well, not just to me,
5 but to the detective was that, hey, we don't, you
6 know, I'm from the streets and from where I'm
7 from, we don't talk to y'all.

8 And, that's what he was saying, he was
9 like, you can understand this, right? You can
10 understand this, right? This is what -- this is
11 how he's talking to the police.

12 And, and so, and then, he said, you
13 know, I grew up in the streets and, you know, I'm
14 a very -- I'm far removed from that. I have a
15 family now. I thought I was out of this and then
16 I'm back into this. And, but we don't -- I just
17 understood him saying that they don't talk to the
18 police.

19 Q They don't talk to the police?

20 A Yes.

21 Q Did he make any different comments
22 specifically to you about, you know, about his

1 role and speaking with the investigators or MPD?
2 Did he say anything to you specifically at some
3 point?

4 A At some point, what he wanted -- he
5 wanted to have a conversation with me alone.

6 Q Okay.

7 A And, I'm like, why? And, he said,
8 well, are you afraid of me? I'm like, no,
9 whatever you're saying to me, you can say in
10 front of the detective.

11 So, he's like, okay. So, what's going
12 to happen? I said, well, you could be -- the
13 Chief of Police could shutdown the establishment,
14 do a closure.

15 And, he says, well, I can't have that
16 happen. He said, because this is -- pretty much,
17 this is how I make my money. So, what can be
18 done? What can be done?

19 And, I said there's nothing I can do.
20 Whatever the Chief rules, that's what happens and
21 then we'll move from there.

22 Q Okay. Now, after you got out of the

1 office, did you have any other -- did you move up
2 to the second floor or -- or sorry, actually, let
3 me withdraw that.

4 Did you have any other conversations
5 with anyone else at the establishment?

6 A I did.

7 Q And, when was that?

8 A I was -- I thought we were actually
9 finished but I grew a little curious about a
10 female who was sitting at the bar and she was
11 talking loud. That's what I remember.

12 Q Okay.

13 A And, I learned that was Lolita, the
14 bartender from the second floor.

15 Q And, what did she say?

16 A So, she was talking in the air, just
17 out in the open and one of the detectives, like,
18 Lolita, Lolita, and she turns and says, you don't
19 call me no f-ing Lolita, I don't f-ing know you.

20 And he --

21 Q And, by the way, what was her state at
22 that point? Was she --

1 A I don't know if --

2 Q Had she had a couple drinks at that
3 point or you don't know?

4 A I don't know.

5 Q Okay, then I'll withdraw that
6 question.

7 All right, but, she said, you don't
8 call me no f'ing Lolita --

9 A Yes, yes. And so, I just stood there
10 because I said, well, let me listen. I couldn't
11 help but listen because she's in an open forum.

12 And, she says, everything was going
13 well. Everything was going right, it was really
14 nice. And then they turned on the DJ and they
15 started beating up the DJ. And, they was kicking
16 him and they hit him with a chair and they were
17 using their fists.

18 And, I called the police. And, the
19 dispatcher was asking me, do they have a gun?
20 And, she's like, no, they don't have a gun,
21 they're beating him up, you know, that's what
22 they're doing.

1 Q Actually, during the course of the
2 investigation, I'm not talking about your
3 conversation with Lolita, but during the course
4 of your investigation, or any part of the
5 investigation, did you learn whether anyone
6 outside Lolita who had affiliation with the
7 establishment made a call to the police?

8 A No, I didn't learn that anyone called
9 the police.

10 Q Did anyone from management say they
11 called the police?

12 A No.

13 Q Have you seen the call sheet from the
14 establishment?

15 A I have not.

16 Q Okay, never mind.

17 Okay, so, outside of having that
18 conversation with Shuler and Lolita, was there a
19 conversation with Mr. Shuler regarding his
20 position with the establishment?

21 A Yes.

22 Q And, what was that conversation?

1 A I asked -- I don't remember if I asked
2 him or I made the statement like, you're not the
3 owner.

4 Q Had he previously identified himself
5 as the owner?

6 A Yes.

7 Q Okay, how so?

8 A Through the detectives communication
9 with him, he was like, so you being the owner,
10 you, that's who he kept saying, you're the owner,
11 you don't know what's going on? And I knew he
12 was not the owner.

13 Q Okay. And, how do you know he wasn't
14 the owner?

15 A Because I've met the owner on a couple
16 of occasions.

17 Q And, who's the owner?

18 A Frez or Fraz Teame.

19 Q Okay. And so, you made this statement
20 to him that he's not the owner, so what happened
21 at that point?

22 A Yes, I said, why are you telling MPD

1 you're the owner? He said, oh no, I'm not the
2 owner. Because I told him, I said, I know Mr.
3 Teame is the owner. He said, no, I'm not the
4 owner, I'm the manager.

5 So, I said, well, how long have you
6 been the manager? And he said, since August of
7 last year. I said, well, where is Mr. Teame?
8 And, he said, well, he's out of the country
9 caring for a loved one.

10 Q All right. And so, he says that he
11 was working there since August?

12 A Correct.

13 Q Board's indulgence.

14 And, was there any conversations about
15 the camera?

16 A Yes.

17 Q And, what was that conversation?

18 A The detective asked Mr. Shuler were
19 the cameras working? And, he stated, no, that
20 there was a water leak and the cameras were
21 damaged.

22 Q And, how long were they had been

1 damaged?

2 A That was my question to him, how long
3 had it been this way? And, he was like, I don't
4 know. I said, well, have they been working since
5 you've been here? I don't know.

6 Q His answer is I don't know?

7 A Right.

8 Q Right. So, I have another question,
9 so, after -- so, was that the extent of your
10 observations from the establishment that night
11 and interviews from that night?

12 A No, as we were -- after the
13 interaction with Lolita, we were going to exit
14 the establishment but I was stopped by Lieutenant
15 Jenkins.

16 Q Okay.

17 A Let me back that up. Investigator
18 Nelson came to me and said that they're going to
19 close the establishment.

20 Q Okay.

21 A And, I said, well, the detective said
22 that they weren't sure they were going to

1 shutdown the establishment.

2 And so, we're walking and that's when
3 I first meet Lieutenant Jenkins. And, I asked of
4 Lieutenant Jenkins, I said, hey, are you guys
5 closing the establishment? And, he was like,
6 yes, we're going to close the establishment.

7 And, I said, okay. And, I said, why?
8 And, he stated that they could not get
9 cooperation from the establishment and that the
10 DJ got assaulted.

11 And, he stated no one called the
12 police when the DJ got assaulted.

13 Q Right, correct. After you left the
14 establishment and the days after, did you
15 continue investigative efforts?

16 A Yes.

17 Q All right. As part of your
18 investigative efforts, did you determine -- did
19 you check and determine whether or not there were
20 any registrations or any, how can I say it,
21 whether Mr. Shuler's name popped up in records?

22 A Yes, I didn't see Mr. Shuler's name.

1 It was an omission.

2 Q As an Agency manager, there was
3 nothing?

4 A I did not look to the degree of an ABC
5 manager, I was concentrating on whether or not
6 there was some sort of ownership change. Because
7 I was just getting just a feeling through his
8 conversations that he was actually the one
9 running the establishment.

10 So, I thought perhaps they must have
11 changed ownership and we just didn't know it.

12 Q And, did you find anything in terms of
13 ownership?

14 A No, no change of ownership.

15 Q After you -- did you have any other
16 conversations with any other witnesses at any
17 time?

18 A Yes.

19 Q And when did you have -- I'm sorry,
20 who did you have a conversation with?

21 A Well, after learning from Lieutenant
22 Jenkins that there was an assault victim, the DJ,

1 he was long gone by this point.

2 And so, we did receive report numbers,
3 police report numbers and two sets of numbers
4 were provided to us.

5 And so, one set was for the homicide
6 and the second set was for the assault.

7 So, on Monday morning, I responded to
8 the police -- the 3rd District Police Station in
9 an effort to obtain the -- both reports, only to
10 find that they could not locate the second set of
11 -- the second police report which was the assault
12 on the DJ.

13 It was kind of -- it wasn't blown off
14 by the officers at the police station, they were
15 just saying, well, perhaps that second set of
16 numbers was for the second individual who was
17 shot and you may find that it's imbedded, the
18 second set of numbers are imbedded in the
19 homicide report.

20 Q And, did you find that was true?

21 A That was untrue.

22 Q That was untrue?

1 A Yes.

2 Q Did you find -- identify the assault
3 victim?

4 A I identified the assault victim, the
5 DJ.

6 Q And now, I want to ask you another
7 question about that. Oh, it was 4th District,
8 not 3rd District, correct?

9 A No, it was the 3rd District.

10 MEMBER ALBERTI: Can you repeat that
11 last answer? I'm sorry.

12 INVESTIGATOR DANTZLER: I did identify
13 the DJ.

14 MEMBER ALBERTI: As?

15 INVESTIGATOR DANTZLER: As the assault
16 victim.

17 MEMBER ALBERTI: Okay, thank you.

18 INVESTIGATOR DANTZLER: Yes.

19 MR. ADAMS: All right. I'm going to
20 ask you directly, did you have any occasion to
21 speak the assault victim?

22 INVESTIGATOR DANTZLER: Yes.

1 BY MR. ADAMS:

2 Q When?

3 A I spoke with him on Tuesday of the
4 following week. It wasn't -- it should have been
5 the 26th of February.

6 Q And, did he have a real conversation
7 with you?

8 A He

9 Q Let me ask you this, when did you have
10 a real conversation with him, an at length
11 conversation with the assault victim?

12 A On yesterday.

13 Q Okay. And, I guess for clearance of
14 the record, is -- can we identify his name?

15 A I think we can, he's --

16 Q And, what is his name, please?

17 A His name is Leon Alexander Brown.

18 Q So, and your conversation with Mr.
19 Brown, what did he tell you?

20 A He stated that he did DJ at Safari on
21 that night. That he was brought in by the
22 promoter and that the -- there were approximately

1 60 to 65 patrons on the second level.

2 Q And, when did he arrive approximately?

3 A 9:00 p.m.

4 Q And so, he arrived at 9:00 p.m. and he
5 was providing the music for that night, is that
6 correct? Is that fair to say? Outside of
7 performance?

8 Or actually, let me -- can you
9 describe what kind of event this was supposed to
10 be?

11 A Yes, he stated it was an open mic
12 night for rappers.

13 Q Okay. And, while he was there -- and
14 what else did he describe about being there, or
15 yes, well, what was the next thing he told you?

16 A He stated that the participants of
17 this rap open mic rapping became angry because
18 some weren't getting enough mic time.

19 Q Okay.

20 A Can I just say, this is, well, going
21 back to Lolita, because Lolita stated in her open
22 soliloquy that patrons became upset when they

1 learned that the promoter had left.

2 And so, it trigger my memory to say
3 that because the DJ also stated they were mad
4 because they paid their money and they weren't
5 getting the mic time.

6 Q All right. And so, what was -- what
7 did he describe was going on in the establishment
8 at that time, with the 60 to 65 patrons?

9 A He stated that approximately eight or
10 nine performers became angry with him --

11 Q Okay.

12 A -- because he was like the face of who
13 was left from the promotion.

14 And, then, at that time, they jumped
15 him. And, kicked him.

16 (OFF MICROPHONE COMMENTS)

17 INVESTIGATOR DANTZLER: They kicked
18 him, they kicked him about his body, his face.
19 They punched him about his body and his face.

20 Someone picked up a chair, slammed it
21 on him. He tried to block it, and his left --
22 with his left hand. His -- the chair made

1 contact with his hand and what he later learned
2 was that his pinky finger was broken.

3 I asked of Mr. Brown, how did this
4 assault end? He stated he just remember the
5 attack -- the hits getting lighter and lighter
6 until he was no longer being struck.

7 Q All right. And, did he describe
8 anything else at that point?

9 A He did, but I asked him questions, I
10 said, did anyone from the establishment help you?
11 And, he stated, he said, first, he said, I never
12 saw security. He said that he's been in the DJ
13 arena for a number of years and what's consistent
14 to what he's seen with establishments is that,
15 you can pick out who security is. Or they may
16 have a shirt that says event or the shirt may
17 have the establishment's logo on it.

18 But, he said he never saw anyone from
19 the establishment security wise that night.

20 He only remembers the two females who
21 was upstairs. One of those females being Lolita,
22 the bartender.

1 He went on to say that he does
2 remember one of the females -- the bartenders
3 bringing him a towel because he was bleeding and
4 they gave him ice to help with the swelling.

5 Q And so, now, let's think back for a
6 second, so, the DJ's -- how were the DJ and
7 Lolita's description of what occurred, can you
8 tell us whether it was similar or dissimilar to
9 the description of what Mr. Shuler provided?

10 A Totally different from what Mr. Shuler
11 stated to the detectives and myself.

12 Q Did he tell you what kind of injuries
13 he sustained?

14 A Yes, the broken pinky finger on the
15 left, contusions to his face, some sort of retina
16 disconnection from his eye. He stated that his
17 eye is still red. He's on light duty at work.
18 He sustained a concussion as well.

19 Q Anything with his jaw?

20 A Oh, I'm sorry, yes. And he has a
21 fractured jaw.

22 Q All right, I apologize, I know this

1 has been a lengthy testimony, but I just wanted
2 to make sure we covered everything.

3 All right, Investigator Dantzler, did
4 you complete a report at the conclusion of your
5 investigation?

6 A I did.

7 Q And, did you have a chance to actually
8 see the establishment's liquor license at any
9 point?

10 A Yes.

11 MR. ADAMS: I'm going to hand to
12 Investigator Dantzler, and I'm going to hand a --
13 actually, I'm going to hand a copy to, I
14 apologize, the power of attorney, what's marked
15 for identification purposes as the District's
16 Exhibits 4 and 5. And, I can provide copies to
17 the Board of 4 and 5.

18 And, Exhibit 4 is the -- actually
19 you'll see it.

20 (Whereupon, the above-
21 referred to documents were
22 marked as Government Exhibit

1 Nos. 4 and 5 for
2 identification.)

3 CHAIRPERSON ANDERSON: Can the Board
4 have a copy of the exhibits, please?

5 MR. ADAMS: Okay, I need one copy, so,
6 okay.

7 May we approach the witness with those
8 copies?

9 CHAIRPERSON ANDERSON: Sure.

10 MR. ADAMS: Ms. Dantzler, do you
11 recognize what's marked for identification as
12 District's Exhibit Number 4?

13 INVESTIGATOR DANTZLER: Yes.

14 BY MR. ADAMS:

15 Q And, what is it?

16 A My investigative report.

17 Q And, how do you recognize it as your
18 investigative report?

19 A Because my name is on it and on page
20 five of the report, I signed the document.

21 Q And, actually, I skipped this portion
22 during our testimony. Okay, never mind, I

1 apologize.

2 Is this a true and accurate
3 representation of the investigative report that
4 you wrote?

5 A Yes.

6 Q One of the things I didn't mention,
7 does this establishment have a security plan?

8 A Yes.

9 Q So, as a course of your investigation,
10 what conclusion did you make regarding the
11 establishment's compliance with the security
12 plan?

13 A Well, Mr. Shuler admitted there was no
14 security there from the establishment. And, the
15 security plan, if I can get your indulgence so I
16 can make sure I -- for your Exhibit Number 4 --

17 Q Yes, I'll turn to page 4 of it.

18 A For page 4, it states that the guest
19 patrol will be attired to be immediately
20 recognizable to staff members and the guests on
21 page 4.

22 Q All right, and then, let me walk you

1 through this investigative report a little bit.

2 Your investigative report has several
3 exhibits, correct?

4 A Correct.

5 Q So, Exhibit 1, what is that? That's
6 the police report?

7 A Yes.

8 Q Exhibit 2 is -- are Exhibits 2 and 3
9 are the closure letter and their request for
10 revocation from the Police Department?

11 A Correct.

12 Q Now, in terms of Exhibit 4, 4, 5, and
13 6, what are those -- well, let's start with
14 Exhibit 4. What's Exhibit 4, can you discuss
15 this?

16 A Yes. To the degree that Investigator
17 Nelson, who assisted me that night, checked
18 several social media forums and came across
19 Exhibit Number 4.

20 Q And, do you know what -- what is this?
21 Is this from an account or something?

22 A Well, I'm not social media savvy so --

1 Q Okay, that's fine. Well, let's just
2 talk about what's here. I notice that there's on
3 the top of the page and there's an arrow that's
4 in black and color next to I think is what's --
5 something the shape of the continent of Africa,
6 do you see that?

7 A Yes.

8 Q What does it say there?

9 A It says Shuler's at Safari D.C.

10 Q And, what do you take that to mean?

11 A I took it to mean that Mr. Shuler is
12 the owner of Safari.

13 Q Did you take -- in terms of the trade
14 name, what's this establishment's trade name?

15 A Safari Restaurant and Lounge.

16 Q Now, on the lefthand side of this
17 page, there is a name for the establishment
18 given, what's the name for the establishment
19 given on the left margin?

20 A Shuler's at Safari Lounge D.C.

21 MEMBER SILVERSTEIN: Pardon me? Can
22 you say again, please?

1 INVESTIGATOR DANTZLER: Shuler's at
2 Safari Lounge D.C.

3 MR. ADAMS: And, is that repeated
4 again at any point on this page?

5 INVESTIGATOR DANTZLER: Yes.

6 BY MR. ADAMS:

7 Q And, where is that?

8 A Right in the main advertisement where
9 the continent of Africa, the outline of the
10 continent of Africa.

11 Q And, is it also located on the right
12 margin, isn't it repeated there as well for the
13 location of the establishment?

14 A Yes.

15 Q Now, I'm going to turn your attention
16 -- it looks like there's other pictures and
17 postings in this.

18 Now, Exhibit 5, what is that? Or to
19 the best that you can describe it?

20 A Exhibit 5 is a Facebook page that was
21 taken -- that Investigator Nelson was able to
22 capture.

1 Q All right. Now, what's the name of
2 the establishment mentioned there?

3 A Shuler's at Safari Lounge D.C. on
4 Facebook.

5 Q All right. I want to -- actually, and
6 frankly, I just noticed this now, I'm looking at
7 this, what is the text has mentioned, there's
8 some text in various colors, can you please read
9 that into the record?

10 A If we're at the same point --

11 Q I'm just --

12 A -- where it says "we?"

13 Q Yes.

14 A Beginning with "we?"

15 Q Exactly, "we."

16 A We are looking for live events,
17 promoters and live acts.

18 Q And, that's from Shuler's at Safari
19 Lounge D.C.?

20 A Correct.

21 Q All right. Now, turning to Exhibit 6,
22 what is that?

1 A Another social media advertisement.

2 Q Now, this case is a little bit
3 different, and how is it different? Or, what do
4 you, I mean, what is this do you think, outside
5 of just being a social media post?

6 Or, let me be more direct. Does this
7 look like a flyer?

8 A Yes.

9 Q Okay. And so, the -- this flyer
10 mentions a location where the event's going to
11 be?

12 A It does.

13 Q And, where is it supposed to be?

14 A At Shuler's at Safari Lounge D.C.

15 Q And, what day is this for?

16 A February 23rd.

17 Q And, February 23rd to February 24th is
18 the date of the incident, correct?

19 A Correct.

20 Q And then, there's an advertisement --
21 it's from -- and it's the Eight Mile Hip Hop
22 Showcase, is that across the top?

1 A Correct.

2 Q And, it's also Tony Blunt present, is
3 that across the top as well?

4 A Okay, repeat that question?

5 Q Sorry, there's language -- the text
6 that says World Famous Tony Blunt Presents?

7 A Yes.

8 Q And, that's on -- in the text as well?

9 A It is.

10 Q And, what else do you see in terms of
11 entertainment? Does it list entertainment?

12 A Yes.

13 Q Okay. And, how so?

14 A It has a list of performers.

15 Q All right, and so, moving on, and with
16 this report, going to Exhibit 7, 8, no actually,
17 Exhibit 7, what's Exhibit 7?

18 A I did not take the photographs.

19 Q Okay.

20 A Investigator Nelson did.

21 Q So, but did you go upstairs to the
22 second floor?

1 A I did not, I limited my movement was
2 all on the first level.

3 Q Okay. So, but these photographs that
4 were done by Investigator -- so, Exhibits 7
5 through 12 are all provided by Investigator
6 Nelson?

7 A Yes, photographs taken on the night of
8 our visit.

9 Q All right, and then, lastly, Exhibit
10 13, what is this?

11 A The establishment's security plan.

12 Q And so, you say in the establishment's
13 security plan is the information I guess
14 regarding guest patrols, is the third page of
15 this? Or, at least that's page 3 of this
16 document?

17 A Correct.

18 Q And, for guest patrol, is that where
19 you believe there's a requirement that they have
20 security?

21 A Yes.

22 Q Is there anything else? Is there --

1 do they require to have like a incident log or
2 anything of that sort?

3 A That part I did not explore.

4 MR. ADAMS: Okay. All right.

5 Mr. Chairman, I'd like to have what is
6 marked for identification purposes as District's
7 Exhibit Number 4 to be entered into evidence
8 which is the investigative report.

9 CHAIRPERSON ANDERSON: Yes, since it's
10 the investigative report, I'm not going to even
11 ask --

12 MR. ADAMS: Okay.

13 CHAIRPERSON ANDERSON: Yes, so it's so
14 moved.

15 (Whereupon, the above-
16 referred to document was
17 received into evidence as
18 Government Exhibit No. 4.)

19 MR. ADAMS: Next is what is marked for
20 identification purposes as Exhibit 5. What is
21 this, Investigator Dantzler?

22 INVESTIGATOR DANTZLER: A copy of the

1 establishment's liquor license.

2 BY MR. ADAMS:

3 Q And, is there anything significant
4 from this liquor license?

5 Okay, does this liquor license include
6 the endorsements that the staff has?

7 A Yes.

8 Q And, what endorsements do they have?

9 A Cover charge, dancing, entertainment
10 of some regard.

11 Q And, you actually -- and how -- and
12 you actually saw this license?

13 A Yes.

14 Q And, looked at as part of your
15 investigation?

16 A I did not look at it extensively. I
17 saw it as it was displayed in an arrangement of
18 licenses and certificates on the premises.

19 MR. ADAMS: I'd the Board to take
20 official notice of Exhibit 5 and enter into
21 evidence, or what's marked for identification
22 purposes --

1 CHAIRPERSON ANDERSON: So moved.

2 (Whereupon, the above-
3 referred to document was
4 received into evidence as
5 Government Exhibit No. 5.)

6 MR. ADAMS: All right, Investigator
7 Dantzler, thank you for your patience, I have no
8 further questions.

9 INVESTIGATOR DANTZLER: Okay, you're
10 welcome.

11 CHAIRPERSON ANDERSON: Ma'am, do you
12 have any questions of the investigator?

13 MS. WONDWOSSEN: No sir, but I have
14 something to say about the upstairs. You've been
15 in the upstairs?

16 CHAIRPERSON ANDERSON: So, you can ask
17 her a question, ma'am.

18 CROSS EXAMINATION

19 BY MS. WONDWOSSEN:

20 Q Okay. Have you been in the upstairs?

21 A Are you asking on that particular day,
22 ma'am?

1 Q Yes, please.

2 A Not on that day, no.

3 MS. WONDWOSSEN: Okay. I have the
4 Exhibit 9 showing the DJ booth.

5 CHAIRPERSON ANDERSON: I'm sorry, what
6 exhibit?

7 MS. WONDWOSSEN: Exhibit 9, it's a
8 picture.

9 CHAIRPERSON ANDERSON: I'm sorry.

10 MS. WONDWOSSEN: I'm not a lawyer or
11 something, I'm just I'm telling you what I know
12 from that.

13 CHAIRPERSON ANDERSON: So, just ask
14 her about the exhibit then.

15 MS. WONDWOSSEN: No, she never been
16 there.

17 CHAIRPERSON ANDERSON: Right.

18 MS. WONDWOSSEN: I mean, you've been
19 there upstairs?

20 INVESTIGATOR DANTZLER: Not on that
21 night, no.

22 MS. WONDWOSSEN: The booth, did you

1 see how small it is?

2 CHAIRPERSON ANDERSON: You need to ask
3 her -- ask whatever question you have, ask her
4 about it.

5 MS. WONDWOSSEN: Oh yes, thank you,
6 sir, okay.

7 So, you see how small it is?

8 INVESTIGATOR DANTZLER: Just a quick
9 indulgence, let me get the photograph.

10 BY MS. WONDWOSSEN:

11 Q It's very small.

12 A Okay, just one second.

13 MS. WONDWOSSEN: That glass is very
14 thick, how they made it. My -- I was not there
15 when the incident, but I know the place and I got
16 the incident report.

17 I mean, everything I hear now is more,
18 for me, is more information.

19 But this place, this booth, if the DJ
20 -- if he don't come out does not get beat.
21 That's what I was -- so must be he was outside?

22 MR. ADAMS: Mr. Chairman --

1 MS. WONDWOSSEN: DJ was out --

2 MR. ADAMS: Mr. Chairman --

3 CHAIRPERSON ANDERSON: Let --

4 MR. ADAMS: I'm fine with her

5 question.

6 CHAIRPERSON ANDERSON: Let her finish

7 what -- that's right.

8 MS. WONDWOSSEN: I'm mean, just a

9 simple thing, I was -- I try to explain. That's

10 what I'm saying, so the DJ, he's supposed to --

11 he came out?

12 That place is only to protecting the

13 DJs. It's very small, everything, the equipment

14 can't even like you see the office. The office

15 is very small, is that right? Exactly is like

16 that, it's small?

17 CHAIRPERSON ANDERSON: Are you asking

18 her a question if the DJ booth is small? Is that

19 the question you're trying to ask about?

20 MS. WONDWOSSEN: Yes.

21 CHAIRPERSON ANDERSON: Do you know --

22 can you answer that question, Ms. Dantzler, do

1 you know?

2 INVESTIGATOR DANTZLER: I do not know.

3 CHAIRPERSON ANDERSON: Okay, she
4 doesn't -- she can't answer that question, so
5 maybe you have another witness who -- when you
6 present your case, maybe you can have that person
7 go through the document and maybe they can try to
8 -- you can ask that person the question about the
9 DJ booth.

10 It's because she said she cannot
11 answer that question.

12 Do you have any other questions you
13 want to ask her?

14 MS. WONDWOSSEN: No, nothing.

15 CHAIRPERSON ANDERSON: Are there any
16 questions any of the Board members want to ask
17 Ms. Dantzler?

18 Yes, Mr. Alberti?

19 MEMBER ALBERTI: Real quick question,
20 Investigator Dantzler --

21 INVESTIGATOR DANTZLER: Yes, sir.

22 MEMBER ALBERTI: -- thank you for your

1 report.

2 First of all, you, in your testimony
3 said something about the number of people on the
4 second floor that evening?

5 INVESTIGATOR DANTZLER: Yes.

6 MEMBER ALBERTI: Who did that
7 information come from?

8 INVESTIGATOR DANTZLER: The DJ.

9 MEMBER ALBERTI: The DJ? Okay. And,
10 what, again, remind me what he said about the
11 crowd, the size of the crowd?

12 INVESTIGATOR DANTZLER: He stated that
13 there were approximately 60 to 65 people
14 upstairs.

15 MEMBER ALBERTI: You were downstairs
16 of the establishment, right?

17 INVESTIGATOR DANTZLER: Correct.

18 MEMBER ALBERTI: Do you have any idea
19 what the official capacity is for this place?

20 INVESTIGATOR DANTZLER: No, I do not.
21 I would have to either look at the report because
22 the regulatory inspection may be with the report.

1 MEMBER ALBERTI: I mean, our records
2 have the CofO, but I don't have it here in front
3 of me, so I don't know. Just from your
4 experience as an investigator, if you had to take
5 a quick guess, what would you think the capacity
6 of the downstairs was? Ballpark?

7 INVESTIGATOR DANTZLER: Probably about
8 30.

9 MEMBER ALBERTI: Okay, thank you.
10 I want to turn you to Exhibit 6,
11 something that wasn't mentioned in your testimony
12 when you reviewed this or maybe I missed it, if
13 you would look at what you said in response to
14 Mr. Adams was, this looks like a flyer, right?

15 INVESTIGATOR DANTZLER: Yes.

16 MEMBER ALBERTI: Okay. So, I'm going
17 to refer to it as a flyer. Above the flyer,
18 would you read to me what's above the flyer?

19 INVESTIGATOR DANTZLER: Mr. Alberti,
20 could you give me a reference point?

21 MEMBER ALBERTI: There's writing above
22 the flyer, printing.

1 INVESTIGATOR DANTZLER: Writing?

2 MEMBER ALBERTI: Yes, right above --
3 not as part of the flyer, above the flyer.

4 INVESTIGATOR DANTZLER: The writing
5 says Exhibit Number 6.

6 MEMBER ALBERTI: Yes. This is the
7 Eight Mile Hip Hop Showcase flyer, right?

8 INVESTIGATOR DANTZLER: Yes, yes.

9 MEMBER ALBERTI: Right above it, it's
10 very -- maybe you're having trouble reading it?

11 INVESTIGATOR DANTZLER: No, it says
12 Shuler's at Safari Lounge D.C.

13 MEMBER ALBERTI: Yes.

14 INVESTIGATOR DANTZLER: Yes.

15 MEMBER ALBERTI: Can you read all of
16 that?

17 INVESTIGATOR DANTZLER: Shuler's at
18 Safari Lounge D.C. added a new photo.

19 MEMBER ALBERTI: Thank you, that's
20 what I wanted to have in the record.

21 The last thing, and you may not have
22 done this is, I mean, all of this is social

1 media, the Exhibit 6 and some of those other
2 exhibits I think you identified as possibly
3 coming from social media, did you go do any other
4 research like look at the website for this
5 establishment to see if there was anything on the
6 website that would indicate whether there was a
7 change of ownership?

8 INVESTIGATOR DANTZLER: No, I did not
9 check.

10 MEMBER ALBERTI: Okay, that's fine.
11 If you didn't, that's -- I just wanted to know.

12 All right, thank you.

13 That's it, thank you.

14 CHAIRPERSON ANDERSON: Any other
15 questions by any of the witness? I'm sorry, any
16 other questions by any of the Board members for
17 the witness?

18 (NO AUDIBLE RESPONSE)

19 CHAIRPERSON ANDERSON: Just one
20 question, Ms. Dantzler. Did Mr. Shuler ever
21 identify himself to you as the owner?

22 INVESTIGATOR DANTZLER: He did not.

1 CHAIRPERSON ANDERSON: All right.

2 Do you have any questions, ma'am, of

3 --

4 MS. WONDWOSSEN: No, thank you.

5 CHAIRPERSON ANDERSON: No?

6 Mr. Adams, do you any questions of --

7 MR. ADAMS: Yes, in response to that
8 last question, why did he not identify himself as
9 an owner to you?

10 INVESTIGATOR DANTZLER: Because I
11 prefaced the question to him like, I know who the
12 owner is and you're telling MPD you're the owner.

13 MR. ADAMS: Okay. So, you already had
14 -- okay, thank you.

15 I have no further questions.

16 CHAIRPERSON ANDERSON: All right.

17 All right, Ms. Dantzler, thank you
18 very much for your testimony. Please do not
19 discuss the nature of your testimony with anyone
20 else until this case is over.

21 INVESTIGATOR DANTZLER: Yes, sir.

22 CHAIRPERSON ANDERSON: All right,

1 thank you.

2 Does the Government have any other
3 witnesses?

4 MR. ADAMS: Yes, we have Investigator
5 Nelson is going to be our next and I think final
6 witness.

7 CHAIRPERSON ANDERSON: Investigator
8 who?

9 MR. ADAMS: Nelson, one of ABRA's
10 branding investigators.

11 MS. WONDWOSSEN: May I be excused a
12 second?

13 CHAIRPERSON ANDERSON: You need what?

14 MS. WONDWOSSEN: Excused for a second?

15 CHAIRPERSON ANDERSON: All right.

16 We'll take a ten minute break. Okay? So, it's
17 12:49, so we'll get back at 1:00, that's 11
18 minutes.

19 Okay, so we're in recess until 1:00.

20 (Whereupon, the above-entitled matter
21 went off the record at 12:48 p.m. and resumed at
22 1:01 p.m.)

1 CHAIRPERSON ANDERSON: All right, do
2 we have another witness?

3 MR. ADAMS: Yes, we do, it's the
4 District's last witness.

5 CHAIRPERSON ANDERSON: All right, Ms.
6 Nelson, can you raise your right hand, please?

7 Do you swear or affirm to tell the
8 truth and nothing but the truth?

9 INVESTIGATOR NELSON: I affirm.

10 CHAIRPERSON ANDERSON: All right.
11 There's a microphone in front of you. Please
12 make sure you speak in the microphone, okay?

13 INVESTIGATOR NELSON: Yes, sir.

14 CHAIRPERSON ANDERSON: All right,
15 thank you.

16 Your witness.

17 WHEREUPON,

18 MIKEA NELSON

19 was called as a witness by Counsel for the
20 Government and, having been first duly sworn,
21 assumed the witness stand, was examined and
22 testified as follows:

1 DIRECT EXAMINATION

2 BY MR. ADAMS:

3 Q How are you doing, ma'am? Could you
4 state your name and spell it for the record?

5 A Mikea Nelson and --

6 CHAIRPERSON ANDERSON: You have to be
7 closer. We can't hear you up here.8 INVESTIGATOR NELSON: I'm sorry about
9 that.10 Mikea Nelson, that is M-I-K-E-A, last
11 name, N-E-L-S-O-N.12 MR. ADAMS: And, Ms. Nelson, you're
13 employed by the District of Columbia Government?

14 INVESTIGATOR NELSON: Yes.

15 BY MR. ADAMS:

16 Q And, you with the District of
17 Columbia's Alcoholic Beverage and Regulation
18 Administration?

19 A Yes.

20 Q And, what's your position?

21 A I am an investigator.

22 Q And, who long have you been an

1 investigator?

2 A For a month and two days.

3 MR. ADAMS: All right.

4 CHAIRPERSON ANDERSON: You have to be
5 closer to the -- pull the microphone closer to
6 you. Please, sorry.

7 MR. ADAMS: And, is the first time
8 you've testified?

9 INVESTIGATOR NELSON: Yes, it is.

10 BY MR. ADAMS:

11 Q All right. So, were you working on
12 February 24th, 2019?

13 A Yes, sir.

14 Q And, you had occasion to be at Safari
15 Restaurant and Lounge?

16 A Yes.

17 Q On that day? When you were there,
18 while you were there, you were inside the
19 establishment?

20 A Yes, sir.

21 Q Did you see both the first and the
22 second floor of the establishment?

1 A Yes.

2 Q And, was role to -- and your role was
3 to be participating in the investigation?

4 A Yes. I was training under
5 Investigator Dantzler.

6 MR. ADAMS: All right. So, I'm going
7 to hand you what's been already admitted as the
8 District's Exhibit Number 5 -- or 4, which is the
9 investigative report.

10 And, before that, I'm going -- and I'm
11 sorry, Ms. Nunu already has that, and with your
12 permission, Mr. Chairman --

13 CHAIRPERSON ANDERSON: All right.

14 MR. ADAMS: -- I'll approach the
15 witness.

16 Let's turn to -- of Exhibit 4, I'm
17 going to turn to Exhibit 7.

18 INVESTIGATOR NELSON: Thank you.

19 BY MR. ADAMS:

20 Q And, Ms. Nelson, have you seen Exhibit
21 7?

22 A Yes, sir.

1 Q And, how are you familiar with Exhibit
2 7?

3 A This is the second floor of Safari.
4 I actually took this photo.

5 Q So, you took this photo?

6 A Yes, sir.

7 Q And so, is this a general picture of
8 the second floor?

9 A Yes, it is.

10 Q And is -- turning to the next page,
11 that's Exhibit 8, is that the same thing?

12 A Yes, sir.

13 Q Exhibit 9 is also on the second floor?

14 A Yes, it is.

15 Q And, as well as Exhibit 10? Actually,
16 what is Exhibit 10?

17 A Exhibit 10 is a photo of the second
18 floor as well.

19 Q And, lastly, Exhibit 11, is that just
20 a different angle of the second floor?

21 A Yes, sir, it is.

22 Q And then, Exhibit 12, is that towards

1 the front window, Investigator Nelson?

2 A No, sir. That would be -- well, I
3 apologize, yes, it would be considered the front
4 window of the establishment.

5 Q And, that's also on the second floor?

6 A Yes, it is.

7 Q And, you took all of those photos
8 between Exhibit 7 and 12?

9 A Yes, sir.

10 Q Now, during the investigation after
11 you left the establishment, were you involved in
12 any other portion of this investigation?

13 A I'm sorry?

14 Q Did you do anything else towards --
15 were you involved at all with this investigation
16 after you left the establishment?

17 A Yes, sir.

18 Q And, how -- and, in what way?

19 A I investigated some social media
20 posts.

21 Q All right.

22 A That were made the night of.

1 MR. ADAMS: So, you're familiar --

2 CHAIRPERSON ANDERSON: Hold on a
3 minute, Mr. Adams. We can't hear you. So, pull
4 the microphone up, please, to make sure that you
5 are speaking into it.

6 INVESTIGATOR NELSON: Is this way a
7 bit better?

8 CHAIRPERSON ANDERSON: That's much
9 better. Okay, and make sure you're always
10 speaking in the microphone. You have a soft
11 voice. Okay? All right, thanks.

12 Go ahead.

13 MR. ADAMS: I apologize, I am going
14 rather fast because I know that you're --

15 CHAIRPERSON ANDERSON: And, I
16 understand this is your first hearing, so I just
17 want to make sure that I'm hearing. Okay.

18 MR. ADAMS: I'd like for you to turn
19 to Exhibit 4 of this investigative report. It
20 has a, I think, a picture, a graphic of the
21 continent of Africa on the top, do you see that?

22 INVESTIGATOR NELSON: Yes, sir.

1 BY MR. ADAMS:

2 Q All right. Did you -- you got this
3 page, is that correct?

4 A Yes, I do.

5 Q And, what is it? Where did it come
6 from?

7 A This posting came from Facebook. It
8 is a Facebook page for Safari Lounge.

9 Q And, how do you know it's for Safari
10 Lounge and created for Safari Lounge?

11 A Well, I searched Safari Lounge, and as
12 you can see on the Exhibit, you'll see the
13 address of 4306 Georgia Avenue, Northwest, which
14 is the same address as Safari Lounge.

15 Q And, when you say Safari Lounge, on
16 the text, does it read Shuler's at Safari Lounge
17 D.C.?

18 A Yes, it does.

19 Q And, for all the social media posts
20 between Exhibit 4, 5, and 6, is that the same
21 thing, Shuler's at Safari Lounge D.C.?

22 A Yes, sir. However, Exhibit 6 on the

1 posting, oh, I'm sorry, yes, it does say Shuler's
2 at Safari Lounge D.C.

3 Q Now, I'm going to show you what's
4 marked for identification purposes -- and did you
5 actually also search Instagram during your
6 investigation?

7 A Yes, sir.

8 MR. ADAMS: I'm going to present to
9 Ms. Nunu what's marked as District's Exhibit
10 Number 6 and I would like to approach the witness
11 and provide the Board with way copies than I
12 need, but anyway.

13 (Whereupon, the above-
14 referred to document was
15 marked as Government Exhibit
16 No. 6 for identification.)

17 CHAIRPERSON ANDERSON: Yes.

18 MR. ADAMS: May I approach the
19 witness?

20 CHAIRPERSON ANDERSON: Sure, go ahead,
21 please.

22 INVESTIGATOR NELSON: Thank you.

1 MR. ADAMS: All right, so, do you
2 recognize what's in front of you as District's
3 Exhibit Number 6?

4 INVESTIGATOR NELSON: Yes, sir.

5 BY MR. ADAMS:

6 Q What is it?

7 A This is a flyer for the night of the
8 incident, February 23rd, 2019 for the event that
9 was to be hosted at Safari Lounge.

10 Q How do you know that or how do you
11 recognize it?

12 A I recognize it from doing a search of
13 Safari Lounge the night of the incident.

14 Q All right, now, I'm going to point you
15 out to a couple things, well, and so, in the --
16 you said you know it's from that night because
17 the date's on this flyer?

18 A Yes, sir.

19 Q And, I notice that on the flyer itself
20 it says Eight Mile Hip Hop Showcase, is that
21 correct?

22 A Yes.

1 Q And then, in the middle, it says, at
2 Shuler's at Safari D.C.?

3 A Yes, sir.

4 Q Now, I want to note something on the
5 right hand side. There's a bunch of language on
6 the right hand side, but there is kind of like a
7 block paragraph. It says, Blunt for Ever
8 Entertainment 1. Do you see that in bold?

9 A Yes, I do.

10 Q Now, on the third line, can you read
11 the third line?

12 A Performing live at Shuler's Safari
13 D.C.

14 Q Now when it says at, what does at mean
15 when it says at Shuler's Safari D.C.? Well, does
16 that mean that Shuler's Safari D.C. has an
17 Instagram account?

18 A Yes, it does.

19 Q Is this a true and accurate
20 representation of what you were able to obtain
21 from the establishment? Or sorry, from your
22 Instagram search?

1 A Yes.

2 MR. ADAMS: Mr. Chairman, I'd like to
3 have entered into evidence what is marked for
4 identification purposes as the District's Exhibit
5 Number 6.

6 CHAIRPERSON ANDERSON: Do you have any
7 objection? Do you objection to this picture
8 being in the record?

9 MS. WONDWOSSEN: Yes, I do, sir.

10 CHAIRPERSON ANDERSON: Why? Why do
11 you object, ma'am?

12 MS. WONDWOSSEN: It's just simple
13 mistake, I mean the writing mistake. It's not
14 Shuler at Safari D.C. He say that as a foreman,
15 as a manager --

16 CHAIRPERSON ANDERSON: You're talking
17 -- this is when you're talking to me.

18 MS. WONDWOSSEN: No --

19 CHAIRPERSON ANDERSON: No, you're
20 talking to me now about this. The Government
21 wants to place this in the record and you're
22 stating your objection.

1 And so, I'm asking you why are you
2 objecting to me placing this in the record?

3 MS. WONDWOSSEN: Let me see that.

4 CHAIRPERSON ANDERSON: No, I -- don't
5 give up. I want to understand what you were just
6 saying. I'm saying, you need to say it to me,
7 not to her.

8 MS. WONDWOSSEN: Oh.

9 CHAIRPERSON ANDERSON: That's all I
10 was saying. I said, speak to me, not to her,
11 that's all I was saying. I wasn't -- I was not
12 stopping you from speaking, I just said speak to
13 me.

14 MS. WONDWOSSEN: Oh okay.

15 CHAIRPERSON ANDERSON: Because I'm the
16 one who asked the question.

17 MS. WONDWOSSEN: This is -- the Safari
18 at Shuler's Safari D.C. it's just like honest
19 kind of mistake. The whole Facebook say Shuler
20 at Safari D.C. means that manager, he's in the
21 Safari D.C. He tried to advertise.

22 So, I don't see any mistake on this

1 one. Like the writing here on the writing, I can
2 say nothing was -- it's not a mistake for him. I
3 mean, he tried to advertise it.

4 CHAIRPERSON ANDERSON: Well, I'm going
5 to admit it into the evidence, but I'm not quite
6 sure what it is that the Government is trying to
7 prove what this is. And so, when they make their
8 closing, I'll give it whatever weight to give.

9 But, I think the Government -- but
10 it's an Instagram post off the establishment, so
11 I will admit it into evidence. But, you can, if
12 you want to argue later on to -- when you do your
13 case about why is it that this doesn't mean
14 anything, you have that option to do that. Okay,
15 ma'am?

16 MS. WONDWOSSEN: Okay.

17 CHAIRPERSON ANDERSON: All right, so
18 moved.

19 (Whereupon, the above-
20 referred to document was
21 received into evidence as
22 Government Exhibit No. 6.)

1 MR. ADAMS: In your investigation, you
2 also found video from the -- did you actually see
3 the Shuler Safari D.C. Instagram page?

4 INVESTIGATOR NELSON: No, sir.

5 BY MR. ADAMS:

6 Q You did not? Did you see anything
7 from any address from -- okay, you know what? Do
8 you -- you've seen a video from inside Shuler
9 D.C. at any point?

10 A Yes, sir, I did.

11 Q And, how did you see that?

12 A I seen that from Instagram.

13 Q And how, and you just searched
14 Instagram and saw it?

15 A Yes.

16 Q I'm going to pull up something on the
17 screen. Now, this is something that says
18 dj_jaydarealist. Are you familiar with this?

19 A Yes, I am.

20 Q And, how are you familiar with this?

21 A This came from an Instagram search of
22 Safari D.C.

1 Q Is it from the day in question, ma'am?

2 A Yes, it is.

3 Q And, how do you know that?

4 A The date is actually underneath the
5 video of when it was posted.

6 Q And, did it say February 24th or
7 February 23rd, if it was the next day?

8 A I don't recall the exact date, whether
9 it was the 23rd or 24th.

10 CHAIRPERSON ANDERSON: I'm sorry, what
11 video are we -- what -- I don't see a date on --
12 maybe I'm not looking at the right thing. So,
13 where is this statement that we're talking about?

14 (VIDEO PLAYING)

15 INVESTIGATOR NELSON: The video.

16 CHAIRPERSON ANDERSON: I'm looking at
17 it.

18 MR. ADAMS: No, I'll withdraw that.

19 CHAIRPERSON ANDERSON: Oh okay, all
20 right.

21 MR. ADAMS: I have no further
22 questions for Investigator Nelson.

1 CHAIRPERSON ANDERSON: All right,
2 thank you.

3 Do you have any questions for her,
4 ma'am?

5 MS. WONDWOSSEN: No, no.

6 CHAIRPERSON ANDERSON: All right,
7 thank you.

8 INVESTIGATOR NELSON: Thank you.

9 CHAIRPERSON ANDERSON: Thank you for
10 your testimony, you can step down.

11 I'm sorry, hold on, I'm sorry, sit
12 back -- I apologize.

13 Any questions by any Board members of
14 the witness?

15 Mr. Alberti?

16 MEMBER ALBERTI: Ms. Nelson, since you
17 went upstairs, my question is, I'm trying to get
18 -- familiarize myself with the layout, I've seen
19 some pictures, but it's hard for me to get the
20 layout.

21 The stairway leading to the second
22 floor, where is that in relationship to, you come

1 in the front door of the establishment, where is
2 the stairway to the second floor in relationship
3 to everything else on the first floor?

4 INVESTIGATOR NELSON: Okay. Once you
5 enter the front door of the establishment, I
6 believe that is the mezzanine area that you enter
7 into.

8 If you walk further up, there'll be --

9 MEMBER ALBERTI: The mezzanine area,
10 I'm trying to --

11 INVESTIGATOR NELSON: Well, on the
12 CofO for the establishment, it lists a mezzanine,
13 a first floor, and a second floor. There's maybe
14 one or two steps that separates one area of the
15 first floor from the second area.

16 MEMBER ALBERTI: And so, when you
17 enter, you're on the mezzanine.

18 INVESTIGATOR NELSON: Yes, I believe
19 that's the mezzanine.

20 MEMBER ALBERTI: You have to go down
21 steps to get to the main first floor?

22 INVESTIGATOR NELSON: No, you would go

1 up the steps.

2 MEMBER ALBERTI: Oh, to the main first
3 floor, okay.

4 INVESTIGATOR NELSON: Yes. As soon as
5 you walk up those steps, to the right of the
6 establishment, there's a doorway that you can go
7 through, and to the left, there will be stairs
8 that'll take you to the second floor.

9 MEMBER ALBERTI: And, it's right
10 there, right after you go up those steps, from
11 the mezzanine?

12 INVESTIGATOR NELSON: Yes, to the
13 right.

14 MEMBER ALBERTI: Okay, great, thank
15 you.

16 INVESTIGATOR NELSON: Thank you.

17 CHAIRPERSON ANDERSON: Any other
18 questions by any of the Board members?

19 (NO AUDIBLE RESPONSE)

20 CHAIRPERSON ANDERSON: Do you have any
21 questions, ma'am, of her based on the questions
22 that were asked?

1 MS. WONDWOSSEN: No.

2 CHAIRPERSON ANDERSON: Mr. Adams, any
3 questions of the witness based upon --

4 MR. ADAMS: No further questions.

5 CHAIRPERSON ANDERSON: All right,
6 thank you, Ms. Nelson, for your testimony. You
7 may step down.

8 And, I just want to remind you not to
9 have any discussions regarding the nature of your
10 testimony until this case is over. Okay?

11 INVESTIGATOR NELSON: Yes, sir.

12 CHAIRPERSON ANDERSON: Thank you, you
13 may step down.

14 Does the Government rest?

15 MR. ADAMS: The government does rest.

16 CHAIRPERSON ANDERSON: All right.

17 All right, now it's your time to
18 present your case. How do you -- do you want to
19 make an opening statement at this juncture and do
20 you have witnesses you want to call?

21 MS. WONDWOSSEN: Yes, and I say that
22 I don't have any --

1 CHAIRPERSON ANDERSON: Can you please
2 use your microphone -- hold on, Mr. Silverstein.

3 Yes, yes, who is this -- who are you
4 -- you can't really -- you can't interrupt the
5 proceedings, sir. So, I don't know who you are,
6 so you can't interrupt the proceedings.

7 What is it that you want to say,
8 ma'am, what's going on?

9 MS. WONDWOSSEN: I want to say that I
10 never been in -- I mean, I was not there on the
11 24th when the incident happened.

12 So, the manager was -- he has -- he
13 was down in the other end. You can ask him what
14 really happened.

15 And, that the whole information, I
16 mean, he didn't know. I move from the written,
17 it's not ours. Some of them is exactly what's
18 written there.

19 And, the picture what I see, what I
20 have before, I checked everything. So, you -- he
21 can ask them what was there, what happened. And,
22 I'll be waiting for the answer from you.

1 I don't have any clue what to say now.

2 CHAIRPERSON ANDERSON: All right.

3 This is what's going to happen, you are -- if you
4 -- you have two witnesses that you want to bring.

5 MS. WONDWOSSEN: Yes.

6 CHAIRPERSON ANDERSON: So, you can
7 call the first witness and then you can ask them
8 questions about the night. It's up to you.

9 So, if you don't want to ask
10 questions, so, this is your case to explain to
11 us, so you present it the best way.

12 So, if you have witnesses, you can
13 call the witnesses, I'll swear them in and then
14 you can ask them to explain what happened that
15 night, you ask them whatever questions you ask.

16 Once you've asked them those
17 questions, Mr. Adams will ask questions of the
18 witness, then the Board will ask questions.

19 So, it's up to you how is it that you
20 -- so, if you want to call a witness --

21 MS. WONDWOSSEN: Yes, sir.

22 CHAIRPERSON ANDERSON: All right, so

1 who is the first witness you want to call?

2 MS. WONDWOSSEN: The John Shuler.

3 CHAIRPERSON ANDERSON: Mr. Shuler?

4 Could someone -- oh, so we'll get Mr. Shuler.

5 While we're waiting, Mr. Adams, I
6 received these documents, what are -- was this a
7 part of --

8 MR. ADAMS: Oh --

9 CHAIRPERSON ANDERSON: I don't need
10 these, right?

11 MR. ADAMS: They are -- no, sorry.

12 CHAIRPERSON ANDERSON: All right.

13 MR. ADAMS: You have that, we did not
14 present them for our case.

15 CHAIRPERSON ANDERSON: Okay, all
16 right. There you are.

17 MR. ADAMS: Thank you.

18 CHAIRPERSON ANDERSON: Someone went to
19 get him, ma'am.

20 MR. ADAMS: There was -- I can't
21 discuss that.

22 CHAIRPERSON ANDERSON: Someone went to

1 get Ms. Shuler. So, we're waiting for him to
2 come.

3 MS. WONDWOSSEN: Okay.

4 CHAIRPERSON ANDERSON: Someone went to
5 fetch him.

6 MS. WONDWOSSEN: Okay.

7 CHAIRPERSON ANDERSON: All right.

8 MS. WONDWOSSEN: Thank you.

9 CHAIRPERSON ANDERSON: You're welcome.

10 MR. ADAMS: Thank you, Mr. Chairman.

11 CHAIRPERSON ANDERSON: You're welcome.

12 Can you go to the -- can you raise
13 your right hand, sir?

14 Do you swear or affirm to tell the
15 truth and nothing but the truth?

16 MR. SHULER: Yes.

17 CHAIRPERSON ANDERSON: All right,
18 please have a seat and please speak into the
19 microphone.

20 Ma'am, you can ask him whatever
21 questions you want to ask him.

22 He's your witness.

1 Start off by asking him to identify
2 himself for the record and spell his name.

3 WHEREUPON,

4 JOHN SHULER

5 was called as a witness by Counsel for the
6 Respondent and, having been first duly sworn,
7 assumed the witness stand, was examined and
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MS. WONDWOSSEN:

11 Q Okay. Could you identify yourself?

12 A John Shuler, you said spell the name?

13 CHAIRPERSON ANDERSON: Yes, please.

14 MR. SHULER: J-O-H-N S-H-U-L-E-R.

15 MS. WONDWOSSEN: John, would you
16 explain what happened that day?

17 MR. SHULER: Okay.

18 BY MS. WONDWOSSEN:

19 Q On the 24th?

20 A On the 24th? I was running food and
21 drinks up and the stairs. I got a phone call
22 saying that it was an altercation that was about

1 to occur.

2 I went up stairs, diffused the
3 altercation, got the people outside. And then,
4 once we got all the people outside, we called --
5 before we got the people outside, we called 9-1-1
6 to tell them to get out -- to come because there
7 was a disturbance.

8 MS. WONDWOSSEN: I don't have anything
9 else. I don't have any answer.

10 CHAIRPERSON ANDERSON: You don't have
11 any other questions? You don't have any other
12 questions for him?

13 MS. WONDWOSSEN: No, no, sir. I don't
14 know what to ask him.

15 CHAIRPERSON ANDERSON: All right, Mr.
16 Adams?

17 CROSS EXAMINATION

18 BY MR. ADAMS:

19 Q Yes, how are you doing, Mr. Shuler?

20 A Fine, you?

21 Q Good, good.

22 All right, so you said that you're

1 running food and drinks?

2 A Yes, well, you know, sometimes when
3 it's busy, you know, we'll all take turns running
4 food and drinks because there's a lot of -- not
5 drinks, like if they run out of something, they
6 might need soda for the bar. Or if they may need
7 like a bottle of liquor, you know, for the bar,
8 so that's what I mean about running drinks.

9 So, they'd be like, hey, do you have
10 any more, let's say, Hennessy. I would take the
11 bottle of Hennessy upstairs.

12 Or, if they like a, let's say, they
13 have like six orders of food and the one person
14 can't carry all of it up, I would, you know,
15 assist with taking up the food.

16 Q So, on the -- and so, first of all,
17 there -- this -- we're talking about the 23rd and
18 24th?

19 A Yes.

20 Q All right. So, on the 23rd and 24th,
21 you took food upstairs?

22 A Yes, you know, that was part of my job

1 what I did, you know, to assist.

2 Q So, the establishment had menu that
3 night?

4 A Sir?

5 Q They had a menu that night?

6 A Yes.

7 Q Okay. Do you remember what food was
8 delivered that night?

9 A We -- on the menu, we have assorted
10 wings. So, we have like lemon pepper, garlic,
11 honey barbeque.

12 CHAIRPERSON ANDERSON: Speak a little
13 bit slower.

14 MR. SHULER: Okay, I'm sorry.

15 CHAIRPERSON ANDERSON: Okay, please.

16 MR. SHULER: So, the menu, you know,
17 we have, you know, bar food. So, it was wings.

18 MR. ADAMS: So, naturally, with it
19 being bar food, so there's a bar on the second
20 floor?

21 MR. SHULER: Yes.

22 BY MR. ADAMS:

1 Q All right. That night, there was an
2 event on the second floor?

3 A Yes.

4 Q And, it was an open mic event?

5 A Yes.

6 Q And so, it was like they had -- it was
7 billed with different entertainers, correct?

8 A Yes.

9 Q Okay. And so, at some point, you
10 state that you were called to come upstairs?

11 A Yes.

12 Q And, you said because an altercation
13 was about to happen?

14 A Yes.

15 Q Okay. So, was it described to you
16 what altercation was about to happen?

17 A Well, when I got the phone call, the
18 bartender was like, hey, come upstairs, come
19 upstairs, I think they're about to fight.

20 Q And, you said they, did you who?

21 A No, no, sir.

22 Q Okay. And so, what did you see when

1 you got there?

2 A When I got upstairs, I saw two groups
3 of young ladies, like, you know, going back and
4 forth with each other. So, I told them they had
5 to leave.

6 So, when I told them they had to
7 leave, she said, I'm calling -- the bartender
8 said I'm calling the police. So, I said, yes,
9 call the police. So, she called 9-1-1.

10 Q Now, getting to they, you're saying
11 that those two ladies had to leave or everybody -
12 -

13 A I was telling everybody that they had
14 to leave because it was -- even though it was
15 like a short engage, I saw that it was -- it
16 wasn't going to kind of be, you know, like I just
17 -- my senses just went off it was like, you know
18 what? Let's just get everybody out because I
19 don't think that this is going to, you know, go
20 well.

21 Q All right. And so, you're saying --
22 so, more than 30 people were upstairs then?

1 A Yes, sir.

2 Q And, you said, all 30, you've got to
3 go right now?

4 A Yes, because, you know, like I said,
5 it just -- it just didn't feel, you know.

6 Q And, were the -- those females
7 fighting at the time?

8 A No, not at that time, they were just
9 rifting back and forth, rifting back and forth.
10 And then, it was like some males behind, like,
11 yo, get off my cousin, you know, rifting back.

12 So, at that point, I'm like, you know,
13 this -- it just didn't, you know.

14 Q Was anybody fighting at that time?

15 A No, not at that time. Not at that
16 particular time. But, as we were getting people
17 out, then the fight started.

18 Q All right. There's no -- as you're
19 getting people out, the fight started?

20 A Yes, yes.

21 Q Where did that occur?

22 A At the DJ booth.

1 Q At the DJ booth?

2 A Yes.

3 Q All right. And so, the DJ got injured
4 at that point?

5 A Yes.

6 Q Who -- okay, so you intervene with the
7 -- so who dealt with the DJ?

8 A Well, it was kind of a mixture of
9 both, and we -- there was also another security
10 personnel upstairs that was with the promoter.
11 So, we kind of collectively just like shooed
12 everybody out, like, just like, and they, like
13 they actually left like that.

14 Q Who was the security person?

15 A I didn't get his correct name, I'm
16 sorry about that.

17 Q Okay, what did he look like?

18 A A big guy.

19 Q Okay.

20 A A big guy. A big guy probably about
21 six -- I'm six-two, so he was bigger than me,
22 he's about six-four. I'm 189, he's probably

1 about, I want to say, 270. He was a big guy.

2 Q And so, essentially, for the people
3 that were upstairs, was that single security.
4 So, you're saying they had one security person
5 and that was by the promoter, correct?

6 A Yes.

7 Q Now, I've got to ask you a couple
8 questions. Now, we have some things that were
9 admitted before you testified.

10 A Okay.

11 Q This Safari D.C. has a social media
12 presence, correct?

13 A Yes.

14 Q All right. And, it has an Instagram
15 page?

16 A Yes.

17 Q All right. So, I want to show you
18 what's already admitted as Exhibit 6.

19 A Okay.

20 Q So, it looks like -- so that's a flyer
21 for the Eight Mile Hip Hop Showcase.

22 A Okay.

1 Q So, I see -- so the name on there is
2 Shuler's Safari D.C., correct?

3 A Yes.

4 Q All right. And, the Instagram page is
5 also Shuler's Safari D.C.?

6 A Yes, it's actually two pages. So, the
7 -- how we got that one, is the original page is
8 Safari D.C. We're not the admins of that page.
9 So, we weren't able to advertise food and stuff
10 that we were doing.

11 So, we created a Shuler's at Safari
12 page just to basically to let people know that we
13 have a location where we are now serving and
14 providing food.

15 Q Okay.

16 A Because I've owned a restaurant
17 before, so based on, you know, getting back into
18 the business and people know me for my food, I
19 wanted to let them know where I was because the
20 initial Instagram page, it had all East African
21 food and that's not my cuisine.

22 So, we created a page called Shuler's

1 at Safari basically telling them where the
2 Shuler's are, at Safari.

3 Q So, you run the kitchen for --

4 A Yes, yes, the kitchen, yes. Pretty
5 much the day to day, you know, the day to day
6 operations.

7 Q Board's indulgence.

8 And, why could you not edit the --

9 A Well, we wasn't the admins of the
10 page. We wasn't the administrators of the page
11 to, you know, to pretty much post things that we
12 wanted. We were limited, should I say, you know?

13 Q Limited by whom?

14 A Whoever the admin of the page was. I
15 couldn't tell you exactly who that was. I'm not
16 going to, you know, speculate. I just know, like
17 if we wanted to post something on the page, it
18 was kind of like difficult or we want to change
19 stuff.

20 So, we were getting calls -- we were
21 getting calls and inbox of people saying, well, I
22 thought you opened at this time, and you've got

1 this food on there, so we couldn't run the page.
2 You understand what I'm saying?

3 Q Okay.

4 A So, we just created it, we just, you
5 know, just created a page.

6 Q Okay, great, thanks.

7 A Yes.

8 MR. ADAMS: All right, I have no
9 further questions.

10 CHAIRPERSON ANDERSON: Yes, any
11 questions by any Board members?

12 Yes, Mr. Alberti?

13 MEMBER ALBERTI: Mr. Shuler, so let's
14 continue with this, is it Facebook page we were
15 just talking about, is that --

16 CHAIRPERSON ANDERSON: Instagram.

17 MEMBER ALBERTI: Instagram? All
18 right. And, you didn't have administrative
19 access to that Instagram page for Safari, right?

20 MR. SHULER: Right, right, right.

21 MEMBER ALBERTI: So, you couldn't make
22 changes?

1 MR. SHULER: Right.

2 MEMBER ALBERTI: And advertise the
3 fact that your food has changed?

4 MR. SHULER: Yes.

5 MEMBER ALBERTI: All right. Did you
6 ask the owner about this?

7 MR. SHULER: To be perfectly honest
8 with you, my wife was -- she -- that's like the
9 role that she plays. So, because we're a team,
10 so I'm pretty much the person that cooks the food
11 and, you know, puts together the menu and so
12 forth.

13 Those like the administrative stuff,
14 that's what she handles. So, I couldn't tell you
15 if she did or did not, I just know that that's
16 what she expressed to me about, you know, being
17 able to, you know, operate the page, so forth and
18 so on.

19 And, it was just a decision that we
20 made to just, you know, just create a page. We
21 didn't think it was no harm in just telling
22 people where we are.

1 MEMBER ALBERTI: So, you don't know
2 whether your wife called the owner or not?

3 MR. SHULER: I don't know, no, I
4 couldn't, I couldn't answer that question, sir.

5 MEMBER ALBERTI: So, that leads to my
6 next question, how often do you communicate with
7 the owner?

8 MR. SHULER: We communicate with him
9 fairly much. He stops by, he'll call me, you
10 know, stuff like that.

11 MEMBER ALBERTI: Okay. So, he stops
12 by. Does he live in the area?

13 MR. SHULER: I couldn't tell you that.

14 MEMBER ALBERTI: You don't know if he
15 lives in the area? Why would he stop by?

16 MR. SHULER: Well, he hasn't been by
17 recently because he's not -- he's out of time,
18 but he would stop.

19 MEMBER ALBERTI: Okay. When's the
20 last time he stopped by?

21 MR. SHULER: He left, I think, I want
22 to say December.

1 MEMBER ALBERTI: Pardon?

2 MR. SHULER: December, I believe.

3 MEMBER ALBERTI: So, from December to
4 February, he hasn't stopped by?

5 MR. SHULER: No.

6 MEMBER ALBERTI: Okay. Before he
7 left, how many times did he stop by between,
8 let's make -- let's step back a second.

9 MR. SHULER: Okay.

10 MEMBER ALBERTI: When did you become
11 associated with this establishment?

12 MR. SHULER: From between July and
13 August.

14 MEMBER ALBERTI: So, sometime in mid-
15 July, sometime in July of --

16 MR. SHULER: Yes.

17 MEMBER ALBERTI: -- 2018?

18 MR. SHULER: Yes, sir.

19 MEMBER ALBERTI: Okay. Between August
20 and December, how often did the owner stop by?

21 MR. SHULER: It would be three -- it
22 was like three to -- two to three times a week

1 because we were -- he was coming in, making sure
2 that everything was being ran.

3 Like I would -- I had like some things
4 that I was implementing. Like, I had a brunch,
5 so he would stop by on Sundays to see how the
6 brunch was going.

7 I had like just like things that I was
8 doing whiskey Wednesdays, you know, so he would
9 come, you know, he would -- the things like I
10 would come up with themes, margarita Mondays, you
11 know, so on and so forth.

12 So, he would come to see how, you
13 know, see how things were going, telling me
14 things that I should do and so forth and so on.

15 MEMBER ALBERTI: But, you don't have
16 a personal address for him, right?

17 MR. SHULER: I'm sure I have it in my
18 files, I don't know it off the top of my head,
19 sir.

20 MEMBER ALBERTI: But, you don't
21 remember where it is approximately?

22 MR. SHULER: Well, I would --

1 MEMBER ALBERTI: Is it on the East
2 Coast? The West Coast?

3 MR. SHULER: Oh, he lives here, I
4 mean, I'm sure he does live -- well, he has to
5 live not too far because if I would be there, he
6 would say, I'm on my way, he would, you know, he
7 would generally just show up.

8 And, you know, before I would open, he
9 would, you know, he be there.

10 MEMBER ALBERTI: When's the last time
11 you spoke to him?

12 MR. SHULER: I spoke with him, I want
13 to say December, but I speak to her because he
14 told me that I can speak with her if I had any,
15 you know, questions, concerns.

16 CHAIRPERSON ANDERSON: Who is her?

17 MR. SHULER: Nunu, I'm sorry.

18 CHAIRPERSON ANDERSON: All right.

19 MEMBER ALBERTI: Who?

20 MR. SHULER: Nunu.

21 MEMBER ALBERTI: Nunu?

22 MR. SHULER: Yes.

1 MEMBER ALBERTI: Who's that? What's
2 her last name?

3 MR. SHULER: I can't pronounce it.

4 MEMBER ALBERTI: Okay. Well, let the
5 record show it's the person who's representing
6 the establishment at this point and her name is -
7 - well, I think I have it here -- does anybody
8 have it for me?

9 CHAIRPERSON ANDERSON: The record will
10 reflect that it's a personal representative of
11 the establishment --

12 MEMBER ALBERTI: Okay.

13 CHAIRPERSON ANDERSON: -- of the
14 personal representative that --

15 MEMBER ALBERTI: Okay. Ms.
16 Wondwossen.

17 Okay, so you usually communicate
18 through her?

19 MR. SHULER: Yes.

20 MEMBER ALBERTI: Okay. Have you had
21 any other type of communication with the owner
22 since December? Written emails --

1 MR. SHULER: Yes, emails, yes, yes.

2 Yes, emails?

3 MEMBER ALBERTI: You have?

4 MR. SHULER: No, well, my wife does.

5 That's what I said, she handles that part of it.

6 So, she would be like, hey, I got an email, you

7 know, checking to see is everything okay.

8 MEMBER ALBERTI: When was the last
9 time she communicated with him?

10 MR. SHULER: I don't know.

11 MEMBER ALBERTI: What is your position
12 at this establishment?

13 MR. SHULER: Manager.

14 MEMBER ALBERTI: Pardon?

15 MR. SHULER: Manager.

16 MEMBER ALBERTI: So, are you an
17 employee of -- I'm sorry, the owner's name, Mr.
18 Teame?

19 MR. SHULER: No.

20 MEMBER ALBERTI: You're not an
21 employee?

22 MR. SHULER: I mean, I --

1 MEMBER ALBERTI: Who pays you?

2 MR. SHULER: Well, I generally pay
3 myself. So, based on profits made, what -- I pay
4 myself.

5 MEMBER ALBERTI: How do you pay
6 yourself?

7 MR. SHULER: Well, after I -- after
8 all the monies is made, after I pay the bills,
9 whatever's left over, then I can pay myself.

10 MEMBER ALBERTI: Do you pay yourself
11 in cash? Do you write a check?

12 MR. SHULER: Oh, oh, oh.

13 MEMBER ALBERTI: How do you pay
14 yourself?

15 MR. SHULER: I have an account. I
16 have a business account.

17 MEMBER ALBERTI: You have a business
18 account?

19 MR. SHULER: Yes.

20 MEMBER ALBERTI: Not Mr. Teame? You
21 say you pay yourself out of your personal
22 business account, not Mr. Teame's?

1 MR. SHULER: Yes.

2 MEMBER ALBERTI: So, explain to me
3 what -- how -- what your business relationship is
4 with Mr. Teame. It's an odd -- that's an odd
5 arrangement, so that's why I'm asking.

6 MS. WONDWOSSEN: Can I --

7 CHAIRPERSON ANDERSON: No, no, no.

8 Hold on.

9 MR. SHULER: I'm confused.

10 MEMBER ALBERTI: Okay, we're pausing?

11 CHAIRPERSON ANDERSON: Yes.

12 MEMBER ALBERTI: Okay.

13 CHAIRPERSON ANDERSON: If you can
14 answer the question, sir, answer the question.
15 If you can't answer the question --

16 MR. SHULER: I can't, I don't want to
17 -- I don't understand the line of questioning.

18 CHAIRPERSON ANDERSON: All right.

19 MEMBER ALBERTI: Can I rephrase it?

20 Do you have a contract with Mr. Teame?

21 MR. SHULER: Yes.

22 MEMBER ALBERTI: Okay. Just one

1 moment, please.

2 And, that contract authorizes you to
3 do what?

4 MR. SHULER: Operate as a manager.

5 MEMBER ALBERTI: That contract makes
6 you responsible for what functions?

7 MR. SHULER: Yes, because --

8 MEMBER ALBERTI: What functions? Tell
9 me, tell me all the functions that you are
10 responsible for.

11 MR. SHULER: Purchasing food, you
12 know, the day to day -- any of the day to day
13 operations that probably arise.

14 MEMBER ALBERTI: All right.

15 CHAIRPERSON ANDERSON: I --

16 MEMBER ALBERTI: Am I going beyond the
17 scope?

18 CHAIRPERSON ANDERSON: You're going
19 way beyond --

20 MEMBER ALBERTI: Okay.

21 CHAIRPERSON ANDERSON: -- the witness
22 had asked one question, been cross examination

1 but I think we're going way, way beyond the -- I
2 don't want to at this juncture to create any new
3 issues.

4 MEMBER ALBERTI: Okay, all right.

5 That is --

6 CHAIRPERSON ANDERSON: So, and I think
7 that's -- we're going there. It was not raised
8 by the Government, that's one of the reasons why
9 I was looking through the issues that the
10 Government presented.

11 MEMBER ALBERTI: And that's -- but --
12 okay.

13 CHAIRPERSON ANDERSON: So, and, but --

14 MEMBER ALBERTI: But I would like to
15 rephrase it because I believe Mr. Shuler said he
16 was the manager at some point.

17 CHAIRPERSON ANDERSON: He did say
18 that.

19 MEMBER ALBERTI: Okay.

20 So, as manager, what are your duties?

21 MR. SHULER: Purchase the food for the
22 bar, I mean, purchase food for the kitchen, so

1 when people come in and order food, they'll have
2 food.

3 Purchase alcohol, if need be. No,
4 every day stuff.

5 MEMBER ALBERTI: It's on you to tell
6 me. I'm sorry.

7 MR. SHULER: I thought I did.

8 MEMBER ALBERTI: So, only purchasing
9 food, order things for the bar?

10 MR. SHULER: Pay the bills.

11 MEMBER ALBERTI: Pay the bills?

12 MR. SHULER: Every day stuff.

13 MEMBER ALBERTI: Anything else?

14 MR. SHULER: Yes, just trash removal,
15 you know.

16 MEMBER ALBERTI: And that's it? I'm
17 relying on you, this is a serious topic here --

18 MR. SHULER: I understand and I --

19 MEMBER ALBERTI: I'm relying on you to
20 tell me everything you're responsible for as a
21 business person who --

22 MR. SHULER: If something breaks --

1 MEMBER ALBERTI: -- is not the owner

2 --

3 MR. SHULER: If something breaks, I
4 get somebody to fix it, everything that needs to
5 be done.

6 MEMBER ALBERTI: That's too vague.

7 But, I ==

8 MR. SHULER: I don't understand -- I
9 mean, I thought --

10 MEMBER ALBERTI: Okay. So, then
11 that's fine, you've answered my question. We can
12 move on, thank you.

13 CHAIRPERSON ANDERSON: All right, do
14 you have any other questions?

15 MEMBER ALBERTI: No.

16 CHAIRPERSON ANDERSON: Do we have any
17 other questions by any --

18 Yes, Mr. Silverstein?

19 MEMBER SILVERSTEIN: I want --

20 CHAIRPERSON ANDERSON: Turn your
21 microphone on.

22 MEMBER SILVERSTEIN: Okay, a number of

1 questions.

2 First of all, where do you purchase
3 your alcohol?

4 MR. SHULER: The Breakthrough and
5 Republic.

6 MEMBER SILVERSTEIN: Pardon?

7 MR. SHULER: Breakthrough and
8 Republic.

9 MEMBER SILVERSTEIN: Okay. And,
10 basically, who's in charge of the place?

11 MR. SHULER: Frez is in charge of the
12 place, I mean, he's --

13 MEMBER SILVERSTEIN: And, you're -- of
14 Safari?

15 MR. SHULER: Frez is in charge, he's
16 the owner.

17 MEMBER SILVERSTEIN: And, but he's in
18 -- where is he, Ethiopia or --

19 MR. SHULER: I couldn't tell you
20 exactly. He's -- I know he's out of the country.

21 MEMBER SILVERSTEIN: So, what happens
22 if something, I mean, what is your role if

1 something happens that requires a decision to be
2 made?

3 MR. SHULER: Make the decision. I
4 mean, it --

5 MEMBER SILVERSTEIN: You make the
6 decisions and you also take the money and pay
7 yourself from your own account?

8 MR. SHULER: I mean, when I say make
9 decisions, if we run out of chicken, I wouldn't
10 call him and say we're out of chicken, I just go
11 buy chicken.

12 MEMBER SILVERSTEIN: But if an event
13 happens in there that is perhaps an event of
14 violence or something that occurs, you might --

15 MR. SHULER: Well --

16 MEMBER SILVERSTEIN: -- that might in
17 some way affect your licensure?

18 MR. SHULER: Well, we've never --
19 basically, we sell food and we don't have events
20 like that on a normal basis. We don't have those
21 events.

22 We usually -- we pretty much sell

1 food, you know, people sit at the bar.

2 MEMBER SILVERSTEIN: Well, no one
3 does, I mean, no one schedules those things nor
4 can you ever really determine who comes in your
5 door and whether that person does something
6 stupid.

7 MR. SHULER: Yes, yes, sir,
8 absolutely.

9 MEMBER SILVERSTEIN: And, the best of
10 places, it happens in all kinds of places.

11 MR. SHULER: Yes, sir.

12 MEMBER SILVERSTEIN: When something
13 like that happens, sir, you are the one who
14 basically makes the decision because the owner is
15 several thousand miles away?

16 MR. SHULER: Nothing like that has
17 ever happened.

18 MEMBER SILVERSTEIN: Okay.

19 MR. SHULER: Nothing like that has
20 ever -- we've never had any problems with
21 anything.

22 MEMBER SILVERSTEIN: Thank you.

1 MR. SHULER: You're welcome.

2 CHAIRPERSON ANDERSON: Any other
3 questions of the Board members?

4 (NO AUDIBLE RESPONSE)

5 CHAIRPERSON ANDERSON: All right.

6 Mr. Adams and --

7 MR. ADAMS: Yes --

8 CHAIRPERSON ANDERSON: And I'm going
9 to say this nice, she's not an attorney, there
10 was an attorney here, there would have been major
11 objections, so I'm trying for you not to go too
12 far field based on the questions that the Board
13 asked.

14 MR. ADAMS: Based upon the questions
15 that the Board asked?

16 CHAIRPERSON ANDERSON: No, but I'm
17 saying, but the Board's questions were --

18 MR. ADAMS: Okay.

19 CHAIRPERSON ANDERSON: But you know
20 what I'm saying.

21 MR. ADAMS: Okay, I know what you're
22 saying.

1 CHAIRPERSON ANDERSON: All right. I'm
2 trying to keep some order within this process.

3 MR. ADAMS: Okay.

4 Mr. Shuler, you stated that you had a
5 contract with Mr. Teame, correct?

6 MR. SHULER: Yes.

7 BY MR. ADAMS:

8 Q When was that -- when did you enter
9 into that contract?

10 A August.

11 Q Is it written?

12 A Couldn't hear you.

13 Q Is it written?

14 A Yes.

15 Q In terms of purchasing alcohol and
16 food, what account do you use to do that?

17 A I use the Safari account.

18 Q The Safari account?

19 A Yes.

20 Q So, use of the Safari account to
21 purchase things, so money goes into the Safari
22 account as well?

1 A No, I just get a money order.

2 Q I'm sorry, does money go into the
3 Safari account?

4 A No.

5 Q No? At no point does money go into
6 the Safari account?

7 A No.

8 Q But money is coming out of the Safari
9 account?

10 A No.

11 Q But you said you pay money from the
12 Safari account.

13 A No, I didn't say that.

14 Q Okay. I believe you stated that when
15 you purchase alcohol, you pay it from the Safari
16 --

17 A No.

18 Q Okay, how do you pay it from?

19 A With a money order. I go take cash
20 and get a money order.

21 Q From your own cash?

22 A No, from monies made.

1 Q So, is monies made deposited anywhere?

2 A Yes.

3 Q Into where?

4 A Into my account.

5 Q To your account?

6 A Yes.

7 Q So, basically, all the cash -- so, I
8 can surmise that all cash made at Safari is
9 either cash on hand or goes into your account?

10 A Yes.

11 MR. ADAMS: I have no further
12 questions.

13 CHAIRPERSON ANDERSON: Do you have any
14 other questions you want to ask Mr. Shuler based
15 on the questions that were asked, ma'am?

16 MS. WONDWOSSEN: Mr. Shuler, are you
17 manager and promoter or are you a manager only?

18 MR. SHULER: Manager.

19 MS. WONDWOSSEN: You don't promote?

20 MR. SHULER: Well, I promote food,
21 like when we create a dish, I take a picture of
22 the dish and say, hey, we've got this at the, you

1 know, at the Safari.

2 MS. WONDWOSSEN: That's part of your
3 job duty?

4 MR. SHULER: Yes.

5 MS. WONDWOSSEN: Thank you.

6 CHAIRPERSON ANDERSON: Any other
7 questions? That's it?

8 Mr. Shuler, thank you very much for
9 your testimony. You can step down. Please do
10 not discuss the nature of your testimony with
11 anyone until this case is over.

12 Thank you.

13 Do you another witness you'd like to
14 call, ma'am?

15 MS. WONDWOSSEN: There is another one,
16 John, I don't know his last name.

17 CHAIRPERSON ANDERSON: All right, can
18 Mr. Shuler, can somebody get the other witness,
19 please?

20 You can go to the witness stand, sir.
21 Can you raise your right hand, please?

22 Do you swear or affirm to tell the

1 truth and nothing but the truth?

2 MR. HARRISON: Yes, sir.

3 CHAIRPERSON ANDERSON: All right,
4 there's a microphone, when you speak, please
5 speak into the microphone and the first question
6 I'll ask you before she asks some questions, can
7 you state and spell your name for the record,
8 please?

9 MR. HARRISON: Yes, sir. John
10 Harrison, J-O-H-N, last name, H-A-R-R-I-S-O-N.

11 CHAIRPERSON ANDERSON: All right, you
12 can ask him whatever questions you want to ask
13 him, ma'am.

14 WHEREUPON,

15 JOHN HARRISON
16 was called as a witness by Counsel for the
17 Respondent and, having been first duly sworn,
18 assumed the witness stand, was examined and
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MS. WONDWOSSEN:

22 Q Mr. Harrison, you've been in the

1 Safari D.C. Lounge on the 24th of February?

2 A Yes, ma'am.

3 Q Would you explain for them what
4 happened and what's your job there?

5 A I'm part of the staff facility, help
6 out short, running food, door, kind of one-size-
7 fits-all, do whatever needs to be done to support
8 the business.

9 That particular night, we had two
10 events upstairs. One went successful, no
11 problem. The second one, there was an incident
12 involving, apparently, the promoter and the acts.
13 It was kind of new to me, I was in the music a
14 number of years, but apparently, now, this
15 generation or new things that people pay to
16 perform. That's kind of new to me.

17 But, so apparently people paid to
18 perform, paid the promoter. The promoter left.
19 There was an altercation where they thought that
20 the DJ was in collaboration with the promoter and
21 they attacked the DJ.

22 John went upstairs, staff went

1 upstairs, diffused that situation, put everybody
2 out from the top level, the lounge at the club
3 level.

4 Opened the front door, everybody
5 exited. The get damaged, but I managed to lock
6 it back.

7 At that point, we went to check on the
8 disc jockey. We did call -- apparently, my top
9 bartender called 9-1-1 twice from her cell phone,
10 when the fight first initiated, she called and
11 then I think she called some six or seven minutes
12 later.

13 And the report it states that we
14 didn't call the police. I think that's because
15 we didn't call from the club phone, she called
16 from her cell phone because she was vertical to
17 the DJ booth where it was happening. She was
18 less than six feet from the incident.

19 At that time, as far as we knew, there
20 was no altercation outside. Everybody disbursed.
21 If, I mean, the time line, I looked at it on the
22 video, when I saw it, you see that when the

1 couple -- there's three people walking down the
2 street, a girl in the middle, two guys.

3 There's no crowd. There's no mass
4 people fighting. The incident was over as far as
5 we knew.

6 CHAIRPERSON ANDERSON: Any other
7 questions you want to ask him, ma'am?

8 MS. WONDWOSSEN: I don't have any
9 questions. Thank you.

10 CHAIRPERSON ANDERSON: Mr. Adams?

11 CROSS EXAMINATION

12 BY MR. ADAMS:

13 Q How are you doing, Mr. Harrison?

14 A How you doing?

15 Q All right, so, you said that you're
16 part of staff?

17 A Yes, sir.

18 Q What's your position?

19 A We're not big on titles there. I
20 guess I'd be an assistant manager.

21 Q Assistant manager?

22 A Swing manager, shift manager.

1 Q So, you don't have an official title?

2 A No.

3 Q It's something like an assistant
4 manager?

5 A Yes.

6 Q Who are you assistant manager to?

7 A Mr. John Shuler, the bar managers,
8 Crystal, Quincy.

9 Q Were you hired?

10 A Was I hired? Yes.

11 Q Okay, who were you hired by?

12 A John Shuler. I do a lot of volunteer
13 stuff there. It's not a paid by thing, it's just
14 a support situation.

15 Q Okay. So, okay, so, you're
16 volunteering for the establishment? But, John
17 Shuler brought you into the establishment?

18 A I've known the establishment actually
19 before he did.

20 Q But, in terms of your actually having
21 a role in the establishment, did that -- that
22 came after John Shuler arrived?

1 A Yes, sir.

2 Q So, that's after August 2018?

3 A Yes, I came a little later than that,
4 actually.

5 Q Later than that?

6 A Mm-hmm.

7 Q So, since you assist Mr. Shuler, who
8 provides the I guess the directions for the
9 establishment, is it Mr. Shuler or Mr. Teame?

10 A As far as direction in what?

11 Q In terms of what to do inside the
12 establishment like --

13 A Like day to day operations?

14 Q Yes, daily operations.

15 A Day to day operations, John decides,
16 you know, if, you know, who's working, schedule
17 wise, bartenders, server. I don't do the
18 schedule.

19 Q You don't do the schedule? He does
20 the scheduling?

21 A Yes, sir.

22 Q Do you have specific functions there?

1 A No, I'm diverse in clubs and the
2 entertainment field. So, I'm more of an advocate
3 or an advisor and it's to support him and the
4 staff.

5 Q So, advisor? All right. So, all
6 right, and by the way, have you ever been an ABC
7 manager for a restaurant in D.C.?

8 A No, not for D.C., no.

9 Q All right, so, turn to the 24th, did
10 you schedule the entertainment for that night?

11 A No, I'm sorry, I don't do any
12 scheduling.

13 Q Does the -- so, but the establishment
14 does schedule entertainment?

15 A Yes.

16 Q And, Mr. Shuler schedules that
17 entertainment for the establishment?

18 A Yes, booking is all done through Mr.
19 Shuler.

20 Q Booking is done through him? And so,
21 the -- and did the establishment have a social
22 media presence prior to Mr. Shuler coming in?

1 A I honestly don't know.

2 Q Okay.

3 A I would assume they did just because
4 they're a nightclub, lounge but maybe not.

5 Q Have you ever seen the social media?

6 A No.

7 Q Okay. So, there were two events that
8 night? Oh, okay, actually, so that night, so you
9 were there the whole time from 9:00 until,
10 unfortunately, when the event happened?

11 A No, actually I came in a little later,
12 probably 10:00, 10:30, somewhere in there.

13 Q Did you go upstairs while -- during
14 the event?

15 A Which event?

16 Q I apologize, there were two events.
17 So, first level, that was the birthday party,
18 correct?

19 A No, the first level is -- was one
20 event. It was a party.

21 Q And, that was a birthday party?

22 A There were two more events upstairs.

1 Q Two more events? Okay, so, what two
2 events were upstairs?

3 A There was a -- I don't know if it was
4 a birthday party, but it was a small jazz band.
5 It was a young lady singing and they came to --
6 mature crowd. They came, they ate, they drank
7 and they left.

8 Q Okay. And they had left already?

9 A Yes, I mean, the events didn't merge,
10 they were scheduled.

11 Q Oh, I see. So, the jazz event
12 happened at one time then it was the --

13 A Exactly.

14 Q Okay. And now --

15 A They entered, they left and the next
16 event transpired.

17 Q That was the hip hop event?

18 A I would assume so, yes.

19 Q I mean, it was hip hop, I mean it's
20 rap, right?

21 A Well, yes, you can say that.

22 Q Okay.

1 A I'm a different generation, so I'm,
2 you know.

3 Q All right.

4 A Don't call it hip hop, I, you know.

5 Q So, you said that people paid to
6 perform?

7 A That, if you check into it, that is --
8 to me, it was mind blowing, I've never heard of
9 that.

10 Q But, that night at Shuler Safari --

11 A They paid the promoter.

12 Q Huh?

13 A They paid the promoter, they didn't
14 pay the club. That's what I'm saying, this is a
15 new thing that apparently promoters are doing all
16 over D.C. clubs. So, if you manager an artist or
17 have an artist that may have a little popularity
18 or draw, and these guys want to get exposure,
19 they pay the manager of that artist to perform to
20 open.

21 I've heard of performing for free, but
22 these people actually pay the promoter to get a

1 few minutes to perform.

2 Q So, these folks were coming to this
3 event to get exposure like to the industry and
4 stuff, right?

5 A Yes, through the promoter, Mr. Blunt.

6 Q Mr. Blunt, all right. Have you met
7 Mr. Blunt before?

8 A In passing. I couldn't pick him out
9 of a crowd, but I mean, I've seen him there and
10 I've heard his name a lot.

11 Q So, when -- so, do you know how much
12 they charge?

13 A I heard a range from \$75 to \$250, I
14 honestly have no idea.

15 Q Okay.

16 A But, I do know that the disc jockey
17 apparently was trying to explain to them that he
18 didn't even know this, you know, he just -- he
19 wasn't part of that. He was just there to play
20 the music for the individual acts.

21 Q All right.

22 A And, apparently, let's say, that

1 basically it sounds like what happened is he over
2 booked. So, by the time people were supposed to
3 perform, this guy said he was next, she said she
4 was next and it caused a conflict.

5 And, they both all went at the DJ
6 like, hey, you're running this thing and the
7 promoter wasn't there.

8 So, I don't know if it was \$75 to
9 \$250, I have no actually -- I saw no money
10 transpire.

11 Q All right. Safari doesn't have it's
12 own security staff, right?

13 A It has in place people, but it does
14 not have any company, now we do.

15 Q Okay.

16 A A company has been retained.

17 Q All right. But, that night, you
18 didn't have security?

19 A There was a doorman there.

20 Q Who was the doorman?

21 A I don't know who he was.

22 Q Okay.

1 A He was there on behalf of Mr. Blunt.

2 Q How late did the doorman stay?

3 A I can tell you when the incident
4 happened, I didn't see him anywhere around
5 because I had to go that way to go upstairs. He
6 was there supposedly the doorman, but the only
7 thing I saw him do was collect money. He was not
8 on our behalf. He was there with Mr. Blunt.

9 Q Oh, so, he was with the promoter? So,
10 he was just collecting money at the door?

11 A Right, mm-hmm.

12 Q Was he checking IDs, did you notice
13 that?

14 A I did see him check an ID, but that
15 was when I first came in because I came in and
16 went upstairs and he apparently didn't know me
17 and he asked me for ID and I'm 52, so I'm
18 assuming that he was carding everybody.

19 Q You're just 52?

20 A Mm-hmm, 52 years young.

21 Q Okay. So, you said that, at some
22 point, Lolita made a phone -- or sorry, the

1 incident happened with the --

2 A The disc jockey.

3 Q -- disc jockey. And so, Lolita was
4 upstairs?

5 A Yes, she was behind the bar, she
6 called 9-1-1.

7 Q And so, there was doorman or anyone
8 else, it's just Lolita was the only person
9 upstairs for your staff?

10 A No, when the event happened, John went
11 upstairs, James, Devon, everybody the staff,
12 except me, because I went to the front door.

13 Q But nobody was upstairs until the
14 call, right?

15 A No, I think the call went out after
16 John got up there, because there was a -- I guess
17 the disagreement was going on in the booth before
18 actual blows started. And, once they started, I
19 think John was already up there and disbursed it,
20 him and whoever. I'm not sure if it was James or
21 the chef.

22 But, he basically dismantled it

1 himself.

2 Q So, were people fighting amongst each
3 other at all or weren't they fighting amongst
4 each other or were they all fighting with the DJ?

5 A The only fight we knew of was inside
6 where they attacked the DJ. They weren't --
7 which is, you know, they weren't -- it was almost
8 like they were together because they all felt
9 they had been wronged. So, they weren't fighting
10 each other.

11 Q But everybody went out at the same
12 time?

13 A Yes, we cleared the upstairs
14 immediately, cut the music off, everybody's got
15 to go and that was it.

16 I mean, there was a time lapse between
17 the fight and the unfortunate incident because,
18 like I stated, when the police came, they had to
19 knock to gain entrance. I opened the door.

20 Q That's two minutes, though. The time
21 lapse was two minutes, just two minutes, like 120
22 seconds.

1 A So, the fight upstairs --

2 Q I'm saying the fight upstairs and the
3 shooting.

4 A That's impossible. That's impossible.
5 That many people couldn't exit the block in two
6 minutes, first of all.

7 And, if you look at the camera for the
8 --

9 Q That's actually correct.

10 A If you look at the camera footage,
11 they were gone.

12 Q All right. So --

13 A You didn't see -- this was not -- I
14 mean, I've been in the pub business and industry
15 for a while. This was not an incident where a
16 fight broke out and they stumbled out the door
17 fighting in the street, somebody got shot. I've
18 seen plenty of those.

19 Q Okay.

20 A There was a time lapse from the fight
21 in the booth, enough time, you know, until people
22 left. You see in the video that is online, you

1 actually see the gentleman, a lady, and another
2 gentleman walk casually down the street, come
3 back and go back again.

4 Now, unless you're looking at high
5 speed time, that's not two minutes. There's no
6 way. We didn't even know there was a shooting
7 until the officer came in and gave me a card and
8 said homicide.

9 Q Wait a second then. All right, okay,
10 that's fine.

11 So, the beating might not have
12 happened, but the call was two minutes between
13 the call and for the -- so, is it possible that -
14 -

15 A You mean the call for the fight?

16 Q Right. So, your call -- the call that
17 came from Lolita didn't come until -- or Ms.
18 Johnson didn't come until after everyone was out,
19 right?

20 A No, no, sir. That call came -- the
21 first call I believe she did when the fight
22 initiated in the booth.

1 Q Okay, very well.

2 A And then, there was another one about
3 six to seven minutes later. We were still, I
4 mean, the building was clear -- almost clearing
5 or clear because they hadn't shown up yet.

6 Because one of the officers asked me
7 why did you guys say man with a gun? So, again,
8 I was like, what? There was no gun. There was a
9 fight upstairs, there were no weapons, no knives,
10 no chains, no bats.

11 There were a bunch of people swinging
12 on the DJ in a very small space.

13 Q You said you worked in the
14 entertainment business for a long time, correct?

15 A Yes.

16 Q So, is your expertise in security?

17 A Well, I was a tour manager, so I
18 supervised security. But, it's not my expertise.

19 MR. ADAMS: Okay. No further
20 questions.

21 CHAIRPERSON ANDERSON: Any question by
22 any of the Board members?

1 Yes, Mr. Alberti?

2 MEMBER ALBERTI: So, I'm -- Mr.
3 Harrison, I'm just curious, just so we have it on
4 the record, you said there were two events, one
5 was a jazz band.

6 MR. HARRISON: There were three
7 events, two upstairs.

8 MEMBER ALBERTI: Upstairs? I'm sorry,
9 two events upstairs, right?

10 MR. HARRISON: Mm-hmm.

11 MEMBER ALBERTI: The earlier one, in
12 the evening, what time did it end?

13 MR. HARRISON: I'm going to say
14 between 9:00 and 9:30 because the next event
15 started between 10:00 and 10:15, somewhere in
16 there.

17 MEMBER ALBERTI: Okay.

18 MR. HARRISON: It was a quick
19 turnaround.

20 MEMBER ALBERTI: Okay.

21 MR. HARRISON: Because the band packed
22 up and went to their next gig or whatever it was.

1 It was a small band.

2 MEMBER ALBERTI: So, were you upstairs
3 at all during the second event?

4 MR. HARRISON: Yes. I was up and
5 down, but not --

6 MEMBER ALBERTI: Up and down?

7 MR. HARRISON: -- when the actual
8 altercation broke out.

9 MEMBER ALBERTI: No, the event? But
10 during that event, I mean, the event went from
11 10:00 to --

12 MR. HARRISON: Yes, sir.

13 MEMBER ALBERTI: -- and then the fight
14 didn't happen until after 1:00, right? So, you
15 were up and down?

16 MR. HARRISON: Yes, I always go check
17 on the bartender and just, you know.

18 MEMBER ALBERTI: Just to observe what
19 was going on up there? All right.

20 MR. HARRISON: Yes.

21 MEMBER ALBERTI: Okay. Did you
22 observe any security guards up there?

1 MR. HARRISON: I saw the doorman come
2 up and go down. But, again, he was there with
3 the promoter. Now, John may have had some -- I'm
4 sorry, go ahead.

5 MEMBER ALBERTI: No, finish, I'm
6 sorry. Go ahead.

7 MR. HARRISON: John may have had
8 someone that I don't know about. Like I said,
9 I'm, you know, he may have had somebody there
10 because they don't -- on thing I know they
11 discussed was getting like shirts to be more
12 identifiable. So, he may have had someone there,
13 I don't -- I'm not going to say he didn't.

14 MEMBER ALBERTI: You didn't see
15 anybody who was identifiable?

16 MR. HARRISON: No, sir.

17 MEMBER ALBERTI: All right. And, the
18 only person you know of was doing security was
19 the doorman -- the person you described as the
20 doorman and he was hired by the promoter?

21 MR. HARRISON: Yes, as far --

22 MEMBER ALBERTI: As far as you know?

1 MR. HARRISON: As far as I know.

2 MEMBER ALBERTI: Okay. So, when
3 everyone exited, you got everyone out, right, or
4 supposed to? And, you said you locked the door?

5 MR. HARRISON: Yes, but let me
6 clarify. I got -- we got everybody out from
7 upstairs.

8 MEMBER ALBERTI: All right, yes.

9 MR. HARRISON: We did not clear the
10 second floor due to, you know --

11 MEMBER ALBERTI: The second floor?

12 MR. HARRISON: The first floor, I
13 apologize. We did not clear the ground level.

14 MEMBER ALBERTI: You didn't clear the
15 first floor? You cleared the second floor?

16 MR. HARRISON: Right, where the
17 incident was. These people wanted -- another
18 floor sitting at the bar eating and drinking.
19 There was nothing going on.

20 MEMBER ALBERTI: But, you know, the
21 party was still there, you were still serving,
22 right?

1 MR. HARRISON: On the first level.

2 MEMBER ALBERTI: Okay, great.

3 But you locked the door when the
4 people from the second floor came down and
5 exited, correct?

6 MR. HARRISON: Yes.

7 MEMBER ALBERTI: Why did you lock the
8 door?

9 MR. HARRISON: I locked the door once
10 they got out and secured the door and stayed. I
11 didn't lock and walk away, to make sure that
12 nobody was going to try to get in the club.

13 MEMBER ALBERTI: So, there was no one
14 else besides you who's responsible for not
15 letting them in, is that correct?

16 MR. HARRISON: I did lock the door,
17 yes. That was my doing.

18 MEMBER ALBERTI: But, you were the
19 only one responsible for making sure no one came
20 in, is that correct?

21 MR. HARRISON: Well, yes, at the time,
22 John was outside with the police, if I'm not

1 mistaken.

2 MEMBER ALBERTI: Who?

3 MR. HARRISON: Mr. Shuler.

4 MEMBER ALBERTI: Okay.

5 MR. HARRISON: I believe he was
6 already out there talking to the officers, I
7 think.

8 MEMBER ALBERTI: What about the
9 doorman? Where was he?

10 MR. HARRISON: I never stated that
11 there was -- the doorman the came up for the
12 promoter?

13 MEMBER ALBERTI: Yes.

14 MR. HARRISON: He -- well, I said that
15 earlier, I didn't see him again after the
16 incident. I didn't see him during the incident.
17 I saw him when I initially arrived.

18 MEMBER ALBERTI: When was the last you
19 -- when was the last time in the evening did you
20 see the doorman?

21 MR. HARRISON: 11:30, 12:00-ish?

22 MEMBER ALBERTI: Pardon?

1 MR. HARRISON: 11:30, 12:00-ish.

2 MEMBER ALBERTI: Okay, great, thank
3 you.

4 Now, you said you came to the
5 establishment, I think you meant -- meaning you
6 started either working and/or volunteering there
7 at some point?

8 MR. HARRISON: Yes, sir.

9 MEMBER ALBERTI: When was that?

10 MR. HARRISON: Actually, I don't have
11 an exact date, I would come up I would say
12 probably about a month after he signed his
13 paperwork, somewhere in there, maybe two weeks
14 afterwards.

15 MEMBER ALBERTI: Who signed the
16 paperwork?

17 MR. HARRISON: The -- when John took
18 over as manager.

19 MEMBER ALBERTI: Oh, okay. I'm sorry.

20 MR. HARRISON: If there was paperwork,
21 that was my assumption.

22 MEMBER ALBERTI: Okay.

1 MR. HARRISON: Because he took over as
2 manager.

3 MEMBER ALBERTI: So, just a week or
4 so, a couple weeks maybe after Mr. Shuler became
5 manager?

6 MR. HARRISON: Right. I mean, I was
7 around when he was going through and looking at
8 the property and things like that because I've
9 patronized the business before for years.

10 MEMBER ALBERTI: When did that start?
11 When did John start looking at the property?

12 MR. HARRISON: Oh, I don't know the
13 exact date.

14 MEMBER ALBERTI: Pardon?

15 MR. HARRISON: I don't know the exact
16 date.

17 MEMBER ALBERTI: Approximately when?
18 Was it January, February, later than that? When
19 was it?

20 MR. HARRISON: I have no honest answer
21 because I think he was talking to them --

22 MEMBER ALBERTI: When did you become

1 aware of him looking at the place?

2 MR. HARRISON: I'd say about a month
3 after he started there, when he solidified and
4 took over the kitchen and the day of the
5 operation.

6 MEMBER ALBERTI: He started -- when
7 did he start there?

8 MR. HARRISON: I want to say April,
9 but I could be way off. It's been about six
10 months, five or six months.

11 MEMBER ALBERTI: Okay. And, what was
12 he doing there from April until August, until he
13 became manager?

14 MR. HARRISON: I'm not sure if it was
15 hired as the manager originally. I believe he
16 was hired as the manager. So, he was doing day
17 to day operations, kitchen.

18 MEMBER ALBERTI: From April on?

19 MR. HARRISON: From when he became
20 manager, yes. That was my understanding.

21 MEMBER ALBERTI: Well, when did he
22 become manager, that's what --

1 MR. HARRISON: I'm -- I don't know, I
2 wasn't there when he dealt with the owners.

3 MEMBER ALBERTI: Okay.

4 MR. HARRISON: I came in after he was
5 a part of the management.

6 MEMBER ALBERTI: Okay.

7 MR. HARRISON: I came --

8 MEMBER ALBERTI: You came in after he
9 was part of the managing, and that was?

10 MR. HARRISON: From five or six months
11 ago.

12 MEMBER ALBERTI: Oh, five or six
13 months ago, so that would have put it August,
14 sound about right?

15 MR. HARRISON: Yes, mid-August.

16 MEMBER ALBERTI: And, before that, he
17 was there, but he wasn't -- and he was
18 functioning in some role, but he wasn't a manager
19 is that --

20 MR. HARRISON: No, I don't know that
21 to be true. I think he was just patronizing the
22 business, maybe he discussed it and maybe working

1 for them. I don't know.

2 MEMBER ALBERTI: Oh, all right. Okay,
3 very good. All right.

4 So, I'm trying to understand, your
5 work there, are you a volunteer or did you --

6 MR. HARRISON: Yes, I'm a little
7 strict and supposed to ask. I don't receive a
8 check, I don't ask for one.

9 MEMBER ALBERTI: Do you get any
10 compensation? Do you get any money at all for
11 your time?

12 MR. HARRISON: I'm trying to help him
13 succeed.

14 MEMBER ALBERTI: Do you get any money
15 at all for your time?

16 MR. HARRISON: No, sir.

17 MEMBER ALBERTI: Are you compensated?

18 MR. HARRISON: I mean, yes, the
19 traditional, you know, like dinner.

20 MEMBER ALBERTI: So, how are you
21 compensated for your time?

22 MR. HARRISON: I was not, other than

1 the occasional dinner or burger, but I wouldn't
2 consider it compensation.

3 MEMBER ALBERTI: Okay.

4 MR. HARRISON: I wasn't looking for
5 compensation.

6 MEMBER ALBERTI: So, you really had no
7 -- do you consider yourself as having
8 responsibilities there?

9 MR. HARRISON: I do, I feel like I'm
10 there to support him and do all that I can. So,
11 anything that I've done incorrectly would be --

12 MEMBER ALBERTI: What does that mean?
13 Do all you can?

14 MR. HARRISON: Anything that they
15 needed, just taking out the trash. If it's
16 running full because we're busy, if somebody
17 needs something from the store if we run out of
18 cups. I mean, it's all around support. When you
19 support somebody, you can't have your supporter.

20 MEMBER ALBERTI: You talked about
21 yourself -- when you say we got everybody out,
22 what -- who was we?

1 MR. HARRISON: I said we because John
2 -- I wasn't up there to break up the fight.

3 MEMBER ALBERTI: Pardon?

4 MR. HARRISON: I wasn't up there to
5 break up the fight.

6 MEMBER ALBERTI: Okay.

7 MR. HARRISON: John did that. So, as
8 he put everybody out, they came downstairs. So,
9 my part of getting them out was the door.

10 MEMBER ALBERTI: Okay. All right.
11 Did anyone else help John upstairs? I mean,
12 that's a big --

13 MR. HARRISON: I'm sure that, yes, I'm
14 not sure who it was, but I know all the staff
15 went up there and I went to the door.

16 MEMBER ALBERTI: Okay. Do you know
17 who the ABC managers are at the establishment?

18 MR. HARRISON: Crystal Brown, John
19 Shuler and Quincy, I believe.

20 MEMBER ALBERTI: Quincy? Do you know
21 a last name on Quincy?

22 MR. HARRISON: No, I don't know

1 Quincy's last name.

2 MEMBER ALBERTI: Okay. Was Quincy
3 there that evening?

4 MR. HARRISON: No.

5 MEMBER ALBERTI: Thank you, I have no
6 further questions.

7 CHAIRPERSON ANDERSON: Any other
8 questions of any of the Board members?

9 (NO AUDIBLE RESPONSE)

10 CHAIRPERSON ANDERSON: Mr. Adams, any
11 questions based on the questions that were asked
12 by the Board?

13 MR. ADAMS: No, Mr. Chairman.

14 CHAIRPERSON ANDERSON: Do you have any
15 final -- do you have any -- do need any
16 clarification questions to ask him, ma'am?

17 MS. WONDWOSSEN: No.

18 CHAIRPERSON ANDERSON: All right.

19 Mr. Harrison, thank you very much for
20 your testimony today. Please do not discuss the
21 nature of your testimony until this case is over.
22 And thank you for being here today, sir.

1 Do you have any other witnesses,
2 ma'am?

3 MS. WONDWOSSEN: No, sir.

4 CHAIRPERSON ANDERSON: Do you rest?

5 MS. WONDWOSSEN: Yes.

6 CHAIRPERSON ANDERSON: Does the
7 Government wish to -- do you want a couple of --
8 do you want a break or do you want to -- does the
9 Government wish to --

10 MR. ADAMS: I don't want to waste the
11 Board's time. So, I'll just go.

12 CHAIRPERSON ANDERSON: All right, so
13 the Government to make a closing?

14 MR. ADAMS: Yes, Mr. Chairman.

15 Yes, all right, yes, Mr. Chairman,
16 thank you very much for this Board. I know this
17 was an emergency hearing and, obviously,
18 understand that you have obligations and that
19 this took a long time.

20 And, the reason that the Government
21 brought five witnesses here, in part, we talked
22 about in the beginning, I said this establishment

1 is rogue. And, I think from the testimony that
2 you have heard today, we've established this
3 establishment is rogue and not in control.

4 Because it's not in control and not
5 accountable to anybody, then it creates a
6 situation where events like has happened.

7 First of all, it happened because of
8 the lack of accountability. And then, as a
9 result, this Board cannot lift the suspension
10 regardless of what happened because of the
11 complete lack of accountability.

12 Because, to be honest, members of the
13 Board, who the heck are you putting the
14 responsibility of this establishment to?

15 Obviously, there's a legal issue in
16 terms of power of attorney, but in terms of
17 control, we have no idea. Nothing put on the
18 record establishes where things are.

19 So, I want to go back to the issues
20 that we talked about at the top of the hearing.

21 First of all, talking about the
22 violent incidents themselves. And, the problems

1 here are laid apparent through the violent
2 indigents themselves.

3 First of all, let's talk about this
4 hearing, and that's the reason I wanted this
5 here. And, it's very unfortunate that someone
6 passed away from this.

7 But we have probably testimony
8 confirming that the victims were patrons of the
9 establishment. We have credible testimony from
10 Exhibit 1 that shows that this is -- the shell
11 casings were feet, not yards, not across the
12 street, not half a block away, literally, as
13 described by Lieutenant Jenkins, no more than
14 three yards, probably 30 feet away from the
15 establishment from another witness that -- from
16 Detective Bastian saying it was virtually no
17 distance from the establishment.

18 Regardless of whether or not there are
19 problems here, but these are people coming out of
20 the establishment.

21 Detective Bastian's video establishes
22 that the people had come into the restaurant

1 establishment and the very same people left out
2 of the establishment, the very same person is the
3 one who reached in to have the gun.

4 Now, what's not clear is what took
5 place in between any part, everybody went out the
6 establishment at the same time. They said that
7 there was a dispute, it wasn't broken up inside.
8 Apparently, it was a free for all on the poor
9 person who was the DJ. But, everybody went
10 outside.

11 In fact, there's evidence when
12 Lieutenant Jenkins has been confirmed by Mr.
13 Harrison that the door was broken. How would a
14 door break? A glass industrial door break unless
15 there's a mass exodus coming out?

16 Regardless of what you see on the
17 camera footage, and the fact that you also have
18 to credit testimony from police who arrived after
19 the shooting, after someone had been hurt, that
20 there are still 20 or 30 people on the sidewalk
21 outside the establishment. So, you have to
22 credit that.

1 Unfortunately, the camera view did not
2 pick that up. But there was a shooting.

3 The reason that I bring this up,
4 regardless of where it happened, somehow we have
5 a visible shooting, a shooting of two people and
6 one person died that nobody saw from the
7 establishment.

8 Is it possible? It surely is
9 possible, and no one, not a patron, nobody saw
10 anybody -- nothing happened. That is incredible,
11 almost to the point of being callous and extreme
12 callous, if not being almost obstructive.

13 But nevertheless, somehow we -- one of
14 the things we established on the record is that
15 the front of the establishment is glass, it's
16 clear.

17 And so, this thing happened only a few
18 feet away, the idea that no one saw anything
19 seems somewhat incredible and especially the
20 shocking this of seeing someone shooting down the
21 street showing that anybody could have heard, the
22 fact that only two people were injured may have

1 been a miracle.

2 And, unfortunately, you know, because
3 -- and also that they were not looking any aim or
4 any chance for anyone to ever being ran. I
5 understand with a gunshot and so maybe someone
6 would be reluctant to intervene and that's a
7 problem.

8 Let's talk about the assault. We have
9 about five versions of this assault at this
10 point. But -- and the thing -- the problem that
11 is -- the real problems that the versions are
12 most unbelievable are coming from the
13 establishment itself.

14 I think the -- we don't have -- we
15 have testimony from -- well, at least from our
16 investigators from the DJ who was injured saying
17 that was plausible.

18 Frankly, Mr. Harrison, helped us very
19 much so showing that this promoted event was
20 based not just upon cover charges for people
21 attending -- was for a cover charge for the
22 people who attend the event, he claims somewhere

1 between \$75 to \$250, meaning that, one can
2 understand why someone would be upset if they
3 didn't get their performance time.

4 You saw the flyer, it had a line up of
5 people that are there to perform. So, we
6 understand that that would have been problematic.
7 So, we understand that that would have given
8 potential motive, unfortunately, for this DJ to
9 be and if there's a problem.

10 You hear from Mr. Harrison that this
11 promoter essentially took the money and ran.
12 Took money from the front door, left the
13 establishment all together and took what
14 semblance of security or would have been which is
15 this doorman and was gone. And, unfortunately,
16 left the DJ to fend for himself.

17 And, as a result, he was injured by
18 several people in the establishment.

19 Now, the reason I'm bringing up the
20 assault in this instance is that, number one,
21 maybe there's not a way to control such an event
22 from happening. But, again, one of the factors

1 that we talked about earlier in my opening
2 statement, there's no security.

3 That there was security, even if
4 there's a verbal altercation and you have
5 sufficient security, we're talking about 60 -- at
6 least 60 people being there, security could have
7 intervened to control the situation.

8 Number two, in terms of the egress
9 from the establishment, if there was security
10 there, and security was properly trained, even if
11 everyone was en mass going on the DJ, number one,
12 could have potentially protected this DJ, could,
13 a minimum, protected the amount of injuries to
14 this DJ, but certainly would have kept a whole
15 mass of people from going out of the
16 establishment and maybe, hey, if these people --
17 if the security was civically responsible, may
18 have been able to identify who were the attackers
19 and be able to potentially to prevented what
20 occurred outside.

21 One of the things that has been
22 brought up was that there was only one person

1 from this establishment upstairs prior to the
2 incident. It was the bartender. What does the
3 bartender do? The bartender serves alcoholic
4 beverages, that's the only person upstairs. She
5 had to fend for herself, too, and would had to
6 make a call.

7 There was no one, even if you don't
8 have security, there wasn't even management
9 upstairs. Nobody had responsibility for the
10 establishment.

11 The establishment apparently
12 essentially sold -- rented out and allowed people
13 to do what may. So, as a result, that's -- that
14 presented an extreme and serious security
15 problem.

16 And, based upon the incredible account
17 by Mr. Shuler, shows that it's consistent with
18 Investigator Dantzler's testimony that the
19 establishment, at the time, was reluctant to
20 provide information.

21 And to state to this Board is
22 providing a version of events that is non-

1 believable that you can say that it is ludicrous
2 and probably insulting.

3 In terms of the -- and we talked about
4 security and, frankly, and I'll go through the
5 law, but the establishment didn't have security
6 and they had a security plan that said that they
7 should have had security.

8 This communication issue is probably
9 the thing that is most concerning because we have
10 a situation of summary suspension. There are
11 things to be fixed.

12 When management is not telling the
13 truth, when management says that they don't
14 believe in talking to police and law enforcement,
15 when management doesn't show basic maturity or
16 any sense of responsibility, then that's not
17 something that can be fixed. That's not a
18 security plan issue, that's not a document issue,
19 that's simply putting in cameras.

20 That's a complete lack of
21 accountability. But, I think that the evidence
22 from the testimony supports that, frankly, basic

1 questions went unanswered, basic questions took
2 an hour for people to get answers for, basic
3 questions essentially, law enforcement and this
4 Agency itself was thwarted in its ability to
5 investigate this case.

6 And, again, makes -- raises the
7 question about why is communication so bad? Why
8 does the establishment have -- literally, the
9 establishment itself has three different versions
10 of what occurred that night.

11 Why would anyone tell an investigator
12 that they don't believe in speaking to law
13 enforcement? I mean, if they don't speak with
14 law enforcement, then who would they speak to?

15 Last -- well, the second to the last
16 issue is obviously the security camera. There
17 was no security camera footage because they have
18 security camera working there.

19 Obviously, that's a very fundamental
20 issue that the establishment that's hosting
21 events with multiple people, musical events that
22 they're hosting people at the establishment,

1 they're taking cover.

2 I mean, if we -- they rely on other
3 people to take cover using their endorsement to
4 take cover charges, that's a very basic idea.

5 The reason that we have so many gaps
6 in this -- in what we can present and, frankly,
7 even to help this license is because of their own
8 failure to do the basics.

9 I mean, at this point, footage or
10 security camera and footage can be done very
11 easily. So, that's -- there's no excuse for it
12 being down.

13 The most important thing here, not the
14 most important thing, but one of the fundamental
15 issues is, is that the establishment has a new
16 owner. I think there's enough information to say
17 that the establishment is owned by a different
18 entity than Frez Teame.

19 The witnesses have stated that Mr.
20 Shuler runs the day to day operations. The
21 witnesses have stated that Mr. Shuler was not
22 hired. The witnesses have stated that there's

1 some contract, but nobody knows what kind of
2 contract is.

3 The witnesses have stated the control
4 ultimately starts and stops with Mr. Shuler. The
5 witness stated that the arrangements for
6 promotions go through Mr. Shuler, not through
7 anybody else.

8 The witnesses stated that he runs the
9 kitchen and sets the menu.

10 The witnesses also stated that he
11 collects the money, that the money does not go to
12 Mr. Teame. The money does not go into a Safari
13 account, that essentially is all cash on hand and
14 he just takes the rest.

15 Without fear of being of paper --
16 something on paper that says, hey, we transferred
17 the ownership, that's the transfer of ownership,
18 oh, I forgot the most important thing. They're
19 already representing themselves on social media
20 as Shuler's at Safari D.C. That was constitute a
21 substantial change and a trade name violation.

22 But more importantly, again, if this

1 -- we could -- I understand the idea of what
2 could be done on paper and whether it's been
3 registered with this Agency or not, but I'm mean,
4 in terms of what would be considered to be basic
5 corporate governance, it seems that the real
6 owner of this establishment, the real president
7 of Safari Restaurant is actually Mr. Shuler, not
8 Mr. Teame.

9 And, frankly, since Mr. Teame is only
10 left -- been out of town for I think since
11 December when the power of attorney was issued,
12 based upon what has been represented, this
13 arrangement started far in advance.

14 So, without going -- I've taken enough
15 of your time, but this will be what has been
16 stated would certainly be violations of 258-823,
17 825, 823 Subsection 5 for licensee fail or
18 refusing to allow investigators or ABRA or to
19 otherwise to interfere with the investigation.

20 It would be a violation in 23
21 Subsection 6 to failure to follow the terms of a
22 settlement agreement and security plan.

1 It would be a violation of 25-797
2 Subsection A for the holder who possess on a site
3 sales and consumption permits to rent out and
4 provide licensed establishment to a third-party
5 or promoter for specific events and relinquishing
6 control of the licensee establishment for the
7 duration of an event including the modes of
8 ingress and egress and to include their staff to
9 the establishment, including bar and security
10 staff.

11 25-797 Subsection B of allowing the
12 establishment to control security personnel as
13 well as the establishment allowing someone to
14 escape the cover charges.

15 And, obviously, for 25-762 Subsection
16 A for an establishment making a substantial
17 change to the nature of the establishment.

18 In the end, there are so many problems
19 with this establishment that, based upon what
20 occurred inside and what occurred outside,
21 regardless of how it occurred, that it present an
22 imminent -- it presents itself as an imminent

1 danger to the safety and health of the public
2 because it lacks any form of accountability and
3 control on paper, accountability and control to
4 this Board.

5 It literally had -- it's literally
6 virtually an unlicensed establishment. So, as a
7 result, the only thing that this Board can do is
8 to continue the suspension and leave to the Board
9 any determination of whether we should move
10 forward with -- if the Board finds conditions for
11 allowing reopening or if we should move forward
12 toward revocation.

13 Thank you.

14 CHAIRPERSON ANDERSON: What is it you
15 want us to do, ma'am?

16 MS. WONDWOSSEN: I don't know.

17 CHAIRPERSON ANDERSON: Huh?

18 MS. WONDWOSSEN: I don't know what to
19 do.

20 CHAIRPERSON ANDERSON: What is it you
21 want the Board to do? What is it you want to
22 tell me?

1 MS. WONDWOSSEN: Well, give me another
2 chance.

3 CHAIRPERSON ANDERSON: I'm sorry?

4 MS. WONDWOSSEN: I just asking the
5 Board to give me another chance.

6 CHAIRPERSON ANDERSON: What do you
7 mean give you another chance? Be specific.

8 MS. WONDWOSSEN: I mean --

9 CHAIRPERSON ANDERSON: No, no, no, no,
10 no, this isn't an argument.

11 MS. WONDWOSSEN: I think the owner, he
12 would be here like two weeks or three, but the --

13 CHAIRPERSON ANDERSON: So --

14 MS. WONDWOSSEN: -- business to open
15 it and whenever he's coming, whatever, another
16 hearing if you want or punishment or penalty,
17 whatever.

18 CHAIRPERSON ANDERSON: So, you -- tell
19 me what you want to say? You want us to give you
20 your license back so you can operate?

21 MS. WONDWOSSEN: Yes, please, that's
22 what I want.

1 CHAIRPERSON ANDERSON: So, you heard
2 the Government made these arguments to say these
3 are all the problems. How are -- I'm just
4 asking, but so based on what the Government said
5 what the problems are, you're just saying to the
6 Board that the Board should just open the
7 business back?

8 MS. WONDWOSSEN: From what I know,
9 what I understand is the owner is still owner,
10 the sole owner is Frez Teame.

11 CHAIRPERSON ANDERSON: All right.

12 MS. WONDWOSSEN: The rest -- the
13 management, what they have deal. I for sure, I
14 don't have any clue, nothing. I don't know
15 nothing for that thing.

16 The only things I know that he give me
17 this authority like when anything was happen for
18 that place and if any problem they have, they
19 contact me.

20 They do contact me before, but I don't
21 know what his decision -- the management decision
22 was really weak. And, I know that seemed a big

1 mistake.

2 We don't have any security, yes,
3 that's really wrong. I know the ABC law. And we
4 don't have camera, cameras was broke for long and
5 we don't have that kind of accident and don't get
6 that shaking or something. Yes, we don't have a
7 camera. Camera was out, it's not because August,
8 because we thought it was not working, it was
9 rain or something like that. But we'll fix that
10 one, too.

11 We do fix whatever they ask ever, I
12 mean, the ABC Board. The rest I don't know what
13 to say and just give me another chance.

14 CHAIRPERSON ANDERSON: All right.

15 Do the parties wish to follow proposed
16 findings of fact and conclusion of law or we have
17 the right to do so?

18 MR. ADAMS: No, Mr. Chairman, we do
19 not intend to file a written argument.

20 CHAIRPERSON ANDERSON: What that means
21 is that do you want just the Board to make a
22 decision on the presentation that was made today

1 or do you want to go write something?

2 MS. WONDWOSSEN: No, we -- you decide.

3 CHAIRPERSON ANDERSON: Okay.

4 As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia in accordance with D.C. Official Code
7 Section 2574b of the Open Meetings Act, I move
8 that the ABC Board hold a closed meeting for the
9 purpose of seeking legal advice from our counsel
10 on Case Number 19-251-00034, Safari Restaurant
11 and Lounge pursuant to D.C. Official Code Section
12 2574(b)(4) of the Open Meetings Act and
13 deliberating upon Case Number 19-251-00034,
14 Safari Restaurant and Lounge for the reasons
15 cited in D.C. Official Code Section 2574(b)(13)
16 of the Open Meetings Act.

17 Is there a second?

18 MEMBER SILVERSTEIN: Second.

19 CHAIRPERSON ANDERSON: Mr. Silverstein
20 has seconded the motion. I will now take a roll
21 call vote on the motion before us now that it has
22 been seconded.

1 Mr. Silverstein?

2 MEMBER SILVERSTEIN: I agree.

3 CHAIRPERSON ANDERSON: Mr. Alberti?

4 MEMBER ALBERTI: I agree.

5 CHAIRPERSON ANDERSON: Mr. Cato?

6 MEMBER CATO: I agree.

7 CHAIRPERSON ANDERSON: Mr. Anderson?

8 I agree.

9 As it appears that the motion has
10 passed I hereby give notice that the ABC Board
11 will recess these proceedings to hold a closed
12 meeting in the ABC Board Conference Room pursuant
13 to Section 2574b of the Open Meetings Act.

14 All right, we will move and adjourn
15 and make the decisions and we'll come back. I
16 think -- I need to find out the clarification
17 from our counsel if we're supposed to make a
18 decision today or do we have a time line to make
19 a decision, that I am not.

20 MR. ADAMS: In the past, sometimes the
21 Board have made decisions.

22 (OFF MICROPHONE COMMENTS)

1 CHAIRPERSON ANDERSON: All right.

2 (OFF MICROPHONE COMMENTS)

3 CHAIRPERSON ANDERSON: So, the Board
4 has to issue a decision by when?

5 PARTICIPANT: Three business days.

6 CHAIRPERSON ANDERSON: So, the Board
7 will issue a decision within three business days
8 from today whether or not we are going to allow
9 the establishment to be opened under certain
10 conditions or whether or not we are -- I think
11 what the Government has asked that we continue
12 the suspension of revocation, and so, therefore,
13 the Board, based on what's presented today, the
14 Board will make a determination whether or not we
15 will continue the suspension and maybe -- I don't
16 know what we're going to decide on whether or not
17 -- if we're going to allow it to open, what
18 conditions we'll use to allow it to open or
19 whether or not the Board will take the extreme to
20 relocate the license.

21 But, anyway, you will get a decision
22 in three business days from today.

1 Thank you.

2 MR. ADAMS: Thank you very much, Mr.

3 Chairman.

4 (OFF MICROPHONE COMMENTS)

5 CHAIRPERSON ANDERSON: All right, why

6 don't -- give us half an hour.

7 MR. ADAMS: Okay.

8 CHAIRPERSON ANDERSON: Give us half

9 and hour and if we're not going to issue a

10 decision within the next half an hour, I'll let

11 you know. Okay?

12 (Whereupon, the above-entitled matter

13 went off the record at 2:31 p.m. and resumed at

14 2:59 p.m.)

15 CHAIRPERSON ANDERSON: All right, we

16 are back on the record.

17 This was a summary suspension hearing.

18 There was an incident that occurred at the Safari

19 Lounge on the 24th of February, unfortunately,

20 that an individual that resulted in loss of life.

21 But that's neither here or there.

22 But pursuant to the standard which is

1 Chapter 25826 that talks about summary suspension
2 for summary revocation or suspension.

3 Based on the presentation that was
4 made today, the recommendation I'm making to the
5 Board is that the licensee has not proven to us
6 that the danger has been removed and so the
7 recommendation for a vote is for the
8 establishment to remain closed until we have a
9 show cause hearing.

10 Is there a second?

11 MEMBER ALBERTI: Second.

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON ANDERSON: Both Mr.
14 Alberti and Mr. Silverstein have seconded the
15 motion.

16 All those in favor say aye.

17 (CHORUS OF AYES)

18 CHAIRPERSON ANDERSON: All those
19 opposed?

20 (NO AUDIBLE RESPONSE)

21 CHAIRPERSON ANDERSON: The matter
22 passes 4-0-0.

1 So the decision of the Board today is
2 that the danger still exists. The establishment
3 will remain closed until we have a show cause
4 hearing and the matter can be appealed.

5 The Government and the licensee can
6 work towards when is it that we're going to have
7 the show cause hearing and they can work on their
8 plan to see whether or not the Board -- at the
9 show cause hearing whether or not the Board will
10 lift the suspension.

11 Thank you. We are adjourned for the
12 day.

13 (Whereupon, the above-entitled matter
14 went off the record at 3:01 p.m.)

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