

ALSO PRESENT:

STEPHEN O'BRIEN, Licensee's Counsel

THOMAS HALL, Licensee

THOMAS KING, Licensee

TAVRIL PROUT, ABRA

CHRISTIAN TOBE, MPD

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

2 1:52 p.m.

3 CHAIRPERSON ANDERSON: All right. So
4 our next case is a fact-finding case hearing.
5 Case Number 1925100052. DC Shenanigans, License
6 Number 88119.

7 Will the parties please approach and
8 identify themselves for the record, please?

9 MR. O'BRIEN: Stephen O'Brien for the
10 licensee.

11 CHAIRPERSON ANDERSON: Mr. O'Brien.

12 MR. O'BRIEN: Accompanied by Thomas
13 Hall to my immediate left, and Thomas King to my
14 far left.

15 CHAIRPERSON ANDERSON: Thomas Hall and
16 Thomas --

17 MR. O'BRIEN: King and Hall.

18 CHAIRPERSON ANDERSON: King and Hall.
19 Okay.

20 MR. O'BRIEN: Who are the principals
21 of the licensee.

22 CHAIRPERSON ANDERSON: All right.

1 Thank you.

2 INVESTIGATOR PROUT: I'm Investigator
3 Prout with ABRA.

4 CHAIRPERSON ANDERSON: Good afternoon
5 Investigator Prout.

6 SERGEANT TOBE: And I'm Sergeant Tobe
7 with the Metropolitan Police Department.

8 CHAIRPERSON ANDERSON: Good afternoon
9 Sergeant Tobe. Now, this is a fact finding
10 hearing that was requested by the Chief of
11 Police.

12 And it stems from a March 2, 2019
13 enforcement investigation that was -- regarding
14 an altercation that occurred between three male
15 patrons.

16 Now, my only concern was -- that the
17 Board has that it doesn't appear that the cameras
18 recorded. And it doesn't appear that there was
19 any working.

20 And I guess this is a CT. So, do you
21 guys have -- do they have a security plan?

22 MR. O'BRIEN: Yes, sir.

1 CHAIRPERSON ANDERSON: And is your
2 client aware that as part of our regulations that
3 if your camera is not working, -- the camera was
4 not working, or was it just not -- was it not
5 recording?

6 MR. O'BRIEN: Well, the security plan
7 based at 2014. And it -- the security plan does
8 not require cameras.

9 CHAIRPERSON ANDERSON: Okay. All
10 right. All right. Okay.

11 MR. O'BRIEN: But then I -- but to
12 finish I think where you're going --

13 CHAIRPERSON ANDERSON: No. I was
14 about to say that if your -- to see if your
15 security plan is a -- security plan requires
16 cameras that our regulation states that if your
17 cameras are not working, that the licensee is
18 supposed to advise the Board.

19 To take proactive steps to advise the
20 Board that your camera is not working. So it
21 shouldn't be that we go to an establishment and
22 the camera is not working.

1 That you are supposed to know that
2 it's not working. And you need to advise the
3 Board that a camera is not working.

4 I was just --

5 MR. O'BRIEN: No. I understand. But
6 it's -- as the Chair has recognized, if a
7 security plan doesn't require cameras in the
8 first place.

9 CHAIRPERSON ANDERSON: Right.

10 MR. O'BRIEN: Okay. I'm told that
11 this business was established in 2011. Am I
12 correct?

13 The cameras that the investigator
14 observed were there when they took over from the
15 predecessor operator. And in all the time
16 they've been there, have never worked and never
17 been utilized.

18 They're dead -- they were dead cameras
19 that were sitting there.

20 MR. KING: Actually, you can view.
21 They don't record.

22 MR. O'BRIEN: Oh. All right. Could

1 you always view?

2 MR. HALL: Certain cameras at certain
3 parts.

4 MR. O'BRIEN: Even up too currently?

5 MR. HALL: Yes. You could.

6 MR. O'BRIEN: Okay.

7 MR. KING: The -- it goes with the --
8 we saw the Chief's request, the camera system now
9 records.

10 MR. O'BRIEN: All right.

11 MR. KING: And I have the receipt to
12 show it.

13 CHAIRPERSON ANDERSON: All right. So
14 what I'll do then is I'll start with the
15 investigator. And then I'll have him,
16 Investigator Prout, Prout will tell us a little
17 about the report.

18 And then you can respond. And so,
19 Investigator Prout, can you introduce yourself
20 for the record, please?

21 INVESTIGATOR PROUT: Yes, sir. My
22 name is Investigator Tavril Prout.

1 MEMBER SILVERSTEIN: Could you please
2 speak up, sir?

3 CHAIRPERSON ANDERSON: And speak --
4 you can pull the microphone closer. And I am
5 aware that you're -- no, not that one.

6 The other one. That, yeah that's it.
7 That's the recorder for the transcriber. That's
8 the report.

9 And I know this is your first, at
10 least this is the first time you are appearing in
11 front of me to testify. So, don't be nervous. I
12 won't bite you.

13 And just so you -- tell us your name
14 for the record. And how are you familiar with
15 this establishment?

16 INVESTIGATOR PROUT: Yes. So, my name
17 is Tavril Prout. And I am an investigator for
18 ABRA. On Saturday, March 2, I responded to a
19 call to the ABRA line from the Metropolitan
20 Police Department.

21 It was stated an aggravated assault
22 had just taken place inside of DC Shenanigans

1 located at 2450 18th Street, NW. Involving one
2 male patron, who was struck in the face multiple
3 times with a closed fist by two unknown male
4 patrons.

5 Upon arrival on Saturday, March 2,
6 2019, I interviewed the responding MPD Officer,
7 Benitez Garcia, on an aggravated assault that
8 occurred resulting in one male patron being
9 treated at George Washington University Hospital
10 for a fractured skull, nose, and internal
11 bleeding.

12 With one suspect arrested, treated for
13 abrasions on the right hand at George Washington
14 University Hospital. And then transported to
15 PD's Third District for processing.

16 CHAIRPERSON ANDERSON: This is what I
17 want you to do. You don't have to read your
18 report word for word. Just summarize what
19 happened.

20 INVESTIGATOR PROUT: Okay.

21 CHAIRPERSON ANDERSON: And what --
22 what were your findings as a result of your

1 investigation.

2 INVESTIGATOR PROUT: So, on March 2 I
3 arrived to DC Shenanigans. We received a call
4 for an aggravated assault that occurred.

5 A male patron was struck in the face
6 by two male patrons. One male patron was holding
7 the victim up against the bar.

8 And the alleged brother struck him in
9 the face. The victim lost consciousness. And he
10 was transported to George Washington University
11 Hospital.

12 From the last conversation I had with
13 MPD, he was in an induced coma. He is from
14 Australia.

15 The cameras were not working in the
16 establishment. An incident report was taken.
17 And medical attention was provided by the ABC
18 Manager, Sean Griffith, who was on duty on that
19 evening.

20 After the assault transpired, the
21 licensee did take reasonable steps in contacting
22 MPD in a timely manner.

1 CHAIRPERSON ANDERSON: So, did you
2 see, as a result of your investigation, did you
3 see any violation that occurred at -- at the
4 establishment?

5 INVESTIGATOR PROUT: No.

6 CHAIRPERSON ANDERSON: And did the
7 licensee cooperate with you in you conducting
8 your investigation?

9 INVESTIGATOR PROUT: Yes, sir. I did
10 take the opportunity to review their security
11 plan. And they did have four security staff on
12 duty. Which is in correspondence with what the
13 security plan states.

14 CHAIRPERSON ANDERSON: Okay. Do you
15 have anything else you want to add?

16 INVESTIGATOR PROUT: The only concern
17 that I do have, was already brought up by the
18 Board, is that the cameras are not able to
19 record.

20 MEMBER SILVERSTEIN: Will you say
21 again?

22 INVESTIGATOR PROUT: The -- so my only

1 concern that I have at this current time is that
2 the cameras inside the establishment are unable
3 to record.

4 CHAIRPERSON ANDERSON: Now, I heard
5 there was a statement by the licensee that that
6 has been corrected. Was that information
7 provided to you prior to this hearing?

8 INVESTIGATOR PROUT: No.

9 CHAIRPERSON ANDERSON: So you weren't
10 aware that they had taken any steps to correct
11 that?

12 INVESTIGATOR PROUT: No, sir.

13 CHAIRPERSON ANDERSON: All right. All
14 right. Sergeant? Sergeant Tobe?

15 SERGEANT TOBE: Yes?

16 CHAIRPERSON ANDERSON: This is one of
17 the reasons why we had the spec line in here.
18 And it's because the Chief of Police had
19 requested that we have that.

20 And so, what -- what if anything, can
21 you add to this hearing?

22 SERGEANT TOBE: One thing I'd like to

1 add, as far as the on-scene investigation went,
2 their security did an excellent job in helping
3 us. Not only alert us to the situation, but also
4 to close the case.

5 They flagged us down immediately. And
6 a couple of the staff members actually were able
7 to act as witnesses. And we were able to get the
8 case closed immediately when they -- when they
9 were able to point out to us.

10 They gave us a good description to go
11 on as to who was the suspect in this case. We
12 were able to make a stop right outside of the bar
13 by the bus stop, on the individual that had
14 actually committed the crime.

15 And they assisted us when we did the
16 show up. And actually were crucial in helping us
17 close this case.

18 So, we were impressed with what they
19 did on scene. So, it's very much complimentary
20 of how they helped us that night, so.

21 CHAIRPERSON ANDERSON: Mr. O'Brien,
22 the Sergeant, right?

1 SERGEANT TOBE: Yes, Sergeant.

2 CHAIRPERSON ANDERSON: The Sergeant
3 made -- made your job that much easier.

4 MR. O'BRIEN: (Laughing)

5 CHAIRPERSON ANDERSON: But what is
6 that you can add? Sir, if your lawyer said that
7 you can speak, then you can speak.

8 So -- so, Mr. O'Brien, what can you
9 now, you're -- based on the investigation and
10 information by the Sergeant, how does the
11 licensee respond?

12 MR. O'BRIEN: Well, Mr. Chair, one of
13 the thing a lawyer learns only through experience
14 and seasoning is when not to say anything more.

15 CHAIRPERSON ANDERSON: Right.

16 MR. O'BRIEN: But -- and I thank the
17 Sergeant and the Investigator for their very
18 frank and helpful description of what happened.

19 I did discuss with the clients, the
20 issue of cameras. I did tell them that they were
21 not in violation.

22 That it was not required by the

1 security plan. But I thought it was an awful
2 good idea, and I thought they would look a lot
3 better today in front of the Board, to say that
4 they have installed working cameras.

5 Now working and recording cameras.
6 And I am told, and given some documentation here
7 that they have.

8 CHAIRPERSON ANDERSON: All right.

9 MR. O'BRIEN: That there are no
10 cameras, --

11 MR. KING: Yes, sir.

12 CHAIRPERSON ANDERSON: How many
13 cameras?

14 MR. O'BRIEN: Recording for up to 30
15 days.

16 CHAIRPERSON ANDERSON: How many
17 cameras do you have? And how long can -- do they
18 record for?

19 MR. KING: Eight days, I mean, or
20 excuse me, eight cameras. And they record up for
21 a month.

22 CHAIRPERSON ANDERSON: For 30 days.

1 Would you, Mr. O'Brien again, this is a fact-
2 finding hearing.

3 And would your client be averse to an
4 Investigator go to the establishment to look at
5 the cameras to make sure that they're -- to
6 assist to see if there are any blind spots?

7 MR. O'BRIEN: Not adverse, rather
8 welcomed.

9 CHAIRPERSON ANDERSON: So, I would --
10 I am requesting that the Agency work with the
11 licensee to go to the establishment to check on
12 the location of the cameras to see if there are
13 any obvious blind spots.

14 MEMBER SHORT: Do they have a security
15 plan?

16 CHAIRPERSON ANDERSON: They do have a
17 security plan. And I guess, it's a CT?

18 MR. O'BRIEN: It is.

19 CHAIRPERSON ANDERSON: So, I'm not
20 going to -- they have a secure all voids that are
21 -- I guess Mr. O'Brien, I know you had stated
22 that they're updated there.

1 Do you know whether or not the
2 security plan that they have is a -- has it been
3 updated? Is it current?

4 Is it current with our current rules
5 and regulations? And if it's not, would you be
6 averse to providing the Agency with an updated?

7 And this is, it's an updated security
8 plan that's --

9 MEMBER SHORT: Sufficient, yeah.

10 CHAIRPERSON ANDERSON: That's legally
11 sufficient?

12 MR. O'BRIEN: Well, I believe the
13 present plan to be legally sufficient.

14 CHAIRPERSON ANDERSON: I don't know.

15 MR. O'BRIEN: It's been reviewed and
16 approved by the Board's legal staff.

17 MR. KING: We actually added another
18 security person to the plan.

19 MR. O'BRIEN: Yeah.

20 MR. KING: To roam around. We added
21 a person to roam. We have a person at the front
22 door, second floor, first floor.

1 And we have a fourth person that, you
2 know, goes -- roams around. Put an extra set of
3 eyes on where it's busiest on the night.

4 CHAIRPERSON ANDERSON: Let me -- now,
5 I see why the -- tell me about the security
6 procedures. I see one of the things that came up
7 in the report was that when the clientele goes in
8 there, they're not wand.

9 I mean, what's that about?

10 MR. HALL: Go ahead, sir?

11 CHAIRPERSON ANDERSON: They're not
12 wanded.

13 MR. HALL: They're not wanded?

14 CHAIRPERSON ANDERSON: Yes.

15 MR. HALL: We just don't have a --
16 this is a pub. This is a pub that plays Irish
17 music and throwback music.

18 We only even have the upstairs open
19 out of the 88 hours a week we're open, the
20 upstairs is open a grand total of nine. So we're
21 barely even open upstairs.

22 We've never had a weapon used ever.

1 Just a, you know, we only know of a couple of
2 incidents period in the eight years where there's
3 an altercation inside the place.

4 So, we -- and we don't like using, it,
5 because we have a very high contingent of females
6 in our place. There's a lot of females come in.

7 And they tend not to like. They tend
8 to shun upon being wanded. They think it's a
9 dangerous place.

10 And we think that would hurt our
11 reputation. That's why we never did it.

12 CHAIRPERSON ANDERSON: I'm not -- I
13 cannot tell you what to do or -- what to do or
14 what not to do.

15 But now you are aware of certain
16 dangers that are out there. So, as long as you
17 take appropriate measures that you think works
18 with the operation of your business.

19 And you have to keep that in
20 consideration.

21 MR. O'BRIEN: Mr. Chair, may I
22 emphasize that the instant matter, the March 2

1 matter did not involve a weapon.

2 CHAIRPERSON ANDERSON: All right.

3 MR. O'BRIEN: So, wanding would not
4 have made any difference.

5 CHAIRPERSON ANDERSON: Right.

6 MR. O'BRIEN: And there's no history
7 of weapon problems.

8 MR. HALL: There's never been weapons.

9 MR. O'BRIEN: This is not a nightclub
10 is what he's saying.

11 CHAIRPERSON ANDERSON: I know. I'm
12 given certain notes. And that was one of the key
13 points I was told to touch.

14 So, that's the reason why I had asked.

15 MR. O'BRIEN: Yes, sir.

16 CHAIRPERSON ANDERSON: Anything else
17 you want to add?

18 MR. O'BRIEN: No. Well, the licensee
19 regrets anything like this happening. It
20 happened.

21 The licensee dealt with it quickly.

22 I know the Board does not want to prolong this

1 hearing.

2 We do have the bartender present if
3 the Board needed to talk to him. Who, as soon as
4 this -- that it was not -- it's not like this was
5 a build up to a problem.

6 Or that you could sense that things
7 were going bad. It was very sudden. The
8 bartender immediately went over the bar to assist
9 the victim.

10 And as -- as Sergeant -- as the
11 Sergeant has said, assisted in all different
12 ways.

13 So, we did what we could once this
14 unexpected event transpired.

15 (Off mic comments)

16 MR. KING: One of our security is a
17 trained EMT.

18 MR. HALL: We have a security guy
19 that's a trained EMT.

20 MR. KING: So he treated him when they
21 were called.

22 MR. O'BRIEN: Okay. One of the

1 security personnel on duty that night is an
2 Emergency Medical Technician.

3 CHAIRPERSON ANDERSON: Okay.

4 MR. O'BRIEN: And is present. And
5 that individual treated the victim that night on
6 the spot.

7 CHAIRPERSON ANDERSON: Okay.

8 MR. O'BRIEN: And called for -- for
9 emergency assistance. The purpose of bringing
10 him and the bartender today was to show that we
11 did everything we could once this transpired.

12 If the Board wants to hear from either
13 -- either of them, they're certainly available.

14 CHAIRPERSON ANDERSON: If you want --
15 that -- it's your call Mr. O'Brien, if you want
16 the person to testify since there here.

17 If they want to add anything, I'm fine
18 with it.

19 MR. O'BRIEN: No. I think I'll leave
20 it as it is here.

21 CHAIRPERSON ANDERSON: Okay. All
22 right.

1 MEMBER SHORT: I'd like to make a
2 comment.

3 CHAIRPERSON ANDERSON: Yes. Go ahead
4 Mr. Short.

5 MEMBER SHORT: Well, I'd like to think
6 that it sounds like a lot of cooperation went on
7 between the ABRA person, Investigator, and MPD.
8 And thank you Sergeant for your service.

9 And it sounds like you have an EMT
10 there that worked on it right away. And that's
11 music to my ears for certain reasons.

12 But anyway, you're doing a lot of the
13 right things. And I see where you've got the
14 cameras functioning.

15 And you're going to have an
16 investigator to come by. But, I have to make
17 this observation.

18 You know, in this day and time, and
19 they say in this city, not if, when something
20 could occur. And I would -- I understand that
21 you have a nice crowd.

22 A pub, and your business is great.

1 But, you might want to think about what's going
2 on currently in this country and around the
3 world.

4 You can't have too much security now
5 a days. Because when they know people don't want
6 or don't do any detecting, those are soft spots
7 or soft targets as they would call them.

8 So you might want to think about doing
9 something. I don't know if you -- we suggested
10 in the hearing that we can't describe anything
11 for you.

12 But, just consider what's going on as
13 far as public safety is concerned in places of
14 public assembly. And there are just a lot of
15 angry people.

16 And like they're coming out of the
17 woodwork. So, Washington, D.C. is a prime target
18 for something to happen.

19 So, just be cautious. And if you can,
20 do a little something better with security. With
21 all this coming and going.

22 You probably know most of your

1 regulars. Is that correct?

2 MR. HALL: Yes, sir.

3 MEMBER SHORT: So, when somebody comes
4 in who's not a regular, would that person get
5 wanded?

6 MR. HALL: Currently we don't have --
7 we do no wanding at all. But I take under -- I
8 understand what you're saying.

9 MEMBER SHORT: Okay. Good. That's all
10 I want to hear.

11 MR. HALL: So if you want us to look
12 at ways to enhance anything we can do, because we
13 want to do everything we can. We don't want any
14 problems.

15 That's the last thing we want.

16 MEMBER SHORT: Thank you. That's --
17 that's very encouraging coming from you. And
18 again, thank everybody for coming today.

19 And we've heard some things. And I'm
20 glad to hear that you've got the cameras
21 functioning. And that this agency is coming
22 over.

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

3 CHAIRPERSON ANDERSON: Thank you. Any
4 other questions by other Board Members?

5 (No response)

6 CHAIRPERSON ANDERSON: Mr. O'Brien, I
7 was -- while Mr. Short was asking, I was
8 reviewing this security -- your security plan.

9 I see that your firm had provided the
10 security plan to the Agency on March 18, 2014.
11 And the suggestion that I would ask is that -- is
12 to ask that you amend the security plan to add
13 the cameras since you do have the cameras.

14 I don't know how many cameras. But
15 whatever amount of cameras that you have, to --
16 for you to amend the security plan to add
17 cameras, so that it becomes an official portion
18 of your security plan.

19 Would you be amenable to doing that?

20 MR. O'BRIEN: Yes.

21 CHAIRPERSON ANDERSON: So I would ask
22 that you provide that within the next -- could

1 that be provided to the Agency within the next 30
2 days?

3 MR. O'BRIEN: Yes.

4 CHAIRPERSON ANDERSON: That you would
5 amend your security plan to add the cameras. How
6 many cameras that you currently have?

7 MR. KING: Eight.

8 CHAIRPERSON ANDERSON: Eight cameras.
9 And that -- add the cameras in. And since we're
10 going to add the cameras that it will record for
11 the 30 days.

12 MR. O'BRIEN: Very well.

13 CHAIRPERSON ANDERSON: Any other
14 questions? Thank you Sergeant for being here.
15 Investigator Prout, thank you for being here.

16 It's your first hearing. So, I guess
17 it -- I guess it -- you're still alive, so I
18 guess it still went to it well.

19 And Mr. O'Brien and your client, thank
20 you for being here. I'll make a -- I'll make a
21 motion that we take no further action.

22 MEMBER SHORT: Second.

1 CHAIRPERSON ANDERSON: So, all those
2 in favor, say aye.

3 (Chorus of ayes)

4 CHAIRPERSON ANDERSON: All opposed?

5 (No response)

6 CHAIRPERSON ANDERSON: So the Board
7 has voted four to zero to NFA this. And thank
8 you for your presence today. Have a good day.

9 (Whereupon, the above-entitled matter
10 went off the record at 2:12 p.m.)

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A

ABC 10:17
able 11:18 13:6,7,9,12
above-entitled 28:9
ABRA 2:14 4:3 8:18,19
 23:7
abrasions 9:13
Accompanied 3:12
act 13:7
action 27:21
add 11:15 12:21 13:1
 14:6 20:17 22:17
 26:12,16 27:5,9,10
added 17:17,20
adverse 16:7
advise 5:18,19 6:2
afternoon 4:4,8
agency 16:10 17:6
 25:21 26:10 27:1
aggravated 1:10 8:21
 9:7 10:4
ahead 18:10 23:3
Alcoholic 1:2,14,14
alert 13:3
alive 27:17
alleged 10:8
altercation 4:14 19:3
amenable 26:19
amend 26:12,16 27:5
amount 26:15
ANC 1:7
Anderson 1:16,18 3:3
 3:11,15,18,22 4:4,8
 5:1,9,13 6:9 7:13 8:3
 9:16,21 11:1,6,14
 12:4,9,13,16 13:21
 14:2,5,15 15:8,12,16
 15:22 16:9,16,19
 17:10,14 18:4,11,14
 19:12 20:2,5,11,16
 22:3,7,14,21 23:3
 26:3,6,21 27:4,8,13
 28:1,4,6
angry 24:15
anyway 23:12
appear 4:17,18
appearing 8:10
approach 3:7
appropriate 19:17
approved 17:16
arrested 9:12
arrival 9:5
arrived 10:3
asked 20:14
asking 26:7
assault 1:10 8:21 9:7
 10:4,20
assembly 24:14

assist 16:6 21:8
assistance 22:9
assisted 13:15 21:11
attention 10:17
Australia 10:14
available 22:13
averse 16:3 17:6
aware 5:2 8:5 12:10
 19:15
awful 15:1
aye 28:2
eyes 28:3

B

bad 21:7
bar 10:7 13:12 21:8
barely 18:21
bartender 21:2,8 22:10
based 5:7 14:9
believe 17:12
Benitez 9:7
better 15:3 24:20
Beverage 1:2,14,14
bite 8:12
bleeding 9:11
blind 16:6,13
Board 1:2,14 4:17 5:18
 5:20 6:3 11:18 15:3
 20:22 21:3 22:12 26:4
 28:6
Board's 17:16
bringing 22:9
brother 10:8
brought 11:17
build 21:5
Building 1:15
bus 13:13
busiest 18:3
business 6:11 19:18
 23:22

C

call 8:19 10:3 22:15
 24:7
called 21:21 22:8
camera 5:3,3,20,22 6:3
 7:8
cameras 4:17 5:8,16,17
 6:7,13,18 7:2 10:15
 11:18 12:2 14:20 15:4
 15:5,10,13,17,20 16:5
 16:12 23:14 25:20
 26:13,13,14,15,17
 27:5,6,8,9,10
case 1:8 3:4,4,5 13:4,8
 13:11,17
cautious 24:19
certain 7:2,2 19:15

20:12 23:11
certainly 22:13
Chair 6:6 14:12 19:21
 26:1
Chairperson 1:15,18
 3:3,11,15,18,22 4:4,8
 5:1,9,13 6:9 7:13 8:3
 9:16,21 11:1,6,14
 12:4,9,13,16 13:21
 14:2,5,15 15:8,12,16
 15:22 16:9,16,19
 17:10,14 18:4,11,14
 19:12 20:2,5,11,16
 22:3,7,14,21 23:3
 26:3,6,21 27:4,8,13
 28:1,4,6
check 16:11
Chief 1:9 4:10 12:18
Chief's 7:8
Chorus 28:3
CHRISTIAN 2:15
city 23:19
client 5:2 16:3 27:19
clienteles 18:7
clients 14:19
close 13:4,17
closed 9:3 13:8
closer 8:4
COLUMBIA 1:1
coma 10:13
come 19:6 23:16
comes 25:3
coming 24:16,21 25:17
 25:18,21
comment 23:2
comments 21:15
committed 13:14
complimentary 13:19
concern 4:16 11:16
 12:1
concerned 24:13
conducting 11:7
consciousness 10:9
consider 24:12
consideration 19:20
contacting 10:21
contingent 19:5
Control 1:2,14,14
conversation 10:12
cooperate 11:7
cooperation 23:6
correct 6:12 12:10 25:1
corrected 12:6
correspondence 11:12
Counsel 2:11
country 24:2
couple 13:6 19:1
crime 13:14

crowd 23:21
crucial 13:16
CT 1:7 4:20 16:17
current 12:1 17:3,4,4
currently 7:4 24:2 25:6
 27:6

D

D.C 1:15 24:17
dangerous 19:9
dangers 19:16
day 23:18 28:8
days 15:15,19,22 24:5
 27:2,11
DC 1:6 3:5 8:22 10:3
dead 6:18,18
dealt 20:21
Department 4:7 8:20
describe 24:10
description 13:10
 14:18
detecting 24:6
difference 20:4
different 21:11
discuss 14:19
District 1:1 9:15
documentation 15:6
doing 23:12 24:8 26:19
Donovan 1:16,18
door 17:22
duty 10:18 11:12 22:1

E

ears 23:11
easier 14:3
eight 15:19,20 19:2
 27:7,8
either 22:12,13
emergency 22:2,9
emphasize 19:22
EMT 21:17,19 23:9
encouraging 25:17
enforcement 4:13
enhance 25:12
established 6:11
establishment 5:21
 8:15 10:16 11:4 12:2
 16:4,11
evening 10:19
event 21:14
everybody 25:18
excellent 13:2
excuse 15:20
experience 14:13
extra 18:2
eyes 18:3

F

face 9:2 10:5,9
fact 1:7 4:9
fact- 16:1
fact-finding 3:4
familiar 8:14
far 3:14 13:1 24:13
favor 28:2
females 19:5,6
finding 1:7 4:9 16:2
findings 9:22
fine 22:17
finish 5:12
firm 26:9
first 6:8 8:9,10 17:22
 27:16
fist 9:3
flagged 13:5
floor 17:22,22
four 11:11 28:7
fourth 18:1
fractured 9:10
frank 14:18
front 8:11 15:3 17:21
functioning 23:14
 25:21
further 27:21

G

Garcia 9:7
George 9:9,13 10:10
given 15:6 20:12
glad 25:20
grand 18:20
Griffith 10:18
guess 4:20 16:17,21
 27:16,17,18

H

Hall 2:12 3:13,15,17,18
 7:2,5 18:10,13,15
 20:8 21:18 25:2,6,11
hand 9:13
happen 24:18
happened 9:19 14:18
 20:20
happening 20:19
hear 22:12 25:10,20
heard 12:4 25:19
hearing 1:7,9,14 3:4
 4:10 12:7,21 16:2
 21:1 24:10 27:16
helped 13:20
helpful 14:18
helping 13:2,16
high 19:5
history 20:6
holding 10:6
Hospital 9:9,14 10:11

hours 18:19
hurt 19:10

I

idea 15:2
identify 3:8
immediate 3:13
immediately 13:5,8
 21:8
impressed 13:18
incident 10:16
incidents 19:2
individual 13:13 22:5
induced 10:13
information 12:6 14:10
inside 8:22 12:2 19:3
installed 15:4
instant 19:22
internal 9:10
interviewed 9:6
introduce 7:19
investigation 4:13 10:1
 11:2,8 13:1 14:9
investigator 4:2,2,5
 6:13 7:15,16,19,21,22
 8:16,17 9:20 10:2
 11:5,9,16,22 12:8,12
 14:17 16:4 23:7,16
 27:15
involve 20:1
Involving 9:1
Irish 18:16
issue 14:20

J

JAMES 1:19
job 13:2 14:3
JR 1:19

K

keep 19:19
key 20:12
King 2:13 3:13,17,18
 6:20 7:7,11 15:11,19
 17:17,20 21:16,20
 27:7

L

Laughing 14:4
lawyer 14:6,13
learns 14:13
leave 22:19
left 3:13,14
legal 17:16
legally 17:10,13
License 1:8 3:5
licensee 2:12,13 3:10
 3:21 5:17 10:21 11:7

 12:5 14:11 16:11
 20:18,21
Licensee's 2:11
line 8:19 12:17
little 7:16 24:20
LLC 1:6
located 9:1
location 16:12
long 15:17 19:16
look 15:2 16:4 25:11
lost 10:9
lot 15:2 19:6 23:6,12
 24:14

M

male 4:14 9:2,3,8 10:5,6
 10:6
Manager 10:18
manner 10:22
March 4:12 8:18 9:5
 10:2 19:22 26:10
matter 1:5 19:22 20:1
 28:9
mean 15:19 18:9
measures 19:17
medical 10:17 22:2
MEETING 1:3
Member 1:19,19,20 8:1
 11:20 16:14 17:9 23:1
 23:5 25:3,9,16 27:22
members 13:6 26:4
met 1:14
Metropolitan 4:7 8:19
mic 21:15
microphone 8:4
MIKE 1:19
month 15:21
motion 27:21
MPD 2:15 9:6 10:13,22
 23:7
multiple 9:2
music 18:17,17 23:11

N

N.W 1:15
name 7:22 8:13,16
need 6:2
needed 21:3
nervous 8:11
never 6:16,16 18:22
 19:11 20:8
NFA 28:7
nice 23:21
night 13:20 18:3 22:1,5
nightclub 20:9
nine 18:20
nose 9:10
notes 20:12

Number 3:5,6
NW 1:7 9:1

O

O'Brien 2:11 3:9,9,11
 3:12,17,20 4:22 5:6
 5:11 6:5,10,22 7:4,6
 7:10 13:21 14:4,8,12
 14:16 15:9,14 16:1,7
 16:18,21 17:12,15,19
 19:21 20:3,6,9,15,18
 21:22 22:4,8,15,19
 26:6,20 27:3,12,19
observation 23:17
observed 6:14
obvious 16:13
occur 23:20
occurred 4:14 9:8 10:4
 11:3
Officer 9:6
official 26:17
on-scene 13:1
once 21:13 22:11
open 18:18,19,20,21
operation 19:18
operator 6:15
opportunity 11:10
opposed 28:4
outside 13:12

P

P-R-O-C-E-E-D-I-N-G-S
 3:1
p.m 3:2 28:10
part 5:2
parties 3:7
parts 7:3
patron 9:2,8 10:5,6
patrons 4:15 9:4 10:6
PD's 9:15
people 24:5,15
period 19:2
person 17:18,21,21
 18:1 22:16 23:7 25:4
personnel 22:1
place 6:8 8:22 19:3,6,9
places 24:13
plan 4:21 5:6,7,15,15
 6:7 11:11,13 15:1
 16:15,17 17:2,8,13,18
 26:8,10,12,16,18 27:5
plays 18:16
please 3:7,8 7:20 8:1
point 13:9
points 20:13
Police 1:9 4:7,11 8:20
 12:18
portion 26:17

predecessor 6:15
 presence 28:8
 present 1:17 2:9 17:13
 21:2 22:4
 presiding 1:16
 prime 24:17
 principals 3:20
 prior 12:7
 proactive 5:19
 probably 24:22
 problem 21:5
 problems 20:7 25:14
 procedures 18:6
 processing 9:15
 prolong 20:22
 Prout 2:14 4:2,3,5 7:16
 7:16,19,21,22 8:16,17
 9:20 10:2 11:5,9,16
 11:22 12:8,12 27:15
 provide 26:22
 provided 10:17 12:7
 26:9 27:1
 providing 17:6
 pub 18:16,16 23:22
 public 24:13,14
 pull 8:4
 purpose 22:9
 Put 18:2

Q

questions 26:4 27:14
 quickly 20:21

R

read 9:17
 reason 20:14
 reasonable 10:21
 reasons 12:17 23:11
 receipt 7:11
 received 10:3
 recognized 6:6
 record 3:8 6:21 7:20
 8:14 11:19 12:3 15:18
 15:20 27:10 28:10
 recorded 4:18
 recorder 8:7
 recording 5:5 15:5,14
 records 7:9
 Reeves 1:15
 regarding 4:13
 regrets 20:19
 regular 25:4
 regulars 25:1
 regulation 5:16
 regulations 5:2 17:5
 REMA 1:20
 report 7:17 8:8 9:18
 10:16 18:7

reputation 19:11
 request 1:10 7:8
 requested 4:10 12:19
 requesting 16:10
 require 5:8 6:7
 required 14:22
 requires 5:15
 respond 7:18 14:11
 responded 8:18
 responding 9:6
 response 26:5 28:5
 result 9:22 11:2
 resulting 9:8
 Retailer 1:7
 review 11:10
 reviewed 17:15
 reviewing 26:8
 roam 17:20,21
 roams 18:2
 Room 1:15
 rules 17:4

S

safety 24:13
 Saturday 8:18 9:5
 saw 7:8
 saying 20:10 25:8
 scene 13:19
 Sean 10:18
 seasoning 14:14
 second 17:22 27:22
 secure 16:20
 security 4:21 5:6,7,15
 5:15 6:7 11:10,11,13
 13:2 15:1 16:14,17
 17:2,7,18 18:5 21:16
 21:18 22:1 24:4,20
 26:8,8,10,12,16,18
 27:5
 sense 21:6
 Sergeant 4:6,6,9 12:14
 12:14,15,22 13:22
 14:1,1,2,10,17 21:10
 21:11 23:8 27:14
 service 23:8
 set 18:2
 Shenanigans 1:6 3:5
 8:22 10:3
 Short 1:19 16:14 17:9
 23:1,4,5 25:3,9,16
 26:7 27:22
 show 7:12 13:16 22:10
 shun 19:8
 SILVERSTEIN 1:19 8:1
 11:20
 sir 4:22 7:21 8:2 11:9
 12:12 14:6 15:11
 18:10 20:15 25:2

sitting 6:19
 situation 13:3
 skull 9:10
 soft 24:6,7
 somebody 25:3
 soon 21:3
 sounds 23:6,9
 speak 8:2,3 14:7,7
 spec 12:17
 spot 22:6
 spots 16:6,13 24:6
 staff 11:11 13:6 17:16
 start 7:14
 stated 8:21 16:21
 statement 12:5
 states 5:16 11:13
 stems 4:12
 Stephen 2:11 3:9
 steps 5:19 10:21 12:10
 stop 13:12,13
 Street 1:7,15 9:1
 struck 9:2 10:5,8
 sudden 21:7
 sufficient 17:9,11,13
 suggested 24:9
 suggestion 26:11
 Suite 1:15
 summarize 9:18
 supposed 5:18 6:1
 suspect 9:12 13:11
 system 7:8

T

T's 1:6
 t/a 1:6
 taken 8:22 10:16 12:10
 talk 21:3
 target 24:17
 targets 24:7
 Tavril 2:14 7:22 8:17
 Technician 22:2
 tell 7:16 8:13 14:20 18:5
 19:13
 tend 19:7,7
 testify 8:11 22:16
 thank 4:1 14:16 23:8
 25:16,18 26:1,3 27:14
 27:15,19 28:7
 things 18:6 21:6 23:13
 25:19
 Third 9:15
 Thomas 2:12,13 3:12
 3:13,15,16
 thought 15:1,2
 three 4:14
 throwback 18:17
 timely 10:22
 times 9:3

Tobe 2:15 4:6,6,9 12:14
 12:15,22 14:1
 today 15:3 22:10 25:18
 28:8
 told 6:10 15:6 20:13
 total 18:20
 touch 20:13
 trained 21:17,19
 transcriber 8:7
 transpired 10:20 21:14
 22:11
 transported 9:14 10:10
 treated 9:9,12 21:20
 22:5
 Twin 1:6
 two 9:3 10:6

U

unable 12:2
 understand 6:5 23:20
 25:8
 unexpected 21:14
 University 9:9,14 10:10
 unknown 9:3
 updated 16:22 17:3,6,7
 upstairs 18:18,20,21
 utilized 6:17

V

victim 10:7,9 21:9 22:5
 view 6:20 7:1
 violation 11:3 14:21
 voids 16:20
 voted 28:7

W

W 1:16,18
 WAHABZADAH 1:20
 wand 18:8 24:5
 wanded 18:12,13 19:8
 25:5
 wanding 20:3 25:7
 wants 22:12
 Washington 1:15 9:9
 9:13 10:10 24:17
 ways 21:12 25:12
 weapon 18:22 20:1,7
 weapons 20:8
 Wednesday 1:12
 week 18:19
 welcomed 16:8
 went 13:1 21:8 23:6
 27:18 28:10
 weren't 12:9
 witnesses 13:7
 woodwork 24:17
 word 9:18,18
 work 16:10

worked 6:16 23:10
working 4:19 5:3,4,17
5:20,22 6:2,3 10:15
15:4,5
works 19:17
world 24:3

X

Y

years 19:2

Z

zero 28:7

0

1

1:52 3:2
14th 1:15
18 26:10
18th 1:7 9:1
19-251-00052 1:8
1925100052 3:5
1C 1:7

2

2 4:12 8:18 9:5 10:2
19:22
2:12 28:10
2000 1:15
20009 1:15
2011 6:11
2014 5:7 26:10
2019 1:12 4:12 9:6
22 1:12
2450 1:7 9:1

3

30 15:14,22 27:1,11

4

400S 1:15

5

6

7

8

88 18:19
88119 1:8 3:6

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This is to certify that the foregoing transcript

In the matter of: Shenanigans

Before: DCABRA

Date: 05-22-19

Place: Washington, DC

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Neal R Gross

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