

ALSO PRESENT:

COUNTEE GILLIAM, ABRA

SEAN CONNORS, DC MPD

CRAIG BUTLER, Licensee Attorney

MELVIN FLOREZA, Licensee

DAVID BOYD, Licensee

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

2 3:10 p.m.

3 CHAIRPERSON ANDERSON: All right.

4 Good afternoon, everyone. We are back on the
5 record. This is a Fact-Finding Hearing, Case No.
6 18-251-00142, Takoma Station Tavern, License No.
7 79370.

8 Would all parties regarding this
9 matter, please, come forth and identify yourself
10 for the record, please? And there is also a
11 sign-in sheet that I would like everyone to sign-
12 in.

13 INVESTIGATOR GILLIAM: ABRA

14 Investigator Countee Gilliam.

15 CHAIRPERSON ANDERSON: Good afternoon,
16 Mr. Gilliam.

17 INVESTIGATOR GILLIAM: The first name
18 is spelled C-O-U-N-T-E-E last name is spelled G-
19 I-L-L-I-A-M.

20 CHAIRPERSON ANDERSON: Good afternoon.

21 LIEUTENANT CONNORS: Lieutenant Sean
22 Connors from the Metropolitan Police Department.

1 That's S-E-A-N C-O-N-N-O-R-S.

2 CHAIRPERSON ANDERSON: Good afternoon,
3 Lieutenant.

4 MR. BUTLER: Craig Butler on behalf of
5 Takoma Station.

6 CHAIRPERSON ANDERSON: I'm sorry, your
7 last name, sir?

8 MR. BUTLER: Oh, Butler.

9 CHAIRPERSON ANDERSON: Mr. Butler.
10 Good afternoon, Mr. Butler.

11 Are you an attorney?

12 MR. BUTLER: Yes, yeah.

13 CHAIRPERSON ANDERSON: No, the reason
14 I'm asking is because I -- so when I address you
15 and I always have different expectations than I
16 do with attorneys, so, okay. When I said
17 expectations, I'm hard on attorneys than non. So
18 I just wanted to clarify so if I'm hard on you,
19 then I don't have to apologize, because you know
20 it comes with, you know, the territory. Okay?

21 MR. BUTLER: Absolutely.

22 CHAIRPERSON ANDERSON: Yes, sir, go

1 ahead.

2 MR. FLOREZA: My name is Melvin
3 Floreza, co-owner of Takoma Station Tavern, MDM,
4 LLC.

5 CHAIRPERSON ANDERSON: Mr. Floreza.

6 MR. BOYD: David Boyd, co-owner of
7 Takoma Station.

8 CHAIRPERSON ANDERSON: Boyd?

9 MR. BOYD: Boyd, B-O-Y-D.

10 CHAIRPERSON ANDERSON: Good afternoon,
11 Mr. Boyd.

12 All right. We are having a Fact-
13 Finding Hearing here because the Chief of Police
14 had requested. An incident occurred and the
15 Chief of Police had requested that we hold this
16 Fact-Finding Hearing.

17 So do you have -- Mr. Butler, does --
18 did your client -- were they in receipt of the
19 letter from the Police Chief and also a copy of
20 the report that was done for this case?

21 MR. BUTLER: I know that they were
22 provided with a copy of the report.

1 CHAIRPERSON ANDERSON: But I said do
2 you have -- you have access to the report,
3 because I know I'm going to have the Investigator
4 testify about the report that was written.

5 Do you have that report?

6 MR. BUTLER: Yes, we do.

7 CHAIRPERSON ANDERSON: Okay. All
8 right. And well so, let me start with Lieutenant
9 Connors, since the Chief of Police had requested
10 a closure.

11 Can you tell us why is it that the
12 Chief of Police had requested -- I'm sorry, a
13 Fact-Finding Hearing on this matter. Can you
14 tell us what happened, at least from the police
15 perspective, why the chief thought it was
16 important for us to have a Fact-Finding Hearing
17 on this matter today, please.

18 LIEUTENANT CONNORS: Do you want me to
19 kind of start at the beginning about the case or
20 just specifically why we requested the --

21 CHAIRPERSON ANDERSON: Specifically
22 why you requested, yes.

1 LIEUTENANT CONNORS: We -- directly to
2 the point, basically, this incident took up a lot
3 of MPD resources, several detectives,
4 supervisors, 13 scout cars, just due to the
5 volume of this scene and the significant
6 classification of the scene, the violence of it.
7 So it took a lot of our resources.

8 And because of that, you know, we want
9 to make sure that this establishment is operating
10 safely so maybe we can avoid this in the future.

11 CHAIRPERSON ANDERSON: And at least
12 from the police's perspective, is there anything
13 that, as part of your investigation, you thought
14 that they did not do correct?

15 So what is it that they did or didn't
16 do? So I'm going to come to you, Mr. Gilliam,
17 for your -- but since -- remember it started from
18 them, so I'm moving from that perspective.

19 INVESTIGATOR GILLIAM: Yes.

20 CHAIRPERSON ANDERSON: So at least
21 from your -- from the police's perspective, what
22 is it that the establishment did or did not do

1 that you believe that the Board should be
2 cognizant of?

3 LIEUTENANT CONNORS: Yeah. I would
4 say just from the security perspective, clearly,
5 you know, not identifying the potential -- you
6 know, these -- it wasn't a totally spontaneous,
7 you know, violence erupted. It was clearly
8 something that was building, people started
9 arguing and not having the security staff there
10 to identify these potential problems and maybe
11 end it before it got to the point where people
12 were being stabbed, would have been, you know,
13 ideal.

14 CHAIRPERSON ANDERSON: All right.
15 Okay. Thank you.

16 Mr. Gilliam, can you just tell us for
17 the record, who are you, sir? Mr. Gilliam, yeah.

18 INVESTIGATOR GILLIAM: ABRA
19 Investigator Gilliam. I was the one assigned to
20 this investigation.

21 CHAIRPERSON ANDERSON: All right. So
22 can you tell us what is it that you were able to

1 find out regarding this incident as a result of
2 your investigation?

3 INVESTIGATOR GILLIAM: Well, the best
4 thing from the course of -- what the
5 investigation proved was that their security
6 staff -- they had two security staff, which they
7 was in compliance with the settlement agreement
8 and the security plan as relates to that, but
9 during -- before the incident started, there was
10 a gentleman inside the establishment, which I
11 identified as unidentified male 1, he got to
12 arguing with several people inside the
13 establishment.

14 Once he did -- that lasted for almost
15 like a period of 2 minutes. During that time
16 frame, the establishment didn't have any security
17 staff inside the establishment.

18 Mr. Brian Morgan, he was inside the
19 vegetable -- inside the enter and exit door and
20 when I interviewed him, he told me that he was
21 going to get the rope extensions. It was close
22 to closing time and he stayed in there for a

1 period of 2 minutes. And during the time frame
2 when they talked, then it escalated to an
3 argument, there was no security staff in there.

4 And I felt like if somebody was in
5 there, it could have maybe stopped it if they
6 would have got separated.

7 That didn't happen. Next you know a
8 fight ensued, several people, it was probably
9 about 20-some people actually fighting anywhere
10 from throwing barstools, engaging in physical
11 assaults with closed fists.

12 One time during the -- viewing the
13 surveillance footage, you actually see one of the
14 patrons, which I identified as unidentified male
15 2, actually pull out a knife, brandish a knife
16 and it's clearly observed on the camera.

17 Once he pulls the knife out, you can't
18 see him make contact, but he actually does a
19 stabbing motion to another unidentified male,
20 and, in my opinion, it looked like he made
21 contact, but you can't see the knife because his
22 hand was blocking it.

1 MEMBER SILVERSTEIN: Did you say this
2 occurred inside during the --

3 INVESTIGATOR GILLIAM: Yeah, what I'm
4 talking about right now, everything I'm talking
5 about right now occurred inside. Okay.

6 All right. So then the next thing.
7 All right. So once that all happens, the
8 security start making their way in. Mr. Morgan,
9 when he first gets there, the is looking, which I
10 can understand you are looking to see, make sure
11 you are safe, he is looking, but he is looking
12 for so long a period of time it's like he should
13 have reacted.

14 And I think because of his failure to
15 react, that escalated the situation where more
16 people got involved, more people got involved.
17 He actually was able to subdue unidentified male
18 no. 1. And the reason I say unidentified male
19 no. 1 is because based on the video footage, he
20 looks like he was the instigator in the whole
21 situation. It all started because of him.

22 He was able to, you know, get his

1 hands on him. He started making his way out
2 trying to get him out. And the fight is still
3 going on. It's going on throughout the entire
4 establishment. Like I said barstools being
5 thrown.

6 And you get back towards the back
7 door, Mr. Morgan is still there and he never
8 actually got unidentified male out the -- he
9 never got him outside the establishment. The
10 unidentified male, he falls to the floor and Mr.
11 Morgan is looking, like he is just standing there
12 looking. He is watching other people engaged in
13 the fight instead of reacting to try to get
14 people out.

15 And I remember when I interviewed Mr.
16 Floreza, he advised me that there was -- I asked
17 well, why didn't you separate the groups? Why
18 you didn't separate the groups, you know, make
19 sure that they -- everybody doesn't spill out
20 into the street. And he said they tried, but --
21 he said they tried, but everybody broke free.

22 But from my investigation, I'm of the

1 opinion that they didn't know who the aggressor
2 was. You didn't have no security in there.

3 Mr. Floreza, he was on the scene. He
4 was behind the bar. He seen exactly what
5 happened, but his security staff, I mean, they
6 didn't know who the aggressors was or who --
7 well, the next thing you know, you've got a big
8 fight going on.

9 They start -- it spills out onto the
10 street. Everybody that is involved in the
11 assault, they coming out within a matter of, if I
12 remember right, a matter of 60 seconds. They get
13 out to the street, which that is 4th Street,
14 that's 4th Street, N.W., and they start walking
15 down to the corner of 4th Street and Butternut.

16 You can see from the video
17 surveillance footage that a big assault occurred
18 here and you just can't identify what is going
19 on, but during the course of the investigation
20 when I talked to Detective Claston, that's where
21 he said that's where our people got stabbed at.
22 There is nobody get stabbed inside that he was

1 aware of.

2 The incident I just referenced that I
3 see, it was determined Detective Claston stated
4 that that victim never came forward. So but they
5 ended up out on the street on Butterworth and 4th
6 Street and that's where the other injuries
7 happened, where all three people got stabbed.

8 And I tried to call all witnesses in
9 this case, but they never returned my phone
10 calls. I was trying to identify who had what
11 injuries, but I didn't get any cooperation from
12 them.

13 One thing, too, as I was looking at
14 the settlement agreement, in the settlement
15 agreement they state that they have to have --
16 that you can't have no type of athletic shoes, no
17 type of sweat gear and they was allowing people
18 in that night and including everybody that was
19 involved in the assault.

20 I mentioned in the report that out of
21 5 of the 8 individuals in the entourage, they had
22 on just sneakers, one had a sweat shirt on. If

1 the establishment would have enforced that, that
2 might have -- they may have stopped the incident.

3 The security plan makes
4 recommendations, but if they were to file some of
5 the recommendations in the security plan, I
6 believe the situation wouldn't have occurred.
7 The security plan references that they should do
8 pat-down searches and use a metal wand.

9 Now, one thing I would say for the
10 establishment, every -- the gentleman,
11 unidentified male, who brandished a knife inside
12 the establishment, he did -- he was searched.
13 Security just missed it. I mean, I can't tell
14 because his back was turned to me, but it looked
15 like he pulled it out of his belt. But I watched
16 them pat him down.

17 I mean, they patted down his clothes
18 and it just got past them. So maybe if they had
19 a metal detector, they may have caught the knife.

20 Anything else? That and security
21 staff didn't have -- the security plan calls for
22 they have got to have a collared polo shirt that

1 has security on the front and back.

2 Mr. Dean, he was one of the security
3 people and it's probably lucky because when
4 unidentified male no. 2 pulled the knife out, he
5 ended up getting pushed in the back, but if he
6 had had a shirt that clearly stated security,
7 maybe they would have known, okay, this guy is
8 not part of it, so he is pretty lucky he didn't
9 get injured, but somebody did push him in the
10 back, but that's fine because he didn't have any
11 identifying information on him letting people
12 know who he was.

13 CHAIRPERSON ANDERSON: And those are
14 the, at least from your investigation, potential
15 violations that you saw? That there was I guess
16 a dress code violation. There are issues
17 regarding their security plan. Metal, they are
18 supposed to wand. They are supposed to pat-down
19 and do searches and that the security guards were
20 not wearing the proper clothes and attire.

21 INVESTIGATOR GILLIAM: Well, it's --
22 as relates to the security and the pat-down, that

1 was a recommendation, so I couldn't -- that
2 couldn't be a violation because it's recommended.
3 But as it relates to what they violated, from my
4 investigation, was the settlement agreement, they
5 allowed people in with athletic gear, shoes and
6 sweat suits.

7 And with the security plan, what the
8 security plan calls is that the security staff
9 has to have a collared polo shirt that says
10 security on the front and the back of the shirt.

11 CHAIRPERSON ANDERSON: So those are
12 the two. So how -- just -- I'm just asking, how
13 do you think that would have -- I know you said
14 that maybe if the security -- no, I'm not going
15 to ask you. You didn't answer that question.

16 All right. All right. Do you have
17 anything else you want to add, at this juncture?
18 We are going to -- we might have -- we will
19 probably have more questions later on.

20 INVESTIGATOR GILLIAM: I'll just wait
21 if there are any questions for me.

22 CHAIRPERSON ANDERSON: All right.

1 MEMBER ALBERTI: Can I ask questions?

2 CHAIRPERSON ANDERSON: Do you want to
3 ask him or do I want to ask Mr. Butler and you
4 ask him?

5 MEMBER ALBERTI: I think I want to ask
6 the Investigator now while we are on the same --

7 CHAIRPERSON ANDERSON: Okay.

8 MEMBER ALBERTI: -- track.

9 CHAIRPERSON ANDERSON: Go ahead, Mr.
10 Alberti.

11 MEMBER ALBERTI: So one of the things
12 that I haven't seen in your report, maybe it's
13 there, how many people would you estimate were in
14 the establishment when --

15 INVESTIGATOR GILLIAM: It was 143.
16 When I interviewed Mr. Floreza, I asked him what
17 was the count that night and he said 143. And
18 based off the -- based on the video camera
19 footage, I'm pretty sure that was -- that number
20 was probably spot on.

21 MEMBER ALBERTI: Do you know what the
22 capacity is?

1 INVESTIGATOR GILLIAM: It's -- the
2 capacity is 150, so they was in compliance with
3 the Certificate of Occupancy.

4 MEMBER ALBERTI: Okay. So but they
5 were close to full.

6 INVESTIGATOR GILLIAM: Close to
7 capacity, yes, sir.

8 MEMBER ALBERTI: All right. Do you
9 know -- you mentioned three people here, Mr.
10 Floreza, what's his position? Do you know what
11 his position is --

12 MR. FLOREZA: I'm here, sir.

13 MEMBER ALBERTI: -- at the
14 establishment?

15 INVESTIGATOR GILLIAM: He is --

16 MR. FLOREZA: Oh.

17 MEMBER ALBERTI: But if he doesn't
18 know, he can tell me and we will get to you
19 later.

20 MR. FLOREZA: Okay.

21 INVESTIGATOR GILLIAM: Yes, sir.

22 MEMBER ALBERTI: I appreciate that.

1 INVESTIGATOR GILLIAM: He is one of
2 the co-owners of the establishment.

3 MEMBER ALBERTI: Okay.

4 INVESTIGATOR GILLIAM: So during the
5 night of the incident, he was in charge of the
6 establishment.

7 MEMBER ALBERTI: Okay. So he is not
8 a security person?

9 INVESTIGATOR GILLIAM: No, he is not
10 a security person, no.

11 MEMBER ALBERTI: And you said you saw
12 him behind the bar?

13 INVESTIGATOR GILLIAM: Yes.

14 MEMBER ALBERTI: Was he acting sort
15 of, appearing to act as a bartender?

16 INVESTIGATOR GILLIAM: No, actually,
17 during -- he was actually like taking video,
18 because they had a band playing that night, so I
19 guess he was just advertising for, I guess, their
20 social media. And then he seen the fight. He
21 seen the fight start.

22 MEMBER ALBERTI: Okay. As far as you

1 know, how many security staff were there that
2 evening?

3 INVESTIGATOR GILLIAM: It was just
4 two.

5 MEMBER ALBERTI: Mr. Morgan and --

6 INVESTIGATOR GILLIAM: Mr. Morgan and
7 Mr. Dean.

8 MEMBER ALBERTI: -- Mr. Dean. Okay.
9 All right. And you said, as far as you know,
10 they weren't wandering?

11 INVESTIGATOR GILLIAM: Yes, they
12 wasn't using a metal detector, but they didn't
13 have to. I was just saying if they --

14 MEMBER ALBERTI: No, I understand.

15 INVESTIGATOR GILLIAM: Okay. I'm
16 sorry, I'm sorry.

17 MEMBER ALBERTI: I just wanted to
18 establish that they weren't wandering.

19 INVESTIGATOR GILLIAM: No, the only
20 thing that Mr. Dean was doing, which I verified,
21 he was actually checking identification and he
22 was performing pat-down searches.

1 MEMBER ALBERTI: Great. Thank you.
2 Now, I want to go back to this -- since I haven't
3 see the video and you have, I want to go back to
4 this and this relates to something -- I'm sorry,
5 Officer, I don't remember your name.

6 LIEUTENANT CONNORS: Lieutenant
7 Connors.

8 MEMBER ALBERTI: Connors.

9 LIEUTENANT CONNORS: Yes.

10 MEMBER ALBERTI: Something the
11 Lieutenant alluded to earlier in his discussion,
12 the first thing Camera 7 it says "1:53:30 and
13 1:54:44," that's a minute and 15 second,
14 approximately. Am I correct?

15 INVESTIGATOR GILLIAM: Yes, sir, a
16 minute 14 seconds, approximately, yes.

17 MEMBER ALBERTI: Okay. And you give
18 a description here of people exchanging words.
19 How serious did it look?

20 INVESTIGATOR GILLIAM: Well, before I
21 start, that's why I looked at the time frame.

22 MEMBER ALBERTI: How long did it go?

1 I mean, that's a long time.

2 INVESTIGATOR GILLIAM: Oh, not -- it
3 started at 1:53:30 and ended at 1:54:44, so that
4 whole entire time it started where they was
5 conversating and it started escalating in their
6 tone, that's what I observed on the video. So
7 during that time it started from --

8 MEMBER ALBERTI: Were people
9 physically moving their hands when they were
10 talking or --

11 INVESTIGATOR GILLIAM: Yes, during
12 that time frame, yes. It started when he started
13 talking, then next you know unidentified male, he
14 gestures with his hand to one of the guys, then
15 he -- that guy is not identified, but he gestures
16 his hand, then next you know he turns around and
17 he starts arguing with somebody else. And when
18 he starts arguing with somebody else, that's when
19 a gentleman shoves him in the chest.

20 MEMBER ALBERTI: Okay. So you know
21 hindsight is always wonderful here. All right.
22 But and you have seen the videos and you have

1 been in these clubs, I mean, in your estimation
2 should this have ever risen to the attention of
3 security, I mean, if you were running an
4 establishment where you wanted to make sure that
5 things didn't get out of hand? You know, and I
6 have been in these clubs. I know exactly what
7 happens.

8 Should someone have come in and
9 intervened and calmed people down at that point?

10 INVESTIGATOR GILLIAM: Yes. Well, I
11 mean, based on my experience just dealing with --
12 you know, being employed for ABRA as an
13 Investigator and from a prior career, I'm really
14 of the understanding where if you had a security
15 member on the floor, Mr. Morgan was inside the
16 establishment roaming, he should have seen it for
17 the amount of time that transpired and then he
18 should have been proactive.

19 Like hey, he could have, you know,
20 separated the two, start initiating his --
21 whatever they do to have patrons exit and I
22 really think that was -- it's a direct result why

1 this situation escalated, because you didn't have
2 security there. But that's -- Mr. Alberti, what
3 you bring up, that point is -- that's a normal
4 thing in that type of line of work. You see it
5 and then address it.

6 MEMBER ALBERTI: Yes. So I'm just
7 going to show my hand here. Either one of two
8 things happened. Either they didn't have enough
9 security and they didn't see it or they saw it
10 and didn't intervene. Either one is a concern to
11 me. Yes?

12 MR. BUTLER: I just want to add to
13 that, too. The volume of people that
14 participated in this fight, even if that's the
15 only one that is like visible, you know, you see
16 two guys maybe start pushing or shoving or
17 exchanging words, but for 20 people to be
18 involved in this fight, that means two large
19 groups came together.

20 You know, there is two sides of this
21 and just from a security perspective, you know a
22 group of 10 or 15 guys that are coming in

1 together and then another group of 10 or 15, you
2 would keep an eye on them.

3 MEMBER ALBERTI: So when --

4 MR. BUTLER: And clearly that was not
5 done here.

6 MEMBER ALBERTI: So what I'm hearing
7 is that during this initial time, I'm talking
8 about when the verbal exchange happened, did it
9 appear that other people were gathering around?

10 INVESTIGATOR GILLIAM: Well, it was so
11 crowded where it actually started, Mr. Alberti,
12 that the unidentified male no. 1, the one that
13 actually started talking, he -- it looked like he
14 walked up into a group of people and he walked
15 into a group of wrong people and they all was
16 associated with each other.

17 And just I mean I can't tell, but his
18 body language, you know, he don't -- I don't
19 think he realized that until the assault begins.
20 He walked back into the crowd.

21 MEMBER ALBERTI: But my question is
22 was there enough people involved in that initial

1 exchange that if someone was on the floor, it
2 would have been obvious to them that something
3 was amiss?

4 INVESTIGATOR GILLIAM: If some -- no,
5 there was too many people for that. They --

6 MEMBER ALBERTI: Well, I'll mention
7 that something was escalating, that's all I'm
8 asking.

9 INVESTIGATOR GILLIAM: Oh, yeah, yes,
10 yes. I agree with that, yes.

11 MEMBER ALBERTI: Okay. All right.
12 Thank you. I have -- let me see if there is
13 anything else I need. No, that's it. Thank you.

14 CHAIRPERSON ANDERSON: All right. Mr.
15 Butler, this is your opportunity on behalf of
16 your client, how do you -- can you tell us from
17 your client's perspective what happened and what,
18 you know, can you provide us?

19 MR. BUTLER: Thank you. Well, on the
20 night in question, there was a band playing, as
21 was stated, the capacity was about 143. Based on
22 the security plan, they are required to have one

1 security guard per 75 patrons, so they were in
2 compliance there.

3 As it relates to what the security
4 guards were wearing and we can provide the Board
5 with a better picture, but there were two
6 individuals that had different shirts. One of
7 them was a black shirt that said security. The
8 other one was a gray shirt. And when you look at
9 -- you have to really look closely at the video
10 to see that it was marked security on it, it just
11 was a different color.

12 Then they -- as they said, they patted
13 everyone down that came in to -- in compliance
14 with their plan.

15 Now, as it relates to the tennis
16 shoes, you know, the security plan has been
17 around for several years.

18 CHAIRPERSON ANDERSON: I'm not going
19 to this early beat you up on that, because --

20 MR. BUTLER: Okay.

21 CHAIRPERSON ANDERSON: -- when I read
22 the report, I was like -- so you know, I wouldn't

1 waste a whole lot of time on that.

2 MR. BUTLER: Okay. All right.

3 CHAIRPERSON ANDERSON: I think there
4 are more important things to talk about, so you
5 don't have to -- at least as far as I'm
6 concerned, that's not something I'm going to be
7 like okay, they are wearing tennis shoes, so --

8 MR. BUTLER: Okay. And it's our --
9 it's their position that they acted appropriately
10 and in compliance or substantial compliance with
11 their plan. The security guards were roaming.
12 One of them -- It was getting towards the end of
13 the night, so it was reasonable for them to
14 prepare for, you know, a mass exodus of people
15 leaving.

16 When things occurred, Mr. Floreza was
17 right behind the bar, so he was there to view
18 everything and helping the staff. So the
19 security guards were there as well and as soon as
20 it appeared that things were out of hand, he, Mr.
21 Floreza, was involved with trying to break up
22 people as well as security.

1 It just all of a sudden they became
2 overwhelmed because of the amount of, I guess,
3 little skirmishes that were occurring at the same
4 time. They called 911 on at least two occasions.
5 I know Mr. Floreza called them twice and I think
6 another staff person called the police as well.

7 They turned on the security lights.
8 They took very prompt action. And they did
9 everything possible to mitigate this as quickly
10 as possible.

11 You know, nothing has really happened
12 here for a period of three years. The last
13 incident has been two years ago. The last
14 incident that had some type of violence was three
15 years ago. So they have been diligent in making
16 sure that they take prompt action. They have all
17 the footage for both ABRA as well as MPD that was
18 helpful in dealing with the situation and dealing
19 with the criminal charges.

20 I know that generally in the area
21 there has been incidents in that 4th Street
22 Corridor area. And Mr. Boyd had made

1 arrangements to speak with the Liaison Officer in
2 4D to see about having just a general increase in
3 MPD presence for unrelated issues to the
4 establishment, but just things that are happening
5 in the community.

6 They have been requested on a few
7 occasions to provide footage to help with other
8 incidents in the community and that has been on
9 the increase, so there was a concern by them,
10 because there has been just a general increase to
11 have more of a police presence in the community
12 to help diffuse situations. And they believe
13 that in partnership with MPD and trying to create
14 a strategic effort for the community, that could
15 also help with some of these issues that are
16 occurring in this area.

17 CHAIRPERSON ANDERSON: I don't mean to
18 cut you off, but would -- has your client ever
19 thought about participating in the RDO Program?
20 Are you familiar with what the RDO is?

21 MR. FLOREZA: Can I?

22 CHAIRPERSON ANDERSON: Yes.

1 MR. FLOREZA: We do participate in the
2 RDO Detail Program on our Friday evenings.

3 CHAIRPERSON ANDERSON: So what day of
4 the week was this?

5 MR. FLOREZA: A Saturday.

6 CHAIRPERSON ANDERSON: So --

7 MR. FLOREZA: We are dealing on
8 Saturday nights, we haven't dealt with the crowds
9 that we anticipate are a gay crowd, so we did not
10 have any RDO on Saturday nights.

11 We do it on Fridays, because I mean on
12 Saturday nights, we are dealing with 40, 50 year-
13 old to 60 year-old crowd.

14 CHAIRPERSON ANDERSON: So what was the
15 difference? So what was -- why is it that there
16 are 143 people -- since you are saying on Friday
17 -- on Saturdays you are -- well, Saturdays you
18 are dealing with 40 to 50 years-old and you don't
19 have this issue. So what was different this
20 Saturday?

21 MR. FLOREZA: There was no difference.
22 We have been dealing with --

1 CHAIRPERSON ANDERSON: So this is
2 these 40, 50 year-olds that have been acting up?

3 MR. FLOREZA: -- this type of crowd
4 for a long time and we haven't had any issues
5 with this crowd. And this, I believe, was an
6 isolated incident where I -- we have a crowd that
7 is generally, like I said, an older crowd. And
8 we never, ever have any problems like this. But
9 it just happened that we had one that evening.

10 On Friday nights, it's -- the crowd is
11 a little bit younger, which we deal with 30 on
12 up, but we just feel that the RDO, the detail was
13 used only on Fridays.

14 CHAIRPERSON ANDERSON: Well, maybe you
15 need to reconsider.

16 MR. FLOREZA: Well, we --

17 CHAIRPERSON ANDERSON: -- Maybe we
18 need to reconsider to have an RDO on Saturday
19 also if --

20 MR. FLOREZA: -- have already
21 implemented that the week after. We requested a
22 detail, the RDO and they are scheduled to come

1 every Saturday night now.

2 CHAIRPERSON ANDERSON: Okay. That's
3 positive. All right.

4 MR. FLOREZA: And we have also added
5 another security guard and other measures to
6 alleviate any type of problem like this.

7 CHAIRPERSON ANDERSON: Well, let me
8 ask you a question and -- is one security guard
9 for 75 people, is that sufficient? I mean, I
10 know you -- I know what as you stated, Mr.
11 Butler, you said that's what the security plan
12 states that one security -- one security guard
13 for 75 people. Is that sufficient?

14 INVESTIGATOR GILLIAM: The security
15 plan, that's incorrect. The security plan states
16 one for every 50.

17 CHAIRPERSON ANDERSON: One for every--
18 well, that's what I'm familiar with. So --

19 INVESTIGATOR GILLIAM: That was some
20 bad information. I don't know if it was a
21 misread, but the security plan says one for every
22 50, one security guard for every 50 patrons.

1 MEMBER ALBERTI: So there weren't that
2 many that night.

3 INVESTIGATOR GILLIAM: Oh, they
4 implied they had 143, so they only had to have
5 two, because you have to have one for every 50,
6 they were seven short from 150.

7 MEMBER ALBERTI: That's not my
8 interpretation, but we --

9 CHAIRPERSON ANDERSON: Well, one

10 MEMBER ALBERTI: -- the Board can talk
11 about that.

12 CHAIRPERSON ANDERSON: Okay. And
13 that's 100, so I think for math, so that's -- if
14 you are going to have two security guards, then
15 there should be no more than 100 people.

16 MR. BUTLER: Yes, apparently.

17 CHAIRPERSON ANDERSON: But you still
18 had 100 -- you had 43 people hanging out there
19 that --

20 MEMBER ALBERTI: Yes, that's my point.

21 CHAIRPERSON ANDERSON: -- the reason
22 I can disagree, who is managing those 43 people?

1 But that's a conversation for a different -- what
2 else? I'm sorry to interrupt you, sir.

3 Sometimes things come to my head, so --

4 MR. BUTLER: No, that's fine. That's
5 fine. I mean, I think Mr. Floreza, you know,
6 talked about the RDO and the measures that have
7 taken. It definitely was an isolated incident.
8 They have taken action to deal with it
9 immediately by implementing the RDO on Saturday.
10 And they are prepared to do whatever is necessary
11 with the community to make sure that they
12 minimize the opportunity for this happening going
13 forward.

14 CHAIRPERSON ANDERSON: Now, you
15 mentioned before and I'm only going to come back
16 to the sneaker for -- just for this one minor
17 point.

18 MR. BUTLER: Sure.

19 CHAIRPERSON ANDERSON: Because I think
20 you are trying to say that the security plan was
21 written a while back. Well, would you -- and I
22 don't know how long ago, how old the security

1 plan is, but would you be willing to revisit the
2 security plan to look at the new laws and
3 regulations and provide us with an updated
4 security plan that --

5 MR. BUTLER: Absolutely.

6 CHAIRPERSON ANDERSON: -- is compliant
7 with the new laws and regulations? Is that
8 something that you can provide to ABRA within --
9 in the sense of, so an updated security plan
10 along with -- I can't order you to do it. We are
11 asking along with maybe a schematic of where the
12 cameras are. Is that something that you can
13 provide the Agency with within the next 30 days?

14 MR. BUTLER: Yes.

15 CHAIRPERSON ANDERSON: All right. So
16 this is a commitment. I can't -- because this is
17 a Fact-Finding Hearing, I cannot order you to do
18 anything, but you, of course, can volunteer to
19 do. And so you will provide ABRA then within the
20 next 30 days an updated security plan that is
21 compliant with the law and the Agency is willing
22 to work with you to make sure that they can

1 provide you whatever information that you need.

2 You can talk to Mr. Gilliam, who will
3 provide you whatever information you need to make
4 sure whatever security plan is being provided to
5 the Agency is compliant with the law.

6 MR. BUTLER: Absolutely.

7 CHAIRPERSON ANDERSON: All right.

8 Okay. Go ahead. Are you done? I know I have
9 been interrupting you all this time. So are you
10 done?

11 MR. BUTLER: I think pretty much, yes.

12 CHAIRPERSON ANDERSON: Before I -- all
13 right. Go ahead, Mr. Alberti.

14 MEMBER ALBERTI: Mr. Butler and maybe
15 your clients can help me here. How many staff
16 were there not counting bus people, people
17 picking up tables? How many bartenders, other
18 staff were there that night? In addition to the
19 two security.

20 MR. BUTLER: There were two bartenders
21 and there were, I believe, two waitresses.

22 MEMBER ALBERTI: Okay. Two security

1 people. So how did they function? One of them
2 had to be at the door, I would assume. Would
3 they have to be at the door all night long?

4 MR. BUTLER: One is at the door all
5 night long.

6 MEMBER ALBERTI: Yeah, to prevent
7 people from not coming in, right?

8 MR. BUTLER: Yes.

9 MEMBER ALBERTI: And the other
10 person's duties are what?

11 MR. BUTLER: Just to roam around.

12 MEMBER ALBERTI: Okay. So I'm going
13 to give you a hypothetical, because I'm concerned
14 about the way you staff security there, very
15 concerned. All right.

16 143 people, that's a lot of people.
17 So hypothetical, a simple fight between two
18 people, a simple fight between two people, nobody
19 else is involved, all right, but you've got two
20 guys going at it. The women going at it are up
21 here. All right. A guy and a woman, okay,
22 separate parties going at it. All right?

1 How are security going to function?
2 What is going to happen given that you have got
3 to separate the parties, keep them separated and
4 get at least one of them out through the crowd
5 and maintain security at the front door? How is
6 that going to function? Who is going to be
7 involved and what steps are they going to have to
8 take? How many security are you going to need to
9 safely execute what I have just described?

10 You are a bar owner, tell me how it
11 happens.

12 MR. FLOREZA: Well, our protocol is if
13 we do see an altercation, which we have managers,
14 which myself is one duty watching the crowd, we
15 have the other one that is roaming and the one
16 outside. If we do see an altercation or anything
17 like that, we automatically -- well, we train our
18 staff to also watch the crowd to see if they see
19 anything. And if they do see anything, they
20 automatically either alert the manager on duty or
21 they automatically -- we have floodlights that we
22 automatically flip on, so that it just brightens

1 up the whole place.

2 And there is one, it can be seen from
3 outside, because the security outside sees the
4 lights and also the managers and the security,
5 inside security, sees the lights and then go to
6 wherever they see the commotion going on and then
7 we handle it.

8 We try to break it up. We try to flip
9 on the lights before anything is going on, so
10 that we can implement some type of verbal judo
11 before trying to separate them and walk the
12 aggressor or the other person out the door and
13 hold the other person in.

14 MEMBER ALBERTI: So who is walking the
15 person out the door and who is holding the other
16 person in?

17 MR. FLOREZA: Well, security and a
18 manager and then by that time, the man at the
19 door.

20 MEMBER ALBERTI: So the man at the
21 door leaves the door?

22 MR. FLOREZA: He is at the door, but

1 doesn't --

2 MEMBER ALBERTI: He leaves the door?

3 MR. FLOREZA: He does leave the door.

4 MEMBER ALBERTI: Is that --

5 MR. FLOREZA: And --

6 MEMBER ALBERTI: -- wise?

7 MR. FLOREZA: -- well, to alleviate
8 any type of altercation, that's what we do.

9 MEMBER ALBERTI: Wouldn't it be best
10 to have an extra person there, so that you
11 maintain somebody at the door?

12 MR. FLOREZA: Yes. I mean, that would
13 be the -- yeah, I agree.

14 MEMBER ALBERTI: When you are walking
15 someone out, and once someone is walking someone
16 out, someone is holding someone back, and you've
17 got to walk them through the crowd, nobody else
18 is going to assist you with that?

19 MR. FLOREZA: I mean in the past, sir,
20 we really haven't had any type of problems.

21 MEMBER ALBERTI: I know, I know.

22 MR. FLOREZA: And --

1 MEMBER ALBERTI: I know. I'm going
2 to --

3 MR. FLOREZA: -- we did not foresee--

4 MEMBER ALBERTI: I am going to
5 probably step on somebody's toes here, but I'm
6 going to say shit happens. All right. I'm
7 sorry. But I have got to be Frank. Stuff
8 happens out there and you've got to be prepared
9 for it. All right? You just can't say well, we
10 never have any problems. All right?

11 You just -- but you have. You have
12 three years ago, so you know it's possible. I
13 mean, look, I give you credit. You turned on --
14 turning on the lights is wonderful. I get that
15 and so you did some things right here. All
16 right?

17 But you were caught off-guard and you
18 nearly -- what bothers me is that you are not
19 seeing that you are going to have to prevent --
20 you have got to take measures to prevent this.
21 I'm not hearing you have to take measures.

22 MR. FLOREZA: We have added more

1 security.

2 MEMBER ALBERTI: And so the other
3 thing --

4 MR. FLOREZA: And RDO.

5 MEMBER ALBERTI: -- is if a manager is
6 going to act as security, shouldn't they have
7 security on them? The reason we have security on
8 them is so they don't get stabbed in the back
9 when they intervene. And so the manager comes in
10 and the manager is intervening, I don't know who
11 he is. He is attacking my friend. I'm going to
12 put him in a headlock. I'll bust him upside the
13 head with a bottle. I'm sorry.

14 You know if you are going to have the
15 managers act as security, they are going to have
16 to wear security -- they are going to have to
17 identify themselves. I don't see any way around
18 it. I think if this crowd -- thinking about how
19 the situation I described, just a simple fight
20 between two people, you need one person for each
21 of the two parties. You need one person to help
22 them exit and you need to have someone at the

1 door.

2 I see at a minimum of four security
3 people to handle that safely. That's just my
4 opinion. Have you guys thought about
5 implementing wanding?

6 MR. FLOREZA: We did. And we have
7 been doing it ever since the incident.

8 MEMBER ALBERTI: Are you going to put
9 that in the security plan?

10 MR. FLOREZA: We can, yes. We will.

11 MEMBER ALBERTI: All right. That's my
12 advice to you. Put that in your security plan
13 and make sure that you are wanding, you know, it
14 may be only on weekends, but, you know, this is a
15 real concern. I mean, someone got hurt badly.
16 You could have gotten, Mr. Floreza, hurt badly.
17 If they had mistaken you for an assailant rather
18 than manager, you could have gotten hurt badly.

19 All right. Thank you. I have nothing
20 further.

21 CHAIRPERSON ANDERSON: Any questions
22 by any other Board members? Any -- yes, Mr.

1 Silverstein?

2 MEMBER SILVERSTEIN: Okay. The
3 suggestions we have so far are to revisit the
4 camera angles, revisit the security plan,
5 additional security guard, to lower the ratio to
6 50:1, RDO on Saturday night, and wandering.

7 Anything else, Officer, Lieutenant,
8 that you think could be done, should be done?
9 Anything that might have failed that night that
10 we should look at?

11 LIEUTENANT CONNORS: Yeah. I should
12 have pointed this out. I forgot to mention
13 earlier, too, one of the issues we have with this
14 particular scene was the victims were really
15 intoxicated and hard to interview.

16 So one thing that I would suggest,
17 too, just training the security staff, they have
18 really got to identify potential problems and
19 remove them, whether it is highly intoxicated or
20 somebody is being argumentative, somebody who is,
21 you know, pushing or just being aggressive in the
22 crowd, I mean, just really just spotting these

1 individuals and getting them out of the
2 establishment.

3 And what the officers who were on the
4 scene said that a lot of people they were dealing
5 with were just hard to interview because of their
6 level of intoxication, which slowed the
7 investigation down. And sometimes makes it
8 impossible to investigate when the victim can't
9 even -- they are just slurring their words and
10 stuff like that.

11 MEMBER SILVERSTEIN: Investigator
12 Gilliam?

13 INVESTIGATOR GILLIAM: It's like I
14 said, Mr. Silverstein, my biggest thing is with
15 this situation it was like the best way to
16 describe it, you know, it was like a time bomb
17 went off. The -- you know, if security would
18 have seen the gentleman starting off with the
19 instigating, it could have been null and void.

20 But then another thing that I want to
21 stress to the Board is that even when the
22 situation was -- when the assault was occurring,

1 Mr. Morgan, he was basically like hands-off. I
2 don't know if it was a fear factor and I can't
3 speak on that, but I felt like in some situations
4 when I was actually observing the video, he had
5 ample time to get the aggressors out or separate
6 them and he was just like just standing there
7 watching. I don't know the reason for it, but I
8 mean, that's pretty much sure.

9 So my advice to the owners is to make
10 sure you have currently people that you employ in
11 that security, have people that is going to react
12 when a situation calls for it.

13 MEMBER SILVERSTEIN: Like putting out
14 a fire, you've got to do it early.

15 INVESTIGATOR GILLIAM: Exactly.

16 MEMBER ALBERTI: Can I just -- one
17 more question.

18 MEMBER SILVERSTEIN: Yes. All right.
19 So how --

20 CHAIRPERSON ANDERSON: Hold on. Are
21 you done? Hold on.

22 MEMBER SILVERSTEIN: Sure.

1 MR. FLOREZA: Thank you, sir.

2 CHAIRPERSON ANDERSON: Mr. Alberti?

3 MEMBER ALBERTI: So how old were the
4 people that you observed?

5 INVESTIGATOR GILLIAM: It was a crowd
6 of about 40 or 50 years-old. And when I
7 interviewed one of the bartenders she advised me
8 that the crowd there that night wasn't the normal
9 crowd. So I don't know if the band brought them,
10 but I mean, typically, they deal with -- their
11 cliental is 40, 50 years-old. It was the age
12 frame. I just don't know if it was that band in
13 particular or not.

14 MEMBER ALBERTI: Okay. I'm just going
15 to add in defense of Mr. Morgan and this goes to
16 not having enough security, he was probably
17 fearful, because he would --

18 INVESTIGATOR GILLIAM: I understand
19 that.

20 MEMBER ALBERTI: -- there was -- he
21 had nobody to back him up.

22 INVESTIGATOR GILLIAM: I understand

1 that.

2 MEMBER ALBERTI: You know, he is lucky
3 if he had one person to back him up, but he
4 didn't have nobody to back him up. And I can
5 understand his reaction, because he is out-
6 numbered.

7 INVESTIGATOR GILLIAM: And I
8 understand that.

9 MEMBER ALBERTI: And so to the
10 licensee, this is why you need more security. I
11 think you need four for an event this big, not
12 just three, but that's my opinion.

13 INVESTIGATOR GILLIAM: And I just want
14 to add one more thing, I know the training with
15 security, Mr. Dean had on a shirt, but the
16 security plan specifically says it has to be
17 raised white letters and I didn't see raised
18 white letters of security stated on Mr. Dean's
19 shirt. So that's still something you need to be
20 coming into compliance with. They need to be
21 raised white letters, so it's visible in a
22 nighttime atmosphere. That's the purpose for it.

1 MEMBER ALBERTI: Do you think it was--
2 it would have been visible in the club?

3 INVESTIGATOR GILLIAM: Well, yeah,
4 because they --

5 MEMBER ALBERTI: Not that you know
6 that it was there or --

7 INVESTIGATOR GILLIAM: -- turned --
8 not because -- they turned the lights on. Mr.
9 Floreza, he was observed turning the lights on,
10 so you could see it on his shirt, because the
11 lights was on. As soon as the incident started,
12 he turned the floodlights on so people could see
13 security on Mr. Morgan. I didn't see security
14 nowhere on Mr. Dean. It could be seen because
15 the lights was on.

16 MEMBER ALBERTI: That's what I'm
17 saying. Mr. -- you did not see it on Mr. Dean in
18 the darkened club?

19 INVESTIGATOR GILLIAM: I didn't see
20 with the lights on either. It wasn't on there
21 from the video camera.

22 MEMBER ALBERTI: Okay.

1 INVESTIGATOR GILLIAM: I didn't see
2 security on it.

3 MEMBER ALBERTI: All right. Thank
4 you. Thank you for that.

5 CHAIRPERSON ANDERSON: All right. Any
6 -- I'm going to give some final comments or I'm
7 going to have you make some final comments, but
8 anything else you want to say before you make
9 some final comments?

10 MR. BUTLER: I can incorporate them
11 into my final comments.

12 CHAIRPERSON ANDERSON: All right.
13 Then I can start with Lieutenant, what is it that
14 you would like us -- what is it that you would
15 like us to do as far as this Agency is concerned?

16 LIEUTENANT CONNORS: Yeah, I think the
17 increased security and the RDO on Saturday nights
18 is a really strong start. And then if it was
19 that band that brought that particular crowd, you
20 know, maybe not hire that band again. But those
21 two things, the increased security and the RDO on
22 Saturday is a good idea.

1 CHAIRPERSON ANDERSON: Thank you. Mr.
2 Gilliam?

3 INVESTIGATOR GILLIAM: I'll add that
4 when I was interviewing Mr. -- both owners, they
5 were very cooperative. I mean, they was, you
6 know, apologetic for what happened and they
7 really wanted to get to the bottom of it, so it
8 don't happen again. I will say that.

9 CHAIRPERSON ANDERSON: Okay. Thank
10 you. Mr. Butler, you have the last word on
11 behalf of your client.

12 MR. BUTLER: Well, we want to thank
13 the Board and ABRA and MPD for their input here.
14 My clients are very sensitive to how they operate
15 their business and as a result, they have already
16 taken some of the action already and will take
17 the recommendations of the Board and MPD and ABRA
18 very seriously in increasing the security
19 presence, which they have done.

20 We are going to memorialize all this
21 in a security -- updated security plan within 30
22 days. And we are confident that this won't

1 happen any time soon, based on be prepared going
2 forward with the increased security, wanding and
3 using the security of RDO on Saturday.

4 So we thank everyone for them taking
5 the time to discuss their establishment and we
6 look forward to making sure that we are not here
7 under these circumstances any time soon.

8 CHAIRPERSON ANDERSON: Thank you, Mr.
9 Butler. All right.

10 Well, the Board will take this matter
11 under advisement and so we will take it under
12 advisement to try and figure out what, if any,
13 action that we will take, whether or not we will
14 do something further or whether or not we will
15 say NFA, but we will just take this matter under
16 advisement. Okay.

17 All right. Thank you for appearing
18 today. I want to thank the Officer, the
19 Investigators and thank everyone. All right.
20 Thank you.

21 MR. BUTLER: Thank you.

22 CHAIRPERSON ANDERSON: All right.

1 With that said as Chairman of the Alcoholic
2 Beverage Control Board for the District of
3 Columbia and in accordance with DC Official Code
4 Section 2-574(b), closed meetings, and Section 2-
5 574, Notice of Meetings, of the Open Meetings
6 Act, I move that the ABC Board hold a closed
7 meeting on September 26, 2018 for the purpose of
8 discussing and hearing reports concerning ongoing
9 or planned investigations of alleged criminal or
10 civil misconduct or violations of law or
11 regulations and seeking legal advice from our
12 counsel on the Board's Investigative, Legal and
13 Licensing Agenda for September 26, 2018 as
14 published in the DC Register on September 21,
15 2018.

16 Is there a second?

17 MEMBER ALBERTI: Second.

18 CHAIRPERSON ANDERSON: Mr. Alberti has
19 seconded the motion. I will now take a roll call
20 vote on the motion before us now that it has been
21 seconded.

22 Mr. Silverstein?

1 MEMBER SILVERSTEIN: I agree.

2 CHAIRPERSON ANDERSON: Mr. Alberti?

3 MEMBER ALBERTI: I agree.

4 CHAIRPERSON ANDERSON: Mr. Cato?

5 MEMBER CATO: I agree.

6 CHAIRPERSON ANDERSON: Mr. Isaac

7 MEMBER ISAAC: I agree.

8 CHAIRPERSON ANDERSON: Mr. Anderson?

9 I agree.

10 As it appear that the motion has
11 passed, I hereby give notice that the ABC Board
12 will hold this aforementioned closed meeting
13 pursuant to the Open Meetings Act. Notice will
14 also be posted on the ABC Board hearing room
15 bulletin board, placed on the electronic calendar
16 on ABRA's website and published in the DC
17 Register in as timely a manner as practicable.

18 It is 3:56 p.m. and we are adjourned
19 for the day. Thank you.

20 MR. BUTLER: Thank you.

21 (Whereupon, the Fact-Finding Hearing
22 was concluded at 3:56 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: MDM, LLC

Before: Alcoholic Beverage Control Board

Date: 09-19-18

Place: Washington, DC

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Court Reporter

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