



**ALSO PRESENT:**

**JACK FRAZIER BOTSFORD, APPLICANT**

**STEPHEN DALE, APPLICANT**

**BETSY LEHRFELD, APPLICANT**

**ANDREW KLINE, APPLICANT'S ATTORNEY**

**FELICIA DANTZLER, DC ABRA**

**DEVON TODD, DC ABRA**

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

STATEMENTS:

DeVon Todd, ABRA Investigator. . . . . .9/57  
 Felicia Dantzler, ABRA Investigator. . . . . 15/72  
 Andrew Kline, Attorney . . . . . .18

BOARD QUESTIONS: . . . . . .22

EXHIBITS

IDENTIFIED RECEIVED

GOVERNMENT:

6 - Storage Closet Behind Bar 64  
 7 - Bar Photo 64  
 8 - Bar Photo 64

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

2 2:28 p.m.

3 CHAIRPERSON ANDERSON: All right. We  
4 are back on the record. Our next case is we have  
5 a Fact-Finding Hearing, Case No. 18-CMP-00215,  
6 The Crucible, License No. 110980.

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

10 MR. TODD: Investigator DeVon Todd,  
11 ABRA Investigator.

12 CHAIRPERSON ANDERSON: Good afternoon,  
13 Mr. Todd.

14 INVESTIGATOR DANTZLER: Felicia  
15 Dantzler, ABRA Investigator.

16 CHAIRPERSON ANDERSON: Ms. Dantzler.

17 MR. BOTSFORD: Frazier Botsford, I'm  
18 owner/manager.

19 CHAIRPERSON ANDERSON: I did not hear  
20 your last name, sir.

21 MR. BOTSFORD: Botsford.

22 CHAIRPERSON ANDERSON: Bots?

1 MR. BOTSFORD: B-O-T-SFord.

2 CHAIRPERSON ANDERSON: You are one of  
3 the managers?

4 MR. BOTSFORD: Yes.

5 CHAIRPERSON ANDERSON: Good afternoon,  
6 sir.

7 MR. KLINE: Andrew Kline on behalf of  
8 the licensee.

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

11 MR. KLINE: Good afternoon.

12 MR. DALE: Stephen Dale, manager,  
13 board member.

14 CHAIRPERSON ANDERSON: Mr. Dale. Good  
15 afternoon, Mr. Dale.

16 MR. DALE: Okay.

17 MS. LEHRFELD: Betsy Lehrfeld, board  
18 member.

19 CHAIRPERSON ANDERSON: I'm sorry,  
20 Miss, I didn't get your last name.

21 MS. LEHRFELD: Lehrfeld, L-E-H-R-F-E-  
22 L-D.

1 CHAIRPERSON ANDERSON: I'm sorry, your  
2 last name again? I'm sorry, ma'am.

3 MS. LEHRFELD: L-E-H-R-F-E-L-D.

4 CHAIRPERSON ANDERSON: F --

5 MR. KLINE: Lehrfeld.

6 CHAIRPERSON ANDERSON: F -- feld?

7 MR. KLINE: Yes.

8 CHAIRPERSON ANDERSON: Oh, okay, good  
9 afternoon, Miss. How do you pronounce it?

10 MS. LEHRFELD: Lehrfeld.

11 CHAIRPERSON ANDERSON: Lehrfeld. Good  
12 afternoon, Ms. Lehrfeld. All right.

13 This is a Fact-Finding Hearing and I  
14 know -- and let me clarify something to you  
15 before we start. The purpose of this hearing is  
16 not to talk about whether or not the Board  
17 approves or disapproves of this establishment. I  
18 want that to be clear. So that's not the purpose  
19 why you are here.

20 So whether or not we might agree or  
21 disagree with what occurred there, that's not why  
22 we have you here today.

1           One of the reasons why this -- we are  
2           having this hearing is that the Investigators  
3           went out and did -- I know that's my  
4           understanding, you have been getting one-day  
5           licenses for a number of years and it has been  
6           approved without any problems.

7           Our Investigators went out there and  
8           did a report and there were some incidents there  
9           that gave the Board a pause. One of the things  
10          that we wanted to, for clarification purposes,  
11          make sure that -- I know that we have Mr.  
12          Botsford, the manager. We have Mr. Dale, a board  
13          member and Ms. Lehrfeld. Are you also a board  
14          member, too? What's your title there, ma'am?

15                   MS. LEHRFELD: I'm a board member.

16                   CHAIRPERSON ANDERSON: You are also a  
17          board member. We want to make sure that whoever  
18          the license is being provided to, I mean, what is  
19          their role during the operation of when -- once  
20          an ABC license is provided?

21                   We want to make sure that it is clear  
22          to us that who is in charge. If something goes

1 wrong, is the person who is in charge, are they  
2 themselves a participant, are they there that  
3 they can be reached immediately to say that there  
4 is an issue it needs to be -- that it needs to be  
5 addressed.

6 So that's one of the reasons I wanted  
7 to make sure that you know that that's the  
8 purpose of the hearing. It's not to -- other  
9 things might come out, but that's not -- we are  
10 not here for that. Okay. I want to assure you  
11 that you are not here for that.

12 And secondly, since you have been  
13 operating all these numbers of years, then the  
14 Board would just find out why not apply for a  
15 permanent license? Why do you keep on applying  
16 for a one-day? Okay.

17 So all right, so as long as we are all  
18 on board where we are, then I can start with --  
19 I'll have the Investigator, he can just tell us  
20 the -- I'm sorry, not -- let me see, there are  
21 two Investigators here.

22 Who wants to start, either Mr. Todd or



1 Ms. Dantzler? Just since there is -- a report  
2 was written and basically if you want to just  
3 share the report with us. Who wants to --

4 MR. TODD: Okay. I can start.

5 CHAIRPERSON ANDERSON: Sure. Go  
6 ahead, Mr. Todd.

7 MR. TODD: So on Saturday the 11th,  
8 August 11, 2018, myself and Investigator Dantzler  
9 and a DCRA Inspector visited The Crucible at 412  
10 V Street, N.E.

11 While there, we determined that the  
12 acts that were being conducted in the  
13 establishment, on the on-premise establishment,  
14 was contradictory to what the applicant placed on  
15 the application for the alcohol license.

16 We also found that the agents on  
17 behalf of the establishment were engaged in  
18 sexual activity, sexual acts, excuse me, with the  
19 patrons inside of the establishment.

20 On the 11th when myself and  
21 Investigator Dantzler and the DCRA Inspector  
22 visited the establishment, we met with Ms.

1 Elizabeth Thrunck. She stated that she was a  
2 board member for The Crucible. I asked Ms.  
3 Thrunck where was the applicant for the alcohol  
4 license. She stated that it was Mr. Jack  
5 Botsford.

6 We asked to speak to Mr. Botsford.  
7 She did not have a problem with showing us or  
8 escorting us through the establishment to meet  
9 with Mr. Botsford. She stated that he was laying  
10 down, because he was having medical issues that  
11 night.

12 Before entering into the next portion  
13 of the establishment, she stated to us that --  
14 she warned us that we would see nudity and we  
15 would see sexual acts being conducted behind the  
16 curtain.

17 So we entered the establishment. To  
18 the left of us, we seen a changing station where  
19 multiple patrons were changing their wardrobes,  
20 some were nude, some were not nude. We entered  
21 through a second curtain in the establishment and  
22 you have a big warehouse, which there were

1 approximately 20 sex stations inside. They did  
2 have a DJ that provided entertainment, live  
3 entertainment.

4 Ms. Thrunck stated that she would go  
5 and get Mr. Botsford and we would wait in the  
6 area by the bar. We proceeded through the  
7 establishment. We told Ms. Thrunck that we would  
8 walk around the establishment until Mr. Botsford  
9 arrived.

10 When we walked through the  
11 establishment we seen multiple acts that appeared  
12 to be explicit. We seen specifically women tied  
13 up with ropes while an individual on behalf of  
14 the establishment was conducting the tying of the  
15 ropes on the female from her shoulders down to  
16 her feet.

17 We also seen females, completely nude  
18 females on tables with cuppings, cups on her  
19 breasts covering her areola.

20 We also seen patrons inside of their  
21 love play area, in which they stated was their  
22 love play area receiving needles in their arms.

1           We seen patrons involved with hot wax  
2 being placed on their nude bodies.

3           We also seen completely nude patrons  
4 dancing to the music.

5           We also seen individuals laying on  
6 tables with knives being caressed on their body.  
7 Right above a portion of one of the patrons that  
8 was inside of the club, they had lashings on  
9 their top -- their lower extremity, their upper  
10 thigh inside of the establishment.

11           While inside, we seen two gentlemen in  
12 black shirts following myself and Investigator  
13 Dantzler around the establishment as we viewed  
14 these various acts inside. I didn't ask who they  
15 were. They did not have any identifying markings  
16 on themselves other than black T-shirts and  
17 fairly large individuals.

18           At that time, we walked back to where  
19 the bar area was inside of the nightclub inside  
20 of the club and Mr. Botsford arrived. I stated  
21 to Mr. Botsford that myself and Investigator  
22 Dantzler and the DCRA Inspector were there to

1 just conduct compliance checks and making sure  
2 that they were acting in accordance to their one-  
3 day license.

4 We really couldn't talk too much  
5 inside of the establishment because of the  
6 entertainment, so we were asked to step outside  
7 in a quiet area.

8 Along with Mr. Botsford accompanying  
9 him was Mr. Stephen Dale, who is also a board  
10 member of The Crucible. Mr. Dale -- again, I  
11 addressed Mr. Dale and informed Mr. Dale what was  
12 going on inside and we wanted to make sure that  
13 the license was being operated accordingly and  
14 they weren't acting in violation of what the  
15 alcohol license was permitted them to do so.

16 I asked Mr. Botsford specifically the  
17 information or the actual -- what was actually  
18 going on in the establishment is that what the  
19 application, what he wrote on the application?  
20 Mr. Botsford stated that it was a social and it  
21 was a dance club. They had been doing it for  
22 over 15 years. They have always gotten one-day

1 licenses.

2 V Street was not their first location.  
3 They also have been on M Street, N.W., and they  
4 also had another location in Southwest in  
5 Washington, D.C.

6 Mr. Botsford stated that they never  
7 had a problem with the Alcohol Board before  
8 coming to make a visit, which I wasn't too sure  
9 about at the time. I only can vouch for the  
10 night that I visited The Crucible, which was on  
11 August the 11th.

12 I had an actual application there with  
13 me and I stated to Mr. Botsford that on the  
14 license under the entertainment portion, he  
15 submitted that the establishment were going to be  
16 operating as a social and a dance club with  
17 music.

18 And I informed and advised him that  
19 from the acts that were being conducted inside of  
20 the establishment was totally contradictory to  
21 what he had stated on the actual alcohol license.

22 Any on-premise retailer's license

1 other than a nightclub, they may or a legitimate  
2 theater, they may provide nude performances by  
3 way of entertainment only if it is addressed  
4 before the application is submitted and that was  
5 not the case when I visited, myself and  
6 Investigator Dantzler and the DCRA Inspector  
7 visited The Crucible.

8 Do you have anything to add?

9 INVESTIGATOR DANTZLER: Yes.

10 CHAIRPERSON ANDERSON: Ms. Dantzler?

11 INVESTIGATOR DANTZLER: Yes. Just to  
12 add what Investigator Todd didn't say, what I  
13 also witnessed was a massage area of the club  
14 located in the rear to the right of the  
15 establishment had about, I think it was, three to  
16 four massage tables. Each massage table had a  
17 nude female, completely nude where there is no  
18 covering of the breasts or the buttocks or the  
19 genital area. There were males who were giving--  
20 performing the massages.

21 Also what I witnessed was a female who  
22 was bent over who was completely nude from the

1 waist down standing behind her was a male who had  
2 his hands inside of her vagina performing a  
3 sexual act.

4           Once -- as Investigator Todd spoke,  
5 once we exited the establishment to have a  
6 conversation with Mr. Botsford and Mr. Dale just  
7 to try to get an understanding where this  
8 disconnect was with this application as far as  
9 what type of license they would have that night  
10 as we were -- as it stated in the application, it  
11 said social dancing -- social and dancing.

12           Mr. -- of course, there were other  
13 converse -- other things that were stated, but  
14 Mr. Dale just came out and just plainly said this  
15 is just a sex club. We are a sex club.

16           So you know, I explained to them about  
17 the nude performances, that some of the acts that  
18 we saw being performed, to the best of my  
19 knowledge, were also acts that we don't allow  
20 performed in our other nude establishments in the  
21 city. That is the extent of my contribution to  
22 the report.



1                   CHAIRPERSON ANDERSON: All right.  
2                   Were -- tell me about, was there alcohol there?  
3                   How was it? I mean, was there alcohol? Where  
4                   was the alcohol and how much alcohol? I mean,  
5                   where did they purchase the alcohol? Was there  
6                   any conversation regarding that?

7                   MR. TODD: The alcohol was actually at  
8                   the bar. They have a bar inside of the  
9                   nightclub. Right under the bar you have the  
10                  entertainment portion of where the DJ was. On  
11                  the bottom floor, you have a full-service bar.  
12                  They had a tip jar on the bar, a clear tip jar  
13                  with money inside. There was a bartender behind  
14                  and they had three shelves of alcohol.

15                  I included those -- that photo of the  
16                  bar inside the report and it's listed as an  
17                  exhibit inside of the case.

18                  Along with that area, they also have  
19                  a storage closet inside of the club that is  
20                  locked. And there is like a numerical pad that  
21                  is on the door, padlock that is on the door that  
22                  they use to enter in and out. Inside there is

1 two shelves and those are also exhibits inside of  
2 the case report that I have.

3 They purchased their alcohol  
4 specifically from Costco Wholesalers and  
5 Willman's that is in the District, both are in  
6 the District. The receipts that I have inside of  
7 the case that are listed also as exhibits were  
8 strictly from Costco. And they were not around  
9 the time that they were issued this alcohol  
10 license.

11 So I did ask how do they keep, how do  
12 they store their alcohol inside? Mr. Dale and  
13 Mr. Botsford both agreed that they keep their  
14 alcohol locked up inside the storage closet when  
15 they are having events, when they do not have an  
16 alcohol license. However, it is locked inside of  
17 the storage closet.

18 CHAIRPERSON ANDERSON: All right.  
19 Okay. Mr. Kline, so it's more so supervision.  
20 The alcohol and what else you -- whatever else  
21 you want to address, please.

22 MR. KLINE: Yes. So I mean, let met

1 just give the Board a little bit of background.  
2 This is a social club. It has existed for 18  
3 years. I think the Investigator has already  
4 testified that they pull a number of one-day  
5 licenses.

6 We understand the Board's concern that  
7 perhaps there be a more permanent situation with  
8 respect to sale and service of alcohol and they  
9 are prepared to apply for a license within 30  
10 days. Not all their events involve alcohol,  
11 that's why they haven't done it in the past.

12 They have these events on a regular  
13 periodic basis. Some of them have involved the  
14 sale of alcohol. Some of them have not or the  
15 service of alcohol, some of them have not. But  
16 the club has existed for 18 years really without  
17 incident.

18 And I did talk to a number of people  
19 in the city and we have a bunch of letters which  
20 may or may not be relevant. But in terms of  
21 zoning, they went through zoning and  
22 interestingly enough, the Advisory Neighborhood

1 Commissioner who has the area or had it when they  
2 first came in initially had great concerns and  
3 ultimately he ended up being a supporter, because  
4 they don't bother anybody and there really has  
5 not been an issue.

6 And I did speak to him, had the  
7 occasion to speak to him last night. He is Tony  
8 Goodman, who is now Chief of Staff for Council  
9 Member Grosso and his successor happened to be  
10 sitting there when we had the conversation and  
11 she agreed, they aren't any issues.

12 We appreciate and applaud the Board in  
13 terms of having this hearing to make sure that  
14 what they are doing is safe and is in compliance  
15 with your laws, because they have an obligation  
16 to do that whether they are under a one-day  
17 license or a permanent license and we recognize  
18 that.

19 In terms of the activities that are  
20 there, this is -- it's a little different from  
21 what we are used to in terms of an organization.  
22 This is not a hierarchial organization. It's

1 more of a cooperative. The members were all  
2 there for a purpose, something that they believe  
3 in. And this is part of their lifestyle. This  
4 is what they do.

5 And they -- all the members work  
6 together to make sure what is going on there is  
7 done in a safe manner and is safe. And with  
8 respect to alcohol sales, which of course this  
9 Board is concerned with, and we appreciate that,  
10 Mr. Botsford has been the repeated one-day  
11 applicant on the licenses. He understands his  
12 responsibilities with respect to sale and service  
13 of alcohol.

14 And if indeed they go for it for a  
15 permanent license which they said if they  
16 continue -- we are telling you today if they  
17 continue to serve alcohol, they are going to do  
18 within 30 days, then he would likely be the  
19 person that would take on that responsibility for  
20 this DC nonprofit organization to continue these  
21 activities.

22 CHAIRPERSON ANDERSON: That's it?

1 MR. KLINE: That's -- you know, if the  
2 Board has specific concerns --

3 CHAIRPERSON ANDERSON: I'm going to  
4 have --

5 MR. KLINE: -- which I'm sure they  
6 might --

7 CHAIRPERSON ANDERSON: -- other  
8 Members --

9 MR. KLINE: -- address the concerns.

10 CHAIRPERSON ANDERSON: Yes, I'm going  
11 to have other Members ask questions, but I wanted  
12 to --

13 MR. KLINE: Yes.

14 CHAIRPERSON ANDERSON: -- at least  
15 respond before the other Members.

16 Do we have any questions by of the  
17 Board Members? Yes, Mr. Short?

18 MEMBER SHORT: Good afternoon,  
19 everyone.

20 INVESTIGATOR DANTZLER: Good  
21 afternoon.

22 MR. TODD: Good afternoon.

1                   MEMBER SHORT: I guess, Mr. Kline, you  
2 know and I'll just let the others know I'm a  
3 former public safety person in the city.

4                   MR. KLINE: Yes, sir.

5                   MEMBER SHORT: And my concern would be  
6 if there is a fire while these activities are  
7 going on, especially if people are incapacitated,  
8 whose job is it to get them unhooked, unbuckled,  
9 untied? How do they get out? I mean, if they --  
10 because when the bell hits and the smoke drops,  
11 it's everybody for themselves. We all know that.  
12 That's human nature.

13                   MR. KLINE: Right.

14                   MEMBER SHORT: So what happens in that  
15 case?

16                   MR. KLINE: Okay. So a couple of  
17 things. One is, and I have photos and I did get  
18 a preliminary inquiry from the Board's counsel in  
19 terms of specific issues that we might address  
20 and that you might expect me to address.

21                   There are exit signs. I have photos  
22 of all of them. In terms of the activities, the

1 people that are involved in what has been  
2 explained to me is demonstrations of various  
3 techniques are each responsible for what they are  
4 doing in their particular area.

5 And as I said at the -- as I said  
6 before, this is a community. This is not a  
7 business operation per se. It's a community of  
8 people. And one of their goals is, as a  
9 community, to make sure that everybody is safe  
10 and that if there is an incident, that they act  
11 to see that people get out.

12 I have a photo of -- there is not only  
13 the front door, which is -- there is no stairs.  
14 I mean, it's straight out to the exterior of the  
15 property. And there is also a rear door with a  
16 roll-up garage door that one can get out.

17 MEMBER SHORT: I'm kind of familiar  
18 with the building. It's an old warehouse,  
19 correct?

20 MR. KLINE: Yes, sir.

21 MEMBER SHORT: And what is the current  
22 Certificate of Occupancy for that being?



1 MR. KLINE: It's 250 is the capacity.

2 MEMBER SHORT: And I understand that.

3 Mr. Kline, I want to just reference when you say  
4 some incidents happened on the west coast. And  
5 we had some incidents that happened in this town  
6 some years back where people just couldn't get  
7 out and that's my concern.

8 Now, it has been brought to the  
9 Board's attention how do people get out if they  
10 are incapacitated, chained or tied down to a  
11 table? Who gets them out if the building -- if  
12 there is a fire or there is an incident where  
13 everybody has to evacuate?

14 MR. KLINE: Go ahead.

15 MR. BOTSFORD: There are four means of  
16 egress, all vetted by Fire when we got inspected  
17 and everything.

18 MEMBER SHORT: Okay. When was your  
19 last DC Fire Department inspection?

20 MR. DALE: Yeah, it was when we opened  
21 and then I think it has happened since then.

22 MEMBER SHORT: The Fire Department

1 requires --

2 MR. BOTSFORD: We have safety --

3 MEMBER SHORT: We're good. I  
4 understand about the exits and that's -- Mr.  
5 Dale, your attorney articulated that also.

6 My question is to you and anyone on  
7 the panel, if I am incapacitated and I have got  
8 my limbs all tied down and the bell goes off, the  
9 fire alarm system goes off and heavy smoke drops  
10 down, it's human nature that -- self-  
11 preservation. Whose job is it to get those  
12 person incapacitated in the first place and if  
13 they are -- have some other issues, whose job and  
14 how -- do you have a plan in place for that?

15 MR. KLINE: Yeah, I think Mr. Dale can  
16 probably speak to that.

17 MR. DALE: So part of our community is  
18 dedicated to making sure that each event is as  
19 safe as possible as we can provide it. The  
20 building is solid concrete with very little  
21 inside that is actually going to create a blaze  
22 that is going to be uncontrollable. Most of the

1 carpets are actually fireproof.

2 But we have people designated  
3 specifically for safety monitoring as well as  
4 safety training for our managers and staff. I  
5 call them staff, they really are all volunteer  
6 work, but we have people of every walk of life  
7 that come to our club. And we have --

8 MEMBER SHORT: Well, that's --

9 MR. DALE: -- EMS. We have Fire  
10 people.

11 MEMBER SHORT: I'm not worried about  
12 who comes and goes, that's --

13 MR. DALE: We have people --

14 MEMBER SHORT: -- your business. My  
15 issue would be again, as a Board Member, I would  
16 want to make sure that the DC Fire Department  
17 signs off on that building, on those exits, on  
18 your fire alarm system and all other safety  
19 equipment in the building.

20 And you can't tell me the last time  
21 you had a fire inspection.

22 MR. KLINE: Right. Mr. Short, the C

1 of O was issued and that was all signed off on.  
2 I mean, we are happy to have that done.

3 MEMBER SHORT: Okay. The Fire  
4 Department doesn't sign-off on C of Os any more  
5 like they used to. And I do know that to be a  
6 fact. Once the -- a Bill was passed by the  
7 Council, the responsibilities for inspecting  
8 allowed places was turned over to DCRA.

9 And so still you would have to have a  
10 building inspection. Every building in the city  
11 is required that has commercial club, just like  
12 yours, has to be inspected by the Fire Department  
13 once a year, that's the law.

14 MR. KLINE: Right. And we are happy  
15 to have them do that. That's not an issue for  
16 us. I mean --

17 MEMBER SHORT: What's the capacity of  
18 the building? I mean, what is the -- yeah, the  
19 capacity.

20 MR. KLINE: 250.

21 MEMBER SHORT: 250. Now, who gave you  
22 that number?

1           MR. BOTSFORD: I had to get a zoning  
2 variance. I got that number down below 300, so  
3 we wouldn't be required to have a sprinkler or a  
4 fire alarm system.

5           MEMBER SHORT: No fire alarm system?

6           MR. BOTSFORD: We put a fire alarm  
7 system in anyway.

8           MEMBER SHORT: Well, that is great  
9 testimony. Again, I would ask your attorney to  
10 provide -- at least myself as a Board Member, I  
11 can't speak for the other Board Members, I would  
12 like to see a Fire Department inspection stating  
13 that you have 250 people in there and that your  
14 zone -- you say you are zoned for that, but the  
15 Fire Department feels that your fire protection  
16 equipment is, for what you are doing in that  
17 building, applicable, and that it is -- passes an  
18 inspection.

19           Now, we ask that of anybody who gets  
20 a business and who gets an ABC License, so we are  
21 not asking you to do anything other than what we  
22 ask anybody else to do. Okay.

1           MR. DALE: We would have brought that  
2 if we had known that that was going to be a  
3 concern today.

4           MEMBER SHORT: Okay. Well, we will  
5 have time to work on it, because I don't think we  
6 will make a decision today, I don't think, but I  
7 can only speak for myself, as a Board Member.

8           I would like to see a Fire and  
9 Building Code inspection of the building. And  
10 again, when you have people incapacitated, tied  
11 down, all four limbs and smoke drops in that  
12 building and it doesn't have to be anything that  
13 you have in there, I think they found the Cinema  
14 Follies they said it was cleaning fluid and  
15 that's all that was burning.

16           Do you remember that? Okay. But at  
17 any rate if you don't, we are not discussing that  
18 today. But the bottom line is if something  
19 happens in that building and there is a lot of  
20 smoke and a lot of heat right away, if someone is  
21 not specifically saying I'm going to get this  
22 person that's incapacitated and get them out of

1 that building, that's what I would be satisfied  
2 with.

3 What you are doing is your business.  
4 I have no situations about that. My only concern  
5 would be if I sign-off or any of these Board  
6 Members sign-off and something would happen like  
7 what happened in California or what happened at  
8 the Cinema Follies, I wouldn't be able to sleep  
9 at night, because that is somebody's family  
10 member is not going to be returning home or  
11 worse.

12 But let's just say this, let's go on  
13 the side of caution and on safety, that way we  
14 are all satisfied, the city. Anybody would ever  
15 ask me, did you sign-off? Yes, we did. The  
16 questions were asked and answered. I saw a fire  
17 inspection for the building.

18 MR. DALE: So if I may, I don't want  
19 to interrupt anybody else or drag this on any  
20 longer than it needs to be, but part of what we  
21 do is responsibility for the people that we do  
22 things with. Not only do we have the staff, but

1 the people who are actually participating in the  
2 activities take this very seriously.

3 And if an emergency like that were to  
4 come up, of course, human nature would kick in,  
5 but the idea is that the people doing the  
6 activities know that they need to get their  
7 person back into a state of get out of the  
8 building, evacuate if necessary.

9 MEMBER SHORT: That's what I want to  
10 hear.

11 MR. DALE: We have safety equipment.  
12 We have safety shears for cutting ropes or  
13 straps, leather or any of that kind of stuff.  
14 And all of this is based in the members of our  
15 community telling us what we need to do to make  
16 sure if something -- emergency situation happens,  
17 that we are capable of doing what we need to do.

18 MEMBER SHORT: We have that on the  
19 record. The question was asked.

20 MR. DALE: Yes, sir.

21 MEMBER SHORT: And I had to ask  
22 because --



1 MR. DALE: Oh, yes, sir.

2 MEMBER SHORT: -- if I didn't ask, I  
3 wouldn't know.

4 MR. KLINE: And, Mr. Short --

5 MEMBER SHORT: Yes?

6 MR. KLINE: -- and not to get into  
7 identities or anything else, but the reason that  
8 Mr. Dale mentioned in terms of the cross-section  
9 of their membership, there are -- there happen to  
10 be members with expertise such as you are  
11 concerned about. I'll just leave it at that.

12 So I mean, there are people in the  
13 community who bring as much as you do, which is a  
14 great deal, to the table in terms of public  
15 safety and fire safety and they are involved in  
16 terms of discussions in the community as to how  
17 to have a safe venue there.

18 MEMBER SHORT: Okay. Thank you for  
19 that comment, but again, I had to ask that  
20 question, sir.

21 MR. KLINE: Sure.

22 MEMBER SHORT: Because if something

1 were to happen and God hopes -- forbid that  
2 anything does happen, did this Board do due  
3 diligence --

4 MR. KLINE: Absolutely.

5 MEMBER SHORT: -- before they went any  
6 further? So a fire inspection of the building  
7 would make me feel a lot more comfortable.

8 MR. KLINE: Part of the --

9 MR. DALE: Go ahead.

10 MR. BOTSFORD: For the record, when I  
11 built this space out, all the studs in there are  
12 fire code and metal studs. All of the drywall is  
13 finite fire coating. There's nothing in this  
14 building that can burn.

15 MEMBER SHORT: Well --

16 MR. BOTSFORD: Well?

17 MEMBER SHORT: -- and I mentioned to  
18 you Cinema Follies. There was not anything that  
19 would --

20 MR. BOTSFORD: Yeah.

21 MEMBER SHORT: -- in the building. It  
22 was allegedly cleaning fluid and that fluid

1 immediately went up and there was a lot of heat  
2 and a lot of smoke very quickly.

3 MR. BOTSFORD: I understand.

4 MEMBER SHORT: So it wasn't like it  
5 was a part of the furniture or the wall or  
6 anything else and people were incapacitated and  
7 they couldn't get out.

8 MR. DALE: Part of our issue with this  
9 is in attempting to get, for instance, a fire  
10 inspection from the local Fire Department --

11 MEMBER SHORT: DC Fire and Emergency  
12 Medical Services Department.

13 MR. DALE: In order for us to try and  
14 demonstrate safety in what we do, with the  
15 question it seems that you are asking, it means  
16 that we would have to have people participating  
17 at the time.

18 MEMBER SHORT: No, no, no, no, sir.  
19 No, sir. A building inspection will only require  
20 that you meet the Code. Someone mentioned  
21 sprinklers earlier.

22 MR. BOTSFORD: Yes, sir.

1                   MEMBER SHORT: Spaces as large as that  
2 for 250 people, it's considered a public assembly  
3 over 50 people.

4                   MR. BOTSFORD: Yes, sir.

5                   MEMBER SHORT: And all nightclubs and  
6 places of public assembly in the city, some are  
7 required to have a lot more fire equipment than  
8 others, but sprinklers are one of the main  
9 things, because sprinklers would give you a  
10 better chance of survival should something  
11 happen.

12                   And so someone did mention to --  
13 again, what is your name, sir?

14                   MR. BOTSFORD: Botsford.

15                   MEMBER SHORT: Mr. Botsford, you said  
16 someone asked you about sprinklers when you first  
17 went into the space. And what happened about the  
18 sprinklers?

19                   MR. BOTSFORD: Well, they wanted to  
20 give us an occupancy of 450. 450 is too many  
21 people at 450 for what we do. So I got the  
22 zoning variance to drop that down to 250 and the

1       sprinkler went away and the fire alarm went away.  
2       I put the fire alarm in anyway.

3                 MEMBER SHORT:   Okay.  When has it been  
4       tested by anybody from the Fire Service?

5                 MR. BOTSFORD:  I believe our insurance  
6       inspector just came through within the last  
7       month.

8                 MEMBER SHORT:  That's not legal to be  
9       considered by a DC Agency to be acceptable.  The  
10      DC Fire Department should test.

11                MR. BOTSFORD:  They should get right  
12      on that.

13                MEMBER SHORT:  And they should tell  
14      you whether or not sprinklers are applicable for  
15      your space and what you do in a warehouse, I  
16      would think sprinklers.

17                MR. BOTSFORD:  We will get right on  
18      that.

19                MEMBER SHORT:  But again, let's just  
20      say this, I would like for you to get in contact  
21      with the DC Fire and Emergency Medical Services  
22      Department.  And when I see an inspection sheet

1 from them stating that you can have 250 in there  
2 and you have all the things, I won't have a  
3 problem. But I have to ask that question knowing  
4 what I know about public safety.

5 MR. BOTSFORD: Yes, sir, we will get  
6 on that immediately.

7 MEMBER SHORT: Thank you for your  
8 cooperation. That's all I have, Mr. Chair.

9 CHAIRPERSON ANDERSON: All right. Mr.  
10 Alberti?

11 MEMBER ALBERTI: I'll try to make this  
12 quick, but again, my concerns go to safety here.

13 MR. KLINE: Sure.

14 MEMBER ALBERTI: So I have a question  
15 for Investigator Todd.

16 Investigator Todd, you described the  
17 personnel inside as some of them being agents.  
18 Now, why did you use that term?

19 MR. TODD: We had a conversation  
20 outside of the establishment. I asked Mr.  
21 Botsford exactly how does the club operate. Mr.  
22 Dale then interjected and he described everything

1 of how patrons rent the space or volunteer.  
2 Everyone that is inside of the club is considered  
3 to be a volunteer.

4 MEMBER ALBERTI: Um-hum.

5 MR. TODD: With them being volunteers,  
6 they have different promoters that rent out space  
7 for particular nights inside of the  
8 establishment. The Hawks Hive, they have -- on  
9 this particular night they had Risqué DC was the  
10 promoters for the event.

11 Risqué, they rent a space out and all  
12 of the personnel with Risqué were the individuals  
13 that were conducting the sexual acts on the  
14 volunteers of the establishment. That's how I  
15 came to believe that the establishment -- that  
16 the promoters were acting on behalf of the  
17 establishment as an agent.

18 MEMBER ALBERTI: Okay. Can someone--

19 MR. KLINE: Yeah, I'll take it.

20 MEMBER ALBERTI: -- clarify --

21 MR. KLINE: Sure.

22 MEMBER ALBERTI: -- and elucidate on--

1 MR. KLINE: Yeah.

2 MEMBER ALBERTI: -- you know where I'm  
3 going, Mr. Kline?

4 MR. KLINE: Yeah, I know where you are  
5 going.

6 MEMBER ALBERTI: And so I really want  
7 to know someone says we have got promoters. I  
8 want to know what their relationship is to this  
9 club. I would also like to know how do I become  
10 a member of this club. I mean, what's that --  
11 what does that entail? Because that's important  
12 in trying to understand the big picture here.

13 MR. KLINE: Yes.

14 MEMBER ALBERTI: All right.

15 MR. KLINE: All right. So as I  
16 indicated earlier, this is a community of people.  
17 There are -- when we say promoters, it's kind of  
18 different than what you and I usually see when  
19 I'm in this room talking about promoters who are  
20 in various nightclubs around town.

21 It is a group of people who are  
22 experts in the various activities that were



1 observed in the establishment. And they pay  
2 essentially a fee and there is -- the door is  
3 split between the private club and the person  
4 that arranges the entertainment, the so called  
5 promoter.

6 The people that are there doing the  
7 activities, if they are agents of anybody and I  
8 have to tell you the word agents, he sent four  
9 lawyers of my office scrambling to Lubbock,  
10 because the concept of the agency has been around  
11 for a couple hundred years.

12 MEMBER ALBERTI: I don't know. I  
13 don't want to know about your lawyers.

14 MR. KLINE: In case we need to get  
15 there, but, you know, we don't think from a legal  
16 standpoint they are agents. They are certainly  
17 not employees.

18 MEMBER ALBERTI: But they --

19 MR. KLINE: They are under the  
20 direction of the person that brings them in.

21 MEMBER ALBERTI: -- are getting paid,  
22 right?

1 MR. KLINE: They get paid to cover  
2 expenses by the promoter that brings them in.

3 MEMBER ALBERTI: Right. But the  
4 promoter is getting paid?

5 MR. KLINE: The promoter is getting  
6 paid. The promoter splits the door with the  
7 club.

8 MEMBER ALBERTI: And so some of these  
9 people who are performing nude acts are getting  
10 paid, right?

11 MR. KLINE: They are getting paid by--  
12 they split the door with the promoter and what  
13 the promoter does with the individuals is up to  
14 the promoter.

15 MEMBER ALBERTI: All right. All  
16 right. I don't want to far -- I don't want to  
17 look too closely behind that curtain. I'm just  
18 going to put that out there.

19 MR. KLINE: Right.

20 MEMBER ALBERTI: I'm going to be  
21 honest with you. All right?

22 MR. KLINE: I understand. But from a

1 legal standpoint --

2 MEMBER ALBERTI: Let's just drop that  
3 discussion and move on.

4 MR. KLINE: Okay.

5 MEMBER ALBERTI: Because I have other  
6 safety questions.

7 MR. KLINE: Sure.

8 MEMBER ALBERTI: All right?

9 MR. KLINE: Sure.

10 MEMBER ALBERTI: What I'm  
11 understanding -- well, here is the impression I'm  
12 getting and it's bothering me a little bit. All  
13 right? People are interacting. They are engaged  
14 in some activity. All right? And what I'm  
15 hearing is that you are relying on the people who  
16 are engaged in that activity to ensure the safety  
17 of the people engaged.

18 MR. KLINE: Partially.

19 MEMBER ALBERTI: Who else?

20 MR. KLINE: Then there are four --

21 MEMBER ALBERTI: Is there any people  
22 who are employed or volunteered and have

1 responsibility, you can honestly say have  
2 responsibility, who are independent of the  
3 activities on a night that are ensuring that they  
4 can step in?

5 MR. BOTSFORD: Yes.

6 MEMBER ALBERTI: It's not only fire,  
7 it's --

8 MR. BOTSFORD: Always.

9 MEMBER ALBERTI: -- you know, I  
10 imagine they go wild, heart attacks, I don't  
11 know, asthma, anything, you know. I don't know  
12 what -- you know, so I'm not a medical person.

13 MR. BOTSFORD: On any given night --

14 MEMBER ALBERTI: So go ahead. I'm  
15 sorry.

16 MR. BOTSFORD: -- we have what we call  
17 Dungeon Monitors.

18 MEMBER ALBERTI: Okay.

19 MR. BOTSFORD: Those responsible.  
20 They wear a vest, they will wear an armband.  
21 It's their job to do exactly what you are talking  
22 about. Make sure everything is safe.

1                   MEMBER ALBERTI: So how many people,  
2 how many of those do you have?

3                   MR. BOTSFORD: It depends on the size  
4 of the venue.

5                   MEMBER ALBERTI: Okay. So tell me  
6 what the ratio is sort of.

7                   MR. BOTSFORD: Usually around four.

8                   MEMBER ALBERTI: Four to how many  
9 people?

10                  MR. BOTSFORD: 6 or 8.

11                  MEMBER ALBERTI: No, four to --

12                  MR. KLINE: That are in the place.

13                  MR. BOTSFORD: Oh, oh, oh, oh, oh,  
14 150.

15                  MEMBER ALBERTI: Okay. So you have  
16 four for 150. All right. And what is their job?  
17 Tell me what -- exactly what they are expected to  
18 do throughout the evening.

19                  MR. BOTSFORD: They are expected to  
20 wander around and make sure nobody is doing  
21 anything stupid.

22                  MEMBER ALBERTI: Okay. So they do

1 wander. No, I mean, you can laugh, but I do, you  
2 know, want to know that they are not standing at  
3 the door making sure no one comes in.

4 MR. BOTSFORD: Right.

5 MEMBER ALBERTI: Because that's not  
6 what I want to hear.

7 MR. BOTSFORD: Right.

8 MEMBER ALBERTI: So they are  
9 monitoring.

10 MR. BOTSFORD: Correct.

11 MEMBER ALBERTI: So who trains these  
12 people?

13 MR. BOTSFORD: We have a whole series  
14 of programs set up to do exactly that as well.

15 MEMBER ALBERTI: Okay.

16 MR. BOTSFORD: We teach everybody  
17 everything.

18 MEMBER ALBERTI: Okay. All right.

19 And who is we teach?

20 MR. BOTSFORD: In the Dungeon Monitor  
21 thing, have you heard of The Black Rose?

22 MEMBER ALBERTI: No.

1                   MR. BOTSFORD: The Black Rose is a  
2 social and support education group. It teaches  
3 how to do this stuff. And there is a program set  
4 up for 10 years.

5                   MR. DALE: Maybe longer.

6                   MR. BOTSFORD: Maybe even longer.

7                   MEMBER ALBERTI: So I could Google  
8 Black Rose and find out?

9                   MR. BOTSFORD: Yes.

10                  MEMBER ALBERTI: Okay.

11                  MR. BOTSFORD: Yes.

12                  MEMBER ALBERTI: How are these people  
13 -- do they volunteer, they get paid, I mean?

14                  MR. BOTSFORD: It's all volunteer.

15                  MEMBER ALBERTI: They are all  
16 volunteer?

17                  MR. BOTSFORD: Um-hum.

18                  MEMBER ALBERTI: And so you know who  
19 they are before the beginning of the night?

20                  MR. BOTSFORD: Yep.

21                  MEMBER ALBERTI: All right. Are these  
22 regular people who come in or I mean, how is that

1 managed sort of? I mean --

2 MR. BOTSFORD: We have Lady O, who is  
3 in charge of the Dungeon Monitors, who will pick  
4 a night and say I need three for this night, who  
5 is stepping up? And it's just done consistently  
6 all the time. Make sure we do that.

7 MEMBER ALBERTI: And are they allowed  
8 to -- just a moment. All right. Anyone can  
9 answer my questions.

10 But are they allowed to participate in  
11 any way other --

12 MR. KLINE: Participate.

13 MEMBER ALBERTI: -- than being  
14 monitors on a given night?

15 MR. BOTSFORD: No, no.

16 MEMBER ALBERTI: Okay.

17 MR. BOTSFORD: That's not their job.

18 MEMBER ALBERTI: So, Mr. Dale? I  
19 think Mr. Dale wanted to say something.

20 MR. DALE: If I may.

21 MEMBER ALBERTI: Sure.

22 MR. DALE: Without trying to again



1 drag this on too long. Personally, I have been a  
2 member of the community for 18 years. I have  
3 been participating in these activities for 18  
4 years. I spent the first part of my 18 years  
5 learning how to do the things that I do.

6 MEMBER ALBERTI: Um-hum.

7 MR. DALE: During that time, not only  
8 have I, you know, witnessed other people  
9 attending these things, but the expertise of the  
10 people teaching these activities comes from not  
11 only their professions as well as their hobbies,  
12 but has been passed down as best practices like  
13 many ways that we train.

14 As a for instance, I spent two and a  
15 half years in Afghanistan. Every day, twice a  
16 day we got safety briefings based on incidents  
17 that occur, based on whatever. A lot of our  
18 training, a lot of our people go through this  
19 exact same kind of process in what we do.

20 The evening in question, the Risqué  
21 event, not only does The Crucible provide people  
22 to staff the door, to man the bar, to manage the

1 club itself, the event -- the person who helps us  
2 promote the event, we call them a promoter. And  
3 from what I understand that may -- legally may  
4 not be the actual appropriate term.

5 This was simply a bunch of people  
6 saying well, what do you do? You promote  
7 parties. Okay, great. The promoter provides  
8 people that through his experience are also  
9 safety conscious, very well-trained in what we  
10 do. He provides a minimum of two. We provide a  
11 minimum of two for each of his events. But he  
12 also provides individuals, specifically security  
13 people.

14 And I believe that those were the  
15 people that were actually following Agent  
16 Dantzler and Agent Todd to make sure that they  
17 weren't interfering with anything that happened  
18 or no one else --

19 MEMBER ALBERTI: Oh, I have no problem  
20 with them following the --

21 MR. DALE: -- got upset about what was  
22 going on.

1 MEMBER ALBERTI: -- Investigators.

2 MR. DALE: So the idea is that it is  
3 years and years of experience or it's making sure  
4 that they are minimally at least aware of these  
5 are the kinds of activities going on. You can't  
6 -- other people cannot do this with that  
7 happening kind of thing.

8 Their level of detail varies from  
9 professional security people, like actual  
10 business people who do security for a living,  
11 even though they are not their specifically, you  
12 know, in their job capacity, they are there to  
13 provide that service all the way through me, who  
14 has been there 18 years doing this stuff and  
15 knowing that does not look safe to me. I need to  
16 go put a stop to that or this is happening, I  
17 need to deal with it this way.

18 As a for instance, in the report, we  
19 did have a major medical issue happen and rather  
20 than attempting to do anything beyond my scope,  
21 my first order of business was calling 911.

22 MEMBER ALBERTI: Um-hum.

1           MR. DALE:  And then making sure the  
2           area was cordoned off and appropriate people were  
3           now involved.  As a manager and as a member of  
4           our community, I feel safe in saying that the  
5           majority of our community would be in those  
6           circumstances, would do the same things.

7           MEMBER ALBERTI:  All right.  I'm just  
8           going to say, well, I have another question, but  
9           I just want to say I think hopefully one of the  
10          outcomes of this hearing is to make you more  
11          comfortable about calling emergency services if  
12          you need to, because now you know that the Board  
13          is more aware of what is going on and you don't  
14          have to like -- you can be completely transparent  
15          with us.  All right?

16          So calling emergency services and I  
17          say this because we have a lot of licensees, and  
18          Mr. Kline knows, who don't call 911, because they  
19          are afraid they are going to get in trouble for  
20          some reason.

21          MR. DALE:  We have never been that.

22          MEMBER ALBERTI:  Yeah, don't be.

1 MR. BOTSFORD: We have never been  
2 afraid.

3 MEMBER ALBERTI: Don't be.

4 MR. BOTSFORD: I think we have called  
5 911 three times.

6 MR. DALE: Yeah.

7 MEMBER ALBERTI: So all right. So  
8 we've got that. But how many other people  
9 besides the Dungeon Monitors are like employed or  
10 responsible for the running of the club that  
11 night that aren't involved with any of the other  
12 activities?

13 MR. DALE: I would say somewhere in  
14 the neighborhood of 10 to 12 people total.

15 MEMBER ALBERTI: Okay.

16 MR. DALE: And that -- the number of  
17 attendees at that party can vary anywhere from  
18 100 to 180 people.

19 MEMBER ALBERTI: Okay.

20 MR. DALE: And virtually everyone that  
21 he has that he considers part of his staff, all  
22 of them have the same responsibilities regardless

1 of their performance. Granted, that is not their  
2 sole focus, but they are all capable of doing the  
3 same exact thing.

4 If someone sees something going on,  
5 they either take care of it or they tell one of  
6 us who -- that is our dedicated position.

7 MEMBER ALBERTI: I guess the last  
8 question is how do you vet the referrals on these  
9 promoters?

10 MR. KLINE: It's a pretty small  
11 community.

12 MR. DALE: Yeah.

13 MEMBER ALBERTI: Well, yeah, tell me.  
14 Tell me.

15 MR. BOTSFORD: Well, we put them  
16 through the classes and we watch them.

17 MR. DALE: Mostly it's a time-based  
18 issue.

19 MEMBER ALBERTI: Is it repeat people?  
20 Is it repeat promoters or is it repeat people  
21 coming in?

22 MR. DALE: There are some repeat

1 promoters and there are some people who want to  
2 bring a party to our place, a birthday party or  
3 something like that.

4 MEMBER ALBERTI: Yeah, how do you vet  
5 that individual? I mean, what --

6 MR. DALE: We check their reputation  
7 through our community. We do our best to make  
8 sure that diligence is done to the best that we  
9 can short of -- I mean, even our attendees, we  
10 put all of our attendees through the Department  
11 of Justice Sexual Offender Database just to make  
12 sure that we are not allowing someone in our club  
13 who doesn't belong there.

14 MEMBER ALBERTI: Okay. Well, I guess,  
15 all right, we are all about -- you know, we have  
16 to be pretty sure that when we say we are going  
17 to give you a license, that we can stand behind  
18 our word that yeah, we think it's safe.

19 All right. So my last question is if  
20 like something really was amiss, would you be  
21 willing to give up the names of the promoter for  
22 that evening?

1 MR. DALE: If something seriously  
2 happened, we would have to.

3 MEMBER ALBERTI: Yes.

4 MR. DALE: Yes, sir.

5 MEMBER ALBERTI: Okay. Okay. I'm  
6 going to hold you to that, because that's  
7 important to us that we can investigate if  
8 something goes on, that we have that ability.

9 MR. BOTSFORD: We don't want to be  
10 stuck between you and them.

11 MEMBER ALBERTI: Yeah, thank you.

12 MR. KLINE: And, Mr. Alberti, --

13 MEMBER ALBERTI: Smart man.

14 MR. KLINE: -- I think that what you  
15 saw in this incident with the Investigators is  
16 there wasn't any effort to keep them out. They  
17 were --

18 MEMBER ALBERTI: Yes.

19 MR. KLINE: -- marched readily through  
20 the place. So I don't think there has ever been  
21 an issue with transparency in terms of what goes  
22 on there.



1                   MEMBER ALBERTI: Right, right. But I  
2 just want to make -- clear the air --

3                   MR. KLINE: Oh, I understand.

4                   MEMBER ALBERTI: -- and discuss this.  
5 And I appreciate that, that's one thing that I  
6 think I and my other fellow Board Members noticed  
7 the --

8                   MR. KLINE: Good.

9                   MEMBER ALBERTI: -- willingness to  
10 open up like that. Thank you.

11                   CHAIRPERSON ANDERSON: Any further  
12 questions? Yes, Mr. Todd?

13                   MR. TODD: With respect to the Board,  
14 I did visit, me, myself, and Investigator  
15 Dantzler visited on August 17, 2018 back at The  
16 Crucible and we had a conversation where we asked  
17 more questions, because the questions that you  
18 asked were the same questions that I had in  
19 regards to safety.

20                   Safety is something that is needed in  
21 any alcoholic establishment in DC.

22                   Mr. Dale stated that no cameras were

1 inside of the establishment. There is no way to  
2 -- so if something was to happen, they had no way  
3 to verify for MPD or any other authority to  
4 assist on what happened. Basically, it's just  
5 word of mouth, them telling the authorities of  
6 what went wrong. There are no cameras, no video  
7 cameras, no phones are allowed inside of the  
8 establishment.

9 Mr. Dale also stated that a death had  
10 occurred earlier this year in which they did have  
11 to get the local authorities involved. I did do  
12 my research and found that a death occurred on  
13 March 3, 2018. The meaning for the death or the  
14 reason for death is unknown. And in fact, ABRA  
15 was never notified of that.

16 So in regards to the transparency that  
17 the licensee has with the Alcohol Board, I think  
18 things of this nature should definitely be  
19 brought up because of the seriousness of it. And  
20 that's something that I believe that you guys  
21 care about.

22 MEMBER ALBERTI: Okay. Thank you. So

1 that kind of leads me to another question. How  
2 do you sign up with the promoter to attend?

3 MR. BOTSFORD: You have to know  
4 somebody.

5 MR. DALE: I didn't understand. I'm  
6 sorry.

7 MEMBER ALBERTI: How do you sign up  
8 with the promoter to attend?

9 MR. DALE: How do you sign up with the  
10 promoter?

11 MEMBER ALBERTI: How does the promoter  
12 -- when you get to the door, how do you get in?

13 MR. BOTSFORD: If you are a member,  
14 you can just walk in and pay.

15 MEMBER ALBERTI: And how do I know you  
16 are a member?

17 MR. BOTSFORD: We issue you a card.

18 MR. DALE: We have a membership  
19 requirement. We have a database with all of  
20 that. Of course, all of that is checked against  
21 our computer.

22 MEMBER ALBERTI: Do you know who is

1 there every evening?

2 MR. BOTSFORD: I'm sorry?

3 MR. DALE: We don't know every single  
4 person by face.

5 MEMBER ALBERTI: By name?

6 MR. BOTSFORD: We also have a  
7 ticketing system set up that is very useful as  
8 well --

9 MEMBER ALBERTI: So I --

10 MR. BOTSFORD: -- to get you in faster  
11 if you pre-purchase a ticket.

12 MEMBER ALBERTI: My question is could  
13 -- because we are talking about some serious  
14 risk.

15 MR. BOTSFORD: Sure.

16 MEMBER ALBERTI: We all agree to that?  
17 All right.

18 MR. DALE: Yes, sir.

19 MR. BOTSFORD: Um-hum.

20 MEMBER ALBERTI: So is there any way  
21 if something goes amiss that you can trace who  
22 was there that evening?

1 MR. BOTSFORD: I'm sorry, say again?

2 MEMBER ALBERTI: Trace who was there  
3 that evening? Not that, you know, we would ever  
4 want to do it, but if something serious happened,  
5 it's not that we are trying to out anyone, we are  
6 just trying to --

7 MR. DALE: If I --

8 MEMBER ALBERTI: -- we live in a  
9 society where we all get nervous, all right. And  
10 so let's -- is there any way of tracing who was  
11 there that evening?

12 MR. DALE: Yes, sir. So if I may,  
13 when you come in the door for a particular party,  
14 if you are a member, you are already in our  
15 database.

16 MEMBER ALBERTI: Okay.

17 MR. DALE: If you are not a member,  
18 you have to go through a Department of Justice  
19 check and you have to sign a waiver for us. Our  
20 particular requirements for entry is no recording  
21 devices whatsoever, because we don't want anybody  
22 thinking --

1                   MEMBER ALBERTI: Okay. I understand  
2 that, yes.

3                   MR. DALE: -- you know, oh, my gosh.  
4 Much less the fact that our membership is very  
5 concerned about their anonymity and making sure  
6 that whatever they do in their enjoyment of  
7 activities, is not used against them in a Court  
8 of Law, which it can be quite obviously. It has  
9 been used in custody cases and, you know, that's  
10 -- we are trying to make sure that people don't  
11 have that issue.

12                   MEMBER ALBERTI: But if there was a  
13 police investigation, you could identify who was  
14 there for a particular evening?

15                   MR. DALE: Yes, sir.

16                   MEMBER ALBERTI: Okay. Okay. So I  
17 mean, let's say there is some intent on murder --

18                   MR. DALE: That would, obviously, be  
19 something that we would take care of that  
20 particular evening. We would make sure --

21                   MEMBER ALBERTI: And you would -- and  
22 for that evening you would be able to give up who

1 was there?

2 MR. DALE: Yes, sir. If we had to  
3 and, obviously --

4 MEMBER ALBERTI: I know, yeah.

5 MR. DALE: -- you know, if necessary,  
6 we can.

7 MEMBER ALBERTI: You really don't want  
8 to, but right.

9 MR. DALE: Yes, sir.

10 MEMBER ALBERTI: We're talking about  
11 if push comes to shove.

12 MR. DALE: Right.

13 MR. KLINE: Sure.

14 MEMBER ALBERTI: Yes, okay. Thank  
15 you.

16 CHAIRPERSON ANDERSON: All right. Mr.  
17 Short and then, you, sir.

18 MEMBER SHORT: I have a question.  
19 There is a picture here. Do you have the report?

20 MR. KLINE: Yes, sir.

21 MEMBER SHORT: Exhibit No. 6.

22 MR. KLINE: Exhibit No. 6.

1 MEMBER SHORT: 7 and 8.

2 MR. KLINE: 6, 7 and 8. Yes, sir.

3 MEMBER SHORT: How much alcohol is  
4 kept in the closet?

5 MEMBER ALBERTI: They are going to  
6 apply. They said within 30 days they are going  
7 to apply.

8 MEMBER SHORT: No, but I'm looking at  
9 the pictures.

10 MEMBER ALBERTI: All right.

11 MEMBER SHORT: This is the storage.

12 MEMBER ALBERTI: Okay.

13 MEMBER SHORT: This is not something  
14 that is --

15 MEMBER ALBERTI: All right.

16 MR. BOTSFORD: I believe No. 6 is the  
17 closet behind the bar. The other pictures are of  
18 the bar. We have a pegboard that goes over that  
19 and locks up when we are not selling.

20 (Whereupon, the above-  
21 referred to documents were  
22 marked as Government Exhibit



1                                   No. 6, 7 and 8 for  
2                                   identification.)

3                   MEMBER SHORT: All right. Now --

4                   MR. BOTSFORD: You can't get in there.

5                   MEMBER SHORT: -- do you know how  
6 flammable alcohol is?

7                   MR. BOTSFORD: Yes, sir.

8                   MEMBER SHORT: And do you know why  
9 most alcohol stores, especially brand new ones,  
10 have to have sprinklers? That's a requirement  
11 because alcohol is very flammable. You said  
12 there is nothing in there to really burn. This  
13 is a lot of alcohol. So you can't tell me how  
14 much it is? Do you have any idea?

15                  MR. BOTSFORD: It varies week-to-week.  
16 To my knowledge, the weight is --

17                  MEMBER SHORT: How many bars do you  
18 have in the --

19                  MR. BOTSFORD: Just one.

20                  MEMBER SHORT: One bar. What's the  
21 location of the bar? Is it open to the whole  
22 place, the whole establishment?

1 MR. BOTSFORD: Well, yeah, you can get  
2 at it, but, you won't get access.

3 MEMBER SHORT: But I'm still saying,  
4 if the alcohol caught on fire --

5 MR. BOTSFORD: Um-hum.

6 MEMBER SHORT: -- God forbid, what  
7 protection do the people -- because it's an open  
8 warehouse, correct?

9 MR. BOTSFORD: Yes.

10 MEMBER SHORT: So you said nothing to  
11 burn, that would -- the alcohol I'm looking at in  
12 these pictures, 6, 7 and 8, it's a lot of  
13 alcohol. This would go quick and it would grow  
14 real hot and it would be very smoky and it would  
15 be very dangerous if you put a fire in there, if  
16 you got out of there, because once it hits the  
17 floor, you know, it just goes.

18 And it fumes more than the liquor  
19 itself. So I would suggest before you do your  
20 fire inspection, if you are storing alcohol  
21 there, you better find out what the storage laws  
22 are, because now this is public record here

1 that's occurring. Again, I couldn't -- I would  
2 not feel safe or comfortable. And I'm only one  
3 Board Member, so I can stop.

4 The bottom line is now that we know  
5 this, and I'm saying to you in public record,  
6 this is not stored, it does not look or appear to  
7 be stored appropriately if you have a bar that is  
8 open to the whole club.

9 How many square feet is it?

10 MR. BOTSFORD: Itself?

11 MEMBER SHORT: Yeah.

12 MR. BOTSFORD: 10,000 square feet.

13 The main room is 7,500 square feet.

14 MEMBER SHORT: All right. So 7,500  
15 feet of space and nothing between the bar and the  
16 people and the -- so what do you do if there is a  
17 fire behind the bar? How much fire equipment do  
18 you have in the building?

19 MR. BOTSFORD: Six or seven.

20 MR. DALE: There are fire  
21 extinguishers --

22 MEMBER SHORT: Fire extinguishers.

1 MR. DALE: -- of various types.

2 MEMBER SHORT: Trust me, I was a  
3 fireman. You are not going to even try to get  
4 close to this one with no fire extinguisher. You  
5 are not. You are not going to be able to. You  
6 can fall out -- you have to use special caution.

7 So this is -- what we are trying to do  
8 is not stop your show, because apparently you  
9 have been doing it for years. You have been very  
10 fortunate not to have any accidents. But now  
11 this has been brought to our attention, and the  
12 death happened on what date?

13 MR. TODD: On March 3, 2018.

14 MR. DALE: I can give you some  
15 particulars about that incident, if you would  
16 like.

17 MEMBER SHORT: No, I don't care to ask  
18 that question, sir. I just -- apparently again,  
19 if MPD knows about it and they didn't do  
20 anything, it's nothing for us to talk about  
21 today. We are just very fortunate that there  
22 haven't been any masked or mass emergency where

1 you have a fire or something like that.

2 So you need to have the appropriate  
3 equipment. A warehouse is a warehouse. And when  
4 you refer to them, they have to be up to code.  
5 Thank you. That's all I have. Thank you, Mr.  
6 Chair.

7 CHAIRPERSON ANDERSON: Thank you. I  
8 guess the issue that people keep on asking about  
9 that incident was it an alcohol event or was  
10 there --

11 MR. DALE: No, sir.

12 CHAIRPERSON ANDERSON: All right.

13 MR. BOTSFORD: Well, yes, it was an  
14 alcohol event.

15 MR. DALE: Well, it was at an alcohol  
16 event, but it was not based on the alcohol.

17 MR. BOTSFORD: Well, I was sitting at  
18 the bar when --

19 CHAIRPERSON ANDERSON: Yeah, no, I'm  
20 not -- not for the details. When I said was it  
21 an -- and I said that's what we were saying like  
22 if you had an event, you were serving alcohol. I

1 think that's what they were saying.

2 MR. BOTSFORD: Okay.

3 CHAIRPERSON ANDERSON: That ABRA  
4 should have been -- I think that was where he was  
5 coming to, that you were serving alcohol at that  
6 time. So --

7 MR. BOTSFORD: It was an alcohol  
8 event. She came up and ordered a coke.

9 CHAIRPERSON ANDERSON: No, not the  
10 details, just it was -- like if it wasn't an  
11 alcohol event, then I would say well, because you  
12 weren't serving alcohol, so there is no need for  
13 you to --

14 MR. BOTSFORD: Right.

15 CHAIRPERSON ANDERSON: -- alert ABRA.  
16 But I think what you are hearing is that because  
17 alcohol was being served, then that's all that  
18 is. It's like if you are serving alcohol and you  
19 had to call the police because an incident  
20 occurred, then you should call ABRA to say and so  
21 we will come and investigate to say okay, NFA,  
22 you did everything that was -- it's -- so a lot

1 of times how you get in trouble, it's your  
2 response to when an event occurs.

3 MR. BOTSFORD: Right.

4 CHAIRPERSON ANDERSON: Or the fact  
5 that you didn't tell us and so then we find out  
6 about it and then that's when we get concerned  
7 when you didn't tell us.

8 MR. BOTSFORD: Right.

9 CHAIRPERSON ANDERSON: So what it is,  
10 the Board's perspective is that you tell us  
11 everything.

12 MR. BOTSFORD: Right.

13 CHAIRPERSON ANDERSON: You respond  
14 appropriately. So when it happens, we do an  
15 investigation and the response is that well, they  
16 acted appropriately, so there is really nothing  
17 we can do. And that's from that perspective.

18 MR. KLINE: And in this case, for the  
19 record, is they promptly called 911 when EMS was  
20 there.

21 CHAIRPERSON ANDERSON: No, we are  
22 aware of that. We are aware.

1 MR. KLINE: Just so we are clear.

2 CHAIRPERSON ANDERSON: Well, we are  
3 aware of that. Any other questions by any other  
4 Board Members? Now, Ms. Dantzler, yes, ma'am.

5 INVESTIGATOR DANTZLER: Yes, I just  
6 wanted to lastly add that in speaking with Mr.  
7 Botsford and Mr. Dale, that they were very  
8 adamant about this is a private club. And I got  
9 the, you know, understanding that they believe  
10 that because they are a private club, that they  
11 can conduct themselves in any manner that they  
12 see fit for their operation.

13 But just to explain to them both, that  
14 as far as I know, there is a prohibition on nude  
15 establishments, that there is a moratorium at  
16 this point on nude establishments.

17 And what we saw that night was  
18 consistent with nudity, which is something that  
19 we had to explain to them as well.

20 CHAIRPERSON ANDERSON: All right. Any  
21 final comments, sir?

22 MR. KLINE: No, we don't have any, at



1 this point.

2 CHAIRPERSON ANDERSON: Okay.

3 MR. KLINE: We are happy to address  
4 whatever concerns the Board has.

5 CHAIRPERSON ANDERSON: Well, I think  
6 the -- as you said, Mr. Kline, talk to your  
7 client about seeking a permanent license.

8 MR. KLINE: Okay.

9 CHAIRPERSON ANDERSON: Since it  
10 appears that you are asking for one, you have  
11 requested. I also wanted to let you know that I  
12 believe that the establishment had applied for  
13 one-day before and we have not made any decision.  
14 It was just that the Investigator went out and  
15 did a report and our position was that until you  
16 come in for a Fact-Finding --

17 MR. BOTSFORD: Right.

18 CHAIRPERSON ANDERSON: -- Hearing,  
19 then --

20 MR. BOTSFORD: There is one  
21 application waiting.

22 CHAIRPERSON ANDERSON: Right. But I

1 just wanted to say to you, so it's not that we  
2 didn't deny it.

3 MR. KLINE: Right.

4 CHAIRPERSON ANDERSON: It was just we  
5 have this report and we said you know what, we  
6 will bring you in.

7 MR. BOTSFORD: Right.

8 CHAIRPERSON ANDERSON: Get a better  
9 understanding before the Board will make a  
10 decision whether or not we are going to -- so I  
11 just wanted to assure you --

12 MR. KLINE: No, we appreciate that.

13 CHAIRPERSON ANDERSON: -- it was from  
14 that perspective. And I --

15 MR. KLINE: And we would have been  
16 here last Friday but for Mr. Botsford's  
17 incapacitation.

18 CHAIRPERSON ANDERSON: All right.

19 Thank you. All right.

20 MR. KLINE: He is on a walker today.

21 CHAIRPERSON ANDERSON: Okay. That's  
22 fine. So but I just wanted to assure you that--

1 MR. BOTSFORD: We knew that.

2 CHAIRPERSON ANDERSON: Okay. Then as  
3 long as you are fine, then we are fine.

4 Well, if you have nothing else to say,  
5 I mean, the Board will take it under advisement  
6 and thank you very much for being here today.

7 MR. BOTSFORD: All right.

8 MR. KLINE: Thank you.

9 INVESTIGATOR DANTZLER: Thank you.

10 CHAIRPERSON ANDERSON: All right.

11 Thanks.

12 MR. BOTSFORD: Is there a way to know  
13 that we get this application approved for this  
14 Saturday?

15 CHAIRPERSON ANDERSON: Oh, it's for  
16 this Saturday?

17 MR. BOTSFORD: Yes.

18 CHAIRPERSON ANDERSON: I mean  
19 tomorrow's Saturday?

20 MR. BOTSFORD: No, the day after  
21 tomorrow.

22 MEMBER ALBERTI: This weekend

1 Saturday.

2 CHAIRPERSON ANDERSON: This weekend  
3 Saturday? All right.

4 MEMBER ALBERTI: I'll show you the  
5 calendar.

6 CHAIRPERSON ANDERSON: No. It wasn't  
7 at our --

8 MR. BOTSFORD: It was submitted two  
9 weeks ago.

10 CHAIRPERSON ANDERSON: Well, I know it  
11 was. Well, I guess we have to make a decision  
12 today then.

13 MEMBER ALBERTI: I guess we can. I  
14 mean, we can decide by the end of the day and let  
15 them know.

16 CHAIRPERSON ANDERSON: Yeah, yeah.

17 MEMBER ALBERTI: I mean, whether or  
18 not --

19 CHAIRPERSON ANDERSON: Yeah, we will--  
20 I wasn't aware that -- well, that's why you  
21 should have been here last Friday.

22 MR. DALE: We wanted to be.

1                   CHAIRPERSON ANDERSON: Well, I'm  
2                   sorry, yes.

3                   MR. BOTSFORD: We were at the  
4                   hospital.

5                   MEMBER ALBERTI: If indeed it is here,  
6                   we will communicate with staff on that.

7                   MR. KLINE: We appreciate that.

8                   CHAIRPERSON ANDERSON: Yeah, thanks  
9                   for reminding me and I'll make sure that the  
10                  Licensing Division brings it to us, so we will  
11                  make a decision before we leave today.

12                  MR. BOTSFORD: Very good. Appreciate  
13                  it.

14                  CHAIRPERSON ANDERSON: All right.  
15                  Okay. With that said and then we are over and I  
16                  think -- all right. I'm going to -- thank you  
17                  very much.

18                  MR. BOTSFORD: It's very good to meet  
19                  you after all these years.

20                  CHAIRPERSON ANDERSON: All right.

21                  MEMBER ALBERTI: Thank you for coming  
22                  in.



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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: The Crucible

Before: DC ABRA

Date: 10-24-18

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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Court Reporter

**NEAL R. GROSS**

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