

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

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 IN THE MATTER OF: :  
 :  
 El Agavetex Mex Rest, LLC, :  
 t/a Villa Tuscana :  
 1723 Columbia Road, N.W. : Show Cause  
 Retailer CR - ANC 1C : Hearing  
 License No. 100312 :  
 Case #21-251-00004 :  
 :  
 (Failed to Allow an ABRA :  
 Investigator or MPD to :  
 Inspect Without Delay the :  
 Licensed Premises) :  
 -----=

Wednesday  
 January 12, 2022

The Alcoholic Beverage Control Board  
 met via Videoconference, Chairperson Donovan W.  
 Anderson presiding.

PRESENT:  
 DONOVAN W. ANDERSON, Chairperson  
 BOBBY CATO, JR., Member  
 RAFI ALIYA CROCKETT, Member  
 EDWARD S. GRANDIS, Member  
 JENI HANSEN, Member  
 JAMES SHORT, JR., Member

ALSO PRESENT:  
  
 SARAH FASHBAUGH, DC ABRA Staff  
 LIDIA BELLOD, Interpreter  
 MARK BRASHEARS, DC ABRA Supervisory Investigator  
 FELICIA DANTZLER, DC ABRA Investigator  
 JANIKA JORDAN, ESQ., D.C. OAG  
 ALEXIS LARIOS, Licensee

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

2 CHAIRPERSON ANDERSON: All right.

3 Thank you. All right. The next case on our  
4 calendar is Villa Tuscana, License Number 21-  
5 25100004, License Number 100312. Now, this is a  
6 show cause hearing. So, Ms. Fashbaugh, can you  
7 please elevate the rights of the parties in this  
8 case, please.

9 MS. FASHBAUGH: Thank you for your  
10 patience, Mr. Chair. I will elevate the rights  
11 again. Lidia Bellod, I'm escalating you.

12 MS. BELLOD: Okay. I'm here.

13 MS. FASHBAUGH: Alex Larios, I'm  
14 escalating you. Janika Jordan, your rights have  
15 been elevated. Felicia Dantzler, your rights  
16 have elevated. Mark Brashears, your rights have  
17 been elevated. That is all, Mr. Chair.

18 CHAIRPERSON ANDERSON: All right.  
19 Thank you very much. The translator -- what's  
20 your name again, ma'am?

21 MS. BELLOD: Lidia Bellod.

22 CHAIRPERSON ANDERSON: Ms. Bellod, can  
23 you please spell and state your name for the  
24 record, please?

25 MS. BELLOD: Yes. L-I-D-I-A, Lidia,

1 B, as in boy, E-L-L-O-D, Bellod.

2 CHAIRPERSON ANDERSON: Ms. Bellod, can  
3 you -- Bellod -- can you please raise your right  
4 hand, please.

5 Do you solemnly affirm that you  
6 faithfully and accurately interpret these  
7 proceedings in this matter from English into  
8 Spanish -- is Spanish your language? -- and from  
9 Spanish into English to the best of your ability?

10 MS. BELLOD: Yes, I do.

11 CHAIRPERSON ANDERSON: All right.  
12 Thank you.

13 Who is the licensee in this case? Who  
14 is the licensee? Who is Ms. Bellod translating  
15 for? Can you please -- ma'am, can you please  
16 ask -- see if the licensee is there? I don't  
17 know who is the licensee --

18 MS. BELLOD: [Speaking Spanish.]

19 CHAIRPERSON ANDERSON: This is Alex  
20 L-A-R-I-O-S. That's the person. Can they -- I  
21 don't know why they're -- they are -- I see that  
22 they're on the line. I don't know if they are --  
23 and their rights have been elevated.

24 So, ma'am, can you please -- this Alex  
25 L-A-R-I-O-S -- can you please find out what is

1 going on with them, ma'am? And ask them, if they  
2 have some problems, we'll assist them.

3 MS. BELLOD: [Speaking Spanish.]

4 (No response.)

5 CHAIRPERSON ANDERSON: Ms. Fashbaugh,  
6 is -- is Alex -- is that person -- have -- I  
7 see -- do you know if their line has been  
8 unmuted?

9 MS. FASHBAUGH: I'll unmute them now.

10 CHAIRPERSON ANDERSON: All right.

11 Thanks.

12 MS. FASHBAUGH: Alex Larios, your line  
13 is unmuted.

14 MR. LARIOS: Yes, good morning, Board.  
15 Alex Larios here.

16 CHAIRPERSON ANDERSON: All right. Is  
17 that -- is that Mr. -- is that Alex speaking?

18 MR. LARIOS: Yes, that's me.

19 CHAIRPERSON ANDERSON: Are you the  
20 person who's asking for -- who do we have a  
21 translator for?

22 MR. LARIOS: Sir, the interpreter's  
23 for --

24 CHAIRPERSON ANDERSON: For whom?

25 MR. LARIOS: Flor.

1 CHAIRPERSON ANDERSON: Who is that?

2 Is that for a witness?

3 MR. LARIOS: Yes.

4 CHAIRPERSON ANDERSON: All right. Do  
5 you have a camera, sir, that we can see you? If  
6 you don't, that's fine.

7 MR. LARIOS: It's says it's disabled.  
8 Do you --

9 CHAIRPERSON ANDERSON: Oh, that's  
10 fine. I -- I know -- I can hear you. All right.  
11 So do you need an interpreter, sir?

12 MR. LARIOS: I do not. But the --

13 CHAIRPERSON ANDERSON: So you do not  
14 need an interpreter. So it's one of your  
15 witnesses who you're calling who needs the  
16 interpreter. Is that correct?

17 MR. LARIOS: I'd like to get this  
18 camera on.

19 CHAIRPERSON ANDERSON: I can't -- sir,  
20 I can't -- your connection is poor, so I'm not  
21 really hearing you. Are you -- and that's -- one  
22 of the things is that I prefer to see you because  
23 I can't really hear what you're saying because  
24 you have a poor connection.

25 MR. LARIOS: My camera says video

1 disabled in this meeting.

2 CHAIRPERSON ANDERSON: All right. Let  
3 Ms. -- Ms. -- Ms. Fashbaugh, are you able to --  
4 I'm not sure if you've enabled his camera. Are  
5 you -- can you check on that for me, please,  
6 ma'am?

7 MS. FASHBAUGH: He doesn't seem to  
8 have a camera feature. It looks like he's on a  
9 cell phone.

10 MR. LARIOS: Yes, but it should work.  
11 I did this before on the same phone; it's a  
12 cellular. Maybe if I try logging out and come  
13 back in?

14 CHAIRPERSON ANDERSON: I would ask you  
15 to do that, sir, because you're speaking like  
16 you're underwater, so you're not clear in  
17 speaking. So you have a poor connection.

18 So why don't you log off and log back  
19 in and we'll elevate your rights and see what  
20 happens, sir.

21 MR. LARIOS: All right. Give me one  
22 second.

23 (Pause.)

24 CHAIRPERSON ANDERSON: You're still  
25 on, Mr. Larios. So, why don't you log off and

1 log back on, sir?

2 MR. LARIOS: I just did that.

3

4 CHAIRPERSON ANDERSON: Sir, you never  
5 logged off because you've always been on my  
6 screen. So I need you to completely log out and  
7 come back on, sir. If you're logged off, I  
8 should not see your name on my screen, so you're  
9 not logged off.

10 So disconnect the connection and log  
11 back on, sir, and then Ms. Fashbaugh will elevate  
12 your rights when you come back.

13 (Pause.)

14 MR. LARIOS: Okay.

15 CHAIRPERSON ANDERSON: Mr. Larios, you  
16 have never logged off, sir. When you're logged  
17 off the screen, I will not see your name, okay?  
18 So you need to -- now, you're logged in twice,  
19 because I see you never logged off the first  
20 time.

21 MR. LARIOS: Because the way this -  
22 but I logged off. I tried to log back in, but  
23 when my camera -- I tried --

24 CHAIRPERSON ANDERSON: Sir, your name  
25 is on my screen twice, okay? So --

1 MR. LARIOS: The other line maybe --

2 CHAIRPERSON ANDERSON: Okay. So  
3 that's probably why I can't hear you. So he  
4 needs to unmute his microphone, then because  
5 that's why I'm having a problem -- are you in the  
6 same location?

7 MR. LARIOS: Yes.

8 CHAIRPERSON ANDERSON: All right. So  
9 that other person needs to mute their microphone  
10 because there's a feedback. That's why we  
11 can't -- I can't hear you.

12 MR. LARIOS: Give me one second.

13 MS. FASHBAUGH: Chairperson, I handled  
14 it. So I muted his other one. And now he's  
15 muted on the other one.

16 CHAIRPERSON ANDERSON: All right.  
17 Thank you.

18 MR. LARIOS: Now, my camera's still --  
19 I can't see it. But --

20 CHAIRPERSON ANDERSON: All right. I  
21 can hear you, then, sir. As -- you're clear. I  
22 can hear you. I don't know what's going on with  
23 your camera, but I can clearly hear you, okay?  
24 All right.

25 MR. LARIOS: All right.



1           CHAIRPERSON ANDERSON: And now we know  
2 what the problem is. Okay. And now I need  
3 everyone to identify themselves for the record,  
4 and I will start with Ms. Jordan.

5           MS. JORDAN: Good morning, Mr.  
6 Chairperson. This is Janika Jordan on behalf of  
7 the District. I also wanted to note as we begin  
8 that Mr. Alex Larios is the ABC manager of the  
9 establishment, and the translator was requested  
10 for Mr. Jose Larios, the owner of the  
11 establishment, who I don't see on the line.

12           CHAIRPERSON ANDERSON: All right. So  
13 is the owner of the -- thank you for -- Ms.  
14 Jordan. So who is the owner? Is the owner here  
15 today?

16           MR. LARIOS: No. He's not here today.  
17 Well, he had a medical procedure again done this  
18 morning.

19           CHAIRPERSON ANDERSON: But Mr. Larios,  
20 has the owner given you, in writing, permission  
21 to move forward with this hearing to represent  
22 him?

23           MR. LARIOS: Yes. I think I sent an  
24 email.

25           CHAIRPERSON ANDERSON: You sent an

1 email to whom?

2 MR. LARIOS: To Ms. Janika Jordan, and  
3 I told her me and Flor Ramos, who is the witness,  
4 were going to be present today.

5 CHAIRPERSON ANDERSON: Did you receive  
6 that email, Ms. Jordan?

7 MR. LARIOS: I received an email  
8 representing that Alex Larios and Flor Ramos  
9 would be witnesses. I wasn't aware that that  
10 meant the owner would not be present.

11 CHAIRPERSON ANDERSON: And when did  
12 you receive this email?

13 MS. JORDAN: I received that email on  
14 Saturday.

15 CHAIRPERSON ANDERSON: So have you had  
16 any conversation, Ms. Jordan, with the actual  
17 owner?

18 MS. JORDAN: I have spoken to Jose  
19 Larios on the phone and through email.

20 CHAIRPERSON ANDERSON: And Ms. -- no,  
21 I'm talking about the owner, not Mr. --

22 MS. JORDAN: Yes. He's -- yes.

23 CHAIRPERSON ANDERSON: You've talked  
24 to the owner?

25 MS. JORDAN: Yes. Just in --

1 CHAIRPERSON ANDERSON: I'm -- so have  
2 you spoken to the owner of this establishment?

3 MS. JORDAN: I have. Yes. I  
4 apologize for the confusion. I'll make sure to  
5 use their first and last names, since the last  
6 name is the same.

7 CHAIRPERSON ANDERSON: That's the  
8 same -- all right. So you have had conversations  
9 with the owner regarding this hearing today. Is  
10 that correct?

11 MS. JORDAN: Yes.

12 CHAIRPERSON ANDERSON: And the owner  
13 is aware that the hearing is scheduled today,  
14 based on your conversation with them?

15 MS. JORDAN: He is. Yes.

16 CHAIRPERSON ANDERSON: And did you  
17 receive a disclosure from the owner to state that  
18 they're moving forward with the hearing and who  
19 the documents and witnesses are?

20 MS. JORDAN: I received an email on  
21 Saturday that stated Alex Larios and Flor Ramos  
22 would be witnesses. I responded on Monday and  
23 asked if there were documents, and he stated  
24 there would be no documents.

25 CHAIRPERSON ANDERSON: And who was the

1 email from?

2 MS. JORDAN: The email was not signed,  
3 but it was from the establishment's email, which  
4 has been Jose Larios in the past.

5 CHAIRPERSON ANDERSON: So you received  
6 an email. Is this the same email -- in your --  
7 and I'm just inquiring for the record so I can  
8 know. All right? So you've had email  
9 correspondence with the establishment. Is this  
10 correct?

11 MS. JORDAN: Yes, it is correct.

12 CHAIRPERSON ANDERSON: Is this the --  
13 the email that came to you on Saturday that  
14 disclosed the witnesses, is this the same email  
15 correspondence that you've had -- I'm sorry. Is  
16 this the same email address that you have had in  
17 dealing with this -- the ownership of this -- the  
18 establishment?

19 MS. JORDAN: It is. Yes.

20 CHAIRPERSON ANDERSON: And Mr. Alex  
21 Larios, he is an ABC manager of the  
22 establishment?

23 MR. LARIOS: Yes.

24 CHAIRPERSON ANDERSON: I'm sorry. I'm  
25 asking you, Ms. Jordan.

1 MS. JORDAN: I apologize. Yes. Alex  
2 Larios is an ABC manager at the establishment.

3 CHAIRPERSON ANDERSON: Ms. Jordan, are  
4 you -- do you feel comfortable moving forward  
5 with this hearing today, although the owner is  
6 not there, is not on this hearing today? I mean,  
7 although -- yeah. That's the question I'm  
8 having.

9 Because since the owner's not here,  
10 I've heard that you know that Mr. Larios is an  
11 ABC manager. You stated you have had  
12 conversations with the owner.

13 We do have a translator for the owner,  
14 so the owner's aware that we are having this  
15 hearing today, and the representation that's  
16 being made by Mr. Alex Larios is that he had  
17 surgery, and so therefore they're moving forward  
18 without him.

19 And -- but I'm just trying to make  
20 sure that we're on good legal ground in moving  
21 forward with this hearing although the owner is  
22 not here.

23 MS. JORDAN: I'm prepared to move  
24 forward. I am a little concerned that we didn't  
25 have -- we don't have a designation from the

1 owner that Alex Larios is his representative in  
2 this matter.

3 CHAIRPERSON ANDERSON: All right. Mr.  
4 Alex Larios, can you -- who's the owner of this  
5 establishment, sir?

6 MR. LARIOS: Jose Larios.

7 CHAIRPERSON ANDERSON: And are you  
8 related to Jose Larios?

9 MR. LARIOS: Yes, that's my father.

10 CHAIRPERSON ANDERSON: So Mr. Larios  
11 is your father?

12 MR. LARIOS: Yes. If I could ask,  
13 maybe we could elevate the other phone so I could  
14 have a camera so you guys can see me.

15 CHAIRPERSON ANDERSON: All right.  
16 Elevate which camera -- which -- what is it --  
17 you're asking us to elevate what, sir?

18 MR. LARIOS: The other camera, the one  
19 that was muted.

20 CHAIRPERSON ANDERSON: Well, we're  
21 just -- we just mute the voice, but Ms.  
22 Fashbaugh, are you able to allow the other  
23 connection for Mr. Larios with a camera?

24 MS. FASHBAUGH: Yeah, unfortunately  
25 both don't have a camera feature.

1 CHAIRPERSON ANDERSON: So I'm not sure  
2 what they -- what the --

3 (Pause.)

4 CHAIRPERSON ANDERSON: All right.  
5 Okay. Yes, I can see you, sir. All right. So  
6 all right.

7 Just -- Mr. Larios, let -- I just want  
8 to -- I want you to raise your right hand, sir.  
9 Mr. Alex Larios, do you swear or affirm to tell  
10 the truth and nothing but the truth, sir?

11 MR. LARIOS: Yes.

12 CHAIRPERSON ANDERSON: I'm sorry? Mr.  
13 Larios? I can't hear you, sir.

14 MR. LARIOS: This phone is muted.

15 CHAIRPERSON ANDERSON: It's not muted.  
16 I can hear -- let's -- all right. All right.  
17 What's your relationship -- what do you -- what's  
18 your -- who is -- what's your relationship --

19 MR. LARIOS: Sorry. Where the camera  
20 is at is muted, but this other phone is the  
21 one --

22 CHAIRPERSON ANDERSON: I can hear you  
23 now, sir.

24 MR. LARIOS: -- that works.

25 CHAIRPERSON ANDERSON: I can hear you

1 perfectly.

2 MR. LARIOS: Yeah, but this phone is  
3 the one with Flor Ramos; she's a witness. The  
4 other phone is where the camera's working, is  
5 muted. If you guys could unmute that, that will  
6 be great.

7 CHAIRPERSON ANDERSON: No, but the --  
8 let me ask you a question. Where is the phone --  
9 is the phone -- where -- can you put the phones  
10 together: I can see you perfectly in the other  
11 one. Right?

12 MR. LARIOS: Yeah, this one.

13 CHAIRPERSON ANDERSON: You're fine.  
14 You're fine.

15 MR. LARIOS: Oh, yeah.

16 CHAIRPERSON ANDERSON: All right. I  
17 can hear. Just stay right where you are, sir.  
18 All right?

19 MR. LARIOS: All right. Great.

20 CHAIRPERSON ANDERSON: What is the  
21 name of your father, sir? What's your  
22 father's -- well, I'm sorry. What's the -- who's  
23 the owner of this establishment, sir?

24 MR. LARIOS: Jose Larios.

25 CHAIRPERSON ANDERSON: Who is -- what



1 is your relationship to Jose Larios?

2 MR. LARIOS: He's my father.

3 CHAIRPERSON ANDERSON: And -- all  
4 right. Is it also correct that you are the ABC  
5 manager for this establishment, sir?

6 MR. LARIOS: Yes, sir.

7 CHAIRPERSON ANDERSON: All right.  
8 Okay. All right. I feel comfortable moving  
9 forward, Mr. -- I'm sorry. You -- I'm sorry.  
10 You're Jose Larios. Right? And your father --  
11 what's your father's name? I'm sorry, sir.

12 MR. LARIOS: My name is Alex Larios.  
13 My father's name is Jose Larios.

14 CHAIRPERSON ANDERSON: All right.  
15 Alex Larios is the ABC manager, and he is the son  
16 of Jose Larios. And Mr. Alex Larios, why, again,  
17 is Jose Larios not here today, sir?

18 MR. LARIOS: He had a medical  
19 procedure done this morning at Kaiser Permanente.

20  
21 CHAIRPERSON ANDERSON: And it's also  
22 correct that an email was sent to Ms. Jordan on  
23 Saturday stating who the witnesses were going to  
24 be for this morning. Who was it that the  
25 witnesses were supposed to be today?

1 MR. LARIOS: Yes. Jose -- he told --  
2 he said -- he told me Saturday morning he sent an  
3 email out to let them know that Flor Ramos would  
4 be also attending.

5 CHAIRPERSON ANDERSON: All right. All  
6 right. Your phone is unmuted. So we need the  
7 other line -- the person should mute the other  
8 line, sir. Okay? Both lines are now unmuted,  
9 okay? So --

10 MR. LARIOS: So I'll get her to do  
11 that now.

12 CHAIRPERSON ANDERSON: Yes. You just  
13 tell the other person to mute the phone. Okay?  
14 So they can just mute their phone. Yes, the  
15 other line, just mute the phone. Mr. --

16 MR. LARIOS: I'm trying to do now.

17 CHAIRPERSON ANDERSON: All you have to  
18 do, just hit the mute button on your phone, on  
19 one of the lines.

20 MR. LARIOS: I did. It's not working  
21 for some reason.

22 CHAIRPERSON ANDERSON: It's not -- it  
23 should -- it's not that difficult to mute the  
24 phone. You just press the mute button.

25 MR. LARIOS: There you go. It's --

1       yeah, I did it.

2               CHAIRPERSON ANDERSON:   Okay.   Fine.

3       I can see you and hear you clearly because your  
4       line is the only line that's muted [sic].  Now,  
5       when the other person's going to speak, then that  
6       person will end -- all right.

7               Now, who requires a translator?

8               MR. LARIOS:   Flor Ramos.  That's the  
9       other witness.

10              CHAIRPERSON ANDERSON:  All right.

11       So -- all right.  So, when -- when the witness is  
12       called, then that's when the translator will --  
13       does he need to hear -- do we need to translate  
14       these --

15              MR. LARIOS:  Oh, no, no.

16              CHAIRPERSON ANDERSON:  We just  
17       translate for him when he's about to testify.  Is  
18       that correct?

19              MR. LARIOS:  Yes, sir.  Yes.

20              CHAIRPERSON ANDERSON:  All right.

21       Fine.  All right.  Now, we may move forward with  
22       the hearing based on our representation of the  
23       parties that it's -- based on representation was  
24       made Alex Larios is the son of Jose Larios, and  
25       Alex Larios is ABC manager for Villa Tuscana.

1           Mr. Alex Larios had sent an email to  
2 Ms. Jordan this weekend disclosing documents --  
3 I'm sorry -- witnesses for this hearing. Ms. --

4           MR. LARIOS: That was --

5           CHAIRPERSON ANDERSON: Yes?

6           MR. LARIOS: -- Jose Larios, sir.

7           CHAIRPERSON ANDERSON: I'm sorry, sir?

8           MR. LARIOS: It was Jose Larios who  
9 sent the email.

10          CHAIRPERSON ANDERSON: All right.

11          Jose Larios sent an email to Ms. Jordan this  
12 weekend, on Saturday, stating who the witnesses  
13 were going to be for this hearing. And were --  
14 is your name, Mr. Jose Larios, were -- were you  
15 one of the witnesses on the list?

16          MR. LARIOS: Oh, no. Jose Larios is  
17 the owner. He's my father. I'm Alex Larios.

18          CHAIRPERSON ANDERSON: I'm sorry. Mr.  
19 Alex Larios. I'm sorry. Mr. --

20          MR. LARIOS: Yes.

21          CHAIRPERSON ANDERSON: Alex, were you  
22 one of the witnesses on the paper?

23          MR. LARIOS: Yes.

24          CHAIRPERSON ANDERSON: All right. All  
25 right. So based on -- I'm comfortable moving

1 forward that Mr. Jose Larios has given permission  
2 for his son, Alex Larios, who's also the ABC  
3 manager for this establishment, to represent him  
4 at this hearing. Okay?

5 All right. Now that we've gotten that  
6 straight, let's now go to the hearing. Are there  
7 any preliminary matters that need to be brought  
8 to the attention of the Agency, Ms. Jordan?

9 MS. JORDAN: There are no preliminary  
10 matters at this time.

11 CHAIRPERSON ANDERSON: And Mr. Alex --  
12 I'm sorry -- Mr. Alex Larios, outside of the fact  
13 that your father had a medical emergency this  
14 morning so he can't be here, there are no other  
15 preliminary matters that need to be brought to  
16 the attention of the Agency, sir?

17 MR. LARIOS: No, sir.

18 CHAIRPERSON ANDERSON: All right. All  
19 right. The way this hearing will happen this  
20 morning is that each side will have -- the  
21 Government has the burden. The Government will  
22 go first. The Government will make an opening  
23 statement.

24 The Government -- once the Government  
25 makes an opening statement, Mr. Larios, you can

1 make an opening statement at this juncture. An  
2 opening statement is basically you just set the  
3 stage of what this case is about. And -- but you  
4 don't have to do that.

5 You can wait for the Government to  
6 present its whole case, and once the Government  
7 presents its case prior to you presenting your  
8 case, you can do an opening statement. And then  
9 you can call witnesses, sir.

10 The Government will call its witness,  
11 the witness will be testified. The Government  
12 will have direct testimony of this witness. Then  
13 you will have an opportunity to cross-examine  
14 those witnesses.

15 So whatever they state, the witnesses  
16 that the Government called, you can cross-  
17 examine, ask them questions based on the  
18 testimony that they gave. And the Board might  
19 ask questions, and both parties might have other  
20 issues -- opportunities to ask questions.

21 Are there any questions by anyone  
22 before we start?

23 MS. JORDAN: No, Chairperson.

24 CHAIRPERSON ANDERSON: All right. All  
25 right. Ms. Jordan, do you wish to make an

1 opening statement, please?

2 MS. JORDAN: Yes, Chairperson. Thank  
3 you.

4 CHAIRPERSON ANDERSON: All right. Go  
5 ahead, please.

6 OPENING STATEMENT ON BEHALF OF THE GOVERNMENT

7 MS. JORDAN: Good morning, Board  
8 Members. We're here today in the show-cause  
9 matter of El Agavetex Mex Rest, LLC, Trade Name  
10 Villa Tuscana, located at 1723 Columbia Road  
11 Northwest, for Case Number 21-2510004.

12 The show-cause notice issued in this  
13 matter concerns the charge that the licensee  
14 failed to allow ABRA investigators and  
15 Metropolitan Police Department officers to enter  
16 and inspect the licensed premises without delay,  
17 in violation of DC Code 25-823(a)(5).

18 The evidence will show that the  
19 licensee failed to allow ABRA investigators to  
20 inspect the premises without delay because they  
21 did not want the investigators to come inside the  
22 establishment.

23 On Sunday, March 7, 2021, at  
24 approximately 1:25 a.m., Alcoholic Beverage  
25 Regulation Administration Investigator Donnell

1 Butler, Supervisory Investigator Brashears, and  
2 Lead Investigator Dantzler arrived at Villa  
3 Tuscana to investigate a complaint that the  
4 establishment was operating after hours with loud  
5 music and live entertainment.

6 They observed that the windows were  
7 tinted, the lights appeared to be off, and there  
8 was no sound emanating from inside. You will  
9 hear from Supervisor Investigator Brashears that  
10 he approached the door and shined his flashlight  
11 inside and saw ABC manager, Alex Larios, and  
12 could hear him saying, Let's go, let's go. Alex  
13 Larios then stepped outside.

14 You'll hear from both investigators  
15 that after they advised Mr. Larios of the  
16 complaint, he stated the establishment was  
17 closed. And when Supervisory Investigator  
18 Brashears asked if the investigators could look  
19 inside the establishment, Mr. Larios stood in  
20 front of the gate, blocking their entry, and  
21 repeated the establishment was closed.

22 Throughout these interactions,  
23 Investigator Brashears and Investigator Dantzler  
24 noted he appeared to be stalling. The evidence  
25 will also show that while Mr. Larios blocked the



1 investigators' entry into the establishment,  
2 three unidentified men came down the alley next  
3 to the establishment carrying duffle bags and  
4 walked past the front.

5 Mr. Larios then allowed the  
6 investigators to enter but refused to turn on the  
7 lights or allow the investigators to conduct a  
8 walk-through.

9 It was only after Lead Investigator  
10 Dantzler contacted MPD for assistance and several  
11 officers arrived that ABRA investigators could  
12 conduct the walk-through they had requested.

13 The owner of the establishment was  
14 found in the kitchen, which had a door that  
15 provided access to the alley behind the  
16 establishment.

17 The investigators observed the  
18 remnants of a party, including a birthday cake, a  
19 box of chocolate strawberries, unopened presents,  
20 empty alcohol bottles, a bar that was set up with  
21 glasses and a bottle opener, four women's purses  
22 at various tables, and a number of women's shoes  
23 behind the bar.

24 There was one man in addition to the  
25 ABC manager and owner, but there were no other

1 women in the establishment at the time of the  
2 walk-through.

3 Through the testimony of Investigator  
4 Dantzler and Investigator Brashears, the District  
5 will clearly show that the licensee stalled and  
6 delayed investigators from entering the  
7 establishment, then attempted to prevent them  
8 from doing the walk-through once they were  
9 inside. Thank you.

10 CHAIRPERSON ANDERSON: Mr. Larios, do  
11 you wish to make an opening statement? Or do  
12 you -- or will you defer until you present your  
13 case, sir?

14 MR. LARIOS: I'll defer.

15 CHAIRPERSON ANDERSON: All right.  
16 Thank you.

17 CHAIRPERSON ANDERSON: Ms. Jordan, do  
18 you have a witness?

19 MS. JORDAN: The district would like  
20 to call Lead Investigator Felicia Dantzler.

21 CHAIRPERSON ANDERSON: Ms. Dantzler,  
22 can you please raise your right hand, please. Do  
23 you swear or affirm to tell the truth and nothing  
24 but the truth?

25 INVESTIGATOR DANTZLER: I affirm.

1 CHAIRPERSON ANDERSON: Thank you.

2 Your witness, Ms. Jordan.

3 DIRECT EXAMINATION

4 BY MS. JORDAN:

5 Q Could you please state and spell

6 your

7 first and last name for our record.

8 A Felicia Dantzler, F-E-L-I-C-I-A,

9 D,

10 like David, A-N-T, like time, Z, like zebra, L-E-

11 R.

12 Q Where are currently employed?

13 A With the Alcoholic Beverage

14 Regulation

15 Administration.

16 Q And what is the position at the

17 Alcoholic Beverage Regulation Administration?

18 A Lead Investigator.

19 Q How long have you been the Lead

20 Investigator?

21 A Approximately three years.

22 Q And how long have you been at

23 ABRA?

24 A About 30 days shy of 15 years.

25 Q What are your duties and

1 responsibilities as Lead Investigator?

2 A I enforce the alcohol  
3 regulations and  
4 conduct regulatory inspections of ABC  
5 establishments.

6 Q Are you familiar with Villa  
7 Tuscana?

8 A Yes.

9 Q How are you familiar with this  
10 establishment?

11 A Previous regulatory actions at  
12 the  
13 establishment to recent visit --

14 Q Can you describe the -- oh,  
15 excuse me.

16 A -- to about 2020 to [inaudible]  
17 due to  
18 a --

19 CHAIRPERSON ANDERSON: Ms. Dantzler,  
20 can you please speak up. I'm having trouble  
21 hearing you, ma'am.

22 INVESTIGATOR DANTZLER: Yes, sir.

23 CHAIRPERSON ANDERSON: That's better.  
24 Go ahead.

25 BY MS. JORDAN:

1 Q And can you describe what  
2 happened on  
3 Sunday, March 7, 2021?

4 A Yes. At approximately 1:15  
5 a.m.,  
6 Supervisory Investigator Mark Brashears  
7 instructed me to visit Villa Toscana in reference  
8 to an after-hours complaint violation and female  
9 performers at the establishment.

10 Q What happened when you arrived  
11 at the  
12 establishment?

13 A Approximately 10 minutes later,  
14 [audio  
15 skip] 25 a.m., March 7, 2-21, Donnell Butler,  
16 another investigator, SI Brashears, and myself  
17 arrived at the establishment.

18 MEMBER CROCKETT: Excuse me. This is  
19 Ms. Crockett. I'll need to interject. But Ms.  
20 Dantzler, we're having a lot of trouble hearing  
21 you. It's as if you're really far away from your  
22 microphone or something. You're at a whisper.

23 INVESTIGATOR DANTZLER: Okay. Can I  
24 get a brief indulgence? Let me put the headset  
25 on. Perhaps that would be a better --

1 MEMBER CROCKETT: Yes, please. Thank  
2 you.

3 INVESTIGATOR DANTZLER: Yes, ma'am.

4 (Pause.)

5 INVESTIGATOR DANTZLER: Testing.

6 CHAIRPERSON ANDERSON: That's better.

7 MEMBER CROCKETT: That's so much  
8 better. Thank you so much.

9 INVESTIGATOR DANTZLER: My pleasure.

10 BY MS. JORDAN:

11 Q All right. Investigator  
12 Dantzler, so

13 I'll go ahead and take you back to where we were.

14 So you had just arrived at Villa  
15 Tuscana. And can you describe for us what  
16 happened when you arrived?

17 A Yes. So when we arrived at the  
18 establishment, I did not see any patrons outside.  
19 There was almost no foot traffic in the area, and  
20 the front of the establishment appeared to be  
21 closed. It was -- from the position I was  
22 standing, it looked dark within the  
23 establishment.

24 Q And what happened next?

25 A So SI Brashears had exited his

1 vehicle, as well as Investigator Butler, and we  
2 were standing on the sidewalk side of the gate.  
3 Shortly thereafter, SI Brashears shined his  
4 flashlight at the entrance door, and a male  
5 appeared in view at that time.

6 Q And what happened after the male  
7 appeared?

8 A The male came outside from  
9 within the  
10 establishment and met the investigators at the  
11 gate. SI Brashears explained to the male, who  
12 was later identified as Alex Larios, as the ABC  
13 manager -- SI Brashears explained to Mr. Larios  
14 who we were and the reason why we were there.

15 Q And what was the reason why you  
16 were  
17 there?

18 A He advised Mr. Larios that we  
19 got a  
20 complaint that the establishment was operating  
21 after hours, as well as there was loud noises  
22 coming from the establishment.

23 Q And what did you ask Mr. Larios  
24 because of the complaint?

25 A Well, SI Brashears advised him

1       that we

2                   needed to do a walk-through, at which time Mr.  
3                   Larios stated that a walk-through was not needed  
4                   because the establishment was closing for the  
5                   night.

6                   I then asked Mr. Larios if he was the  
7                   ABC manager, to which he replied that he was. I  
8                   then asked of Mr. Larios if he can provide me --  
9                   if he can display his ABC manager's license, at  
10                  which time he removed his wallet from his pants  
11                  pocket and began to look through his wallet for  
12                  said request.

13                  Q                   Did he present his ABC manager's  
14                  license?

15                  A                   He did.

16                  Q                   In your experience, what usually  
17                  happens when you identify yourself as an ABRA  
18                  investigator and ask to enter an establishment?

19                  A                   The normal course of action is

20       that

21                   the licensees will allow us entry into the  
22                   establishment.

23                  Q                   So what happened while Mr.

24       Larios was

25                   looking for his ABC manager's license?



1                                   A                                   Mr. Larios continued to look for  
2                                   his

3                                   ABC manager's license, at which point I realized  
4                                   we still haven't gotten to the front door.

5                                   And so I can't recall if the gate  
6                                   opened in or outwards, but I had asked to Mr.  
7                                   Larios if he could talk and walk so that we can  
8                                   go inside and do a walk-through, at which time  
9                                   Mr. Larios insisted that we did not need to a  
10                                  walk-through.

11                                 Q                                 Were you able to go through that  
12                                 gate?

13                                 A                                 Yes. I took the initiative to  
14                                 open

15                                 the gate, which prompted Mr. Larios to move and  
16                                 started walking. And so there was like a slow  
17                                 walk up to the front of the -- the front door.

18                                 Once we reached the front door, Mr.  
19                                 Larios stopped all forward motion and insisted  
20                                 that we not do the walk-through, insisting that  
21                                 they were closing.

22                                 Q                                 And what happened next?

23                                 A                                 We finally was able to get  
24                                 inside.

25                                 Once we got inside the establishment, it was

1 dark; there were no interior lights. And so SI  
2 Brashears asked Mr. Larios if he could turn on  
3 the lights, to which he complied.

4 Q Okay. And what happened after  
5 that?

6 A Once the lights came on, I  
7 immediately  
8 notice a male sitting in the back of the  
9 establishment at a table, and next to him to his  
10 right was a decorative table, which appeared to  
11 be some sort of celebration table.

12 Q At this point, were you able to  
13 do the  
14 walk-through that you had requested?

15 A No. I advised Mr. Larios that  
16 were  
17 going to do a walk-through, at which time Mr.  
18 Larios repeated again that no walk-through was  
19 required. I then said to him, Do I need to call  
20 MPD to help -- have them help us do this walk-  
21 through?

22 And he asked me why do I need to do  
23 that, and I explained to him again that we were  
24 simply there to do a walk-through to ensure that  
25 the establishment was not operating, and the

1 faster we can do the walk-through, the sooner we  
2 can leave.

3 Q What happened after you informed  
4 Mr.  
5 Larios of that?

6 A So I then called MPD because Mr.  
7 Larios still did not want us to conduct the walk-  
8 through, and minutes later, MPD officers arrived  
9 on the scene.

10 Q What happened after MPD arrived  
11 to  
12 assist?

13 A Once they arrived, I explained  
14 to the  
15 officers who we were and what we were trying to  
16 do. MPD officers then moved forward, further  
17 into the well of the establishment.

18 I followed, which took me to the table  
19 where the male was sitting, and at the celebrated  
20 table that was decorative, I then learned that  
21 there was strawberry -- chocolate-covered  
22 strawberries, there were balloons, there were  
23 gifts that was left.

24 Q What else did you observe in the  
25 establishment on your walk-through?

1                   A                   I also observed ladies' purses  
2           that  
3                   was sitting on different tables. I believe there  
4                   were two or three ladies' purses that were there.  
5                   I looked inside -- I peered inside, but not using  
6                   my hands to open any bags.

7                   But I looked inside, and I could see  
8                   that the purses consisted of personal items. And  
9                   I also looked into the bags that was on the  
10                  decorative table that had gifts inside.

11                  Q                   Were there any other items that  
12           you  
13                  observed in the establishment?

14                  A                   Yes. I also noticed there were  
15           two  
16                  separate tables. Each had -- each one had the  
17                  ladies' purses and also consisted of to-go  
18                  containers, consistent with food takeout.

19                  Q                   Were there any other items that  
20           looked  
21                  like they'd been left behind?

22                  A                   Yes. While I was in the well of  
23           the  
24                  establishment, Investigator Butler had come from  
25                  the back where the kitchen area was, and with him

1 was a male who I recognized as the owner, Jose  
2 Larios.

3 I recognized him from previous ABRA  
4 visits. Investigator Butler stated that Mr.  
5 Larios -- Jose Larios uttered a spontaneous  
6 statement stating that the establishment next  
7 door was having a birthday party.

8 Investigator Butler stated that Mr.  
9 Alex Larios was in the kitchen just standing up  
10 against the wall. When Investigator Butler made  
11 his way towards the front of the establishment,  
12 he observed a sheer ladies' covering that was  
13 draped on the back of one of the chairs at the  
14 table.

15 Q Based on your observations of  
16 items in  
17 the establishment, did you come to any  
18 conclusions?

19 A Yes. I believe that there was  
20 some  
21 activity going on at the establishment that we  
22 interrupted once we arrived at the scene.

23 And I also believe that Alex Larios  
24 prevented and delayed, more likely, ABRA  
25 investigators from entering and doing a

1 walk-through inspection, which caused us not to  
2 capture patrons inside.

3 MS. JORDAN: Mr. Chairperson, can I  
4 have permission to share my screen?

5 CHAIRPERSON ANDERSON: Ms. Fashbaugh,  
6 can you please allow Ms. Jordan to share her  
7 screen, please.

8 MS. FASHBAUGH: You can now share your  
9 screen.

10 MS. JORDAN: Thank you.

11 BY MS. JORDAN:

12 Q Investigator Dantzler, I'm going  
13 to  
14 show you now what has been marked as Government  
15 Exhibit 1.

16 Let me know when you can see this.

17 A Yes, I can see it.

18 Q Do you recognize this document?

19 A Yes. That is the investigative

20 report

21 that I authored.

22 Q Is it part of your job as an  
23 investigator to draft case reports?

24 A Yes.

25 Q And I'm going to show you the

1 entirety

2 of this document just quickly so you can see  
3 what's included.

4 Is this a fair and accurate  
5 representation of the case report you created for  
6 Case Number 21-25100004 involving Villa Tuscana?

7 A It is.

8 MS. JORDAN: Mr. Chairperson, at

9 this

10 time, the Government would like to move  
11 Government Exhibit 1, the case report, into  
12 evidence.

13 CHAIRPERSON ANDERSON: So moved. It  
14 is part of record, so it's not -- so it doesn't  
15 have to formally moved. But yes, so moved.

16 BY MS. JORDAN:

17 Q Investigator Dantzler, I'm going

18 to

19 direct your attention to Exhibit 2 of the case  
20 report. Can you describe what is depicted in  
21 this photograph?

22 A Yes. That is the exterior front

23 photo

24 of Villa Tuscana that I took the day after the  
25 visit.

1 Q Can you please describe the  
2 outside of  
3 the establishment and the context of your  
4 approach to the establishment?

5 A Yes. Where you see the banner,  
6 that  
7 is the -- the gate that I spoke of earlier where  
8 the investigators were standing on the sidewalk  
9 side of the establishment.

10 And on the other side, the inner gate  
11 is where Mr. Alex Larios met us.

12 Q And Investigator Dantzler,  
13 directing  
14 your attention to Exhibit 4 of the case report,  
15 what is this document?

16 A That is a photograph that I took  
17 of  
18 ladies' purses that were on the table.

19 Q And Investigator Dantzler, I'm  
20 going  
21 to draw your attention to Exhibit 7 of the case  
22 report. What is this document?

23 A That is the decorative table  
24 that I  
25 spoke of in my earlier testimony that I saw from



1 the doorway.

2 Q And what is in this photo?

3 A Balloons. In the bags -- there

4 were

5 gifts in the bags. The long white box was the

6 chocolate-covered strawberries. Also there's two

7 bottles of wine.

8 Q And Investigator Dantzler, I'm

9 going

10 to have you turn to Exhibit 9 of the case report.

11 What is this document?

12 A Those -- that is a picture that

13 SI

14 Brashears took with the candle that was lit and

15 also sliced lemons that were left on the table.

16 Q And directing your attention to

17 Exhibit 10 of the case report, what is this

18 document?

19 A That is a photograph that I took

20 of a

21 lady's purse with a to-go bag that was with it.

22 Q And directing your attention to

23 Exhibit 13 off the case report, what is this

24 photograph?

25 A That is a photograph taken by SI

1 Brashears depicting a lady's coat, a purse where  
2 you can see the chain that is hanging on the  
3 outside of the sink, and at the pedestal of the  
4 sink are assorted ladies' shoes.

5 Q And lastly, Investigator  
6 Dantzler,  
7 directing your attention to Exhibit 14, what is  
8 this photograph?

9 A That is a picture that SI  
10 Brashears  
11 took depicting a prep station that was being used  
12 at some point.

13 Q And Investigator Dantzler, you  
14 have  
15 described a number of women's purses and shoes  
16 that you saw in photographs in this  
17 establishment. Were there any women that you or  
18 the other investigators found in the  
19 establishment?

20 A No women were found.

21 MS. JORDAN: I don't have any further  
22 questions for Investigator Dantzler.

23 CHAIRPERSON ANDERSON: Mr. Larios, you  
24 have an opportunity to ask her questions.

25 MR. LARIOS: Yes.

1  
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CROSS-EXAMINATION

BY MR. LARIOS:

Q First question is, Ms. Dantzler,

you

do wear glasses. Correct?

A Yes. Hi, Mr. Larios. Yes, sir.

Q Good morning. On your

statement,

first thing I'd seen in your statement was you

said we had tinted windows at the door. Correct?

A Yes, sir.

Q Your Exhibit 10, you took a

picture of

a purse, you could see the front door of the

place in the Exhibit 10. I think everybody's

seen that.

You could see in that picture the

doors are not tinted. If you guys would like to

take a look at that, that's Exhibit 10. My

question is you said that the gate was closed.

Mr. Dantzler had already came in through the

gate, and he had left the gate open.

CHAIRPERSON ANDERSON: Mr. Larios,

remember, you're asking questions, so --

MR. LARIOS: Yet --

1 CHAIRPERSON ANDERSON: You said Mr.

2 Dantzler, so what's the -- I'm not --

3 MR. LARIOS: I asked Ms. Dantzler, you  
4 said you opened the gate. Was the gate open, or  
5 did you open it?

6 INVESTIGATOR DANTZLER: I opened it.

7 BY MR. LARIOS:

8 Q Do you recall Mr. Brashears  
9 entering  
10 in with a flashlight?

11 A Entering the gate with a  
12 flashlight?

13 Q He actually came up to the door?  
14 Do  
15 you recall him coming up to the door with a  
16 flashlight before you -- Mr. Donnell Butler and  
17 you, Ms. Dantzler, were both in -- still inside  
18 your vehicle when Mr. Brashears came out.

19 Do you recall Mr. Brashears coming up  
20 to the window with a flashlight?

21 A No, sir.

22 Q Right now, a couple minutes ago,  
23 you  
24 said Mr. Brashears walked up to the door with a  
25 flashlight. Do you recall that?

1                   A                   No. I believe my testimony was  
2           that

3                   Mr. Brashears -- SI Brashears shined his  
4           flashlight at the door.

5                   Q                   Yes. He came up to the door.  
6           You

7                   don't -- you never recalled him -- seeing him  
8           walk into -- up to the door and which the gate  
9           was open?

10                  A                   No, sir.

11                  Q                   All right. My next question is,  
12           you

13                   said the lights were off when you walked up.  
14           You -- were you wearing your glasses that night?

15                  A                   No, sir. I wasn't wearing my  
16           glasses

17                   at that time. I don't use them for distance.

18                  Q                   Okay. Let me see if I had any  
19           other -- more questions.

20                   Oh, yeah. I have another question.

21                   MPD -- you did call MPD. Correct?

22                  A                   Yes, sir.

23                  Q                   Mr. -- when you guys walked in  
24           the

25                   place, do you remember Mr. Donnell Butler passed

1 by Mr. Brashears and yourself, which is Ms.  
2 Dantzler, walked right by you guys and he did a  
3 walk-through himself while you were requesting  
4 for that more lights to be turned on? Do you  
5 recall that?

6 A No. My focus was on you, Mr.

7 Larios.

8 We were engaged in the conversation.

9 Q Okay. Do you recall when Mr.  
10 Donnell

11 Butler walked out from the kitchen with Jose  
12 Larios?

13 A Yes. My next recollection of  
14 Mr.

15 Butler was when he emerged from the kitchen.

16 Q With Jose Larios?

17 A Yes, sir.

18 Q Right behind him?

19 A They came out practically  
20 together.

21 Q And was this before or after you  
22 called MPD?

23 A That I cannot recall.

24 Q I'd like to say Mr. Jose Larios  
25 and

1 Mr. Donnell Butler walked out the kitchen, Jose  
2 Larios right behind him. Mr. Donnell Butler came  
3 up, back to the front. And I don't know if you  
4 recall. He said the place was clear. Is that  
5 correct?

6 A I don't recall Mr. Butler making  
7 that  
8 statement.

9 Q Do you recall -- after Mr.  
10 Donnell  
11 Butler said the place was clear, do you recall  
12 you saying you were tired? Or no, you had had  
13 enough of me, which is Alex Larios?

14 And do recall grabbing your phone then  
15 and calling MPD after Mr. Donnell Butler and Jose  
16 Larios walked out the kitchen?

17 A No, I don't recall that. My  
18 conversation, my focus was with you.

19 MR. LARIOS: Okay. That'll be all my  
20 questions for Ms. Dantzler.

21 CHAIRPERSON ANDERSON: All right. I'm  
22 somewhat confused. So what time -- you said you  
23 went there at -- you said you went there at 1:25  
24 a.m. This was on March 7, 2021. Why was -- why  
25 did they -- why -- what time was this

1 establishment supposed to close on March 7, 2021?

2

3 INVESTIGATOR DANTZLER: That for me?

4 MR. LARIOS: What --

5 CHAIRPERSON ANDERSON: No, I'm sorry.

6 Not for you. This is -- you're -- you don't have

7 any more questions. You're not -- you say didn't

8 have any other questions. So the questions

9 not -- for Ms. Dantzler. I'm sorry, Mr. Larios.

10 INVESTIGATOR DANTZLER: I believe it

11 was midnight. It was --

12 CHAIRPERSON ANDERSON: Which one is

13 it, Ms. Dantzler? You believe it's midnight? Or

14 it's supposed to be midnight?

15 INVESTIGATOR DANTZLER: I believe it's

16 midnight. We've had several mayoral changes due

17 to COVID. So I believe at that time it was

18 due -- the closing was at midnight.

19 CHAIRPERSON ANDERSON: I need the

20 clarification with Dantzler. It can't be "I

21 believe," because the Board has to go and make a

22 decision. So I need to know what time the

23 closing's supposed to be.

24 Now, you stated that -- so where

25 are -- you saw -- you showed pictures of several



1 women's purses and shoes. So did you see any of  
2 these women in the establishment?

3 INVESTIGATOR DANTZLER: No, sir.

4 CHAIRPERSON ANDERSON: So what  
5 happened -- so what happened to all the women?

6 INVESTIGATOR DANTZLER: That's a great  
7 question. We never located them. SI Brashears  
8 can speak more towards that question.

9 CHAIRPERSON ANDERSON: But I'm -- but  
10 I'm saying -- but you were there. You're there.  
11 So you were there. Is that true?

12 INVESTIGATOR DANTZLER: Yes, sir.

13 CHAIRPERSON ANDERSON: And did you do  
14 a walk-through? Or did another investigator do a  
15 walk-through at some point?

16 INVESTIGATOR DANTZLER: I did some of  
17 the walk-through just on -- right on the street  
18 level. I did not go beyond the decorative table  
19 which was located in the rear.

20 CHAIRPERSON ANDERSON: Do you know if  
21 any of the other investigators went to the rear?

22 INVESTIGATOR DANTZLER: Yes.

23 Investigator Butler did, and I'm not sure about  
24 Mr. -- I mean, SI Brashears.

25 CHAIRPERSON ANDERSON: All right. I

1 don't have any questions at this moment. Any  
2 other questions by the Board Members? Any  
3 questions by any Board Members?

4 MEMBER SHORT: Yes, Mr. Chair. I had  
5 a question.

6 CHAIRPERSON ANDERSON: Go ahead, Mr.  
7 Short.

8 MEMBER SHORT: Hello, Investigator  
9 Dantzler, and thank you for your testimony. I'd  
10 just like to ask you, when you approached -- on  
11 March 7, 2021, when you approached this  
12 establishment, were they supposed to be closed?

13 INVESTIGATOR DANTZLER: Yes, sir.

14 MEMBER SHORT: What reason were they  
15 to be closed at the time you got there?

16 INVESTIGATOR DANTZLER: I can't  
17 remember if it was 12 o'clock or 1 o'clock, due  
18 to the Mayor's emergency order that they be  
19 closed. So when I got on the scene, my focus  
20 changed from their operation to being delayed  
21 entry, so I was focused on that.

22 MEMBER SHORT: Okay. Who are "they"  
23 you are speaking about that were refused entry?

24 INVESTIGATOR DANTZLER: SI Brashears,  
25 Investigator Butler, and myself were not provided

1 immediate access to the establishment.

2 MEMBER SHORT: What was the main  
3 reason why you were going there in the first  
4 place? What caused you to go there on that -- at  
5 that particular time on March 7?

6 INVESTIGATOR DANTZLER: SI Brashears  
7 advised that he received a complaint that the  
8 establishment was operating after hours, loud  
9 noise was coming from the establishment, and  
10 there were live entertainment of female  
11 performers.

12 MEMBER SHORT: And when you  
13 questioned -- after you got to talk with -- is it  
14 Alex, the ABC manager? When you got to talk to  
15 the ABC manager and you announced that you were  
16 an ABRA investigator, and -- why wouldn't he  
17 cooperate? Do you have any idea?

18 INVESTIGATOR DANTZLER: I believe the  
19 establishment was actually having a function at  
20 the time that we made our first contact with Mr.  
21 Alex Larios at the sidewalk.

22 MEMBER SHORT: Okay. Dealing with the  
23 photographs that were introduced as evidence or  
24 that have been displayed to us during this  
25 hearing, women's purses and women's shoes, but no

1 women.

2 So in your history of being an  
3 investigator for the multiple years as you  
4 testified, how many locations or establishments,  
5 ABC establishments have you gone to when they say  
6 they're closed, didn't want to let you come in,  
7 and then you find women's purses and shoes? Has  
8 that ever happened before with you as an  
9 investigator?

10 INVESTIGATOR DANTZLER: No, sir.

11 MEMBER SHORT: So normally -- now,  
12 this is just speculation. But I'm going to ask  
13 you if you can answer this. Do women normally  
14 leave their purses and shoes when they go to a  
15 business or establishment?

16 INVESTIGATOR DANTZLER: I have  
17 experienced occasionally someone would leave  
18 property behind, but to have three different  
19 purses left behind was highly unusual.

20 MEMBER SHORT: And the table that --  
21 that was also displayed in the pictures that we  
22 saw during your testimony during this hearing  
23 with the balloons and the chocolates and the  
24 strawberries and the other, is that normally what  
25 you find when an establishment is closed when

1 you're doing your investigations?

2 INVESTIGATOR DANTZLER: No. I've been  
3 to birthday parties, and generally the -- the  
4 person being honored tends to take their gifts  
5 with them -- balloons, the strawberries -- but  
6 all that was left behind.

7 MEMBER SHORT: Had they been partaken  
8 of? I mean, the strawberries and the other foods  
9 that were on the table, had they been -- had  
10 anyone -- did it look like someone had been  
11 eating them or they were waiting to eat, or what  
12 state did find these strawberries and balloons  
13 in?

14 INVESTIGATOR DANTZLER: The -- nothing  
15 had been eaten. And so the wine bottles had not  
16 been uncorked, either.

17 MEMBER SHORT: Investigator Dantzler,  
18 thank you for your answers. Hopefully it gives  
19 some clarity. But at any rate, I'll just simply  
20 say thank you for your testimony.

21 And that's all I have, Mr. Chair.  
22 Thank you.

23 INVESTIGATOR DANTZLER: My pleasure.

24 CHAIRPERSON ANDERSON: All right. Any  
25 other questions by any Board -- any of the Board

1 Members?

2 Mr. Larios, do you have any questions  
3 of Mr. Dantzler based on the questions that the  
4 Board asked? Not new questions, but based on the  
5 questions that the Board asked. Do you have any  
6 questions, any follow-up questions of Ms.  
7 Dantzler?

8 MR. LARIOS: No, just to make sure --

9 CHAIRPERSON ANDERSON: Remember,  
10 sir --

11 MR. LARIOS: But the one question I  
12 have --

13 CHAIRPERSON ANDERSON: Just hold on,  
14 sir. You can only ask questions of her based on  
15 the questions that I asked and Mr. Short asked.  
16 If it's not based on the questions that Mr. Short  
17 asked or myself asked, you cannot ask questions,  
18 sir.

19 MR. LARIOS: No. No more questions.

20 CHAIRPERSON ANDERSON: You have no  
21 more questions? All right.

22 Ms. Jordan, do you have any redirect?

23 MS. JORDAN: I do not have any  
24 redirect.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you.

2 Thank you for your testimony, Ms.  
3 Dantzler.

4 INVESTIGATOR DANTZLER: Thank you.

5 CHAIRPERSON ANDERSON: Do you have  
6 another witness, ma'am?

7 MS. JORDAN: Yes, at this time, I  
8 would like to call Supervisory Investigator Mark  
9 Brashears.

10 CHAIRPERSON ANDERSON: Mr. Brashears,  
11 can you raise your right hand, please. Do you  
12 swear or affirm to tell the truth and nothing but  
13 the truth?

14 INVESTIGATOR BRASHEARS: I do, sir.

15 CHAIRPERSON ANDERSON: Thank you.

16 Your witness, Ms. Jordan.

17 DIRECT EXAMINATION

18 BY MS. JORDAN:

19 Q Investigator Brashears, could  
20 you

21 please state and spell your first and last name.

22 A My name is Mark Brashears,

23 M-A-R-K,

24 last name is B-R-A-S-H-E-A-R-S.

25 Q And where are you currently

1 employed?

2 A The Alcoholic Beverage

3 Regulation

4 Administration in Washington, D.C.

5 Q What is your position at

6 Alcoholic

7 Beverage Regulation Administration?

8 A I am a supervisory investigator.

9 Q How long have been a supervisory  
10 investigator?

11 A A little over three years.

12 Q And what are your duties and  
13 responsibilities as supervisory investigator?

14 A As supervisory investigator, I  
15 supervise and manage a team of five  
16 investigators.

17 Q Are you familiar with Villa  
18 Tuscana?

19 A I am.

20 Q How are you familiar with this  
21 establishment?

22 A I've visited the establishment  
23 on a

24 couple of occasions.

25 Q Were you familiar with the



1 establishment prior to the incident that we're  
2 discussing today?

3 A Yes.

4 Q And can you describe your  
5 familiarity.

6 A I was passing by the  
7 establishment one

8 evening, and under the Mayor's order and  
9 rulemaking that we were operating at the time,  
10 the establishment was not allowed to have patrons  
11 inside.

12 And as I was driving by, the lights  
13 were on. It was in the evening. Everything was  
14 backlit, and I observed patrons seated inside the  
15 establishment. So I stopped the car, I went in,  
16 and I spoke with Alex Larios, who was the ABC  
17 manager; advised him that, obviously, you're not  
18 supposed to have folks inside and basically  
19 educated him about the rulemaking.

20 Q Had anything changed at the  
21 establishment from this instance to when you  
22 visited the establishment on March 7, 2021?

23 A Yes. On the previous visit, as  
24 I  
25 said, I was able to see into the establishment

1 from the roadway. On the night of 7 March, 2021,  
2 when we arrived, I initially assumed the  
3 establishment was not operating because I  
4 couldn't see inside.

5 Everything was -- was blacked out.  
6 And then, obviously, after shining my flashlight,  
7 I was able to see inside and realize that there  
8 had been some kind of tinting placed on the  
9 windows.

10 Q Can you -- stepping back for a  
11 second,

12 can you describe what led to -- what happened  
13 with the establishment on March 7, 2021 that led  
14 to your investigation?

15 A Yes, on Sunday, March 7, at  
16 approximately 1:15 a.m., I received an anonymous  
17 phone call to the ABRA hotline stating that the  
18 establishment was operating after hours,  
19 providing entertainment in the form of female  
20 dancers, and that there was loud music.

21 Q And what happened after you  
22 received  
23 that call?

24 A I contacted Lead Investigator  
25 Dantzler

1 and Investigator Butler and advised them to visit  
2 the establishment and follow up on the complaint.

3

4 Q And what happened when you  
5 arrived at  
6 the establishment?

7 A The three of us arrived at  
8 approximately 1:25 a.m. We got out of our  
9 vehicles and approached, and initially, we, you  
10 know, believed it had been a false call, because  
11 we didn't hear any music, we couldn't see  
12 anything, everything appeared, you know, quiet  
13 and dark.

14 Q And what happened after that?

15 A As we got a little closer to the  
16 establishment, I pulled out my flashlight and  
17 aimed it toward, you know, the front of the  
18 establishment, and that's when I was able to see  
19 Alex Larios -- I'd recognized him from a previous  
20 visit -- inside the door, standing inside the  
21 door behind the window tint.

22 Q And where were you when you  
23 shined  
24 your flashlight into the establishment?

25 A We were -- the three of us were

1 on

2 the -- on the sidewalk. We were outside the gate  
3 that Investigator Dantzler spoke of.

4 Q And just to clarify, what did  
5 you see  
6 when you shined your flashlight inside?

7 A Well, I saw an individual and,  
8 of  
9 course, when he stepped out, I recognized him.  
10 But as I pointed the light, I heard from inside,  
11 Let's go, let's go, let's go.

12 Q And what happened after this?

13 A At that point, Mr. Larios --  
14 Alex  
15 stepped out, and Investigator Dantzler engaged  
16 with him as she testified. And while they were  
17 speaking, a couple of minutes into it, I looked  
18 to my right.

19 I saw movement, and I observed three  
20 unknown male individuals. They were dressed in  
21 dark clothing carrying black duffle bags. They  
22 walked down the alley and past the front of the  
23 establishment.

24 Q And how does the alley connect  
25 to the

1 establishment, if it does?

2 A The alley runs through to the  
3 next  
4 street, but there's access behind Villa Tuscana  
5 into the alley for the -- you know, trash and a  
6 rear exit.

7 Q What happened after you saw  
8 these men  
9 walking down towards the alley?

10 A Well, they passed by and, at  
11 that  
12 point, Investigator Dantzler was speaking with  
13 Mr. Larios. He appeared to look for his ABC  
14 manager's license, and eventually we were allowed  
15 to enter the establishment.

16 Q How long did it take from when  
17 you  
18 arrived at the establishment to when you entered?

19 A I'm not sure, but from the time  
20 we  
21 engaged Mr. Larios -- Alex to the time we got in,  
22 it was approximately five minutes.

23 MS. JORDAN: I would like to  
24 take a  
25 pause briefly, Mr. Chairperson, and ascertain

1 that Mr. Larios is still on the phone. I saw his  
2 video, or one of his phones disappear.

3 CHAIRPERSON ANDERSON: Mr. Larios, are  
4 you still here?

5 (No response.)

6 CHAIRPERSON ANDERSON: Mr. Larios?

7 MR. LARIOS: Sorry. My phone happened  
8 to turn off. So I'm getting it -- I'm turning it  
9 back on now.

10 CHAIRPERSON ANDERSON: All right. But  
11 you're still here? Is --

12 MR. LARIOS: Yes. So I'm still  
13 listening.

14 CHAIRPERSON ANDERSON: That's one of  
15 the reasons why I prefer when I see people on the  
16 screen. Then when you disappear, then I know  
17 something is going on. But if you're not on the  
18 screen, then, I don't know.

19 Thank you for noticing that, Ms.  
20 Jordan. Go ahead, Ms. Jordan.

21 MS. JORDAN: All right.

22 BY MS. JORDAN:

23 Q So once you were finally able to  
24 go  
25 inside the establishment, what happened?

1                   A                   When we first entered, well, Mr.  
2                   Larios, as LI Dantzler discussed, said several  
3                   times that the establishment was closed; there  
4                   was no need to walk through.

5                   When we finally managed to get inside,  
6                   initially I could see that -- we couldn't see  
7                   what was going on inside because the only  
8                   lighting at first appeared to be table -- small  
9                   table candles.

10                  Mr. Larios -- Alex did bring up some  
11                  lights toward the front of the establishment, but  
12                  didn't bring them up throughout.

13                  We explained several times -- myself  
14                  and Investigator Dantzler -- that, you know, we  
15                  needed to conduct a walk-through, there had been  
16                  a complaint, and that at --

17                  CHAIRPERSON ANDERSON: All right.  
18                  Hold on Mr. Brashears. Hold on, Mr. Brashears.  
19                  I believe that Mr. Larios -- all right. Okay.  
20                  Go ahead, Mr. Brashears. Go ahead.

21                  INVESTIGATOR BRASHEARS: We explained  
22                  to them -- we explained to him that we would need  
23                  to do a walk-through, and if he wasn't going to  
24                  bring the lights up, that we were going to  
25                  contact MPD because, at that point, as a

1 supervisor, for me, I was not going to send  
2 investigators into the darkened interior of the  
3 establishment.

4 So, at that point Investigator  
5 Dantzler called MPD. There were a group of  
6 individuals, MPD individuals right around the  
7 corner, and they were there in just a few  
8 minutes.

9 BY MS. JORDAN:

10 Q What happened once MPD arrived?

11 A Investigator Dantzler briefed  
12 them on

13 the -- on the situation and they agreed to do a  
14 walk-through with us and basically ensure that,  
15 you know, at my concern, there might be someone  
16 hiding in the establishment that could cause  
17 harm. They did a walk-through with us.

18 Q What did you find on the  
19 walk-through  
20 of the establishment?

21 A On the walk-through, there  
22 appeared to

23 be, you know, some type of celebration. There  
24 was a cake. There were balloons. A couple of  
25 the tables had empty or half-empty alcohol



1 bottles.

2 There was a woman's shawl. There were  
3 numerous pairs of shoes behind the bar. There  
4 were also -- I counted four purses that appeared  
5 to have been left behind.

6 And, of course, as Investigator  
7 Dantzler stated, there was an individual who we  
8 never identified who was just sitting kind of to  
9 the side of the establishment inside. And then  
10 Investigator Butler located Jose Larios in the  
11 kitchen.

12 So once MPD arrived, MPD officers and  
13 myself moved further into the establishment. We  
14 checked basically all the access points, you  
15 know, what appeared to be a closet. We went into  
16 the kitchen.

17 We looked into a rear exit, which was  
18 like a porch or a vestibule. But we didn't  
19 locate any of the females.

20 Q You mentioned that --

21 MR. LARIOS: Sorry to bother you guys.  
22 I'm back online, if the host can bring me back  
23 up.

24 CHAIRPERSON ANDERSON: All right. Ms.  
25 Fashbaugh, I think that Mr. Larios is asking for

1 his video to be reinstated, please.

2 MS. FASHBAUGH: This has been  
3 accomplished.

4 CHAIRPERSON ANDERSON: Thank you.  
5 Go ahead, Mr. Brashears.

6 MR. LARIOS: Thank you.

7 BY MS. JORDAN:

8 Q And Investigator Brashears, you  
9 mentioned that the owner, Mr. Jose Larios, was in  
10 the kitchen. Where does the kitchen lead in this  
11 establishment?

12 A So the kitchen is at the rear of  
13 the  
14 establishment and from there, it looks like a  
15 small porch or maybe a vestibule. And from  
16 there, you can access the outside of the rear of  
17 the establishment.

18 MS. JORDAN: Thank you. The District  
19 doesn't have any further questions for Mr.  
20 Brashears.

21 CHAIRPERSON ANDERSON: All right.  
22 Thank you, Mr. Brashears.

23 Mr. Larios, I -- one of the lines have  
24 to be muted because I see both lines are being  
25 highlighted.

1 MS. JORDAN: Chairperson Anderson, can  
2 I ask for the Board to take judicial notice of  
3 what rulemaking was in effect at this time?

4 CHAIRPERSON ANDERSON: Yes, because  
5 I'm curious of that. So --

6 MS. JORDAN: Of course. So on  
7 March --

8 CHAIRPERSON ANDERSON: I would ask at  
9 the end you could bring that in your closing,  
10 ma'am. Okay?

11 MS. JORDAN: No problem.

12 CHAIRPERSON ANDERSON: You can just  
13 have -- we'll take -- but I need that to be  
14 clear, so you can bring that to our attention in  
15 your closing. Okay? Thank you.

16 Go ahead, Mr. Larios. Do you have any  
17 questions of Mr. Brashears?

18 MR. LARIOS: Yes.

19 BY MR. LARIOS:

20 Q Mr. Brashears, how are you doing  
21 today?

22 One question, do you recall walking up  
23 to the door with your flashlight by yourself  
24 while Mr. Butler and Ms. Dantzler were still in  
25 their car?

1                   A                   No, I don't recall that. I  
2 believe I

3 arrived and got out before they did, but we  
4 walked up as a group.

5                   Q                   Do you recall seeing me and  
6 running

7 back to your car to take your badge out and  
8 coming back and showing it to me and explaining  
9 to me why you guys were there?

10                  A                   No. As I recall, we explained  
11 that

12 when you came out to the gate.

13                  Q                   Maybe you didn't understand my  
14 question. When you walked up, do you recall  
15 walking back to your car after you had walked up  
16 to the door by yourself while Ms. Dantzler and  
17 Mr. Butler were still in their car?

18                  A                   No. As I said, I recall getting  
19 out

20 of my vehicle and -- and walking on the sidewalk.  
21 But they got out of their cars and we were  
22 commenting how it looked quiet and dark. And as  
23 we walked up, I pointed my flashlight.

24                  Q                   Do you recall at -- okay. Do  
25 you

1 recall instructing Ms. Dantzler and Mr. Butler to  
2 step out of the car?

3 A No.

4 Q Okay. All right. My next  
5 question

6 is, do you recall Mr. Butler -- once you guys  
7 made entrance, do you recall Mr. Butler, while  
8 the lights -- they were some -- a few lights and  
9 the kitchen light was on, Mr. Butler -- do you  
10 recall him going straight to the back and making  
11 a -- and searching the place?

12 A I recall we, the three of us,  
13 got

14 inside. We were near the bar. We didn't get  
15 much further because all of the lights weren't  
16 on. We were not comfortable. I was not  
17 comfortable sending people further in. If he  
18 wandered further in, it was unbeknownst to me.

19 But, at that time, I felt  
20 uncomfortable with the situation, and that's why  
21 we called MPD.

22 Q Okay. Do you recall, before  
23 calling

24 MPD, the owner coming out of the kitchen, and he  
25 was following Mr. Butler coming out of the

1 kitchen before MPD was called?

2 A No, I don't recall that.

3 Q All right. My next question is

4 -- oh,

5 yeah. Quick question -- before you guys came in,

6 you said we had a brief conversation right

7 outside. I stepped out when you walked back to

8 your car.

9 I don't recall if it was your -- I

10 think it was your mask, actually, that you went

11 back to your car and get. Do you recall that?

12 A I don't.

13 Q Do you know how long was the

14 brief

15 conversation we had before you guys entered the

16 establishment?

17 A You mean near the gate?

18 Q At -- we were at the -- we were

19 outside of the door inside the gate.

20 A I remember it being several

21 minutes

22 from the time we were near the gate before we got

23 into the establishment.

24 Q If you could put it in minutes,

25 how

1 many minutes would you put it into?

2 A From the time we initially  
3 engaged to  
4 the time we got in, probably less than five  
5 minutes.

6 Q Now, how [audio skip] was the  
7 conversation me and you had after I stepped out  
8 and you informed me that you were there because  
9 somebody had made a call and there were strippers  
10 and there was loud music and a party going on?

11 Did you inform -- do you remember or  
12 do you recall what was -- what I was trying to  
13 explain to you at the moment?

14 A I remember you continually  
15 stated that  
16 the establishment was closed and there was no  
17 need for us to come in.

18 Q But do you remember what was my  
19 explanation?

20 A I don't.

21 Q Okay. Okay. That's all my  
22 questions.

23 Oh, last question, you said you couldn't see  
24 inside the place; maybe the lights were off. But  
25 then, again, you mentioned there were tints on

1 the front window.

2 Exhibit 10, I'd like to the Board to  
3 know, and also, Ms. Jordan -- Exhibit 10, a  
4 picture Ms. Dantzler took, there was a purse in  
5 the table, and that's a -- picture happens to be  
6 the front door.

7 I don't know if everybody's seen this  
8 Exhibit 10. There's a picture and it's --

9 CHAIRPERSON ANDERSON: Mr. Larios, are  
10 you asking Mr. Brashears a question? Because all  
11 of these, within your testimony, you can bring  
12 them up. But are you asking him a question now,  
13 or are you just making a statement? Because you  
14 can't make a statement. You have to ask him a  
15 question.

16 MR. LARIOS: I'm asking him.

17 BY MR. LARIOS:

18 Q Do you recall not being able to  
19 see  
20 inside due to there being no lights? Or do --  
21 you automatically said there was tints on the  
22 window?

23 A It appeared to be tint, because  
24 as I  
25 stated, the previous visit, I was able to see



1 clearly inside. Now, granted, the establishment  
2 was lit up inside.

3 But when we came up and -- and what I  
4 believed to be window tint -- because when the  
5 door was opened, I could see lights and things  
6 inside, you know, due to the candles and a small  
7 amount of back lighting.

8 So it appeared to me that the windows  
9 were tinted.

10 MR. LARIOS: All right. That --  
11 that's all my questions for Mr. Brashears.

12 CHAIRPERSON ANDERSON: All right.  
13 Thank you. Any questions by any Board Members?

14 (No response.)

15 CHAIRPERSON ANDERSON: Anyone, any  
16 Board Members have any comment or questions?

17 MEMBER GRANDIS: Mr. Chairman?

18 CHAIRPERSON ANDERSON: Yes, Mr.  
19 Grandis?

20 MEMBER GRANDIS: May I ask Inspector  
21 Brashears a question? Is that -- this  
22 appropriate at this time?

23 CHAIRPERSON ANDERSON: Yes, Mr.  
24 Grandis.

25 MEMBER GRANDIS: Thank you. Inspector

1 Brashears, it's a pleasure to have you today, and  
2 we want to thank you for your clear and accurate  
3 reporting on what you all investigated that  
4 evening. So thank you.

5 I just want some clarification. Are  
6 ABRA inspectors only limited to go into a  
7 licensed establishment during the posted hours of  
8 operation, or may ABRA inspectors go into a  
9 licensed establishment outside of those hours?

10 INVESTIGATOR BRASHEARS: We routinely  
11 inspect ABC licensed establishments for after-  
12 hours operations. So in this instance, that's  
13 what we had received a call on, that the  
14 establishment was operating after hours.

15 So, yes, sir. To answer your  
16 question, we can go into an establishment to  
17 inspect for after-hours operations.

18 MEMBER GRANDIS: Thank you very much.

19 Thank you, Mr. Chairman.

20 CHAIRPERSON ANDERSON: Mr. -- any  
21 other questions by any of the Board Members?

22 (No response.)

23 CHAIRPERSON ANDERSON: Mr. Brashears,  
24 do you know what was -- your statement -- I --  
25 which I'm confused. You said that no one was

1 allowed in the establishment. Are -- that's what  
2 you testified to earlier. And I don't  
3 understand.

4 Are you saying that nobody was allowed  
5 in that establishment, period? Or because of the  
6 timing? I need to clarify that testimony, sir,  
7 because I didn't understand.

8 INVESTIGATOR BRASHEARS: Yes, sir.

9 CHAIRPERSON ANDERSON: Will you  
10 just --

11 INVESTIGATOR BRASHEARS: My previous  
12 visit prior the night of the incident -- I  
13 apologize; I don't recall when it was. But  
14 during that time frame, the rulemaking and the  
15 Mayor's order stated that you could not dine on  
16 premise. It was takeout only.

17 And there were individuals inside the  
18 establishment consuming alcohol, and I observed  
19 them from outside. I stopped. I went in.

20 I spoke with Mr. Alex Larios and  
21 basically stated, Hey, during this time frame,  
22 you're not supposed to have, you know, patrons  
23 inside the establishment. These people need to  
24 go. So that's when -- it was due to the  
25 rulemaking at the time, sir.

1 CHAIRPERSON ANDERSON: All right.

2 Okay. All right.

3 Any other questions from any of the  
4 Board Members?

5 (No response.)

6 CHAIRPERSON ANDERSON: Mr. Larios, do  
7 you have any questions of Mr. Brashears based on  
8 the questions that were asked by the Board?

9 MR. LARIOS: No.

10 CHAIRPERSON ANDERSON: No?

11 MR. LARIOS: No, no more questions.

12 CHAIRPERSON ANDERSON: Ms. Jordan, do  
13 you have any redirect?

14 MS. JORDAN: I do have one question  
15 for redirect.

16 CHAIRPERSON ANDERSON: Go ahead.

17 REDIRECT EXAMINATION

18 BY MS. JORDAN:

19 Q Investigator Brashears, at any  
20 point

21 after arriving, did you return to your car to get  
22 a mask or badge or delay in any way entering the  
23 establishment?

24 A Not that I recall. No, ma'am.

25 MS. JORDAN: Thank you.

1 CHAIRPERSON ANDERSON: All right.

2 Does the Government rest?

3 MS. JORDAN: The Government rests.

4 CHAIRPERSON ANDERSON: All right.

5 Thank you. All right. What I'm going to do, I  
6 was going to take a 10-minute break, but what  
7 we're -- we're having some issues with our  
8 interpreter.

9 So we're actually going to take a  
10 lunch break, a half-an-hour break, and we will --  
11 this case, we will -- the interpreter's available  
12 at 1:30, so we will continue this hearing at  
13 1:30.

14 So I need all the Board Members to log  
15 back on to the public hearing -- I need everyone  
16 to log back on to the public hearing at 1:30. Is  
17 that clear to everyone?

18 So that, Mr. Larios, you need a  
19 translator, and our translator is not -- will not  
20 be available until 1:30.

21 I was going to take a break anyway  
22 because with this hearing, we've been online  
23 for -- since -- at least, the Board has been  
24 online for three hours this morning.

25 And I know the hearing, 10:30 -- yeah,

1 this hearing started. We went on record at --  
2 since 10:30 So, I'm going to try to come up with  
3 maybe every two hours to have a break so folks  
4 would have a break.

5 So we're having a break. We're having  
6 a lunch break. So everyone needs to be back on  
7 for the public hearing at 1:30. Is everyone  
8 clear with that?

9 MS. JORDAN: Yes, Mr. Chairman.

10 MR. LARIOS: At one --

11 CHAIRPERSON ANDERSON: So if Mr. -- so  
12 when we come back on at 1:30, Mr. Larios, you're  
13 going to start -- you're going to call your  
14 witnesses.

15 MR. LARIOS: Okay.

16 CHAIRPERSON ANDERSON: We'll have the  
17 translator, and you will start at 1:30. Is that  
18 clear with you, sir?

19 MR. LARIOS: Yeah. That's fine.

20 CHAIRPERSON ANDERSON: All right. So  
21 I'll see everyone for the public hearing at 1:30  
22 sharp this afternoon, okay?

23 MR. LARIOS: All right.

24 CHAIRPERSON ANDERSON: Thank you.

25 MS. JORDAN: Thank you.

1 CHAIRPERSON ANDERSON: Bye-bye.

2 (Whereupon, at 12:59 p.m., the hearing  
3 was recessed, to reconvene at 1:30 p.m. this same  
4 day, Wednesday, January 12, 2022.)

5 CHAIRPERSON ANDERSON: All right.  
6 Good afternoon. We're back on the record. All  
7 right.

8 I just want to -- before we continue  
9 this case, I just want to inform the public, this  
10 is a -- this case that we're concluding is the  
11 Villa Tuscana hearing. This is a hearing from  
12 this morning.

13 And so we took a break, so we are --  
14 for this afternoon, we have our -- this -- on our  
15 schedule, we have Felicity Lounge. So at the --  
16 after the conclusion of this case, then we'll  
17 have Felicity Lounge.

18 I'm not sure how long this case will  
19 take to conclude, but just want to advise our  
20 members of the public if you're waiting for  
21 Felicity Lounge, at the -- we'll -- we will do  
22 this case at the conclusion of this case.

23 And again, good afternoon, everyone.  
24 My name is Donovan Anderson. I'm chairman of the  
25 Board. Joining us this afternoon for the hearing

1 are Mr. James Short, Mr. Bobby Cato, Ms. Rafi  
2 Crockett, Ms. Jeni Hansen, Mr. Ed Grandis. The  
3 Board has six members in attendance for the  
4 conduct of business today.

5 And so I just want to -- and I'm  
6 stating this because I know there are folks who  
7 have signed on for the 1:30 hearing. I just want  
8 to let folks know what's going on.

9 All right. So, Mr. Larios, are you --  
10 is it -- I just want to make sure -- is the  
11 translator here with us now?

12 MR. LARIOS: Yeah, that is for Flor  
13 Ramos.

14 CHAIRPERSON ANDERSON: I know. I just  
15 want to make sure Ms. -- is the translator -- I  
16 see -- is she with us? She had told me that she  
17 would join us at 1:30.

18 I just want to make sure that she's --  
19 so are you -- who's your first witness, Mr.  
20 Larios?

21 MR. LARIOS: I am, myself.

22 CHAIRPERSON ANDERSON: You're the  
23 first witness you're going to call?

24 MR. LARIOS: Yes.

25 CHAIRPERSON ANDERSON: Okay. So I'll



1 make sure that -- hopefully by the time you're  
2 concluded, she'll --

3 MS. FASHBAUGH: Chairperson, Lidia  
4 Bellod is still a panelist.

5 CHAIRPERSON ANDERSON: Okay. But she  
6 hasn't -- I know. I saw her name there, but she  
7 had -- I want to make sure that -- well, I'll  
8 just -- hopefully then she'll make herself known  
9 once she has joined us.

10 Mr. Larios, I had sworn you in  
11 earlier, so I don't need to do that again,  
12 because earlier this morning when I -- you had  
13 made some representations, I swore you in, so I  
14 don't need to swear you in again.

15 All right. So basically where we are,  
16 you're going to present your case. You can start  
17 because you did not do an opening statement. And  
18 I guess this is -- you can state your position  
19 because -- since you are the attorney and you are  
20 a witness.

21 So be mindful that whatever statements  
22 that you make, Ms. Jordan will cross-examine you,  
23 and the Board will also cross-examine you. So  
24 you can present the way you want to present.

25 Once you're done, Ms. Jordan will

1 cross-examine you, the Board will cross-examine  
2 you, and then you can call your other witness.

3 So, go ahead, sir. It's your case.

4 DIRECT TESTIMONY

5 MR. LARIOS: All right. So, yes, my  
6 name is Alex Larios. I'm calling myself as a  
7 witness.

8 And I'd like to start and say I did  
9 not intend or -- I did not or I did not intend to  
10 delay inspectors' entrance.

11 So it was the morning -- it was on the  
12 morning of March 7; it was 1:25 a.m. We were  
13 leaving that night. We had a gathering. My  
14 other witness, it was her birthday. They left  
15 right before 12:00, because at that time, due to  
16 the pandemic, the order was to be closed by 12:00  
17 midnight.

18 We closed at 12:00. She left. It was  
19 only four of us here that stayed. It was me and  
20 the dishwasher, the owner, and his brother-in-  
21 law.

22 And I was getting ready to leave. I  
23 come to the front door. I see Mr. Brashears. He  
24 come up to the door, and I -- through the door --  
25 he'd seen me through the door. I told him it was

1 closed. He walked back to his car, so I stepped  
2 outside.

3 He came back, informed me that -- they  
4 had gotten a call, that there had been strippers  
5 and loud music and a party after hours. And I  
6 informed them, I'm talking to him and that's when  
7 he told Mr. Butler and Ms. Lead Investigator  
8 Dantzler to step out of the car, and that's when  
9 they did.

10 They followed behind him. I explained  
11 to him that the place was closed and we were -- I  
12 was getting ready to leave. And I was like  
13 they -- and I explained to him there was no  
14 strippers there. I explained to them there was a  
15 party earlier. The ladies had left. The whole  
16 group had left. They had left at midnight.

17 And they -- there was a brief  
18 conversation. It took about two minutes, and  
19 they told me, No, we need to go inside. We need  
20 to check the place out.

21 So I opened the door for them and  
22 brought them in. There was a kitchen light on,  
23 and the light in front of the kitchen. To remind  
24 you guys, the place is small. It's seven tables  
25 from the entrance to the kitchen door.

1                   And at the time they came inside, Mr.  
2                   Donnell Butler walked straight to the bathrooms,  
3                   checked the bathrooms, checked behind the bar.  
4                   He walked into the kitchen. Ms. Dantzler told me  
5                   to turn on the lights.

6                   I proceeded to turn on the lights.  
7                   Mr. Butler walked out the kitchen. Following him  
8                   was the owner, Mr. Jose Larios. And Ms. Dantzler  
9                   was upset when the guy told her it was clear.  
10                  She got very upset. She said, Oh, no. I'm going  
11                  to call MPD right now.

12                  Then she called MPD after Mr. Butler  
13                  had informed her that it was clear, that he  
14                  already searched the place. So we waited for MPD  
15                  to get here. They started taking pictures,  
16                  started -- which is the pictures they have.

17                  And after that, they searched the  
18                  place, took the pictures, and that was about it.  
19                  They left. And that was all.

20                  And that's how I'll wrap it up, if you  
21                  guys have any questions for me.

22                  CHAIRPERSON ANDERSON: All right. So  
23                  you're done? Okay. So, all right.

24                  So, Ms. Jordan, your cross-  
25                  examination.

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CROSS-EXAMINATION

BY MS. JORDAN:

Q Mr. Larios, did the ABRA  
investigators  
identify themselves to you as ABRA investigators?

A At first, Mr. Brashears walked  
up to  
the door. He didn't. Through the door, I told  
him it was closed. He walked back to his car.  
So I walked outside. That's when he came back  
and he -- with his badge and he told me he was  
ABRA investigator and they had got --

Q When they asked to do the  
walk-through  
of the establishment, did they identify  
themselves as ABRA investigators?

A Before they asked to do the  
walk-  
through, we had a brief conversation outside. He  
informed me that he was from ABRA and had gotten  
the call.

We had a brief conversation.

I told him we had had a birthday party  
earlier and it was already done; we were  
leaving -- I was leaving. And then after that,

1 that's when Ms. Dantzler and Mr. Butler walked  
2 up, and they asked to come inside.

3 I told them it wasn't necessary, but  
4 if they need to come inside, that's fine.

5 Q I'm sorry. I see. That's -- no  
6 problem, but if you can just kind of stick to the  
7 question a little bit.

8 So did the investigator ask to do a  
9 walk-through of the establishment?

10 A Yes. When they asked, I told  
11 them it  
12 wasn't --

13 Q And when --

14 A And after -- you know, the door  
15 was  
16 open. I never closed the door, none of that.  
17 The door was open, and they walked inside. Mr.  
18 Butler was the first one. He didn't ask no  
19 questions. He walked --

20 Q No problem. You've answered my  
21 question. Thank you.

22 Were there at least three individuals  
23 in the establishment when the investigators  
24 arrived?

25 A So right before -- yes, there

1 was

2 three when they got here.

3 Q Did you delay the investigators  
4 from  
5 coming inside?

6 A They say delayed. I did not  
7 delay  
8 them. It was a brief conversation we had, and it  
9 took no more than a minute, 30 seconds from where  
10 I started to when they came inside.

11 Q Is it correct that on March 7,  
12 2021,  
13 the Tenth Emergency Rulemaking was in effect, and  
14 the hours of closing were 10:00 p.m.?

15 A It was midnight.

16 Q Is it correct, then, that on  
17 March 22,  
18 2021, when the Eleventh Emergency Rulemaking took  
19 effect, that extended the hours of operation  
20 until midnight?

21 A Yeah.

22 Q When no one is leaving in a  
23 hurry, is  
24 it normal for multiple women to leave their shoes  
25 behind in an establishment?

1                   A                   At that time, it was -- we had  
2    had a  
3                   birthday party, and it was actually for the bar  
4    manager.

5                   Q                   Is it normal, when no one is in  
6    a  
7                   hurry, for multiple women to leave behind purses  
8    that have their wallets and phones in your  
9    establishment?

10                  A                   They left their purses but took  
11   their  
12                  wallets because they were heading to another  
13   location which was still open.

14                  Q                   Would it be normal for at least  
15   four  
16                  women to leave their shoes and their purses,  
17   potentially including phones and wallets, behind  
18   for an hour and a half and not attempt to come  
19   back for them?

20                  A                   There were no phones left  
21   behind.  
22                  There were purses, which was three purses. They  
23   left them behind, took their wallets because they  
24   were heading to another location to continue  
25   their celebration.



1 Q Is it normal after a party for  
2 the  
3 individual who received gifts to leave them if  
4 they're not in a hurry to leave?

5 A In this case, it was the bar  
6 manager.  
7 She's the only one that worked at the moment  
8 here, and she was the one who stated to us she  
9 was going to leave her purse, which was with the  
10 other two ladies'.

11 They left their purses, only took  
12 their wallets and their phones. And she went --

13 Q Is it normal for people to leave  
14 takeout containers on a table if they're not  
15 leaving in a hurry and, as you stated, if they're  
16 going to a bar and aren't intending to come back  
17 soon?

18 A The takeout were our food to go.  
19 It  
20 was only two takeout containers.

21 Q But my question is, would it be  
22 normal  
23 for people to leave takeout if they weren't  
24 intending -- if they weren't in a hurry or  
25 otherwise intending to return, as you're

1 representing that people left stuff, intending to  
2 just leave it?

3 A I can't answer that question,  
4 due to  
5 nobody was in a rush to leave. It was only us  
6 three inside the establishment.

7 MS. JORDAN: No further question --  
8 cross for him.

9 CHAIRPERSON ANDERSON: Any questions  
10 by the Board Members?

11 MEMBER GRANDIS: Yes, Mr. Chairman.

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

14 MEMBER GRANDIS: Mr. Larios, I want to  
15 thank you for your participation and presentation  
16 today.

17 How are you certain that each of these  
18 individuals who had purses left behind and  
19 shoes -- how are you certain that they took their  
20 wallets?

21 MR. LARIOS: They were heading to a --  
22 at the time, in Maryland, was closed at 3:00 in  
23 the morning, and they were heading to Maryland  
24 side. And the ladies that were here, they left  
25 their purses, took their wallets, which carried

1 their IDs, and then their phones.

2 And they left their wallets for the  
3 owner to put away.

4 MEMBER GRANDIS: Okay. Mr. Larios --

5 MR. LARIOS: No. They left their  
6 purses. Sorry. They took their wallets.

7 MEMBER GRANDIS: Okay. So you  
8 acknowledge that there was a party earlier in  
9 the evening that these individuals who own the  
10 purses and those shoes attended?

11  
12 MR. LARIOS: Yes, sir.

13 MEMBER GRANDIS: And did you yourself  
14 attend the entire party?

15 MR. LARIOS: Yes, sir.

16 MEMBER GRANDIS: And what time did the  
17 party end?

18 MR. LARIOS: Maybe about 20 minutes  
19 before midnight, 11:40.

20 MEMBER GRANDIS: And what time did  
21 they leave?

22 MR. LARIOS: Probably about 11:50,  
23 11:45.

24 MEMBER GRANDIS: And once again, my  
25 question is how are you certain that each of

1 these individuals who left their shoes behind and  
2 their purses -- how are you certain they took  
3 their phones? Each of them?

4 MR. LARIOS: Okay. When it comes to  
5 the shoes part, it was the shoes -- it was only  
6 shoes behind the bar, which is the bartender's  
7 shoes. It was only two pairs of shoes. It was  
8 some flats and some high heels. She switched her  
9 shoes out when she's working sometimes.

10 She does that on her own, which  
11 she's -- she is the witness that I have coming up  
12 next.

13 MEMBER GRANDIS: Okay. That -- you  
14 answered half the question. The other half --

15 MR. LARIOS: Oh --

16 MEMBER GRANDIS: -- please.

17 MR. LARIOS: -- oh, the purses -- due  
18 to the purses, they said, We're going to a club.  
19 They left their purses, but they only --

20 MEMBER GRANDIS: That's not -- sir --  
21 Mr. Larios, I think I understood you saying that  
22 several times. How are you certain, visually,  
23 that they each took their wallets?

24 MR. LARIOS: Oh, I seen them.

25 MEMBER GRANDIS: You see them what?

1 I want the record to be clear from what you  
2 observed.

3 MR. LARIOS: Yes, they put the purses  
4 on the table. They asked the owner, which is  
5 Jose Larios, if he could put the purses away, and  
6 they were like, All we're going to take it our  
7 wallets, because they needed their IDs.

8 And, of course, they didn't leave  
9 their cell phones behind. They took their  
10 wallets and their -- and they all took their  
11 wallets and their phones on their hands.

12 MEMBER GRANDIS: And you observed each  
13 of them taking their wallets out of their purses,  
14 and you observed each of them taking their cell  
15 phones as they left? You --

16 MR. LARIOS: I --

17 MEMBER GRANDIS: -- are stating for  
18 the record under oath that is --

19 MR. LARIOS: Yes. I observed -- I was  
20 the one who locked the door, because at that  
21 moment, we were locking the door. I was the one  
22 who locked the door at the moment. I observed  
23 them when they took the phones out and their  
24 wallets.

25 And Flor Ramos, she still told me,

1 Make sure you put the purses away. And they --

2 MEMBER GRANDIS: Whose birthday was  
3 it? Whose birthday was it?

4 MR. LARIOS: It was Flor Ramos'.  
5 She's the bartender here.

6 MEMBER GRANDIS: It was her birthday?

7  
8 MR. LARIOS: Yes, sir.

9 MEMBER GRANDIS: And she went with the  
10 women to Maryland?

11 MR. LARIOS: Yes.

12 MEMBER GRANDIS: Okay. Thank you.

13 CHAIRPERSON ANDERSON: Any other  
14 questions by any of the Board Members?

15 Ms. -- go ahead, Ms. Hansen.

16 MEMBER HANSEN: Thank you. What --  
17 Mr. Larios, could you describe what your typical  
18 closing procedures are at the end of the evening.

19 MR. LARIOS: At the -- usually we  
20 close 30 minutes before it's closing time. We  
21 close 30 minutes, that's their last call, 30  
22 minutes before. And 20 -- 15 to 20 minutes  
23 before closing time, that's when we start telling  
24 everybody we have to go.

25 MEMBER HANSEN: And what do the

1 procedures include in terms of closing down the  
2 bar? What does all of that entail?

3 MR. LARIOS: That day, it was Flor  
4 Ramos' birthday, and she's the bartender here.  
5 So that day it was actually a little different  
6 because it was her birthday, it was a  
7 celebration. She's the one who actually cleans  
8 up the place before she leaves.

9 But that day, she informed Jose if she  
10 could clean up the next day because they were  
11 ready to go somewhere else.

12 MEMBER HANSEN: So there were separate  
13 procedures that were made? An exception was made  
14 because this person is an employee that aren't  
15 your typical procedures?

16 MR. LARIOS: Yes. It was her  
17 birthday. She asked if she could just leave and  
18 she'll clean up the next day when she gets --  
19 come back in. She'll come a little earlier.

20 MEMBER HANSEN: And is it typical for  
21 the closing procedures on any night -- it seems  
22 that you said you were heading out the door.  
23 That would mean that personal items were not  
24 secure and in a secure location.

25 We've already established that the

1 items were visible. Is that --

2 MR. LARIOS: Yeah, that --

3 MEMBER HANSEN: -- typical for someone  
4 to leave personal items in plain sight?

5 MR. LARIOS: It's not typical, but the  
6 owner, Jose Larios, was supposed to put that  
7 away. And I was like -- I was leaving ahead of  
8 him for like one minute. He was finishing up in  
9 the kitchen.

10 MEMBER HANSEN: And what arrangements  
11 were made -- if the establishment were going to  
12 be locked and the patrons have left, what  
13 arrangements were made for them to come back and  
14 get their items?

15 MR. LARIOS: Actually, so Flor -- it  
16 was her birthday. It was actually her cousin and  
17 other lady was her friend, and they were supposed  
18 to come the next day maybe, some time. That was  
19 between them. I didn't have no arrangements to  
20 when they were going to come back for their  
21 stuff.

22 I just know that she said, Put them  
23 away. They were going to get them the next day.

24 MEMBER HANSEN: And do you have proof  
25 that these people exited the establishment?



1 MR. LARIOS: They left right before  
2 midnight, and that's who I'm calling next, Flor,  
3 which is the witness.

4 MEMBER HANSEN: Thank you. No further  
5 questions.

6 CHAIRPERSON ANDERSON: Any other  
7 questions by the Board Members?

8 (No response.)

9 CHAIRPERSON ANDERSON: Mr. Larios, how  
10 long did it take after the ABRA investigator --  
11 any of the ABRA's investigators identified  
12 themselves -- how long did it take for you to  
13 allow them to enter the property?

14 MR. LARIOS: No more than two minutes.

15 CHAIRPERSON ANDERSON: No more than  
16 two minutes? So tell me -- tell -- just tell me  
17 what happened in the sense that -- from your  
18 perspective, tell me what happened when the --  
19 when you're approached and when did you allow  
20 them to enter?

21 MR. LARIOS: So I seen Mr. Brashears  
22 come to the front door. I was getting ready to  
23 leave. I'd seen him walk back to his car. I  
24 walked out right behind him. He came back. He  
25 informed me he was -- they were from ABRA, they

1 had gotten a call.

2 So I informed him, yes -- I told him  
3 the restaurant, we closed at midnight. I was  
4 like it's only the -- it was four of us, yeah, at  
5 the moment. And the other guy, the desk watcher,  
6 he had just left. His name was Leonel

7 And when I first seen Mr. Brashears,  
8 I thought he was the Uber driver, and I screamed  
9 Leonel's name, and that's when the owner's  
10 brother-in-law told me, Oh, no, he just left.  
11 And so that's why I stepped outside. And so I  
12 stepped outside right behind him. He came back.

13 He told me he's ABRA, and I explained  
14 to him, yeah, we had a birthday party earlier,  
15 but everybody left at midnight and, you know, we  
16 had stayed, but we were just finishing up the  
17 kitchen, which normally takes an hour, an hour  
18 and a half.

19 So I was already done with my job. I  
20 was ready to go. And they told me, Well, we need  
21 to step inside and check.

22 And I told him I don't think it's  
23 necessary, but if you guys have to come in, you  
24 could. And I opened the door for them, and they  
25 came inside.

1 CHAIRPERSON ANDERSON: All right. Any  
2 other questions by any of the Board Members?

3 (No response.)

4 CHAIRPERSON ANDERSON: Ms. Jordan, any  
5 questions that you -- any redirect -- recross?

6 MS. JORDAN: I just have a brief  
7 recross.

8 RECCROSS-EXAMINATION

9 BY MS. JORDAN:

10 Q Mr. Larios, if the party -- can  
11 you

12 clarify why, if the party ended at midnight and  
13 all the individuals left the establishment at  
14 that time and for the remaining hour and a half  
15 until the investigators arrived was cleanup, what  
16 was happening that there were still not only the  
17 items we've all discussed, but the lemon peels,  
18 bottles, and --

19 A Oh, yeah. That's --

20 Q -- and apparently the rest of  
21 the

22 party was still left out. What was going on in  
23 that hour and a half?

24 A That was the bartender's job to  
25 clean,

1 but she told the owner she was going to come  
2 clean the next day. It takes about an hour, hour  
3 and a half to clean the kitchen, to finish the  
4 kitchen. We have a pizza oven, we have hoods.

5 So it takes an hour to an hour and a  
6 half, maybe even a little more, to finish the  
7 kitchen. And that's what took us an hour and a  
8 half that day -- maybe an hour and 20 minutes.

9 Q And just following up on Ms.

10 Hansen's

11 question, is there a reason why, if the  
12 individuals asked you to secure their possessions  
13 around the night, why they were still out when  
14 the investigators arrived at 1:30?

15 A They didn't ask me. They asked

16 the

17 owner, Jose Larios, and he was going to put them  
18 away when he left. He had the key to the closet  
19 where he was going to put it in.

20 MS. JORDAN: No further recross.

21 Thank you, Mr. Chairperson.

22 CHAIRPERSON ANDERSON: All right.

23 Thank you. All right. Thank you.

24 Mr. Larios, do you have another  
25 witness?

1 MR. LARIOS: Yes.

2 CHAIRPERSON ANDERSON: Is the  
3 translator available?

4 MS. BELLOD: Yes.

5 CHAIRPERSON ANDERSON: Can you please  
6 come online, ma'am, so I can see you? Thank you.

7 You know, that's the only reason I ask  
8 when folks will be online, because I don't know.  
9 I might see their name but I'm not sure if  
10 they're there.

11 All right. Mr. Larios, do you have  
12 another witness? Do you have a witness you want  
13 to call?

14 MR. LARIOS: Yes. [audio skip].

15 CHAIRPERSON ANDERSON: I'm sorry.  
16 Who's the name of the -- what's the witness, sir?

17 MR. LARIOS: Flor Ramos.

18 CHAIRPERSON ANDERSON: Where is that  
19 person?

20 MR. LARIOS: She should be here. Let  
21 me see if her camera's working. If not, I'll  
22 switch the phone over.

23 CHAIRPERSON ANDERSON: Or you can have  
24 her --

25 MR. LARIOS: All right.

1 CHAIRPERSON ANDERSON: Or you can ask  
2 her a question. Just --

3 MS. FASHBAUGH: Chairperson, she is  
4 elevated.

5 CHAIRPERSON ANDERSON: Okay. So she  
6 can -- all right. So you can also be on camera,  
7 too, Mr. Larios. Mr. Larios?

8 MR. LARIOS: Yes, I'm here. I just  
9 don't got a --

10 CHAIRPERSON ANDERSON: All right.  
11 Sir, then, you're going to ask her questions,  
12 sir, okay? All right. So, Ms. -- I'm sorry.  
13 Ms. -- the translator, give your name again,  
14 please, ma'am.

15 MS. BELLOD: Yes, Lidia.

16 CHAIRPERSON ANDERSON: I need you to  
17 be a little bit more formal. Ms. Bellod?

18 MS. BELLOD: Bellod.

19 CHAIRPERSON ANDERSON: Ms. Bellod, can  
20 you ask Ms. Ramos to spell and state her --  
21 could -- well, ask her to raise her right hand,  
22 please.

23 MS. BELLOD: (Complying.)

24 CHAIRPERSON ANDERSON: Does she -- ask  
25 her -- ask her does she swear or affirm to tell

1 the truth and nothing but the truth.

2 MS. RAMOS: Yes, I swear that.

3 CHAIRPERSON ANDERSON: She's your  
4 witness, sir. Now you can ask her questions?

5 MR. LARIOS: Okay. (Speaking  
6 Spanish.)

7 CHAIRPERSON ANDERSON: Now, Mr. -- Mr.  
8 Ramos -- you need to -- well, unless -- are you  
9 going to ask her questions in Spanish or English?  
10 Which one are you going to ask her questions?

11 MS. RAMOS: In Spanish.

12 CHAIRPERSON ANDERSON: No, that's --  
13 no, no, no. I'm asking him. Are you going to  
14 ask her questions in English or Spanish?

15 MR. LARIOS: I'll ask them in English  
16 and let the --

17 CHAIRPERSON ANDERSON: All right.

18 MR. LARIOS: -- translator translate.

19 CHAIRPERSON ANDERSON: Okay. So ask  
20 her in English and then the translator will  
21 translate. And then she can answer in Spanish.  
22 And then the translator will translate in  
23 Spanish. So go ahead, please.

24 MR. LARIOS: Flor, do you remember  
25 working on March 6, 2021?

1 MS. RAMOS: Yes.

2 MR. LARIOS: Flor, on that day at  
3 work, did you celebrate your birthday?

4 MS. RAMOS: Yes, I was working here,  
5 and I was celebrating a birthday.

6 MR. LARIOS: (Speaking Spanish).

7 CHAIRPERSON ANDERSON: Hold on. Hold  
8 on.

9 MS. BELLOD: Flor, what time did you  
10 leave that night, March 6, 2021?

11 CHAIRPERSON ANDERSON: Tell her she  
12 needs to answer now because --

13 MS. RAMOS: Approximately around  
14 11:30.

15 MR. LARIOS: Flor, did you take your  
16 purse that night?

17 MS. RAMOS: No. I left my stuff here.  
18 I just took my wallet.

19 MR. LARIOS: Flor, after you got out  
20 that night from work, where did you head?

21 MS. RAMOS: Yes, we went towards -- to  
22 a restaurant in Maryland.

23 MR. LARIOS: Flor, did -- were -- was  
24 there -- was it only you that left your -- your  
25 purse bag, or was there any more purse bags that



1 were left behind?

2 MS. RAMOS: Yeah, my friends also left  
3 their bags here.

4 MR. LARIOS: Flor, did your friends  
5 take their wallets and phones with them?

6 MS. RAMOS: Yeah, some of them, they  
7 had a wallet with them, and other just had their  
8 cards, credit cards within the -- next to their  
9 phones.

10 MR. LARIOS: I don't have any more  
11 questions for Flor.

12 CHAIRPERSON ANDERSON: I'm sorry. Can  
13 you ask her to spell her name for record, please.

14 MS. BELLOD: (Complying.)

15 MS. RAMOS: F-L-O-R. And then  
16 R-A-M-O-S.

17 CHAIRPERSON ANDERSON: Thank you.  
18 Go ahead, Ms. Jordan.

19 CROSS-EXAMINATION

20 BY MS. JORDAN:

21 Q Ms. Ramos, what time did your  
22 party

23 start?

24 A Around 9:30-10:00.

25 Q Was there alcohol at your party?

1 A Yes.

2 Q And was there alcohol at your --  
3 consumed at your party until you left?

4 MS. BELLOD: Sorry. She's breaking  
5 up. I'm going to ask her to say that one more  
6 time.

7 CHAIRPERSON ANDERSON: Hold on.  
8 Miss -- Mr. Larios, can you just -- you mute your  
9 phone while she's speaking, please?

10 MR. LARIOS: Yes.

11 MS. RAMOS: Yes, we had bottles on the  
12 table, and we when left, I didn't clean up all of  
13 that.

14 MS. JORDAN: No further questions.  
15 Thank you.

16 CHAIRPERSON ANDERSON: Thank you. Any  
17 questions by the Board Members?

18 MEMBER GRANDIS: Mr. Chairman?

19 CHAIRPERSON ANDERSON: Go ahead, Mr.  
20 Grandis.

21 MR. GRANDIS: Yes, I'd like to ask the  
22 interpreter to ask the witness, just for my  
23 clarification, what her name is.

24 MS. BELLOD: (Complying.)

25 MS. RAMOS: Flor Marina Ramos Logan

1 [phonetic].

2 MEMBER GRANDIS: Just for record, on  
3 my Webex, it says Alex Larios and --

4 CHAIRPERSON ANDERSON: They're in the  
5 same location, Mr. Grandis. They're in the same  
6 location. That's why. It's been like that the  
7 entire day. They're in the same location.

8 MEMBER GRANDIS: I understand. I  
9 just --

10 CHAIRPERSON ANDERSON: Do you --

11 MEMBER GRANDIS: -- thought, for the  
12 record, it would be helpful if someone's viewing  
13 this. I have another question for the witness.  
14 Is she aware that women's purses were left behind  
15 when they left the establishment?

16 MS. RAMOS: Yes.

17 MEMBER GRANDIS: And was she aware  
18 that there were also women's -- what appears to  
19 be women's shoes also left behind with these  
20 purses?

21 MS. RAMOS: Yes, those are my shoes.  
22 I always keeps a pair of shoes, a couple pair of  
23 shoes at work, ones with high heels and others  
24 with flat -- flat shoes.

25 MEMBER GRANDIS: And my final question

1 is does she have the name of the establishment  
2 that they -- when they left where she worked,  
3 what establishment they went to and where it was  
4 located? Thank you.

5 MS. RAMOS: Yes, this is in -- in El  
6 Carbonero, which is in Maryland. It's somewhere  
7 near New Hampshire.

8 MEMBER GRANDIS: Thank you. Thank  
9 you.

10 MS. BELLOD: Gracias.

11 CHAIRPERSON ANDERSON: Any other  
12 questions by any of the Board Members?

13 (No response.)

14 CHAIRPERSON ANDERSON: Ms. Jordan, do  
15 you have any questions of the witness based on  
16 the questions that were asked by the Board?

17 MS. JORDAN: I have no further  
18 questions. Thank you.

19 CHAIRPERSON ANDERSON: Mr. Larios, do  
20 you have any recross of the witness based on the  
21 questions -- any recross of the -- I'm sorry --  
22 any redirect questions you want to ask your  
23 witness, sir?

24 MR. LARIOS: No, I have no further  
25 questions.

1 CHAIRPERSON ANDERSON: All right.  
2 Thank you, sir. Do you have any other witnesses,  
3 sir?

4 MR. LARIOS: No, that was all.

5 CHAIRPERSON ANDERSON: Do you rest?  
6 I mean, does your -- that's it? All right. Ms.  
7 Jordan, are you prepared to do a closing  
8 statement?

9 MS. JORDAN: Yes, Mr. Chairperson.

10 CHAIRPERSON ANDERSON: Go ahead,  
11 please.

12 MS. JORDAN: The Government has proven  
13 by preponderance of evidence that Villa Tuscana  
14 failed to allow ABRA investigators to enter and  
15 inspect the premises without delay.

16 We heard from Supervisory Investigator  
17 Brashears and Lead Investigator Dantzler that on  
18 Sunday, March 7, 2021 at approximately 1:25 a.m.,  
19 they arrived at Villa Tuscana to investigate a  
20 complaint the establishment was operating after  
21 hours with loud music and live entertainment.

22 When they arrived to the  
23 establishment, it appeared dark, but when  
24 Investigator Brashears shined a flashlight  
25 through the window, he could see ABC manager,

1 Alex Larios, standing inside saying, Let's go,  
2 let's go.

3 When Mr. Larios came outside, the  
4 investigators identified themselves as ABRA  
5 investigators and asked to do a walk-through of  
6 the establishment, and Mr. Larios stalled. He  
7 stalled at the gate on the patio of the  
8 establishment.

9 He stalled, as Investigator Dantzler  
10 said, by painstakingly looking for his ABC  
11 manager card. He stalled by stating repeatedly  
12 the investigators did not need to come inside.

13 He stalled at the door to the  
14 establishment when the investigators reached the  
15 door after Investigator Dantzler opened the gate  
16 on the patio. And he stalled inside the  
17 establishment when he finally let the  
18 investigators inside, but did not turn on the  
19 lights.

20 He continually protested they did not  
21 need to do a walk-through, and Lead Investigator  
22 Dantzler and Supervisory Investigator Brashears  
23 felt it was necessary to call the Metropolitan  
24 Police Department so that they could do a  
25 walk-through without having to venture into the

1 dark establishment.

2 Only after MPD arrived were the  
3 investigators able to do the walk-through they  
4 had requested. At this time, the Tenth Emergency  
5 Rulemaking was in effect, and alcohol consumption  
6 and sale had to stop at 10:00 p.m.

7 Ms. Ramos stated in her testimony that  
8 her party began at 9:30 or 10:00, and alcohol was  
9 consumed from when the party began until the  
10 individuals left.

11 We also heard from Investigator  
12 Dantzler and Brashears and saw photographs of  
13 women's purses, unopened presents, takeout  
14 containers all left in the establishment.

15 Based on the testimony of the  
16 investigators, it was shown today the  
17 establishment tried to prevent ABRA investigators  
18 from entering and inspecting the premises and  
19 delayed their entry and inspection, because they  
20 did not want them to see what was going on inside  
21 the establishment.

22 The Government has therefore proven  
23 the charge and the notice to show cause and  
24 recommends that the Board apply a penalty  
25 consistent with D.C. Code 25-830. Thank you.

1 CHAIRPERSON ANDERSON: Thank you.

2 Mr. Larios, are you there?

3 MR. LARIOS: Yes.

4 CHAIRPERSON ANDERSON: Now, you can  
5 wrap up your case and tell us what you -- what is  
6 it you want the Board to do.

7 MR. LARIOS: I would like to say  
8 [inaudible].

9 CHAIRPERSON ANDERSON: All right.  
10 Hold on a minute, please. You can log off -- log  
11 off one or -- or put the -- put it -- one of  
12 their lines on mute because I can see -- yes.

13 Okay. I think that we have lost  
14 Mr. Larios?

15 (Pause.)

16 CHAIRPERSON ANDERSON: It appears that  
17 Mr. Larios is having some technical difficulty.  
18 I don't know what happened.

19 MR. LARIOS: Hello?

20 CHAIRPERSON ANDERSON: Yes, sir?

21 Okay. Go ahead.

22 Yes, I can hear you now. Go ahead.

23 MR. LARIOS: Sorry. What was the  
24 question?

25 CHAIRPERSON ANDERSON: You're wrapping



1 up your case, sir. So what is it that you want  
2 the Agency -- the Government just closed. So you  
3 can -- you're wrapping -- you're telling us what  
4 it is that you're proving and what it is you want  
5 us to do.

6 MR. LARIOS: I think we have proven  
7 that there was no party or anything after  
8 midnight. On March 6, due the pandemic, it was  
9 till midnight, the sales of alcohol, and I think  
10 we have proven after midnight, everyone was gone,  
11 and it was only employees and owner here closing  
12 the kitchen.

13 And I hope for the Government to  
14 dismiss it -- dismiss this charge. We -- I did  
15 not intend or did not delay ABRA investigators to  
16 come in. We had a brief conversation, which was  
17 two minutes, and I think that is fair, to try to  
18 explain to them what was going on.

19 And other than that, I think if you  
20 guys -- if the Government will drop that charge  
21 due to us proving that there was no -- that there  
22 was no alcohol consumption or party or  
23 strippers -- especially strippers -- after  
24 midnight that night, then I will wrap up the  
25 case.

1 CHAIRPERSON ANDERSON: The charge in  
2 this case -- I want everybody to be clear -- the  
3 charge in this case is interfering with an  
4 investigator. That is the charge in this case.  
5 Okay?

6 Is that -- it's -- based on the  
7 charging documents, the Government needs to prove  
8 that you interfered with the ABRA investigator by  
9 not allowing them inside the establishment  
10 without delay. That is the only charge in this  
11 case. Okay?

12 So that's what I want to remind  
13 everyone. At least that's what the charging  
14 document is. Okay? So, all right. All right.  
15 Do you have anything else you want to say, sir,  
16 or is that it?

17 MR. LARIOS: That's it.

18 CHAIRPERSON ANDERSON: All right. The  
19 record is now -- the record is now closed. All  
20 right. So let me close.

21 The Board will issue a decision in 90  
22 days. So let me bring -- let me close the  
23 record. Let me close this case.

24 All right. As Chairperson of  
25 Alcoholic Beverage Control Board for the District

1 of Columbia, in accordance with D.C. Official  
2 Code Section 25-74(b) of The Open Meetings Act, I  
3 move that ABC Board hold a closed meeting for the  
4 purpose of seeking legal advice from our counsel  
5 on Case Number 21-25100004, Villa Tuscana,  
6 pursuant to D.C. Official Code Section 25-  
7 74(b)(4) of the Open Meetings Act and deliberated  
8 upon Case Number 21-25100004, Villa Tuscana, for  
9 the reason cited in D.C. Official Code Section  
10 25-74(b)(13) of the Open Meetings Act. Is there  
11 a second?

12 MEMBER CROCKETT: Ms. Crockett  
13 seconds.

14 CHAIRPERSON ANDERSON: Ms. Crockett  
15 has seconded the motion. We'll now take a roll  
16 call vote on the motion before us now that has  
17 been seconded.

18 Mr. Short?

19 MEMBER SHORT: Mr. Short. I agree.

20 CHAIRPERSON ANDERSON: Mr. Cato? Mr.  
21 Cato?

22 MR. CATO: (No verbal response.)

23 CHAIRPERSON ANDERSON: Ms. Hansen?

24 MEMBER HANSEN: Jeni Hansen. I agree.

25 CHAIRPERSON ANDERSON: Mr. Grandis?

1 MEMBER GRANDIS: Edward Grandis. I  
2 agree.

3 CHAIRPERSON ANDERSON: And Mr.  
4 Anderson. I agree. The matter passes 5-0-0.

5 MEMBER CROCKETT: Ms. Crockett. I  
6 agree.

7 CHAIRPERSON ANDERSON: I thought I had  
8 called you, Ms. Crockett. I apologize. I  
9 thought I -- Ms. Crockett -- Mr. Cato?

10 MEMBER CATO: Bob Cato. I agree.

11 CHAIRPERSON ANDERSON: All right. Mr.  
12 Anderson; I agree. It appears that the motion  
13 has passed 6-0-0. I hereby give notice that ABC  
14 Board will reset this proceeding to hold a closed  
15 meeting in ABC conference room, pursuant to  
16 Section 25-74(b) of the Open Meetings Act.

17 I want to thank everyone for their  
18 presentation today, and as stated, the Board will  
19 take this matter under advisement and issue a  
20 decision within 90 days.

21 Thank you very much. Everyone in this  
22 case is dismissed, including the translator.  
23 Thank you very much.

24 MS. JORDAN: Thank you.

25 MS. BELLOD: Thank you.

1  
2  
3  
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5

MR. LARIOS: Thank you.

(Whereupon, the above-entitled matter  
went off the record.)

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C E R T I F I C A T E

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