

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
 + + + + +  
 MEETING  
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 IN THE MATTER OF:                   :  
   :  
 Aramark Sports and                   :  
 Entertainment Services,           :  
 LLC and American                   :  
 Wagering, Inc.,                    :  
 t/a William Hill                    :  
 Sports Book                         : Fact Finding  
 601 F Street, N.W.                 : Hearing  
 Retailer CT - ANC 2C               :  
 License No. 117580                 :  
 Case #21-251-00031                :  
   :  
 (Incident Inside                    :  
 the Establishment)                 :  
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Wednesday  
 December 8, 2021

The Alcoholic Beverage Control Board  
 met via WebEx 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**  
**STEPHEN O'BRIEN, Applicant Counsel**  
**LIZ NOE, Applicant**  
**JIM LEONARD, Applicant**  
**INVESTIGATOR KEVIN PUENTE, DC ABRA**  
**MICHAEL SHANKLE, ANC 2C**  
**JONATHAN DORROUGH, DC MPD**

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

2 (12:38 p.m.)

3 CHAIRPERSON ANDERSON: All right,  
4 we're back on the record. Our next case is a  
5 fact-finding hearing. It's Case Number 21-251-  
6 00031.

7 It's Aramark Sports and Entertainment  
8 Services, LLC, and American Wagering, Inc., trade  
9 name William Hill Sports Book, License Number  
10 117580.

11 Ms. Fashbaugh, can you please elevate  
12 the rights of Investigator Kevin Puente, the  
13 attorney, Mr. O'Brien, and the other -- whoever  
14 else is online for this case today, please?

15 MS. FASHBAUGH: Please stand by.  
16 Stephen O'Brien, your rights have been elevated.  
17 Liz Noe, your rights have been elevated. Jim  
18 Leonard, your rights have been elevated.

19 I do not see Thomas Sheridan on the  
20 line. I don't see Daniel Piotrowski on the line.

21 Michael Shankle, your rights have been  
22 elevated. Jonathan Dorrough, your rights have  
23 been elevated. And Kevin Puente, your rights  
24 have been elevated. That is all, Mr. Chair.

25 CHAIRPERSON ANDERSON: Thank you. All

1 right, good afternoon, and we're sorry for the  
2 delay, but the first case took much longer than  
3 we had anticipated.

4 So this is a fact-finding hearing, and  
5 so what I'm going to do, I'm going to have the  
6 parties introduce themselves for the record.

7 What I'm asking you to do, Mr.  
8 O'Brien, I'm going to ask you to please spell and  
9 state your name for the record, and then I would  
10 like you to let me know who's here, and what --  
11 you can call their name, and once you call their  
12 name individually, they can state and spell their  
13 name for the record, please. Okay?

14 So we'll start with you, Mr. O'Brien.  
15 Please spell and state your name for the record,  
16 and your relationship to this establishment.

17 MR. O'BRIEN: It's Stephen O'Brien.  
18 S-T-E-P-H-E-N O'B-R-I-E-N. I'm counsel for the  
19 joint licensees.

20 Also here are Elizabeth -- or Liz, I'm  
21 sorry -- Liz Noe, spelled N-O-E, who is the  
22 district manager for the Aramark Sports and  
23 Entertainment for Washington region, and James  
24 Leonard, who is vice president for East Coast  
25 Operations for the other joint licensee, William

1 Hill.

2 CHAIRPERSON ANDERSON: All right, so  
3 who's Mr. Shankle, then? Do you know who that  
4 person is?

5 MR. O'BRIEN: I recognize his name as  
6 an ANC commissioner.

7 CHAIRPERSON ANDERSON: All right.  
8 And all right. I'm -- okay, thank you.

9 All right, Mr. Shankle, can you please  
10 spell and state your name for the record, and  
11 your relationship, please?

12 MR. SHANKLE: Sure, my name is Michael  
13 Shankle. It's M-I-C-H-A-E-L. Last name is  
14 Shankle, S-H-A-N-K-L-E.

15 I'm the advisory neighborhood  
16 commissioner for 2C01, in which this  
17 establishment is located.

18 CHAIRPERSON ANDERSON: All right. I  
19 see -- all right, let me see if everyone is here.

20 There's a Jonathan Dorrough. Mister,  
21 I'm sorry. That's it. I apologize.

22 Can you please spell and state your  
23 name for the record, and your relationship, sir?

24 CPT. DORROUGH: Thank you, sir.  
25 Captain Jonathan Dorrough, J-O-N-A-T-H-A-N. Last

1 name is D-O-R-R-O-U-G-H.

2 CHAIRPERSON ANDERSON: We lost you,  
3 Captain.

4 CPT. DORROUGH: Sorry, I'm having  
5 trouble with my mic. Can you hear me?

6 CHAIRPERSON ANDERSON: Yes, barely.

7 CPT. DORROUGH: Okay, I'll speak up.  
8 Jonathan Dorrough, J-O-N-A-T-H-A-N. Last name is  
9 D-O-R-R-O-U-G-H.

10 I'm captain for the First District  
11 Sector 1, where this establishment is located.

12 CHAIRPERSON ANDERSON: All right,  
13 thank you, sir.

14 Well, if you're going to testify  
15 today, we have to work on your microphone because  
16 it's hard to hear you --

17 (Simultaneous speaking.)

18 CPT. DORROUGH: -- my phone. I  
19 usually have better luck there.

20 CHAIRPERSON ANDERSON: Yeah. You --  
21 you'll start and we hear you, and then you trail  
22 off and we don't hear anymore. All right.

23 Mr. Puente, can you please spell and  
24 state your name for the record, please?

25 INVESTIGATOR PUENTE: Kevin Puente, K-

1 -E-V-I-N P-U-E-N-T-E.

2 CHAIRPERSON ANDERSON: All right. And  
3 what's your relationship to this case, sir?

4 INVESTIGATOR PUENTE: Investigator  
5 with ABRA.

6 CHAIRPERSON ANDERSON: All right,  
7 thank you.

8 All right, this is -- Mr. O'Brien,  
9 this is a fact-finding hearing. You are aware  
10 what a fact-finding hearing is.

11 Basically, the board -- an incident  
12 occurred, a report was issued and the board is  
13 doing an investigation to gather information to  
14 see if there are any further proceedings that  
15 should be taken by the board.

16 So what we'll do today is that I'll  
17 have Mr. Puente -- he will provide us with a  
18 background of what occurred.

19 Then I will have Captain Dorrough, if  
20 he wants to add, and then I'll have, if the ANC,  
21 if they wish to respond, if they wish to state  
22 something, they can, and on behalf of your  
23 clients, then you can provide some summation, and  
24 the board will have an opportunity to ask  
25 questions of all the witnesses.

1                   But I stated before this is a fact-  
2                   finding.

3                   None of the witnesses will be under --  
4                   will be sworn in because this is more informal  
5                   and we're just gathering information to see if  
6                   there are any proceedings that the board should  
7                   take.

8                   Just some background information  
9                   briefly. On October 11, 2021, an ABRA  
10                  investigator responded to a report that an  
11                  intoxicated individuals accessed the bar, was  
12                  aggressive, and was escorted out by MPD.

13                  The investigator further determined  
14                  that no ABC manager or OLG manager were present  
15                  when they arrived to investigate.

16                  So Mr. Puente, can you please bring us  
17                  -- did you do an investigation? Did you do an  
18                  investigation, did you write a case report on  
19                  this case, sir?

20                  INVESTIGATOR PUENTE: Yes, sir.

21                  CHAIRPERSON ANDERSON: Okay. So can  
22                  you just share with us your case report and how  
23                  you became aware of this case, sir?

24                  INVESTIGATOR PUENTE: Yes, sir. So on  
25                  Monday, October 11, 2021, at approximately 9:30



1 p.m., ABRA supervisory John Florentine was  
2 notified by MPD of an incident that occurred at  
3 William Hill Sports Book at Capital One Arena.

4 Myself and Investigator Chris Condon  
5 responded. When we got there, MPD was already  
6 gone from the scene.

7 We were advised that a person was  
8 inside the sports book, he was intoxicated,  
9 refused to leave. That's why MPD was called by  
10 security at the establishment.

11 The person was trying to retrieve  
12 drinks from the bar, and he -- according to MPD's  
13 report, he was overserved.

14 I talked to -- I asked -- when we got  
15 there, we identified ourselves as security, asked  
16 if there was an ABC manager or an Office of  
17 Lottery and Gaming manager on duty.

18 Security went and got Mr. Piotrowski.  
19 He stated that the ABC manager had left for the  
20 evening.

21 The establishment was still open.  
22 Patrons were consuming and drinks were being  
23 served by the bartenders.

24 I advised Mr. Piotrowski that the  
25 establishment must have an ABC manager on duty

1 during the licensed hours of sale.

2 We asked where the manager left, where  
3 he went to. He stated that he went home for the  
4 evening, so him and the other supervisors from  
5 OLG were on duty.

6 I asked if he was OLG manager. An  
7 individual, Mr. Lynn came over. His badge he  
8 showed me from OLG had an expiration date of  
9 September 30, 2021, and he kind of did not know  
10 who the OLG manager was.

11 I advised him for lottery and gaming  
12 regulations, there must be an OLG manager on duty  
13 during the sports betting, when that's being  
14 done.

15 That's pretty much it. Investigator  
16 Condon went back on Wednesday, October 13, 2021,  
17 and gave the establishment a warning citation for  
18 no ABC manager on duty.

19 CHAIRPERSON ANDERSON: Okay. Captain?  
20 Captain Dorrough?

21 CPT. DORROUGH: Yes, hello, sorry. I  
22 was trying to log in on my phone but it's not  
23 letting me. I need a password it says.

24 CHAIRPERSON ANDERSON: If -- I'm  
25 sorry.

1 Ms. Fashbaugh, can you put -- can you  
2 please provide the login information on the chat  
3 for the captain to maybe log in on his phone  
4 because we have some concerns hearing him?

5 MS. FASHBAUGH: Please stand by. The  
6 password has been sent.

7 CHAIRPERSON ANDERSON: Captain, if you  
8 look at the chat, you'll see the information and  
9 you can log off here and then log into -- on your  
10 -- another device, please.

11 CPT. DORROUGH: It's telling me that  
12 that's the incorrect password for the link that  
13 you had emailed me.

14 MEMBER SHORT: Mr. Chair, I could hear  
15 the captain quite well that time. Is the audio  
16 fixed?

17 CHAIRPERSON ANDERSON: The problem  
18 that we have is that he starts and then it trails  
19 off. It's not consistent.

20 MS. FASHBAUGH: I provided you with  
21 now the attendee link, and if you log in that way  
22 I'll escalate you.

23 CPT. DORROUGH: Can you email it to  
24 me, because I'm trying to get on my phone. I  
25 can't -- I have to type -- if you want me to type

1 this whole thing in, I can try that, but it'll  
2 take a minute.

3 MS. FASHBAUGH: Yes, can you please  
4 message me your email address?

5 CHAIRPERSON ANDERSON: The email was  
6 sent, Captain, if you -- at least, I'm sorry. I  
7 saw the information in the chat.

8 MS. FASHBAUGH: The email has been  
9 sent.

10 CPT. DORROUGH: Got it. So that's the  
11 same link I was already trying. It's telling me  
12 it's the wrong password.

13 CHAIRPERSON ANDERSON: So why don't  
14 you log off this one and then log in the other  
15 one, because maybe the audio will improve?

16 CPT. DORROUGH: Let me try that right  
17 now to see if it's working. I can remember that.  
18 Okay, be right back.

19 CHAIRPERSON ANDERSON: Ms. Fashbaugh,  
20 I'm not sure if he is logged in because I don't  
21 know what's going on.

22 MS. FASHBAUGH: I think we're still  
23 waiting for him.

24 I also sent him the dial-in number, so  
25 if he wanted to log in his old way, and wanted to

1 call in with his cell phone, he could do that as  
2 well, so he has all three different ways on how  
3 to join the conference available.

4 CHAIRPERSON ANDERSON: Thank you,  
5 ma'am.

6 MS. FASHBAUGH: Call in user 202641,  
7 I'm unmuting you. Are you Jonathan -- sorry,  
8 what's his name?

9 CPT. DORROUGH: Dorrough. Yes, ma'am.

10 MS. FASHBAUGH: Dorrough. Okay, you  
11 are unmuted.

12 CHAIRPERSON ANDERSON: Thank you.

13 CPT. DORROUGH: Okay, I'm seeing if I  
14 can log in as well again here so you can see me.  
15 Still getting that that password is incorrect,  
16 but.

17 CHAIRPERSON ANDERSON: That's fine,  
18 Captain.

19 We have seen you so we know you exist,  
20 so we can move this hearing along. But I do  
21 appreciate that.

22 Captain, I know that MPD had called --  
23 I think the establishment had contacted MPD and  
24 they did an investigation.

25 What can -- and Investigator Puente

1 had shared some information with us. What is --  
2 are you able to share with us, sir?

3 CPT. DORROUGH: Yeah, do you want to  
4 know kind of a brief history of just brief  
5 interactions with the establishment, or  
6 specifically for this event?

7 CHAIRPERSON ANDERSON: Specifically to  
8 -- with this incident, sir, and if you have any -  
9 - or -- and if you have any other interaction  
10 that's relevant to this incident, sir.

11 CPT. DORROUGH: So, specifically for  
12 this incident, I don't think we have too many  
13 concerns. I think the investigator kind of laid  
14 out the facts of what happened.

15 The only thing I would note is that  
16 the person that was on scene did represent I  
17 think to us that he was the ABC manager when it  
18 appears he was not.

19 That would be my only area of concern.  
20 Other than that, the establishment's been pretty  
21 cooperative with us, and we haven't had too many  
22 concerns there.

23 Well, no -- not too many actual  
24 incidents that happened.

25 It remained some concern, you know,

1 just in general, but if you just want to know  
2 about that one incident, that's all I have.

3 CHAIRPERSON ANDERSON: Okay. I just  
4 -- do you know the name of the individual who  
5 represented himself as an ABC manager on scene,  
6 sir?

7 CPT. DORROUGH: Yes, it was the  
8 gentleman that was mentioned earlier. Mr.  
9 Piotrowski, Daniel Piotrowski.

10 CHAIRPERSON ANDERSON: All right.  
11 Thank you. Thank you very much.

12 CPT. DORROUGH: And that is with the  
13 information that's in the report, that he -- so  
14 I'd have to check to what was actually said with  
15 the officers.

16 I haven't spoken to them since I just  
17 got back today, but in the report, it does say  
18 that he was the on duty ABC manager.

19 CHAIRPERSON ANDERSON: Okay. Mr.  
20 Puente, who was Mr. -- this person, and I forget  
21 -- who did -- in your report, who did he invite -  
22 - who did he introduce himself as?

23 INVESTIGATOR PUENTE: He advised us he  
24 was one of the supervisors on duty, but he was  
25 not the ABC manager.

1 CHAIRPERSON ANDERSON: Okay, so he did  
2 -- all right, okay. Thank you.

3 So, do you know -- and I think there's  
4 some miss -- I'm trying to find out just to  
5 clarify the record -- and since I don't believe  
6 Captain Dorrough, who was the officer on duty,  
7 I'm just trying to find out did -- so -- I'm  
8 sorry, what's this person's name again, please?

9 (No audible response.)

10 CHAIRPERSON ANDERSON: Mr. Puente,  
11 what was --

12 INVESTIGATOR PUENTE: Supervisor. It  
13 was Daniel Piotrowski.

14 CHAIRPERSON ANDERSON: And can you  
15 spell that for the record, please?

16 INVESTIGATOR PUENTE: Yes. P-I-O-T-R-  
17 O-W-S-K-I.

18 CHAIRPERSON ANDERSON: And Mr.  
19 Piotrowski, he identified himself to the ABRA  
20 investigator as what?

21 INVESTIGATOR PUENTE: He advised us he  
22 was the supervisor on duty.

23 CHAIRPERSON ANDERSON: Did he advise  
24 -- who did he say was the ABC manager?

25 INVESTIGATOR PUENTE: He said the ABC



1 manager had left to go home that evening.

2 CHAIRPERSON ANDERSON: Okay, all  
3 right, fine. So as far as ABRA's concerned, he  
4 represented himself appropriately. Is that  
5 correct?

6 INVESTIGATOR PUENTE: Yes. And I  
7 believe about a week later, I conducted a records  
8 check. He did get an ABC manager license shortly  
9 after our visit.

10 CHAIRPERSON ANDERSON: All right,  
11 thank you. All right, if -- let me see  
12 something.

13 Mr. Shankle, do you have anything that  
14 you want to add? Regarding this incident.

15 MR. SHANKLE: No, I do not at this  
16 time. Thank you.

17 CHAIRPERSON ANDERSON: All right. Mr.  
18 O'Brien, how does -- what response?

19 I'm going to have some questions I  
20 want to -- I'm going to ask, but what response,  
21 if any, does the establishment have, or on behalf  
22 of the establishment, sir?

23 MR. O'BRIEN: One could identify three  
24 issues from the report.

25 The first is how the establishment

1 handled the intoxicated person. From my reading  
2 of the report, the establishment should be  
3 complimented on the matter at which it was  
4 handled.

5 Apparently this was a very aggressive  
6 person. They called -- the establishment called  
7 MPD, and the person was aggressive even with the  
8 responding officers until he was talked out.

9 Obviously the situation -- situations  
10 like that could escalate, but the establishment  
11 did exactly what they're supposed to do, and  
12 asked for MPD assistance.

13 The other two issues are the absence  
14 of an ABC manager and the absence of a -- or the  
15 apparent or purported absence of an Office of  
16 Lottery and Games manager with a current badge,  
17 meaning a current OLG license.

18 I'll address that in a second. The --  
19 we cannot excuse the actions of an ABC manager.

20 Ms. Noe from Aramark I believe will  
21 tell you that we understand, and it's been  
22 emphasized now that there must be a licensed  
23 manager on premises at the facility at all hours  
24 alcohol is available for consumption.

25 So, our error. We apologize, and have

1 taken measures to ensure that it won't happen  
2 again.

3 I do know that the Enforcement  
4 Division issued a warning citation to the  
5 establishment, and that warning has been heeded.  
6 Heeded meaning noticed and digested.

7 With response to the -- in response to  
8 the OLG manager's license, the copy of the  
9 license attached to the investigator's report  
10 showed that it was issued in August of this year,  
11 but expired on September 30 of this year, meaning  
12 the license was only good for less than two  
13 months.

14 Now, we will show that -- Mr. Leonard  
15 from William Hill will elaborate if need be, but  
16 the bottom line is a current, meaning a valid  
17 manager's license, had been issued to the  
18 individual on duty, Andrew Lin.

19 It was sitting in a drawer at the  
20 establishment that Mr. Lin was simply not aware  
21 that it was in there.

22 But in fact he was currently licensed,  
23 and when the board deems it appropriate, I can  
24 upload a copy of that current license that shows  
25 that it was issued on September 30, 2021.

1                   That is 11 days beforehand. So, it's  
2 the equivalent of having an expired driver's  
3 license in your wallet, but at home on your  
4 dresser, having a current driver's license.

5                   So those are the explanations. And we  
6 can elaborate, but I would like to ask, if I may,  
7 Investigator Puente, one question?

8                   CHAIRPERSON ANDERSON: Go ahead, Mr.  
9 O'Brien.

10                  MR. O'BRIEN: Investigator Puente, I  
11 see in the report that when the request was made  
12 for the OLG manager on duty, that Mr. Lin  
13 responded, and that you noticed that his badge  
14 was outdated, and so advised him, and Lin did not  
15 answer.

16                  Was he just silent in response to  
17 that, your observation?

18                  INVESTIGATOR PUENTE: No, he kind of  
19 like did a head nod. I think he was -- it's hard  
20 to describe. He was -- he took notice of it, of  
21 me asking.

22                  MR. O'BRIEN: Okay. I mean, did he  
23 appear to be surprised or bewildered?

24                  INVESTIGATOR PUENTE: I think  
25 bewildered a little bit.

1 MR. O'BRIEN: Okay. He had the  
2 expired badge on him, correct?

3 INVESTIGATOR PUENTE: Yeah, I think  
4 because it was on his chest and that's how I  
5 noticed it.

6 MR. O'BRIEN: Yeah, okay. Thank you  
7 for that answer, investigator.

8 So, Mr. Chair, that's essentially our  
9 explanation as to the incident, and I can answer  
10 any particular questions.

11 CHAIRPERSON ANDERSON: Sure. Yes, I  
12 do have some questions, Mr. O'Brien, and maybe  
13 yourself or whoever the appropriate person can  
14 respond to that.

15 Now, do we know when the person  
16 entered the premises? I mean, when did the  
17 person enter the premises? Does anyone know  
18 that?

19 MR. O'BRIEN: I don't believe anyone  
20 knows that. My understanding is that the person  
21 presented at the premises in an intoxicated  
22 state.

23 (Simultaneous speaking.)

24 MR. O'BRIEN: That's my understanding,  
25 but I don't have, you know, times and names for

1 that.

2 CHAIRPERSON ANDERSON: All right, so  
3 you're saying that it's your understanding that  
4 he entered the premises already in an intoxicated  
5 state.

6 Now, was he served any drinks while he  
7 was there?

8 MR. O'BRIEN: Not to our knowledge.

9 CHAIRPERSON ANDERSON: But what  
10 policies then -- what policies and procedures  
11 does the establishment have in place to deal with  
12 an intoxicated person?

13 MR. O'BRIEN: Oh, I will ask Ms. Noe  
14 to respond to that directly, but I will observe  
15 this.

16 As I believe Captain Dorrough stated,  
17 the establishment called for MPD for assistance,  
18 and I think that'll be a lot less likely if the  
19 establishment had been the place where the person  
20 became intoxicated.

21 CHAIRPERSON ANDERSON: I know, but I'm  
22 --

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: But that's one  
25 of the questions I was trying to find out, is

1 that how long after this -- this person was in  
2 the business did all of this occur?

3 I mean, was he there for -- that's  
4 what I'm trying to find out. Was he there for a  
5 minute or did he just walk in and then all of  
6 this started?

7 MR. O'BRIEN: I don't have the -- I  
8 can't represent factually the answer to the  
9 question.

10 Alls I can say is my understanding is  
11 that he presented intoxicated, and therefore the  
12 logical presumption from that would be that he  
13 wasn't served in the first place. But I don't  
14 have factual information.

15 As far as procedures go, can I defer  
16 at this point to Ms. Noe?

17 CHAIRPERSON ANDERSON: Of course Ms.  
18 Noe can, but can anyone tell us how long after  
19 this -- how -- when did this incident occur in  
20 proximity to how long this individual was in the  
21 business -- was in the establishment?

22 And I'm just trying to find out  
23 because that will tell us a whole lot more.

24 I mean, it's good to hear that the  
25 establishment contacted MPD, but did he present

1 himself as intoxicated and so therefore, the  
2 establishment called MPD, or was he in the  
3 establishment for an hour, 30 minutes, and then  
4 he started acting up, and then someone -- that is  
5 a question that needs to be answered.

6 MR. O'BRIEN: I cannot --

7 CHAIRPERSON ANDERSON: Can anyone  
8 answer that for us?

9 MR. O'BRIEN: I cannot make a factual  
10 representation on that. I'll let -- if I can  
11 defer to Ms. Noe, she may or may not be able to  
12 answer your question.

13 CHAIRPERSON ANDERSON: Ms. Noe?

14 MS. NOE: I also at this point  
15 couldn't answer that with accuracy.

16 CHAIRPERSON ANDERSON: Captain  
17 Dorrough, let me ask you a question. Do you know  
18 when the call was made to MPD?

19 CPT. DORROUGH: I can look that up.  
20 If you want to stand by a few minutes, I can get  
21 you that information.

22 CHAIRPERSON ANDERSON: Yes, please.  
23 While the captain is looking up the time, do we -  
24 - does anyone know what time this person entered  
25 the establishment? Does anyone know?



1 MR. O'BRIEN: No.

2 CHAIRPERSON ANDERSON: Does anyone  
3 know whether or not he was served on this  
4 evening? Does anyone know whether or not he was  
5 served drinks?

6 MR. O'BRIEN: Not with sufficient  
7 information to make a factual representation.

8 CHAIRPERSON ANDERSON: Let me ask you  
9 a question, Mr. O'Brien. Does this establishment  
10 have a -- any cameras?

11 MR. O'BRIEN: I'll defer to Ms. Noe on  
12 that.

13 CHAIRPERSON ANDERSON: Ms. Noe, do you  
14 guys have cameras?

15 MS. NOE: There are cameras in the  
16 establishment. We don't run them, so that would  
17 actually be a Mr. Leonard question.

18 MR. LEONARD: Yes, we have  
19 approximately 98 cameras in the facility.

20 CHAIRPERSON ANDERSON: And how many --  
21 no one looked at the cameras to see whether or  
22 not -- to figure -- does anybody know what  
23 happened?

24 Maybe someone can tell me what  
25 happened from the establishment perspective?

1 MR. O'BRIEN: May I observe, Mr.  
2 Chair, that this incident occurred on October 11.

3 It was not until sometime there after  
4 that we became aware that it was going to be the  
5 subject of a fact-finding. --

6 (Simultaneous speaking.)

7 MR. O'BRIEN: Now, if there are  
8 questions, I mean, did it -- let me --

9 CHAIRPERSON ANDERSON: I'm sorry, Mr.  
10 O'Brien, but remember, you guys called the --  
11 called MPD, so if a report was not made to MPD,  
12 we probably would never have heard about it.

13 So, you -- your client called MPD, and  
14 because your client -- which honorably your  
15 client contacted MPD, and so therefore MPD  
16 contacted us and then the balls start rolling, so  
17 I don't understand how is it that I have some  
18 basic questions on the establishment.

19 This is not a mom-and-pop  
20 establishment, this is a multi -- I assume it's a  
21 multi-million establishment with over 90 cameras,  
22 and we have some basic questions and nobody can  
23 answer.

24 MR. O'BRIEN: Mr. Chair, I'm sure that  
25 you don't intend to discourage establishments

1 from calling MPD.

2 CHAIRPERSON ANDERSON: No --

3 (Simultaneous speaking.)

4 MR. O'BRIEN: That seems to be the  
5 position we're being placed in.

6 CHAIRPERSON ANDERSON: No, I said it  
7 was honorable. That's what I'm saying. I'm glad  
8 that you guys did. That's what I'm saying.

9 I'm glad that was done, and the reason  
10 why I said that, Mr. O'Brien, I think you're  
11 aware that any time MPD is called by an  
12 establishment, we are going to be involved.  
13 That's all I'm saying.

14 So whenever MPD is called, so if the  
15 establishment calls MPD, we're going to be  
16 involved, and if the establishment does not call  
17 MPD, maybe someone will -- maybe the customer  
18 will contact us and then we're going to do an  
19 investigation, but.

20 All right, let me --

21 MR. O'BRIEN: And Mr. Chair?

22 CHAIRPERSON ANDERSON: Yes, sir?

23 MR. O'BRIEN: I've got any number of  
24 clients, who of course I won't identify, who say  
25 they don't call MPD.

1 CHAIRPERSON ANDERSON: All right,  
2 well, but --

3 MR. O'BRIEN: Because all that does is  
4 bring ABRA down on them.

5 CHAIRPERSON ANDERSON: Yes, but --

6 MR. O'BRIEN: So they don't call MPD.  
7 Now in this case, the establishment did what you  
8 characterized as the honorable thing and called  
9 MPD. Now --

10 CHAIRPERSON ANDERSON: Are --

11 MR. O'BRIEN: Whether -- Mr. Chair, if  
12 I may -- whether the person had been there for  
13 hours and became intoxicated while there, or  
14 alternatively walked in the door visibly  
15 intoxicated, and was not served, either one of  
16 those alternatives, I'm not sure where that gets  
17 us here because the establishment did the right  
18 thing.

19 CHAIRPERSON ANDERSON: But, no, but  
20 what I'm saying though, that's what -- one of the  
21 questions I'd asked the procedure that the  
22 establishment has in place to deal with  
23 intoxicated persons, the procedures that the  
24 establishment has in place to not overserve,  
25 because I don't know if he became intoxicated.

1                   So whether or not this was a  
2 preventable incident by your client.

3                   Did your client overserve him, and so  
4 therefore he becomes -- he became intoxicated,  
5 and what is it that -- what process or procedures  
6 do you have in place to ensure that this does not  
7 happen to one of your customers?

8                   So that's -- those are the questions  
9 that I have --

10                  MR. O'BRIEN: And I've tried to defer  
11 to Ms. Noe as procedures in place regarding  
12 service to customers and watching out for  
13 intoxication.

14                  CHAIRPERSON ANDERSON: All right, so  
15 --

16                  MR. O'BRIEN: May Ms. Noe --

17                  CHAIRPERSON ANDERSON: Yeah, let --

18                  MR. O'BRIEN: Can Ms. Noe address  
19 that?

20                  CHAIRPERSON ANDERSON: Go ahead, Ms.  
21 Noe, please.

22                  MS. NOE: Yeah, thank you. So  
23 policies and procedures for responsible alcohol  
24 service is all of our employees to go -- who  
25 serve alcohol go through TIPS training, so

1 they're certified on how to assess intoxication  
2 on multiple levels.

3 We do not serve any more than two  
4 drinks in front of someone at a time, so if  
5 someone has one drink in front of them they  
6 cannot have another.

7 So kind of understanding just what  
8 that policy looks like in place. So if someone  
9 does come in who's intoxicated and our bartenders  
10 or servers are made aware of that through that  
11 knowledge that they have, they get a manager  
12 involved.

13 They don't serve the patron obviously,  
14 they get a manager involved.

15 Luckily in this space we also have  
16 security on site, so if it needs to be escalated  
17 beyond the food and beverage manager, which is  
18 rare, but when it does need to be escalated,  
19 there's security on site who can help get  
20 involved, who then in this case obviously  
21 involves MPD, which is kind of the last -- you  
22 know, we've handled it to the best of our ability  
23 on site, and when we're not getting the result  
24 that we need, that's kind of the chain of  
25 command, I would call it.

1                   CHAIRPERSON ANDERSON: Captain, were  
2 you able to find an answer to what time MPD was  
3 called?

4                   CPT. DORROUGH: Yes, hello. So we  
5 received the call at 8:21 p.m. Our officers  
6 arrived on the scene around 8:30 p.m.

7                   I also, I pulled up the body worn  
8 camera while you were speaking here and the  
9 subject in question was sitting at the bar.  
10 Things were fairly calm when the officers arrive.  
11 He -- it escalated when they asked him to leave.

12                   I'll also note that the call came in  
13 and they were reported that the subject is being  
14 belligerent and he has been cut off from  
15 drinking, is what -- what's told for us -- told  
16 us in the original call that we received.

17                   CHAIRPERSON ANDERSON: But he was cut  
18 off from drinking, meaning that he was served --  
19 why -- that -- I'm thinking that's to say that he  
20 was served while he was there.

21                   That's -- I mean, I could be wrong,  
22 but --

23                   CPT. DORROUGH: That's my impression,  
24 as well, but yeah.

25                   CHAIRPERSON ANDERSON: Mr. O'Brien,

1 does this establishment, do they have a security  
2 plan?

3 MR. O'BRIEN: I do not believe so, Mr.  
4 Chair.

5 CHAIRPERSON ANDERSON: And would they  
6 object to following a security plan if the board  
7 decides one is warranted?

8 MR. O'BRIEN: Well, if the board  
9 decides one is warranted, then I don't think  
10 there is a grounds for objection.

11 CHAIRPERSON ANDERSON: Well, as again,  
12 this is -- you know this is a fact-finding  
13 hearing, so.

14 MR. O'BRIEN: Yeah.

15 CHAIRPERSON ANDERSON: If you want  
16 some information, so this is all -- we -- this  
17 is, you know, where -- I'm asking if we decide  
18 you can say no, and of course, in a fact-finding  
19 hearing, that you can say no, and there's nothing  
20 a court can do in a fact-finding hearing.

21 MR. O'BRIEN: No, but you can send me  
22 a letter tomorrow telling me you want a security  
23 plan without -- you -- I don't think there has to  
24 be any justification for the board to demand  
25 that. All right.



1                   But if I can observe here, Mr. Chair,  
2                   the reason we have the boards, the reason these  
3                   establishments exist is for the service of  
4                   alcoholic beverage, and the infraction, if one  
5                   occurs, is serving one who is intoxicated.

6                   CHAIRPERSON ANDERSON: Right.

7                   MR. O'BRIEN: And let us take the  
8                   inference. I think it's kind of shaky, but let's  
9                   take the inference that the person was served.  
10                  You know, he had been there.

11                  Then the establishment did the right  
12                  thing when he appeared to be intoxicated, they  
13                  cut him off.

14                  In other words, they conformed with  
15                  the law. And then followed up with -- and I  
16                  appreciate your characterization of their conduct  
17                  here as honorable.

18                  CHAIRPERSON ANDERSON: All right. I  
19                  know that as Ms. -- I'm sorry, Ms. Noe testified  
20                  about TIPS training, and so I'm -- and I have not  
21                  done TIPS training so I don't know, but I -- it's  
22                  -- it appears that how is it that the bartender  
23                  monitors this?

24                  I mean, I guess it comes to a point  
25                  that, it's like, the bartender, you serve him --

1 excuse me -- although different people can  
2 consume different.

3 I mean, one person can consume one  
4 drink and become intoxicated, and another person,  
5 it would take ten drinks before they do that.

6 But I guess what I'm trying to find  
7 out is that, TIPS training, I mean, how do you  
8 ascertain when -- do you wait until the person  
9 becomes intoxicated and you say I'm not going to  
10 serve you any more, or are you monitoring what is  
11 it that's served to the person, and at some point  
12 before that person gets to that point, the  
13 bartender -- I'm just trying to find out what is  
14 it that --

15 (Simultaneous speaking.)

16 MR. O'BRIEN: My understanding -- I  
17 have not taken the training either, Mr. Chair.

18 My understanding is that part of the  
19 training -- and if Ms. Noe wants to jump in, she  
20 certainly can here -- but my understanding is the  
21 training includes signs to watch for if someone  
22 is progressing toward or has become intoxicated.

23 I am speculating here, you know,  
24 glassy eyes, slurred speech, clumsiness, maybe  
25 knocking over a drink. I'm guessing those are

1 the hallmarks. If Ms. Noe wants to elaborate,  
2 please.

3 MS. NOE: No, you actually are very  
4 accurate. That is involved in training, that is  
5 a handful of the signs of intoxication.

6 Our staff is also trained to get a  
7 manager involved when they're not sure, right?  
8 So we want to air on the side of caution.

9 Our managers are all certified as well  
10 in TIPS and responsible alcohol service, so they  
11 are involved when appropriate, which also  
12 happened in this instance.

13 CHAIRPERSON ANDERSON: All right.  
14 Now, let me ask you.

15 How many -- I know that Mr. P -- and  
16 I -- Mr. P I'll -- I can't remember his name --  
17 that he subsequently applied for an ABC manager's  
18 license.

19 I mean, does the establishment have  
20 sufficient ABC managers to cover their service of  
21 alcohol?

22 (No audible response.)

23 CHAIRPERSON ANDERSON: Do they  
24 currently, and who are the managers, who are the  
25 -- I know the owner's not going to be there, so

1 let's not talk about the owner.

2 So, who are the ABC managers that are  
3 available to work?

4 MS. NOE: So it's our expectation  
5 that all of our front of the house managers are  
6 certified, so at any given point in time, there's  
7 a certified manager there.

8 So, since this incident we did have a  
9 little bit of turnover in August, September,  
10 which is where we got here, so no excuse, we --  
11 we've rectified the situation.

12 We have -- three of the three managers  
13 have their management certification as of today.  
14 We were waiting on a temporary one that was  
15 pulled, but I just got an email about an hour ago  
16 that the third one is officially certified.

17 When we bring on a fourth manager --  
18 we are short one manager right now -- when we  
19 bring on that fourth manager, they will also be  
20 certified.

21 CHAIRPERSON ANDERSON: And although  
22 the OLG certification is not under our  
23 jurisdiction, so how many OLG managers do you  
24 currently have?

25 MR. LEONARD: That would be my side of

1 the business. This is Jim Leonard with William  
2 Hill. That'd be my side of the business. We  
3 have six currently, and we always have one on  
4 premises.

5 CHAIRPERSON ANDERSON: All right,  
6 okay.

7 And now, is -- are both entities aware  
8 that during -- at least from the alcohol portion  
9 that an ABC manager has to be on premises the  
10 entire time?

11 Is that portion of the business  
12 available -- aware of that?

13 MR. O'BRIEN: I will say that this --  
14 it's been thoroughly drummed into Aramark, which  
15 handles the alcohol service at the establishment.

16 CHAIRPERSON ANDERSON: And Mr.  
17 Leonard, are you aware that an OLG manager has to  
18 be -- and again, this is not under the purview of  
19 ABRA, however, when we show up, we're going to  
20 ask, and this could be a violation if you're not  
21 in compliance with District laws.

22 So are you aware that this manager has  
23 to be -- there has to be a manager there during -  
24 - on periods of time that betting occurs?

25 MR. LEONARD: Yes, we are aware an OLG

1 licensed manager needs to be there and we have  
2 complied.

3 CHAIRPERSON ANDERSON: Okay, thank  
4 you. Now, any board members, any questions of  
5 any parties?

6 MEMBER SHORT: Mr. Chair?

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

9 MEMBER SHORT: I would just like to  
10 make an observation and thank the legal  
11 representation, Mr. O'Brien.

12 As the longest serving board member  
13 now currently on the ABC Board, Mr. O'Brien very  
14 rarely comes before this board.

15 When he does, normally my observation  
16 has been we do not see those licensees any  
17 longer, and I trust that we'll maintain yourself  
18 after this hearing today.

19 Thank you for your service, Mr.  
20 O'Brien. That's all I --

21 MR. O'BRIEN: Thank you, Mr. Short.

22 CHAIRPERSON ANDERSON: And any  
23 questions by the other board members, or  
24 comments?

25 (No audible response.)

1                   CHAIRPERSON ANDERSON: Mr. Puente, are  
2 there -- are -- Puente, any questions, any board  
3 member or anyone who wants to ask, Captain, or  
4 any of the parties? The ANC?

5                   MR. SHANKLE: Excuse me, Mr. Chairman,  
6 Mike Shankle.

7                   CHAIRPERSON ANDERSON: Yes, Mr.  
8 Shankle, go ahead.

9                   MR. SHANKLE: How are you? One of  
10 the concerns that the ANC has had with the  
11 establishment is related to security, and I --  
12 it's not necessarily related to this incident in  
13 particular, but I would believe that a security  
14 plan would be something that the community would  
15 be very supportive of getting behind in having a  
16 comprehensive security plan developed for the  
17 establishment.

18                   CHAIRPERSON ANDERSON: Mr. O'Brien,  
19 would your client agree? This is an ask. This  
20 is like --

21                   (Laughter.)

22                   CHAIRPERSON ANDERSON: But you are  
23 correct, but it is an ask.

24                   But would your client agree to provide  
25 us with a legally sufficient security plan in the

1 next 30 to 45 days?

2 MR. O'BRIEN: Well since the chair  
3 asked so nicely, yes, we will.

4 CHAIRPERSON ANDERSON: All right,  
5 thank you, Mr. O'Brien. That 40 -- that was in  
6 the next 45 days that you'll -- the establishment  
7 will provide us with a legally sufficient  
8 security plan.

9 And I think that the chair asked  
10 nicely, and I think -- and one of the things, Mr.  
11 O'Brien, and as a learned attorney, you need to  
12 get -- make sure not just the chair happy, but  
13 the ANC happy because if the ANC's not happy --  
14 if the ANC's happy, you'll never see the board.

15 So --

16 MR. O'BRIEN: Mr. Chair, I've been  
17 making the ANC's happy for many, many decades.  
18 Yes.

19 CHAIRPERSON ANDERSON: Well thank you  
20 for doing that, and I think Mr. Shankle will be  
21 happy, so therefore -- okay.

22 MR. SHANKLE: We appreciate both of  
23 you being happy with this.

24 CHAIRPERSON ANDERSON: Thank you.

25 MR. SHANKLE: And both asking nicely.



1 CPT. DORROUGH: Can I make a comment?

2 CHAIRPERSON ANDERSON: Go ahead, sir.

3 CPT. DORROUGH: So, we met with the  
4 establishment prior to them opening the location  
5 there on the corner, and our understanding was  
6 that there was a security plan in place.

7 I believe one was required by the  
8 office -- the OLG, and approved through the  
9 Lottery Board, so I think there is one.

10 Again, we had meetings with Commander  
11 Kane at the time. That was our understanding.

12 CHAIRPERSON ANDERSON: If this -- if  
13 a security plan is in existence, Captain, it has  
14 not been shared with ABRA, so it might be a  
15 different -- we might have -- and Mr. O'Brien is  
16 aware what is it that ABRA requires from our  
17 security plan, so but it -- but it's my  
18 understanding that we don't currently have one.

19 It's not a -- it's not in our records,  
20 so if one is already existed as being that Mr.  
21 O'Brien will look at it to see if it -- if it's  
22 compliant with our regulations, and then they'll  
23 make whatever changes, if they need to do, and  
24 provide it to us.

25 CPT. DORROUGH: Yeah.

1 MR. O'BRIEN: I did not handle --  
2 (Simultaneous speaking.)

3 CPT. DORROUGH: -- board required one.

4 MR. O'BRIEN: I did not handle the OLG  
5 licensees, so I just don't know.

6 I will follow up and there is such a  
7 plan, I'll compare it to one I know the board  
8 requires or likes to see, and get a clean  
9 version, if you will, within 45 days.

10 CHAIRPERSON ANDERSON: All right.  
11 Thank you very much, Mr. O'Brien.

12 Any final comments that any party  
13 wishes to make before I bring this hearing to an  
14 end?

15 (No audible response.)

16 CHAIRPERSON ANDERSON: All right.  
17 Since I've not heard, I'm taking that there are  
18 no comments either side wants to make. The board  
19 will take this matter under advisement.

20 The only thing -- the only decision  
21 that was made today is that the establishment  
22 will provide us with a legally sufficient  
23 security plan within the next 45 days.

24 And but the board will take this  
25 matter under advisement and make a determination.

1                   As I was told, you stated Mr. O'Brien  
2                   that since there was no ABC manager on duty, a  
3                   warning was issued.

4                   I don't believe that the board will do  
5                   anything else regarding that, the ABC manager,  
6                   since that has already been taken care of, so I'm  
7                   not quite sure what we'll do, but we'll discuss  
8                   it and we'll either make a referral to the Office  
9                   of Attorney General, or we'll say no further  
10                  action.

11                  I'm not sure what the board will do,  
12                  but we'll take it under advisement, and determine  
13                  what our next step is.

14                  MR. O'BRIEN: Mr. Chair, I early --  
15                  Mr. Chair, I author -- I offered to upload the  
16                  OLG manager's license showing that he was  
17                  currently licensed at that time, simply carrying  
18                  the expired badge around his neck.

19                  I can still do that if you want, but  
20                  I can assure you that that's what it says.

21                  CHAIRPERSON ANDERSON: You can do it  
22                  -- you can provide that to Mr. -- through -- to  
23                  the agency, either through Mr. Puente or whoever  
24                  else in the agency, so at least we'll have that.

25                  As you stated, it's like having a when

1 the police pull you over and your license is at  
2 home, and so they'll -- they might give an  
3 infraction, however once you prove that you did  
4 have a license in place, that was taken care of.

5 But it'll be helpful for us to have  
6 that information that --

7 MR. O'BRIEN: All right. I will.  
8 Investigator Puente is still on, is he not?

9 CHAIRPERSON ANDERSON: Yes, he's still  
10 on, yes.

11 MR. O'BRIEN: Okay, I -- when we  
12 conclude, I'll go and email him a copy of that.

13 CHAIRPERSON ANDERSON: All right.  
14 Thank you, Mr. O'Brien. I would like to --

15 MR. O'BRIEN: Thank you.

16 CHAIRPERSON ANDERSON: Thank everyone  
17 for their participation, their presence today,  
18 and the board will take this matter under  
19 advisement for further development.

20 Thank you very much and have a great  
21 day.

22 MS. NOE: You too, thank you all.

23 (Whereupon, the above-entitled matter  
24 went off the record at 1:28 p.m.)

25

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Before: ABRA

Date: 12-08-21

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