

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

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IN THE MATTER OF: :  
: :  
Mimi & D, LLC :  
t/a Mood :  
1318 9th Street, NW : Summary  
Retailer Class CT : Suspension  
License No. 86037 : Hearing  
Case No. 12-251-00001 :  
ANC 2F :  
Chief of Police Closure :  
December 30, 2011 :  
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JANUARY 13, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th

Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

JEANNETTE MOBLEY, Member

CALVIN NOPHLIN, Member

MICHAEL SILVERSTEIN, Member

ALSO PRESENT

MICHAEL STERN, OAG

ANITA JACKSON, MPD

OLIVIA WILCOX, MPD

CRAIG STEWART, ABRA

VINCENT PARKER, ABRA

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

2 9:25 a.m.

3 CHAIRPERSON MILLER: Good morning,  
4 ladies and gentlemen. I'd like to welcome you  
5 to the regularly scheduled meeting of the  
6 District of Columbia Alcoholic Beverage  
7 Control Board. Today is January 13th, 2012.

8 My name is Ruthanne Miller and I'm  
9 the chairperson of the ABC Board. Joining me  
10 today, to my right, far right is Mr. Calvin  
11 Nophlin. To his immediate left is Mr. Donald  
12 Brooks. To my immediate right is Mr. Alberti.  
13 And on my left is Mr. Mike Silverstein. And  
14 next to Mr. Mike Silverstein is Ms. Jeannette  
15 Mobley.

16 The Board has six members in  
17 attendance for the conduct of business today,  
18 with three members constituting a quorum.

19 Copies of today's hearing calendar  
20 are available at the reception desk.

21 Please be aware that this  
22 proceeding is being recorded by a court

1 reporter. Accordingly, we must ask you to  
2 refrain from any disruptive noises or actions  
3 in the hearing room.

4 If you have any electronic  
5 devices; pagers, cell phones or such, please  
6 make certain that they're turned off to avoid  
7 any disruption of the proceedings.

8 Please note that there is a piece  
9 of paper on each table for those of you who  
10 are going to be coming forward to testify.  
11 When you come forward as your case is called,  
12 please take a seat at that table and sign in.  
13 This is to ensure the correct spelling of your  
14 name for the record.

15 The record will be closed at the  
16 conclusion of this case except for any  
17 material specifically requested by the Board.  
18 After the record is closed no other  
19 information will be accepted by the Board.

20 Copies of transcripts are  
21 available by contacting ABRA's records  
22 manager, Mr. Bill Hagar, and it is the sole

1 responsibility of the parties to make that  
2 request.

3 The Open Meetings Act requires  
4 that the public hearing on each case be open  
5 to the public. The Board may, consistent with  
6 Section 405(b) of the Open Meetings Act, enter  
7 a closed meeting during or after the public  
8 hearing on a case to consult with an attorney  
9 to obtain legal advice, discuss settlement  
10 agreements or deliberate upon a decision in an  
11 adjudication proceeding.

12 Today's calendar involves a single  
13 case, a summary suspension hearing held  
14 pursuant to Section 25-826 of the D.C.  
15 Official Code. This is a contested matter  
16 that resulted from an incident on December  
17 30th, 2011. The Board suspended the  
18 Respondent's license when it determined after  
19 an investigation that the operations of the  
20 licensed establishment presented imminent  
21 danger to the health and safety of the public.

22 The Respondent requested a summary

1 suspension hearing pursuant to 25-826(c) of  
2 the Code and the Government carries the burden  
3 to demonstrate that continued operations  
4 present an imminent danger to the health and  
5 safety of the public.

6 The Board will render a decision  
7 today at the conclusion of the hearing, and in  
8 rendering that decision the Board may suspend  
9 or restrict the Respondent's license pursuant  
10 to 23 DCMR Section 1610.

11 I would note that the approximate  
12 time is 9:30 a.m. and we will be going forward  
13 now with the summary suspension hearing.

14 Would the parties to this case  
15 please come forward and take a seat at the  
16 table? And would you just introduce  
17 yourselves for the record, please?

18 MR. WOODSON: Yes, good morning,  
19 Chairperson Miller and members of the Board.  
20 My name is Roderic L. Woodson. I am here with  
21 my partner Kwamina Williford and our associate  
22 Tori Gordon representing Mood Lounge. We are

1 counsel from Holland & Knight.

2 CHAIRPERSON MILLER: Thank you  
3 very much.

4 MR. STERN: Good morning, members  
5 of the Board. Michael Stern. I'm  
6 representing the District of Columbia.

7 CHAIRPERSON MILLER: Thank you.  
8 Before we proceed into the substance of this  
9 case, the Board has a preliminary matter that  
10 it would like to address on the record.

11 Our counsel has received a request  
12 from a Mr. Charles Reed to speak at the  
13 hearing. Is Mr. Reed here?

14 MR. REED: Yes.

15 CHAIRPERSON MILLER: Okay. You  
16 can take a seat in the audience for now. I'm  
17 going to address your request as -- and other  
18 Board members may want to say something as  
19 well.

20 Ms. Jenkins -- it's a very short  
21 request. I'm going to read it into the  
22 record.

1                   And this is addressed to Ms.  
2                   Jenkins by email. The email states, "This is  
3                   to request that I be permitted to speak at  
4                   tomorrow's hearing before the ABC Board on  
5                   Mood Lounge and to convey the views of ANC 2F  
6                   to the effect that ANC 2F strongly opposes the  
7                   reopening of this licensee's operations.

8                   "The ANC has pending before the  
9                   Board two requests for revocation of the  
10                  license in question, one of which requests  
11                  results in a show cause hearing, which is  
12                  currently sub judice. The Licensee has been  
13                  in continuation of its voluntary agreement,  
14                  constitutes a public nuisance and is an  
15                  ongoing safety hazard to the community served  
16                  by our ANC."

17                  Okay. So that's the request  
18                  that's been made and the governing law, as I  
19                  see it, is Section 1701.4 under Parties'  
20                  Intervention and Right to be Heard says that  
21                  "The Board may, in its discretion permit  
22                  interested parties other than parties as

1 defined in this chapter to intervene in a  
2 proceeding for such general or limited  
3 purposes the Board may specify."

4 So it's basically within the Board's  
5 discretion. I would like to give my view on  
6 this and then others can as well.

7 First of all, it's an exception to  
8 the rules because this is a very specific  
9 hearing in which the Government has the burden  
10 of going forward and making the case. So we  
11 would need to see a convincing reason to have  
12 another party be interjected into this  
13 proceeding. I think that -- I don't believe  
14 that the email gives us sufficient reason to  
15 do that.

16 The email; and I did read it into  
17 the record, does -- it is reflected that the  
18 ANC's is concerned and wishes that the  
19 establishment be -- license be revoked. It's  
20 not here, but this doesn't fall into this  
21 forum as the -- as Mr. Reed says in his email,  
22 he has other requests pending before this

1 Board and they are being considered in another  
2 forum that's appropriate for those requests.

3 And finally, I'd like to say that  
4 this email doesn't come with any authorization  
5 by the ANC that -- for Mr. Reed to represent  
6 the views of the ANC.

7 So I appreciate the concerns and I  
8 think the Board is aware of the concerns and  
9 they are being addressed in a different forum.  
10 If there are other -- so I would suggest that  
11 we deny this request.

12 MR. STERN: Madam Chair, before  
13 the Board takes a vote, may we approach the  
14 bench? We have something that is relevant to  
15 this discussion.

16 CHAIRPERSON MILLER: Sure.

17 MR. STERN: That we'd like to  
18 convey to the Board outside of the public  
19 forum.

20 CHAIRPERSON MILLER: That's  
21 relevant to this request?

22 MR. STERN: Yes.

1                   CHAIRPERSON MILLER: Okay. Oh,  
2 not on the record? We have mics here, so --

3                   PARTICIPANT: You want to go off  
4 record?

5                   MR. STERN: Right, off the record.

6                   (Whereupon, at 9:34 a.m. the  
7 above-entitled matter went off the record and  
8 resumed at 9:36 a.m.)

9                   CHAIRPERSON MILLER: Okay. I just  
10 want to put on the record that actually some  
11 of the concerns that the attorneys were  
12 bringing to our attention are really not  
13 relevant to, in my view, the decision that the  
14 Board is dealing with right now with respect  
15 to Mr. Reed's request.

16                   So at this point are there any  
17 other comments that Board members want to make  
18 before we vote on whether to allow Mr. Reed to  
19 participate in the proceedings? Yes, Mr.  
20 Silverstein?

21                   MEMBER SILVERSTEIN: I reluctantly  
22 agree with the Chair. This is a contested

1 hearing in which the Defendant, the Licensee  
2 has rights and the proper portal for anyone to  
3 enter that hearing is through one of the two  
4 sides. If the attorney -- the Office of the  
5 Attorney General wishes to call someone as a  
6 witness, that would -- it would appear to be  
7 the way that we've always done it, and that  
8 would probably be the best way.

9 It is imperative that we  
10 understand a totality of the actions of the  
11 Licensee, not only in this particular  
12 instance, but throughout the period of  
13 licensure. And we will get that.

14 There are other hearings, there  
15 are other matters that are pending before us.  
16 The idea that we're somehow closing the door  
17 here is not something that anyone should take  
18 with them. This is simply a matter of making  
19 sure that every time we have a contested  
20 hearing that people don't come in from the  
21 outside and demand to be heard when they're  
22 not parties to the hearing. So don't read

1 anything into this more than what it is. It's  
2 simply a matter of procedure, and a matter of  
3 trying to be fair, and a matter of trying to  
4 be expeditious.

5 Thank you, Madam Chair.

6 CHAIRPERSON MILLER: Other  
7 comments?

8 (No response.)

9 CHAIRPERSON MILLER: Before we  
10 vote on this, I want to make sure that I have  
11 actually identified the case that is before  
12 us, and that is Case No. 12-251-00001, Mimi &  
13 D, LLC, trading as Mood, 1318 9th Street,  
14 N.W., License No. 86037.

15 Okay. So I think we'll vote on  
16 this as if it is a motion, or we can call it  
17 a request. But I think we should vote on it.  
18 So I would recommend that -- I would move that  
19 we deny this request of Mr. Reed to speak at  
20 this hearing. Do I have a second?

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Okay. All

1 those in favor, say aye. Aye.

2 MEMBER ALBERTI: Aye.

3 MEMBER BROOKS: Aye.

4 MEMBER MOBLEY: Aye.

5 MEMBER NOPHLIN: Aye.

6 MEMBER SILVERSTEIN: Aye.

7 CHAIRPERSON MILLER: All those

8 opposed?

9 (No response.)

10 CHAIRPERSON MILLER: All those

11 abstaining?

12 (No response.)

13 CHAIRPERSON MILLER: And the vote

14 is 6-0 to deny that request.

15 Okay. That takes care of the

16 Board's preliminary matter. And do the

17 parties have any preliminary matters?

18 MR. STERN: Yes, Madam Chair. The

19 District of Columbia and the establishment

20 have entered into an agreement which would

21 resolve this matter. The agreement would call

22 for the establishment to pay a fine of \$1,000

1 for the violation, which is the statutory  
2 amount.

3 In addition, the establishment  
4 would have to strictly comply with their  
5 security plan. What that means is their  
6 cameras would have to be operational. They  
7 would have to be monitored in that they would  
8 have to be recordable. That the establishment  
9 would have to ensure that they remove patrons  
10 if there is any incident in the club in the  
11 manner which the security plan calls for; that  
12 is, in separating them and removing them one  
13 faction at a time.

14 They would have to -- the  
15 establishment would not be allowed to have any  
16 entertainment with the exceptions of records  
17 playing. Any live -- no live entertainment.

18 The establishment would have to  
19 operate their facility as a tavern, which is  
20 what their license is, not as a nightclub.

21 The establishment would get time  
22 served for suspension of their license, that

1 they could not reopen until approved by ABRA,  
2 that the -- ABRA has agreed to go out today  
3 and check to see if the cameras are working  
4 and recording, and that that approval would be  
5 necessary before they could return to  
6 operation.

7 They have already retrained the  
8 entire staff on procedures, security  
9 procedures. So that requirement that we would  
10 have had has actually been taken care of  
11 already.

12 And we believe that this would  
13 allow the establishment to be a productive  
14 community member in terms of providing a  
15 service to the community, but would prevent  
16 any imminent harm from coming to the public  
17 because of the change in operations and the  
18 additional procedures that they would be  
19 required to have.

20 CHAIRPERSON MILLER: Would you  
21 like to speak to that?

22 MR. WOODSON: Yes.

1 CHAIRPERSON MILLER: Mr. Woodson?

2 MR. WOODSON: Yes, I'd like to  
3 speak to the Government's remarks. Mood  
4 Lounge agrees with the Government's requests  
5 and the Government's stipulations.

6 We'd like to also notify the Board  
7 that during this interim period, during which  
8 Mood Lounge has been closed, all security  
9 cameras have been placed in operation and  
10 revised. There are now 16. The cameras cover  
11 every phase of the facility. ABRA can verify  
12 that, but the staff of Applicant will be able  
13 to verify that if the Board approves this  
14 Offer in Compromise.

15 Secondly, the entire staff has  
16 been retrained with a professional  
17 organization in the context of: (1) proper  
18 security procedures that would comply not only  
19 with the security manual, but would ensure the  
20 safety of the patrons within the  
21 establishment; (2) that alcohol service has  
22 been -- alcohol service training has been

1 redone again. There's been -- every member of  
2 the staff has had this training. We have  
3 today certifications from the training  
4 provider to that effect.

5 Three, Mood Lounge agrees that  
6 there will be no live entertainment. That  
7 includes no live music of any kind, only  
8 recorded music and only that recorded music  
9 that could be transmitted by a DJ. I would  
10 also add that Mood Lounge's current licensure  
11 permits these kinds of operational  
12 characteristics. And so there will be a  
13 strict compliance with that licensure  
14 requirement.

15 And we would appreciate the  
16 Board's willingness to accept this Offer in  
17 Compromise, and we agree to the payment of the  
18 statutory fine amount.

19 CHAIRPERSON MILLER: Okay. We'd  
20 like to ask a few questions, obviously, before  
21 we consider this.

22 Mr. Woodson, I think you said

1       there's something about proper security that  
2       would ensure the safety of the patrons, and  
3       what I'm wondering is what's different that's  
4       going to ensure their safety that didn't exist  
5       before?

6                   MR. WOODSON:   What we have called  
7       on Mood to do is to have this updated and  
8       specified retraining of all of their staff to  
9       the security manual.   The security manual  
10      actually, in our humble opinion, works well if  
11      complied with in all respects.   The security  
12      manual is a matter of record to the Board  
13      already.

14                   What has not happened was complete  
15      understanding and review and adherence to the  
16      manual by all of the staff.   We have gone  
17      through this consistently with the management  
18      of Mood and its staff since the suspension  
19      took place.   So we believe that the proffer  
20      that there will be improved security  
21      compliance comes as a result of this  
22      retraining of all of the staff.

1                   CHAIRPERSON MILLER: Is the  
2 training going to be different than it was  
3 before?

4                   MR. WOODSON: Yes, this training  
5 -- my colleague; pardon me, Kwamina Williford,  
6 has the materials with us today.

7                   Would you like to speak to it?

8                   MS. WILLIFORD: Yes, Kwamina  
9 Williford for the record. The training that  
10 was conducted this -- over the past two days;  
11 last Thursday and Friday, was a two-day  
12 training by an outside consultant, Alcohol  
13 Beverage Consultants, LLC.

14                   That company itself is -- the  
15 president and CEO is a former ABRA  
16 investigator who has been with ABRA for the  
17 past two years -- for 10 years and actually  
18 helped to devise the hospitality and security  
19 training, former Investigator Jeff Jackson,  
20 who was the acting chief investigator upon  
21 leaving. He's created this company and  
22 developed standards that he specifically

1 implemented and put in place in connection  
2 with the past two-day training.

3 So it not only focuses on the  
4 security plan, but it goes above and beyond in  
5 terms of utilizing the knowledge that he had  
6 and what ABRA's expectations would be in  
7 educating the work -- Mood Lounge's security  
8 on how to best implement that.

9 So it's more of the hands-on  
10 knowledge that was derived from these  
11 consultants that was utilized this time  
12 around, which I believe will help provide a  
13 more well-rounded training of the security.  
14 So that's what's --

15 CHAIRPERSON MILLER: So that's  
16 different? The training's different? The  
17 security manual is the same.

18 MS. WILLIFORD: Exactly. This is  
19 an outside consultant who is well-rounded and  
20 very familiar with the ABC's expectations,  
21 both on the hospitality side, as well as the  
22 security side. They were brought in to

1 specifically do the hands-on training and  
2 provide guidance and insight to the lounge,  
3 which I'm hopeful that it will prove a  
4 different going forward.

5 MR. WOODSON: We would also  
6 observe, Chairman Miller, that in addition to  
7 Mr. Jackson, Mr. Jackson's principal colleague  
8 for this training is Former Deputy Chief Ron  
9 Monroe of the Metropolitan Police Department.  
10 So the training was brought forward to the  
11 personnel at Mood by those who are fully aware  
12 of the requirements of the manual, the  
13 requirements of ABC, and are mindful and  
14 observant of MPD procedures.

15 MS. WILLIFORD: And --

16 CHAIRPERSON MILLER: Oh, yes, go  
17 ahead.

18 MS. WILLIFORD: And if it would be  
19 helpful, I can provide an example in terms of  
20 like a distinction that kind of goes above and  
21 beyond the security manual.

22 For instance, we would be -- he

1 would be able to testify about this today.  
2 Under the security manual there are security  
3 guards who are positioned outside to kind of  
4 observe. And a part of this -- what we were  
5 going to talk about today was what actually  
6 observed outside. As part of this training,  
7 he specifically talked to the security guards  
8 about being aware of not what's immediately in  
9 front of Mood Lounge, but also making sure  
10 that they had an awareness about what was  
11 going on in the perimeter, in the 1,000-foot  
12 perimeter around it so that it can be aware  
13 and it can address any situations that would  
14 occur in that instance.

15           So while that specifically isn't  
16 something within the security manual, these  
17 are the types of tidbits and information that  
18 the training staff has educated on, which I  
19 think will ultimately buttress the security  
20 that was provided. So it's kind of going  
21 above and beyond to adhere to what ABRA's  
22 expectations are and to help provide the

1       safest venue possible.

2                   CHAIRPERSON MILLER:   Okay.  Thank  
3       you.  I just want to clarify also, when you  
4       talk about the number of cameras, is it the  
5       same number or is it a greater number?  Is it  
6       -- I think Mr. Stern said 16 cameras.

7                   MS. WILLIFORD:  Yes, there are 16  
8       cameras that are there and I believe there was  
9       some issue regarding which ones had been  
10      operable and so on.  They're all currently  
11      operating.  They have been positioned so --  
12      there's a issue with cameras, as you're aware,  
13      regarding blind spots and whether or not it  
14      actually is able to view all parts of the  
15      establishment.

16                   As a part of Mr. Jackson's coming  
17      into the establishment, he worked with Mood  
18      Lounge to try to position them so that it  
19      captures as much of the establishment as  
20      possible.  So there was a repositioning of the  
21      cameras, as well as an insurance that they  
22      were actually operable, working and recording.

1 So I believe it was the same number, but  
2 just --

3 CHAIRPERSON MILLER: I think the  
4 other Board members have questions. I'm going  
5 to let you all go ahead. Mr. Nophlin?

6 MEMBER NOPHLIN: Yes, thank you,  
7 Madam Chair. The position of the cameras  
8 itself, they're being reviewed by the experts  
9 who is the consultant to Mood, right?

10 MS. WILLIFORD: They have been  
11 reviewed as well.

12 MEMBER NOPHLIN: Because that was  
13 an issue in terms of -- as you articulated,  
14 the position of the cameras was probably a  
15 problem, and I guess also maintenance of the  
16 cameras.

17 MS. WILLIFORD: Absolutely. Both  
18 of those items were addressed in connection  
19 with the training that was done. And there  
20 was also -- my information was that they were  
21 working. So both the positioning and as well  
22 as the recordability. Right now it has up to

1 a month, I believe. A month of record time.  
2 And as well, the owner has been reeducated on  
3 making sure and ensuring that they're working.

4 MEMBER NOPHLIN: The other part of  
5 the question as well is has the ABRA  
6 investigators reviewed the proposed security  
7 manual? There's a new one?

8 MS. WILLIFORD: I'm not sure if  
9 there -- there isn't a proposed new security  
10 manual. It's just it was kind of walked  
11 through, reeducated and then the training just  
12 emphasized various aspects so that the  
13 existing security manual will still be in  
14 place.

15 MEMBER NOPHLIN: Okay. And  
16 they've reviewed the process then, the  
17 procedure in terms of how you're going to go  
18 through the security plan?

19 MS. WILLIFORD: However, I am not  
20 sure.

21 MEMBER NOPHLIN: Okay. My real  
22 recommendation to the Chair --

1 MR. WOODSON: I can talk to that.  
2 At the time that this first came in, we looked  
3 over the security plan that was in place and  
4 we determined that it was not a problem, the  
5 security plan itself. It was how it was  
6 implemented. And we believe these changes in  
7 training have addressed that.

8 MEMBER NOPHLIN: Thank you, Madam  
9 Chair.

10 CHAIRPERSON MILLER: Mr. Woodson,  
11 when you say "we determined," who determined?

12 MR. WOODSON: Myself and the ABRA  
13 investigators who were assigned to the case.

14 CHAIRPERSON MILLER: Okay. Other  
15 questions?

16 MEMBER BROOKS: I have a question.

17 CHAIRPERSON MILLER: Yes, Mr.  
18 Brooks?

19 MEMBER BROOKS: Thank you, Madam  
20 Chair.

21 I just want to be sure I  
22 understand about the training. If in the

1 future there is another event that occurs  
2 there and who has been trained to show the  
3 video to the police department on that night  
4 or morning and to ABRA, if necessary?

5 MS. WILLIFORD: The owner to my  
6 right has definitely been trained. The owner  
7 and also one additional person has been  
8 trained in connection with if any incident  
9 does happen, them being able to download and  
10 provide that information immediately to ABRA  
11 upon request.

12 MEMBER BROOKS: Okay. So the  
13 owner will be there whenever it's opened and  
14 this other person is available at the same  
15 time?

16 MS. WILLIFORD: Yes.

17 MEMBER BROOKS: Thank you. Thank  
18 you, Madam Chair.

19 MS. WILLIFORD: And --

20 CHAIRPERSON MILLER: Do you want  
21 to finish answering that question?

22 MS. WILLIFORD: Yes, one thing I

1 also want to add in connection with, you know,  
2 going forward in the future, as a part of the  
3 training and the services offered by Alcohol  
4 Beverage Consultants, LLC, they do what's  
5 called a secret-shopper-type thing where if  
6 the establishment were to open, they send in  
7 their own people to kind of test and make sure  
8 that the training's actually working. So  
9 that's a part that -- something that's already  
10 built in, that if this Board were to decide  
11 that Mood Lounge could reopen, that that would  
12 pretty much be done in connection with the  
13 training services that have been provided.

14 CHAIRPERSON MILLER: Could you  
15 repeat that?

16 MS. WILLIFORD: Sure. It's  
17 something called a secret shopper. I'm not  
18 sure if you're aware of the concept, but the  
19 idea is they've been trained on all of these  
20 procedures and how to do it, but to really  
21 figure out if it's working they need to test  
22 it in some manner. And so the way in which

1 they test it is they send in people who are in  
2 plain clothes. They don't know who they are.  
3 And, you know, they try to get through with a  
4 fake ID or they try to do something that is  
5 clearly not permissible. And they test Mood  
6 Lounge. They'll be testing them to make sure  
7 that their training's actually working. So  
8 it's an ongoing process. It's not just it was  
9 done and that's all. And I think that's  
10 important for the Board to consider.

11 MR. STERN: Can I -- well, one  
12 other thing. I just wanted to address what  
13 Mr. Brooks had asked about. The OAG has  
14 already informed the establishment that it is  
15 -- the onus from our point of view is on them  
16 to make sure the security cameras are working  
17 whenever they are open and recordable. That  
18 we will consider it an attempt to impede an  
19 investigation if it turns out that a recording  
20 is not available and there is any sort of  
21 incident in the place.

22 And the other thing that I didn't

1 mention before that is in the security plan  
2 but which the owner is -- has been highlighted  
3 about, let us say, is that if there is any  
4 violation of the law whatsoever, there must be  
5 an incident report and it must be reported to  
6 the Metropolitan Police Department.

7 CHAIRPERSON MILLER: If there's  
8 any what?

9 MR. STERN: Violation of the law.

10 CHAIRPERSON MILLER: Violation of  
11 the law? Are the cameras going to be -- are  
12 they tested at any other times than when  
13 there's an incident?

14 MR. STERN: Well, ABRA has the  
15 ability to go in at any time and do an  
16 inspection and do the testing. We're going to  
17 do it before they open up. And as I said, the  
18 owner's responsibility is to make sure it is  
19 working before they open up each day.

20 CHAIRPERSON MILLER: Okay. So  
21 there's an opportunity for ABRA to do spot  
22 checks at any time?

1 MR. STERN: Yes.

2 CHAIRPERSON MILLER: Okay.

3 MR. WOODSON: And, Chairman Miller  
4 and members of the Board, we would anticipate  
5 that the investigative staff of ABRA would do  
6 just that, not simply take our word for it  
7 that the cameras are working, but to actually  
8 come in and do episodic reviews to assure  
9 themselves that the cameras are working as  
10 required.

11 MEMBER SILVERSTEIN: Just for the  
12 record, well, since we'll be evaluating this,  
13 the cameras -- I mean, one purpose is that  
14 they record what happens whenever there's an  
15 incident. Do they also serve a purpose for  
16 security?

17 MR. STERN: Well, I think that  
18 they act as a deterrent as well. I mean, if  
19 patrons are aware that there are cameras  
20 there, they're less likely to try to engage in  
21 something that is --

22 MR. WOODSON: Untoward.

1 MR. STERN: -- untoward. Yes.

2 MEMBER SILVERSTEIN: I guess my  
3 question is, I mean, in some instances  
4 security may be looking at cameras to be able  
5 to see outside the establishment or in another  
6 place that they can't see right within their  
7 immediate vicinity.

8 MS. WILLIFORD: Yes, there is an  
9 ability to monitor with the cameras and that  
10 has been something that the owner has done  
11 consistently throughout and will continue to  
12 do going forward. So, yes, the cameras have  
13 the ability to monitor their screens that are  
14 there, that you can actually look at when it's  
15 happening. I think and --

16 MR. STERN: And, well, may I say,  
17 with five security persons; this is not an  
18 extremely large place, it should be the  
19 primary responsibility of the security people  
20 to be able to monitor live, not have to rely  
21 on cameras. The cameras are more again for  
22 the customers' deterrence and to establish

1 what exactly what happens if anything does  
2 occur.

3 CHAIRPERSON MILLER: I guess I  
4 want to follow up. I guess my question is  
5 these -- the -- you know, what the Offer in  
6 Compromise says, you're suggesting with the  
7 conditions, are those conditions related --  
8 would they -- if they're being implemented,  
9 would they prevent -- are they to prevent the  
10 same type of incident that they -- is there a  
11 nexus between the incident and the corrections  
12 that are being made?

13 MR. STERN: Well, we believe that  
14 they greatly reduce any opportunity or any  
15 chance that something would happen. We can  
16 never 100 percent guarantee that two people  
17 won't get angry with each other and there will  
18 be an incident in an establishment. However,  
19 we think that the magnitude of the incident  
20 would be greatly reduced by these security  
21 measures and the likelihood of it would also  
22 be greatly reduced. So in short answer, yes,

1 I think it addresses the security concerns.

2 In this instance -- just as an  
3 example, in this instance the allegation was  
4 there was an incident of fighting, a short  
5 altercation inside. The allegation would be  
6 that they just moved everybody out and that  
7 thereafter it somehow outside escalated and  
8 these people were injured. I think that this  
9 addresses that in that now they have a better  
10 understanding of how to remove people, how to  
11 separate people, how to avoid incidents  
12 escalating and not having opposing factions  
13 removed from the establishment at the same  
14 time where they could continue their fighting  
15 outside.

16 CHAIRPERSON MILLER: Okay. Other  
17 questions?

18 MEMBER BROOKS: Yes.

19 CHAIRPERSON MILLER: Yes, Mr.  
20 Brooks?

21 MEMBER BROOKS: Yes, just one more  
22 question, Madam Chair.

1 Will these cameras be equipped  
2 with night vision?

3 MS. WILLIFORD: Yes, they are  
4 equipped with night vision.

5 MEMBER BROOKS: They're equipped  
6 now with night vision?

7 MS. WILLIFORD: Yes.

8 MEMBER BROOKS: Okay. Thank you,  
9 Madam Chair.

10 CHAIRPERSON MILLER: Yes, Mr.  
11 Alberti?

12 MEMBER ALBERTI: I have several  
13 questions. Mr. Stern --

14 MR. STERN: Yes?

15 MEMBER ALBERTI: -- you spoke of a  
16 fine of \$1,000 --

17 MR. STERN: Yes.

18 MEMBER ALBERTI: -- for a  
19 violation, but you haven't articulated the  
20 charge. So could you do that for the Board?

21 MR. STERN: Well, we haven't  
22 actually charged them with anything yet. This

1 -- we may anticipate a charge of failure to --  
2 excuse me, of failure to follow the security  
3 plan, which is what they --

4 MEMBER ALBERTI: So, if the Board  
5 doesn't have a charge before it, how can it  
6 make a determination on a penalty?

7 MR. STERN: The Board routinely  
8 determines a final result based on the summary  
9 suspension in anticipation of a charge.

10 MEMBER ALBERTI: Well, I mean, the  
11 Board also has the ability to decide on the  
12 summary suspension and be -- whether or not  
13 the establishment continues to present an  
14 imminent danger to the public safety. And  
15 aside from that, we also have the ability to  
16 send this over for show cause for  
17 consideration and prosecution and then if  
18 they're found guilty of a penalty case -- a  
19 penalty decision. I'm not sure that -- I  
20 don't see how the Board can consider a penalty  
21 in this case when a charge has not been  
22 brought.

1 MR. STERN: Well --

2 MEMBER ALBERTI: And also, you  
3 also spoke of time served as counting towards  
4 the penalty. Is that true?

5 MR. STERN: Potential --

6 MEMBER ALBERTI: So that would be  
7 considered part of the OIC on the penalty to  
8 be suspension days?

9 MR. STERN: Our agreement would be  
10 that -- I -- maybe we are a little bit ahead  
11 of ourselves. Our agreement would be that  
12 when this is charged that's what we would ask  
13 for and that there would be a res judicata  
14 effect to this hearing for the next hearing.

15 MEMBER ALBERTI: But there is no  
16 charge, correct, before the Board?

17 MR. STERN: Right now we have  
18 not --

19 MEMBER ALBERTI: Thank you.

20 MR. STERN: The only document is  
21 the summary --

22 MEMBER ALBERTI: Okay. Let me

1 see. You spoke of entertainment. Part of  
2 this agreement would be that there would be no  
3 live entertainment. As I understand, based on  
4 definitions, there is no definition of live  
5 entertainment in the regs, so I'm assuming  
6 that -- and correct me if I'm wrong, but are  
7 you saying that there would be no  
8 entertainment except for disc jockeys?

9 MR. WOODSON: I think an  
10 affirmative way of saying that, Mr. Alberti,  
11 is that entertainment would be in the form of  
12 recorded music.

13 MEMBER ALBERTI: Well, that's very  
14 vague and does not fit the language of the  
15 statutes. Recorded music means -- we have in  
16 the statutes prerecorded music, which could be  
17 just turned on without operation and  
18 manipulation and programming, I should say, by  
19 a disc jockey. So I'm asking for a clear  
20 description of what you intend to do. If you  
21 intend to still have entertainment, what will  
22 that entertainment be?

1 MR. WOODSON: It will be  
2 prerecorded music.

3 MEMBER ALBERTI: Without a disc  
4 jockey or with a disc jockey?

5 MR. WOODSON: With the opportunity  
6 for a disc jockey.

7 MEMBER ALBERTI: Okay. So you are  
8 allowing -- this OIC is allowing only  
9 entertainment by a disc jockey, is that true?  
10 Because without a disc jockey it's not  
11 entertainment. It's not considered  
12 entertainment according to the definition of  
13 the regs.

14 MR. WOODSON: From that  
15 perspective, yes.

16 MEMBER ALBERTI: Okay. Thank you.  
17 Okay. This camera surveillance system, does  
18 it monitor the front at all, front of the  
19 establishment?

20 MS. WILLIFORD: Yes, it does.

21 MEMBER ALBERTI: Okay. Upon  
22 review by our investigator of the coverage of

1 the establishment by the camera security  
2 system, would the establishment be willing to  
3 make modifications, including additional  
4 cameras if necessary, based upon the advice  
5 and approval of that advice by the Board, but  
6 upon the advice of our investigators?

7 MS. WILLIFORD: Yes, she will.

8 MEMBER ALBERTI: Okay. Does your  
9 security agreement speak of the period of time  
10 for which you will retain video footage of  
11 your -- of what's captured on the cameras?

12 MR. WOODSON: The equipment  
13 retains video coverage for a 30-day period.  
14 There's also the ability to back it out into  
15 another type of storage media. But the  
16 equipment itself will record for a 30-day  
17 period.

18 MEMBER ALBERTI: And is that  
19 reflected in your security agreement?

20 MS. WILLIFORD: No, that is not  
21 reflected in the current security agreement.

22 MEMBER ALBERTI: Thank you. Does

1 the security agreement speak to how much time  
2 is -- the period of time in which the  
3 establishment has to make video footage  
4 available to either ABRA or MPD?

5 MS. WILLIFORD: It just -- it  
6 references that if it asks, it must be  
7 provided. So it doesn't specify a time,  
8 but --

9 MEMBER ALBERTI: I will tell you  
10 the Board's policy has been to request that it  
11 be available within 48 hours of having been  
12 requested.

13 MR. WOODSON: We don't object to  
14 that.

15 MEMBER ALBERTI: What is your --  
16 thank you. Very good. What is your policy on  
17 persons under 21?

18 MS. WILLIFORD: I'm sorry, I  
19 didn't hear that.

20 MEMBER ALBERTI: What is your  
21 policy on allowing persons under 21 in the  
22 establishment?

1 MS. WILLIFORD: It's 21 and over.

2 MEMBER ALBERTI: At all times?

3 MS. WILLIFORD: Yes.

4 MEMBER ALBERTI: And is that  
5 reflected in the security agreement?

6 MS. WILLIFORD: No, it's not.

7 MEMBER ALBERTI: Are you willing  
8 to update the security agreement with that?

9 MS. BEYENE: Yes.

10 MEMBER ALBERTI: I have no further  
11 questions.

12 CHAIRPERSON MILLER: I have a few  
13 questions more. Mr. Stern, could you just  
14 clarify for me this issue about charging or  
15 not charging?

16 MR. STERN: Well --

17 CHAIRPERSON MILLER: Is there a  
18 general policy or is it -- can you be  
19 specific?

20 MR. STERN: Mr. Alberti is  
21 correct. The Board generally acts on the  
22 document that is before it, which is a summary

1 suspension hearing. Routinely what we have  
2 been doing is if there is an agreement as to  
3 what the final resolution is, it's held over  
4 for a week or two weeks for the OAG to present  
5 the charging document, that the establishment  
6 waives the 30-day notice requirement and they  
7 come in here and they enter an agreement to  
8 concede to the charging document, and for the  
9 purposes of affecting an OIC. And the Board  
10 has already indicated its consent to that  
11 agreement in the summary suspension hearing.  
12 And we do that formally a couple weeks down  
13 the road.

14 As I said, maybe we were getting a  
15 little ahead of ourselves, but that's how --  
16 I was trying to explain what our anticipated  
17 resolution is.

18 CHAIRPERSON MILLER: Okay. Thank  
19 you. One of the conditions is that there be  
20 no live entertainment.

21 MR. STERN: Yes.

22 CHAIRPERSON MILLER: What was the

1       nexus between the live entertainment and the  
2       problems at the establishment?

3               MR. STERN: Well, in fact the  
4       victims here were entertainers, and what  
5       happened -- this was an open mic night and  
6       where -- what happened, the investigators  
7       believe, is that several factions of one --  
8       supporting one entertainers over another  
9       entertainment there came together, and that  
10      sort of was the flare for how the incident  
11      occurred. Obviously without any live  
12      entertainers that -- the opportunity to do  
13      that or the chance that would happen is very  
14      reduced.

15              CHAIRPERSON MILLER: Okay. I'm  
16      not sure, but if you might address the basis  
17      for the penalty. In the Notice of Summary  
18      Suspension there is mention about the  
19      establishment hindering the investigation, and  
20      I'm wondering if the penalty is at all related  
21      to the actions of the establishment.

22              MR. STERN: Well, the -- yes, the

1 hinderance of the investigation really comes  
2 from the failure to produce the security  
3 tapes, which is addressed by the similar --  
4 the same violation basically for failure to  
5 follow the security plan. So it's one  
6 incident, but two different things happening.

7           Neither of those are the -- on the  
8 chart of offenses that the Board has published  
9 in the Register, so they would be charged as  
10 -- fined as first offense primary violations,  
11 which the statute provides for a \$1,000 fine.

12           CHAIRPERSON MILLER: Okay. Other  
13 questions?

14           MEMBER ALBERTI: Yes, I've got --

15           CHAIRPERSON MILLER: Yes. Yes.

16           MEMBER ALBERTI: Mr. Stern, what  
17 I'm hearing you saying is is that in theory  
18 there's the ability to bring more than one  
19 charge, but what I'm seeing -- and I have --  
20 I can only surmise this because the charges  
21 haven't been presented to the Board, but based  
22 on the implications from what you've told us,

1 I assume there's only one charge being  
2 brought. Is that correct?

3 MR. STERN: That's correct.

4 MEMBER ALBERTI: Thank you.

5 MR. STERN: I can tell the Board  
6 that in theory I can often bring many charges  
7 that have a more remote possibility of being  
8 proven, and as part of our prosecutorial  
9 discussions bring the charges that we think  
10 are most likely to rectify the situation.

11 MEMBER ALBERTI: I understand and  
12 that is up to your office and up to your  
13 discretion. I understand that.

14 CHAIRPERSON MILLER: Excuse me for  
15 one second. Could you just articulate that  
16 charge that this is related to that hasn't  
17 been brought?

18 MR. STERN: It would be failure to  
19 follow the security plan.

20 CHAIRPERSON MILLER: Failure to  
21 follow the security plan? Okay.

22 MEMBER ALBERTI: I thought -- is

1 that what you said earlier?

2 MR. STERN: Yes.

3 MEMBER ALBERTI: Okay. All right.  
4 I thought I heard you say something different.

5 MR. STERN: No, the Chairperson  
6 brought up the potential for not cooperating.  
7 I don't really feel comfortable discussing the  
8 reasons why we prosecute one over the other,  
9 but I think that the better charge here would  
10 be failure to follow the security plan.

11 CHAIRPERSON MILLER: I just wanted  
12 to have you put on the record the relationship  
13 between the \$1,000, how you got to the  
14 \$1,000 --

15 MR. STERN: Yes, that's it.

16 CHAIRPERSON MILLER: -- as the  
17 fine you were recommending. Okay.

18 Yes, Mr. Silverstein?

19 MEMBER SILVERSTEIN: Yes. Mr.  
20 Woodson, this alcohol training that you're  
21 talking about, are you going to perhaps help  
22 them understand the difference between

1       cranberry juice and blood? And the reason I  
2       ask that, sir, is because the question gets  
3       down to will there be any actions taken  
4       against those employees who did not cooperate  
5       and who came up with some of these wild  
6       stories?

7                   MR. WOODSON: Well, with regard to  
8       the first question, Mr. Silverstein, the  
9       training we believe provides an information --  
10      provides an opportunity and provides the  
11      capacity for all of the employees to make the  
12      proper conclusions about things that take  
13      place in front of them.

14                   I understand the rhetorical  
15      reference to blood versus cranberry juice.  
16      That was an unfortunate circumstance of speech  
17      at the time, but the remark that was made was  
18      not to mistake that which was in the street  
19      which -- with that which was on the sidewalk.

20                   And while that -- what we are  
21      doing here is inducing -- is calling us to  
22      make remarks as a -- substantive remarks about

1 the factual evidence in the case, what I can  
2 say to you is that the training does have the  
3 desired result and the training will be able  
4 to provide all of the employees the necessary  
5 capacity to comply with the security plan.

6 MEMBER SILVERSTEIN: So then I can  
7 take that as a no, there has been no action  
8 taken against employees by management for  
9 their actions on that night?

10 MR. WOODSON: Well, the steps that  
11 have been taken is to be certain that the  
12 employees know what the requirements are of  
13 the plan and how security procedures are to  
14 actually be operated.

15 MEMBER SILVERSTEIN: I thank the  
16 counsel.

17 CHAIRPERSON MILLER: Ms. Mobley?

18 MR. STERN: There's only one other  
19 thing I would add that hasn't been mentioned  
20 yet, and factored into our decision making on  
21 this. This establishment had been open for a  
22 year. There are not charges of primary

1 violations and certainly no convictions or  
2 findings of primary violations during that  
3 time. So apparently the security plan has  
4 been working up until the time of this  
5 incident in avoiding violent incidences or  
6 danger to the community. I know there has  
7 been a lot of community concern about noise,  
8 but that doesn't -- that isn't relevant to  
9 these proceedings.

10 CHAIRPERSON MILLER: Ms. Mobley?

11 MEMBER MOBLEY: I heard a  
12 statement that the outside of the perimeter  
13 was being monitored. And I understand  
14 that you have like four screens. Who is  
15 monitoring the inside? Does the inside of the  
16 establishment get monitored, because that was  
17 part of the concern that perhaps something was  
18 going on inside and nobody was really fully  
19 aware of that.

20 MS. WILLIFORD: If I may speak?

21 MEMBER MOBLEY: Please.

22 MS. WILLIFORD: There's security

1 personnel who are stationed both inside as  
2 well as outside the establishment, so they're  
3 charged with making sure that what goes on  
4 both inside as well as outside is handled  
5 appropriately.

6 MEMBER MOBLEY: Okay. Thank you.

7 CHAIRPERSON MILLER: Mr.  
8 Silverstein, do you have another question?

9 MEMBER SILVERSTEIN: No. No.

10 CHAIRPERSON MILLER: Any other  
11 questions? Yes, Mr. Brooks?

12 MEMBER BROOKS: Yes, just one more  
13 question if I can, Madam Chair.

14 CHAIRPERSON MILLER: Yes.

15 MEMBER BROOKS: Now will the  
16 training provide a refresher training  
17 intermittently?

18 MR. WOODSON: Yes.

19 MEMBER BROOKS: And how often?

20 MS. WILLIFORD: That has not been  
21 established as of right yet. What has been  
22 established are those two days and the secret

1 shopper kind of follow up that we talked  
2 about. There's a lot up in the air since the  
3 summary suspension, so there really hasn't  
4 been made many plans after that. But the  
5 owner is committed to making sure that that is  
6 -- that staff remains trained and up to date  
7 on what to do.

8 MEMBER BROOKS: Thank you, Madam  
9 Chair.

10 CHAIRPERSON MILLER: Yes, Mr.  
11 Nophlin?

12 MEMBER NOPHLIN: One quick  
13 question based on my colleague's question.  
14 How often -- well, this is -- when you get new  
15 employees, that person is trained?

16 MR. WOODSON: Yes.

17 MEMBER NOPHLIN: Right? In terms  
18 of the security plan? And so the question for  
19 the Board is how often are you doing the  
20 training? Is it as-needed basis, or is it  
21 going to be on a consistent basis? How often  
22 do we train people?

1 MR. WOODSON: The answer is that  
2 every new employee gets trained in the  
3 security requirements. The question I think  
4 Mr. Brooks was alluding to was with the  
5 passage of time will the training be refreshed  
6 so that everyone's present recollection is now  
7 what to do? So the answer to both of those is  
8 yes.

9 The interval between the refresher  
10 and -- the interval between the initial  
11 training and refreshers -- and refreshment  
12 hasn't been concluded yet. There are several  
13 variables around that, Mr. Brooks, I think the  
14 most important of which is the notion of  
15 having the secret shopper idea, if you will.  
16 But it's really a testing mechanism to see if  
17 the training program itself is operating  
18 correctly. There will be a period of time  
19 within which this testing takes place. The  
20 results of the testing may call for  
21 modifications to the security operation that  
22 Mood would undertake in conjunction with

1 ABRA's investigative staff. It wouldn't be  
2 sua sponte.

3 On the other hand, the testing  
4 period really needs to take place in order to  
5 know that everything is working right, but for  
6 any new employee that would come on board,  
7 that individual would receive the same  
8 training as everyone else did in the security  
9 procedures called for by the manual.

10 MEMBER NOPHLIN: Thank you.

11 CHAIRPERSON MILLER: Other  
12 questions?

13 (No response.)

14 CHAIRPERSON MILLER: Anything else  
15 you want to say on this point before we make  
16 a determination on how we might proceed?

17 MR. WOODSON: If I might, Madam  
18 Chair, just reiterate? The three items that  
19 the Board called for under the security  
20 agreement for possible modification was to be  
21 certain that the security agreement revealed  
22 -- or reflected that the camera operation

1 would retain a record for at least a 30-day  
2 period. Secondly, that the record from the  
3 camera operations be available within 48 hours  
4 of any request for appropriate authorities.  
5 And thirdly, that the security agreement  
6 clearly reflect that patrons of 21 years and  
7 older are only permitted in the facility.

8 CHAIRPERSON MILLER: What are you  
9 referring to?

10 MR. WOODSON: The security plan.

11 CHAIRPERSON MILLER: No, I mean,  
12 you said something that -- these three items  
13 were something that the Board --

14 MR. WOODSON: Oh, these were three  
15 items during questions and answers from the  
16 Board that were requested to be included  
17 within the security agreement to the extent  
18 they were not already.

19 CHAIRPERSON MILLER: Oh, Mr.  
20 Alberti has a question.

21 MEMBER ALBERTI: Also during that  
22 questioning and answer period the subject of

1       whether or not you would allow -- or based  
2       upon the review and recommendations of our  
3       ABRA investigators, with the approval of the  
4       Board, of course, would you be willing to  
5       modify your camera security system to -- so  
6       that you modify the coverage within it, within  
7       the establishment and if necessary add cameras  
8       so that the Agency is satisfied that there is  
9       adequate coverage?

10                   MR. WOODSON:  Yes.  The answer is  
11       yes.

12                   MEMBER ALBERTI:  Thank you.

13                   CHAIRPERSON MILLER:  Okay.  Any  
14       other questions?

15                   (No response.)

16                   CHAIRPERSON MILLER:  So what I  
17       understand is before us is a request by the  
18       parties to consider a settlement agreement in  
19       lieu of going forward with an evidentiary  
20       hearing and making a determination based on --  
21       the Board making a determination based on the  
22       evidence that would be put in the record in

1 that hearing. Is that correct?

2 MR. STERN: That is correct, and  
3 to hold the case over for two weeks. I'll  
4 have a formal charging document in here by  
5 Monday at the latest. We'd reset it for two  
6 weeks from now to formalize the OIC.

7 CHAIRPERSON MILLER: Okay. But I  
8 think that's related to my question, which  
9 would be do you have a written settlement  
10 agreement for the Board to, you know, actually  
11 like look at and make a decision on that  
12 represents the agreement that you've presented  
13 today verbally?

14 MR. STERN: We don't have one now.  
15 I'm sure we could handwrite something.  
16 Usually the Board's order reflects the  
17 conditions. Usually the Board's order that  
18 the Board issues at the judicial hearing would  
19 reflect all the conditions.

20 CHAIRPERSON MILLER: I'm asking  
21 this in the context of the Board's considering  
22 your request, that you've made a request

1 today. And it's not in writing, so it's in  
2 our own notes or in the transcript. And so --

3 MR. STERN: That's correct.

4 CHAIRPERSON MILLER: And is that  
5 something you're referring to when you talk  
6 about holding this over for two weeks? Is  
7 that something --

8 MR. STERN: No.

9 CHAIRPERSON MILLER: No, it's not?

10 MR. STERN: No, no, no. I would  
11 ask the Board to act today.

12 CHAIRPERSON MILLER: You'd like  
13 the Board to --

14 MR. STERN: We don't have it pre-  
15 written up. Some of it was worked out late  
16 and so it's not in formal writing, but --

17 MS. WILLIFORD: Yes, and --

18 CHAIRPERSON MILLER: Yes?

19 MS. WILLIFORD: Madam Chairman, if  
20 it will be helpful, we will be happy to right  
21 now write it up and provide it to you if that  
22 would assist in your deliberations.

1                   CHAIRPERSON MILLER: I think it  
2 would. Yes, I think then we'd be sure that  
3 we're looking at the right specific conditions  
4 that you agreed to. Yes.

5                   MS. WILLIFORD: Okay.

6                   CHAIRPERSON MILLER: Okay.

7                   MS. WILLIFORD: We just need  
8 probably about five minutes to just do that.

9                   CHAIRPERSON MILLER: Okay. That's  
10 fine. Yes.

11                   Anything else that the Board  
12 members would like before we consider that  
13 issue?

14                   (No response.)

15                   CHAIRPERSON MILLER: Okay. So  
16 what I would suggest is that you -- we're  
17 going to recess this hearing and I'm going to  
18 read the provision that goes to the Closed  
19 Meetings Act because we would undertake  
20 looking at the proposed conditions in  
21 consultation with counsel.

22                   So we're going to recess and then

1 you all can write up the exact conditions that  
2 the Board would be considering and you can  
3 give them to counsel.

4 Ms. Jenkins? Okay.

5 And then she will bring them to  
6 the Board. And then we'll come back when  
7 we're ready.

8 So I would just want to -- if  
9 there's nothing else that's to be said, then  
10 I'm just going to read the provisions of the  
11 closed meeting and then we'll proceed.

12 As Chairperson of the Alcoholic  
13 Beverage Control Board for the District of  
14 Columbia and in accordance with Section 405 of  
15 the Open Meetings Amendment Act of 2010, I  
16 move that the ABC Board hold a closed meeting  
17 for the purpose of seeking legal advice from  
18 our counsel in consideration of a proposed  
19 settlement agreement per section 405(b)(4) of  
20 the Open Meetings Amendment Act of 2010.

21 And do I have a second on that?

22 MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: All those in  
2 favor, say aye. Aye.

3 MEMBER ALBERTI: Aye.

4 MEMBER BROOKS: Aye.

5 MEMBER MOBLEY: Aye.

6 MEMBER NOPHLIN: Aye.

7 MEMBER SILVERSTEIN: Aye.

8 CHAIRPERSON MILLER: All those  
9 opposed?

10 (No response.)

11 CHAIRPERSON MILLER: All those  
12 abstaining?

13 (No response.)

14 CHAIRPERSON MILLER: Okay. Then  
15 the vote is 6 to 0. We're going to recess for  
16 consideration of that settlement agreement and  
17 then we'll come back and articulate our  
18 decision afterwards.

19 Okay. Any questions?

20 (No response.)

21 CHAIRPERSON MILLER: All right.

22 Then this meeting's recessed. We're off the

1 record.

2 (Whereupon, at 10:27 a.m. the  
3 above-entitled matter went off the record and  
4 resumed at 11:55 a.m.)

5 CHAIRPERSON MILLER: We're back on  
6 the record in Case No. 12-251-00001, Mimi & D,  
7 LLC, trading as Mood.

8 The Board was given a settlement  
9 agreement by the parties to consider in lieu  
10 of going forward with a hearing on this case.  
11 And the Board took awhile because this was,  
12 you know, a serious thing to consider.

13 And at this point I would like to  
14 make a recommendation to the Board that -- as  
15 much as this is a Friday and I would love to  
16 leave early and whatever, this is a very  
17 serious case with allegations concerning  
18 public safety and imminent hazards. And I  
19 think that -- I just don't think enough was  
20 presented to make a decision at this point  
21 that the conditions that were put forward  
22 would be adequate to address the concerns that

1 were raised in this case.

2 So that's where I'm at. Do other  
3 Board members want to say anything on this  
4 point?

5 (No response.)

6 CHAIRPERSON MILLER: If not, I  
7 would be moving to deny that the Board accept  
8 the settlement agreement.

9 (No response.)

10 CHAIRPERSON MILLER: Not  
11 hearing --

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Okay. Well,  
14 there's a motion and a second.

15 MEMBER ALBERTI: Usually on a  
16 motion we do a roll call.

17 CHAIRPERSON MILLER: Okay.  
18 There's been a request for a roll call on this  
19 case, on this vote.

20 So the motion is to deny the  
21 settlement offer in this case. And I'm going  
22 to poll the Board. Mr. Nophlin?

1                   MEMBER NOPHLIN: I agree, Madam  
2 Chair, but also recognize the seriousness. As  
3 you articulated that this is a very serious  
4 situation, the Board had to spend time to make  
5 sure that we make the right decision.

6                   CHAIRPERSON MILLER: Thank you.  
7 So a vote in favor would be to vote to deny?

8                   MEMBER NOPHLIN: Yes.

9                   CHAIRPERSON MILLER: Okay. Mr.  
10 Brooks?

11                   MEMBER BROOKS: I agree.

12                   CHAIRPERSON MILLER: Mr. Alberti?

13                   MEMBER ALBERTI: I agree, Madam  
14 Chair.

15                   CHAIRPERSON MILLER: Mr.  
16 Silverstein?

17                   MEMBER SILVERSTEIN: I agree with  
18 the Chair's recommendation.

19                   CHAIRPERSON MILLER: And, Ms.  
20 Mobley?

21                   MEMBER MOBLEY: I agree with the  
22 Chair recommendation. We do have to be

1 concerned about public safety not only for the  
2 patrons, but for the community.

3 CHAIRPERSON MILLER: Okay. So the  
4 vote on denying the settlement is 6-0. And  
5 we'll now proceed with the case.

6 I just want to raise a logistical  
7 matter. Mr. Stern, it's 12:00 and I know that  
8 everyone is anxious to move forward with the  
9 case. And we're also approaching lunch, so I  
10 just wanted to ask you to keep in mind that if  
11 we get close to 2:00 and you're finished with  
12 a certain witness that that might be an  
13 appropriate time to break, unless the parties  
14 have any other suggestions.

15 MR. STERN: That would be fine.  
16 We do have midnight officers and I'm trying to  
17 get them in.

18 CHAIRPERSON MILLER: Right, and  
19 then that was my second question, that if you  
20 have officers that we'll take them out of  
21 order. And how many officers do you have?

22 MR. STERN: There will be three

1 police officer witnesses, though two I expect  
2 to be very short.

3 CHAIRPERSON MILLER: Okay. Well,  
4 then I'm going to let you proceed with your  
5 case.

6 PARTICIPANTS: Opening statements.

7 CHAIRPERSON MILLER: Oh, do you  
8 have an opening? Well, your opening statement  
9 first.

10 MR. STERN: Yes.

11 CHAIRPERSON MILLER: Okay.

12 MR. STERN: The Board will hear  
13 evidence --

14 CHAIRPERSON MILLER: And then  
15 we'll hear from Mr. Woodson; I'm sorry, just  
16 to be sure if Mr. Woodson wants to make his  
17 after you, that's what we'll do. Okay.

18 MR. STERN: The Board will hear  
19 evidence today that on Friday, December 30th,  
20 2011, in the early morning hours, at Mood  
21 Lounge located at 1318 9th Street, N.W., two  
22 patrons -- actually two people who were -- had

1       come to the club to perform or to promote a  
2       performance were stabbed immediately outside  
3       of the nightclub by persons presently unknown.

4               The evidence will show that Mood  
5       contributed to these injuries in that they  
6       failed to follow their security procedures and  
7       did not assist in -- fully assist in the  
8       investigation. These failures contributed to  
9       the injuries and made it more likely that in  
10      the future other injuries like this will occur  
11      because they had removed the deterrent of  
12      strict enforcement.

13              At the conclusion of the case, the  
14      Government will ask the Board to uphold a  
15      finding that Mood was an imminent danger to  
16      the community and ask the Board to impose a  
17      penalty they feel is in accordance and will  
18      ensure the public safety.

19              CHAIRPERSON MILLER: Thank you.  
20      Mr. Woodson, do you have an opening statement?

21              MR. WOODSON: Yes, Chairman  
22      Miller. The proceeding before the Board today

1 does in fact raise the issue of public safety.

2 Indeed, the extent to which the Board  
3 considers Mood's operation to be an imminent  
4 danger to public safety is the only issue.

5           What has presented -- what will  
6 present itself here is a series of testimonial  
7 proofs that appear to lack direct witness  
8 evidence. There is a discrepancy and a  
9 dispute as to the circumstances which took  
10 place within the confines of Mood, and there  
11 is some difference of memory and there is a  
12 dispute of fact as to what happened outside of  
13 Mood.

14           One of the issues that we have  
15 procedurally is the absence -- is the -- our  
16 inability to speak with the principal  
17 witnesses associated with this activity. I'm  
18 talking about the Complainants. We have not  
19 been able to speak to the Complainants.  
20 Indeed, we do not even know if the  
21 Complainants are available to present  
22 testimony directly.

1                   What we do have is written  
2                   documentation from the ABRA investigators and  
3                   a police report taken which -- would you mind  
4                   if I stand, please? I think better on my  
5                   feet.

6                   CHAIRPERSON MILLER: Go right  
7                   ahead.

8                   MR. WOODSON: Even though I've  
9                   been told that my voice is hard to be heard,  
10                  I will attempt to speak louder for the record.

11                  The challenge here is that the  
12                  testimonial evidence is not direct to the  
13                  point. We have testimony that will be given  
14                  by Mood employees as to what they saw or  
15                  didn't see. But we have not been able to  
16                  ascertain whether the Complainants themselves  
17                  are available to give this testimony under  
18                  cross-examination.

19                  Absent that, what the Board is  
20                  left with is a circumstantial record of  
21                  inference. The truthfulness, both as to  
22                  substance and timing of the police report and

1 ABRA report about the incident are third-party  
2 statements. In other circumstances we could  
3 challenge these as hearsay, but in D.C.  
4 administrative proceedings hearsay is  
5 admissible. But admissible hearsay does not  
6 necessarily call the question to be answered  
7 as to whether that testimony is reliable or  
8 probative. And that is the problem in the  
9 case, the reliability and the probative value  
10 of third-party testimony.

11 Now, I would not be one to call  
12 into question the veracity of our officers  
13 serving in blue. I have the highest respect  
14 for the police department. As a citizen of  
15 the District and as an officer of the court,  
16 I accept what the police department does as in  
17 our assembled best interest. The question is  
18 not what the police said. The question is  
19 what was said to the police. And I ask the  
20 Board to keep that in mind, that what we're  
21 being asked to do is to draw firm conclusions  
22 based on third-party commentary that is not

1 subject to cross-examination.

2 The testimony will show for Mood  
3 that there is no recollection from the  
4 employees of Mood that any incident of  
5 significance took place with inside of the  
6 establishment. Indeed, the representatives of  
7 Mood did not even know there was an event that  
8 took place outside until they were approached  
9 by MPD.

10 To what extent should Mood be held  
11 accountable for that? Those are the questions  
12 before the Board. We look forward to the  
13 testimony to come, and I thank you for your  
14 attention.

15 CHAIRPERSON MILLER: Thank you.

16 MR. STERN: Before we proceed we  
17 would request a rule on witnesses so that  
18 anyone other than the testifying witness not  
19 be in the boardroom.

20 And the Metropolitan Police  
21 Department has asked me to ask the Board to  
22 ensure that all cameras outside of the Board

1 cameras are turned off, and that citizens be  
2 removed from the hearing room because this is  
3 an ongoing criminal investigation and we have  
4 some -- we don't know where cross-examination  
5 will take us and we have some fear of  
6 compromising the criminal investigation.

7 CHAIRPERSON MILLER: You know that  
8 the hearing is transcribed and it's a public  
9 transcript as well. Are you suggesting  
10 anything else?

11 MR. STERN: No, we have to live  
12 within the confines of that. I'm sure the  
13 officer will tell us if she is especially  
14 uncomfortable about an area of questioning.

15 CHAIRPERSON MILLER: And do you  
16 have any authority that you want to rely on  
17 for making that request, which I think may be  
18 unprecedented here, or at least unusual that  
19 citizens would have to leave the hearing room?

20 MR. STERN: Other than general  
21 investigative privilege not to turn over  
22 information of an ongoing investigation, which

1 the MPD is allowed to assert in any courtroom,  
2 I don't have specific privilege, though I  
3 think that the Board always has the authority  
4 to control their own proceedings.

5 CHAIRPERSON MILLER: So this would  
6 be testimony relating to an ongoing  
7 investigation?

8 MR. STERN: Yes.

9 CHAIRPERSON MILLER: I'm going to  
10 take a moment and consult with counsel.

11 MR. STERN: That would be fine.

12 CHAIRPERSON MILLER: Mr. Woodson,  
13 do you have a comment on the two requests of  
14 Mr. Stern? First is would you like to invoke  
15 the rule on witnesses as well?

16 MR. WOODSON: Yes.

17 CHAIRPERSON MILLER: Okay. So  
18 that's an easy one. Second one is with  
19 respect to clearing the room when the officers  
20 are testifying with respect to an ongoing  
21 investigation.

22 MR. WOODSON: I don't have an

1 objection. I take it that during the course  
2 of the testimony we as counsel will be  
3 permitted to remain in the courtroom, we can  
4 hear them.

5 CHAIRPERSON MILLER: Yes, you and  
6 the parties will. This just applies to the  
7 rest of the public.

8 MR. WOODSON: Yes, we have no  
9 objection to that. I would -- if I could,  
10 Madam Chair, I would ask that the Board state  
11 to the audience assembled that private  
12 recordings and broadcasts through pod casts or  
13 otherwise not be permitted.

14 CHAIRPERSON MILLER: Okay. Thank  
15 you. I may have stated something to that  
16 effect with respect to private recordings and  
17 broadcasts or whatever, that they're not  
18 permitted and that this is being transcribed,  
19 so -- in my introductory remarks. I'm not  
20 sure, but, yes, that's the case.

21 Okay. So first of all then, we'll  
22 be invoking the rule on witnesses so that

1 those witnesses will have to be out of the  
2 room. Is it all witnesses when certain  
3 witnesses are testifying, or is that  
4 particular ones?

5 MR. STERN: Yes, all witnesses  
6 other than the parties. Parties are allowed  
7 to stay in the room.

8 CHAIRPERSON MILLER: Okay. Are  
9 your police officers going to be testifying  
10 now and you would like me to request that the  
11 public exit the hearing room at this point, or  
12 is it at a later --

13 MR. STERN: I intend to call --

14 CHAIRPERSON MILLER: Now?

15 MR. STERN: -- the main  
16 investigator first.

17 CHAIRPERSON MILLER: Oh, okay.

18 MR. STERN: Actually, I don't  
19 think the other two officers will have  
20 information about the investigation, so I  
21 don't have a problem with the public coming  
22 back in.

1                   CHAIRPERSON MILLER: But so I just  
2 want to be able to tell the public when they  
3 can stay and when they can't. And right now  
4 -- you'll let me know right now you're calling  
5 your investigator?

6                   MR. STERN: Yes.

7                   CHAIRPERSON MILLER: Is that going  
8 to be -- is that one of the witnesses who's  
9 going to be speaking to an ongoing  
10 investigation?

11                  MR. STERN: Yes.

12                  CHAIRPERSON MILLER: Okay. So now  
13 is the time?

14                  MR. STERN: It's a police  
15 investigator.

16                  CHAIRPERSON MILLER: Police  
17 investigator? Okay. Thank you.

18                  Okay. So then we're going to  
19 invoke the rule on witnesses as well. So I  
20 assume that that means for this case that if  
21 the public could step out during this period  
22 when the investigator will be testifying, and

1 any other witnesses would be stepping out at  
2 this time, too. And we'll make sure that  
3 you're contacted when you can come back in.

4 MR. WOODSON: Madam Chair, our  
5 associate Tori Gordon is here. So just so  
6 know who she is.

7 CHAIRPERSON MILLER: Okay. She's  
8 with you?

9 MR. WOODSON: Yes.

10 CHAIRPERSON MILLER: Okay. Thank  
11 you.

12 Good afternoon.

13 DETECTIVE JACKSON: I assume  
14 you're going to swear me in on this one.

15 CHAIRPERSON MILLER: I am going to  
16 swear you in, yes. Could you raise your right  
17 hand, which you are doing? Could you -- do  
18 you swear to tell the truth, the whole truth  
19 and nothing but the truth?

20 DETECTIVE JACKSON: Yes, ma'am.

21 CHAIRPERSON MILLER: Okay. Thank  
22 you.

1 MR. STERN: Good afternoon,  
2 officer. Can you give us your full name and  
3 spell your last name for the court reporter,  
4 please?

5 DETECTIVE JACKSON: Yes, sir.  
6 It's Anita, A-N-I-T-A. Last name, Jackson, J-  
7 A-C-K-S-O-N.

8 MR. STERN: And have you used any  
9 other name, officer?

10 DETECTIVE JACKSON: Yes.

11 MR. STERN: And that is in  
12 reference to?

13 DETECTIVE JACKSON: My old name  
14 before I got married, Maulfair, M-A-U-L, F as  
15 in Frank, A-I-R.

16 MR. STERN: Now, Detective  
17 Jackson, are you employed?

18 DETECTIVE JACKSON: Yes, sir.

19 MR. STERN: And how are you  
20 employed?

21 DETECTIVE JACKSON: Metropolitan  
22 Police Department.

1 MR. STERN: And what are your  
2 duties with the Metropolitan Police  
3 Department?

4 DETECTIVE JACKSON: I'm a  
5 detective.

6 MR. STERN: Okay. And as a  
7 detective can you tell me a little bit about  
8 what a detective does?

9 DETECTIVE JACKSON: We investigate  
10 all series of nature of crimes, whether it's  
11 a simple assault, thefts, shootings, category  
12 of things.

13 MR. STERN: Okay. Did there come  
14 in the course of your duties a time when you  
15 became acquainted with an establishment known  
16 as Mood at 1318 9th Street, N.W.?

17 DETECTIVE JACKSON: Yes, sir.

18 MR. STERN: Okay. And how is it  
19 that you became acquainted with them?

20 DETECTIVE JACKSON: We have two  
21 officers that were at Howard University  
22 Hospital Emergency Room. Advised they just

1 had two victims coming to the emergency room  
2 seriously stabbed. They were trying to obtain  
3 information, but one was taken back to surgery  
4 immediately. And the other, they were trying  
5 to stabilize to get him ready to go to --  
6 whether he's going to go to surgery or if he  
7 was going to go to CAT scan.

8 They were able to determine and  
9 put a location out of that they were advised  
10 by the second person that they got stabbed in  
11 front of the Mood Lounge at 1318 9th Street,  
12 N.W.

13 MR. STERN: Okay. And what did  
14 you do in reference to that?

15 DETECTIVE JACKSON: I'm sorry?

16 MR. STERN: What occurred in  
17 reference once you found that out?

18 DETECTIVE JACKSON: I went to the  
19 hospital. My supervisor, Sergeant Juan  
20 Davila, he responded to the crime scene.

21 MR. STERN: Okay. And is this an  
22 investigation that you ended up conducting?

1                   DETECTIVE JACKSON: Yes. MR. STERN:  
2                   Okay. Now first I want to just show what I've  
3                   marked as No. 2. Let me put this down as  
4                   Exhibit -- Government's Exhibit No. 2. Could  
5                   you identify what that is?

6                   DETECTIVE JACKSON: That's my  
7                   WACIS investigative report.

8                   MR. STERN: Okay. WACIS being?

9                   DETECTIVE JACKSON: It's the  
10                  computer tool that we use to write our -- to  
11                  build our reports and our write-ups as our  
12                  investigation proceeds on.

13                  MR. STERN: Okay. And is this a  
14                  report that you prepared?

15                  DETECTIVE JACKSON: Yes.

16                  MR. STERN: Okay. Thank you.

17                  CHAIRPERSON MILLER: Mr. Stern, do  
18                  you have a copy for the Board?

19                  MR. STERN: I think -- I believe  
20                  it is already in the Board's possession. I  
21                  had given it to the reporter to have marked,  
22                  but I will hand up another copy.

1 CHAIRPERSON MILLER: Oh, you need  
2 this back? We'll take a look at it --

3 MR. STERN: No, no. You --

4 CHAIRPERSON MILLER: Okay. Thank  
5 you.

6 MR. STERN: I'd also like you to  
7 have a look at what I have marked as Exhibit  
8 No. 3 and tell me if you recognize what that  
9 is.

10 MS. WILLIFORD: I'd like to object  
11 to the use of this. This is the first time  
12 we're actually receiving copies of this. We  
13 are -- the OAG's required to give us prior  
14 notice of the documents that it intends to  
15 use. This is the very first time we're seeing  
16 this. We haven't had a chance to review it  
17 before --

18 MR. STERN: I --

19 MS. WILLIFORD: -- and --

20 MR. STERN: I'm sorry.

21 MS. WILLIFORD: -- if there's any  
22 intention that it tends to be admitted or even

1 showed to the Board, we may have an issue with  
2 that.

3 CHAIRPERSON MILLER: Mr. Stern, do  
4 you have a response?

5 MR. STERN: Well, I had actually  
6 thought that it was part of the -- I mean,  
7 that it was turned over previously because it  
8 was -- this was given to me as part of the  
9 report. I don't know where my obligation  
10 comes to turn over evidence from.

11 MEMBER ALBERTI: Mr. Stern, as  
12 part of what report?

13 MR. STERN: I thought this was --

14 MEMBER ALBERTI: Part of the  
15 ABRA's investigative report?

16 MR. STERN: I believe so. That  
17 may not be the case.

18 MS. WILLIFORD: These are not a  
19 part of ABRA's investigative report.

20 MR. STERN: No, apparently not. I  
21 apologize for that. But again, I don't know  
22 that -- where my obligation comes to turn

1 those over. I only received these by email,  
2 actually.

3 CHAIRPERSON MILLER: Well, why  
4 don't we give you a few minutes to read it at  
5 this point? And then you could say whether or  
6 not you need to object to it.

7 MEMBER ALBERTI: May I ask Mr.  
8 Stern a quick question?

9 CHAIRPERSON MILLER: Sure.

10 MEMBER ALBERTI: Mr. Stern, this  
11 document that you're proposing to show  
12 Detective Jackson --

13 MR. STERN: Yes?

14 MEMBER ALBERTI: -- can you tell  
15 us what it is and its relevance to this case?

16 MR. STERN: Well, it's a report of  
17 the investigation that Ms. Jackson had. And  
18 just as the investigative report is used and  
19 introduced as backup documentation for what  
20 the testimony is, that such -- similarly this  
21 is that type of report.

22 MEMBER ALBERTI: It's a report

1 that she wrote after interviewing witnesses?

2 MR. STERN: Yes.

3 MEMBER ALBERTI: Okay. We have I  
4 think initial reports in our investigative  
5 report. Is this a supplemental to that?

6 MR. STERN: Well, maybe the  
7 officer can tell me. This is their ongoing,  
8 what I would call running r, sum,, as I  
9 understand it.

10 MEMBER ALBERTI: Madam Chair, can  
11 we allow Mr. Stern to at least provide a  
12 foundation for this report --

13 MR. STERN: Sure.

14 MEMBER ALBERTI: -- and then hear  
15 objections and rule on it? Is that okay,  
16 Madam Chair?

17 CHAIRPERSON MILLER: Sure.

18 MR. STERN: Can you take a look at  
19 -- do you recognize Exhibit No. 3?

20 DETECTIVE JACKSON: Yes.

21 MR. STERN: And what is that?

22 DETECTIVE JACKSON: That's the

1 beginning of the initial running r, sum,, as  
2 you stated.

3 MR. STERN: Okay. And what -- how  
4 is that produced?

5 DETECTIVE JACKSON: That's based  
6 off of interviewing witnesses, complainants,  
7 reporting people, you know, people that may  
8 have called the police or anything. It's our  
9 interview with doctors of what status, this  
10 case, what the complainants are in. That's  
11 basically what it is. I mean, it's a  
12 conglomeration of all the information we  
13 receive from our investigation.

14 MR. STERN: As I understand it, it  
15 is sort of the counterpart to the  
16 investigative report that the Agency prepares.  
17 Though not required as a counterpart, but I  
18 mean it's what the police do that's similar to  
19 what the Agency does.

20 CHAIRPERSON MILLER: Is this the  
21 document dated 12/31/2011?

22 MR. STERN: It states that that's

1 the date of the --

2 CHAIRPERSON MILLER: I just want  
3 to make sure I'm looking at the right  
4 document.

5 MR. STERN: Yes.

6 CHAIRPERSON MILLER: Okay. Is  
7 this a public document or a private document?

8 DETECTIVE JACKSON: Private.

9 MR. STERN: Though I understand it  
10 is generally turned over in discovery. Is  
11 that right?

12 DETECTIVE JACKSON: When we have  
13 -- when we make an arrest or anything like  
14 that, that's where it would be turned over to  
15 the U.S. Attorney's Office.

16 CHAIRPERSON MILLER: Turned over  
17 to the U.S. Attorney's Office?

18 DETECTIVE JACKSON: Yes.

19 MR. STERN: You know this is a  
20 bigger deal than it needs to be.

21 CHAIRPERSON MILLER: Okay. Okay.

22 MR. STERN: I'll withdraw the

1 document. It was only used to provide the  
2 Board with a more rounded view of what the  
3 investigation -- she's going to testify to all  
4 of this anyway.

5 CHAIRPERSON MILLER: Okay. So do  
6 you have an objection to the admission of this  
7 document? If you do, then he's withdrawing  
8 it.

9 MR. WOODSON: Yes.

10 CHAIRPERSON MILLER: Yes, you do?

11 MR. WOODSON: Yes.

12 CHAIRPERSON MILLER: Okay. So  
13 it's withdrawn.

14 MR. STERN: Okay.

15 CHAIRPERSON MILLER: Okay.

16 MR. STERN: Can you tell me, as  
17 you conducted this investigation --

18 DETECTIVE JACKSON: Yes.

19 MR. STERN: -- what did you learn  
20 about the events of the evening on December  
21 30th?

22 DETECTIVE JACKSON: Upon our

1 arriving I spoke to one of the Complainants,  
2 a Mr. Thomas, who -- a male who identified  
3 himself as Jason Thomas. He stated that he  
4 was at the Mood Lounge and that he's a  
5 promoter. His promoter name is called Tank,  
6 Incorporated. And that he was at the Mood  
7 Lounge with one of his performers for the  
8 evening.

9 He stated that he was standing  
10 outside in the immediate front area of the  
11 front doors of the business when his performer  
12 who he has under contract, a male by the name  
13 of Shay -- Shay -- Shy Glizzy, came out  
14 escorted by another male by the name of Shaun  
15 Griffin and he saw that Shy was bleeding  
16 heavily from the abdomen. So they put him in  
17 his personal vehicle to take him to the  
18 hospital. Well, as he's getting in the  
19 hospital -- I mean, into the car, that's when  
20 he realized he also had been stabbed in the  
21 back. So they -- Mr. Griffin drove all --  
22 both of them to the hospital.

1                   When they got there, Mr. Glizzy,  
2                   who was later identified as Marquis King -- we  
3                   were advised by the doctor, Dr. Cornwell, he'd  
4                   been eviscerated. His guts were hanging out.  
5                   He was in the OR and they were doing surgery.

6                   Mr. Thomas had been stabbed once  
7                   in the lower part of his back and he had  
8                   internal bleeding and they were getting ready  
9                   to take him into OR.

10                  Mr. Griffin -- I didn't never get  
11                  to interview Mr. King, the one that had been  
12                  eviscerated. I spoke to Mr. Griffin, the one  
13                  that drove both of them to the hospital. He  
14                  stated that about -- I guess it was 12:50,  
15                  about 10 until 1:00 a.m. that night an  
16                  argument had broke out, a fight had broke out  
17                  inside of the club and the security quashed  
18                  the argument and pushed it outside, pushed the  
19                  argument and fighters outside. He said they  
20                  started partying again; they being him and the  
21                  people he was with. That's when Mr. Glizzy  
22                  came from outside and told them he had been

1 stabbed. So that's basically what we had that  
2 evening.

3 MR. STERN: Now Mr. Griffin had  
4 been inside the entire time?

5 DETECTIVE JACKSON: Yes.

6 MR. STERN: Did you learn either  
7 from the doctors or from any source how bad  
8 the injury was at the time that Mr. -- the  
9 eviscerated victim came into the  
10 establishment?

11 DETECTIVE JACKSON: Mr. King was  
12 in surgery. He -- well, he went immediately  
13 back and he was in surgery at least three-and-  
14 a-half, four hours. They found that whenever  
15 they went in that he had -- his intestines had  
16 been punctured, as well this -- as well as his  
17 liver and they had to sear the liver to keep  
18 it from bleeding anymore. And then they did  
19 stitches on the intestine and put him into a  
20 private room for recovery. He was in there  
21 from -- this was on a Thursday night/Friday  
22 morning. It was from the -- that Friday

1 morning and got out the following Wednesday.  
2 He was almost in there for a week and he's  
3 still recovering.

4           And then Mr. Thomas, they did CAT  
5 scans done. He had the internal bleeding.  
6 They took him in for surgery, exploratory  
7 surgery because they didn't understand where  
8 the bleeding was coming from, and found that  
9 his spleen had been punctured and that they  
10 also had to sear the area around the spleen,  
11 then did stitches to close everything up. And  
12 he didn't get out until the day before Mr.  
13 King. He got out on a Tuesday.

14           MR. STERN: Okay. Now did Mr.  
15 Griffin tell you whether or not he had had any  
16 contact with any of the persons inside the  
17 establishment?

18           DETECTIVE JACKSON: Well, he was  
19 there with other people to see Mr. King  
20 perform, the up and coming rapper, to see the  
21 -- him perform. Like I said, he advised that  
22 the fight that broke out was right next to

1       where he was standing and that it was like two  
2       rapping groups between each other.  And when  
3       it was brought to -- they -- they, the  
4       security, pushed the fight out and then came  
5       back in.

6                   MR. STERN:  Did you speak to any  
7       of the officers on the scene about what the  
8       scene looked like?

9                   DETECTIVE JACKSON:  Yes.

10                  MR. STERN:  And can you tell me a  
11       little bit about what it looked like outside  
12       of the establishment?

13                  DETECTIVE JACKSON:  Actually, I  
14       was advised there was a pool of blood in front  
15       of the door.  There was spots of blood that  
16       went from -- the big -- a big spot over to  
17       where the vehicle had been parked before it  
18       was moved.  The officers stated that they  
19       spoke to security and they -- that's when they  
20       were advised it was not blood.  It was  
21       cranberry juice.  So they immediately shut the  
22       area down and quarantined it to set up a crime

1 scene.

2           Officer Wilcox went in to speak to  
3 the owner. She wanted to view the -- we asked  
4 about video. I was asking about video while  
5 I was at the hospital to see if we had  
6 anything captured, because I noticed there was  
7 cameras inside. And that's when she was  
8 advised that the cameras were not working.

9           MR. STERN: Were you able to find  
10 out at some point about how far from the front  
11 of Mood the pool of blood was?

12           DETECTIVE JACKSON: No, not  
13 without looking at the crime scene.

14           MR. STERN: Okay.

15           DETECTIVE JACKSON: Officer's  
16 measurements and everything.

17           MR. STERN: Okay. Did the  
18 officers report to you how the demeanor or  
19 level of cooperation they received from both  
20 the owners or the employees of the  
21 establishment?

22           DETECTIVE JACKSON: They said they

1 didn't get any cooperation. Again, when they  
2 were advised -- when they found the pool of  
3 blood, it was played of it's cranberry juice.  
4 Wasn't cranberry juice.

5 MR. WOODSON: Madam Chair? Madam  
6 Chair, let me --

7 CHAIRPERSON MILLER: Do you have  
8 an objection, Mr. Woodson?

9 MR. WOODSON: Yes, I do.

10 CHAIRPERSON MILLER: Okay.

11 MR. WOODSON: This is testimony  
12 about what this witness was told by another  
13 person and that person was not even present.

14 CHAIRPERSON MILLER: You mean it's  
15 double hearsay?

16 MR. WOODSON: Yes, and I don't  
17 understand. If we've got testimony from two  
18 officers, or if there is testimony to be given  
19 from two officers, then why don't we hear  
20 testimony from the officer who actually was  
21 involved in the conversation rather than  
22 officers who are reporting on officers? I

1       doubt the reliability and probative value of  
2       this, particularly since it cannot be cross-  
3       examined. We just have to take what this  
4       officer says.

5                   MR. STERN: It's actually not  
6       hearsay.

7                   CHAIRPERSON MILLER: Okay.

8                   MR. STERN: It's an exception to  
9       hearsay.

10                  CHAIRPERSON MILLER: And that is?

11                  MR. STERN: Which is it's an  
12       admission of a party opponent because they  
13       were employees of the establishment. But we  
14       will be hearing from the officers.

15                  MR. WOODSON: Please, I ask  
16       counsel to restate what his sense of exemption  
17       from the hearsay rule is. Well, wait a  
18       minute. It's not -- the claim is not whether  
19       it's hearsay or not. The question is the  
20       probative value of testimony from this witness  
21       where we have testimony on the very same  
22       subject that can be given by the party who was

1 directly involved. And I can't -- there's no  
2 way to cross-examine Officer Jackson on the  
3 value or the truthfulness of what happened --  
4 of this testimony about where blood was and  
5 what people said.

6 CHAIRPERSON MILLER: Mr. Woodson,  
7 do you I understand you correctly that we are  
8 going to hear from this witness and that  
9 witness will be able to be cross-examined? Is  
10 that the same witness --

11 MR. STERN: I believe that witness  
12 is here and will be testifying. However, as  
13 I said, it can't be -- it's not hearsay. And  
14 as is the case with any statement made by a  
15 party opponent that is against their interest,  
16 it can't be cross-examined directly because  
17 that's what a statement against interest is.  
18 It's a statement made outside of the court's  
19 hearing that they -- the reason it's an  
20 exception to hearsay, is because it is -- if  
21 it's an admission against their own interest,  
22 you assume it is true.

1                   CHAIRPERSON MILLER:  Okay.  First  
2                   of all, we've already established that this  
3                   Board isn't subject to the strict rules of  
4                   evidence, so -- and your point is with respect  
5                   to probative value then that's what the Board  
6                   will -- you know, will give it.  But if the  
7                   Board doesn't want to give it too much  
8                   probative value, it won't.  You know, it's the  
9                   weight that we'll give it.

10                   I don't want to spend too much  
11                   time on it.  It sounds like this witness may  
12                   be coming and may be subject to cross-  
13                   examination.

14                   MR. STERN:  Thank you.

15                   CHAIRPERSON MILLER:  So, yes, the  
16                   objection is overruled.  But do you have much  
17                   on that witness anyway?

18                   MR. STERN:  What's that?

19                   CHAIRPERSON MILLER:  Do you have  
20                   any more with respect to that witness, or  
21                   that's being objected to?

22                   MR. STERN:  No.

1                   CHAIRPERSON MILLER: That  
2 statement? Okay.

3                   MR. STERN: Did you speak to -- in  
4 the course of your investigation did you speak  
5 to other persons who were present?

6                   DETECTIVE JACKSON: Yes.

7                   MR. STERN: And who were they?

8                   DETECTIVE JACKSON: A male by the  
9 name of Marlon Brown. He was also assaulted.

10                  MR. STERN: Okay.

11                  DETECTIVE JACKSON: And I tried to  
12 further interview him, but his mother took him  
13 to the hospital. And we have his advice -- he  
14 has a concussion, so he doesn't remember  
15 anything.

16                  MR. STERN: And how is it that he  
17 told you about what happened?

18                  DETECTIVE JACKSON: He just knew  
19 -- he said that he got hit in the mouth  
20 outside standing in front of the  
21 establishment, in front of the door, and he  
22 doesn't remember anything else.

1 MR. STERN: Did you speak to  
2 anyone about a fight occurring about -- just  
3 before 1:00 inside the establishment?

4 DETECTIVE JACKSON: That was Mr.  
5 Griffin, Shaun Griffin.

6 MR. STERN: Okay. And he  
7 indicated to you that he was inside the  
8 establishment?

9 DETECTIVE JACKSON: Yes.

10 MR. STERN: Thank you. No, no  
11 further questions of this officer.

12 CHAIRPERSON MILLER: Is there  
13 cross-examination?

14 MS. WILLIFORD: Detective Jackson,  
15 you mentioned that the first assailant -- and  
16 I'm getting a little confused on names. I  
17 believe his name is Jason Thomas, C2, in your  
18 original report, is that correct?

19 DETECTIVE JACKSON: He's C2.

20 MS. WILLIFORD: C2? And you were  
21 advised by him that a second person was  
22 stabbed in front of Mood Lounge, is that

1 correct?

2 DETECTIVE JACKSON: He did not  
3 advise me.

4 MS. WILLIFORD: Okay. In your  
5 conversation with C2, who we understand to be  
6 Jason Thomas according to your report, did he  
7 advise you where he was stabbed?

8 DETECTIVE JACKSON: In front of  
9 the Mood Lounge.

10 MS. WILLIFORD: Do you have a  
11 description from him where in front of Mood  
12 Lounge?

13 DETECTIVE JACKSON: His car was  
14 parked directly in front of the Mood Lounge.  
15 He was standing next to his car in front of  
16 the Mood Lounge. Car, curb, lounge.

17 MS. WILLIFORD: He was standing  
18 within the street in front of Mood Lounge?

19 DETECTIVE JACKSON: No, he was  
20 standing on the curb in between the tree --  
21 not the -- curb -- standing on the curb  
22 between his car and the front door of the

1 lounge.

2 MS. WILLIFORD: Did he indicate  
3 how he was stabbed?

4 DETECTIVE JACKSON: He does not  
5 know. That's what he stated.

6 MS. WILLIFORD: Okay. Do you have  
7 an understanding of whether Mr. Thomas was  
8 medicated when you spoke with him?

9 DETECTIVE JACKSON: No, not at the  
10 time he was not medicated. They were just  
11 getting ready to hook him up to an IV.

12 MS. WILLIFORD: You put together  
13 an initial incident-based report in connection  
14 with the event on the night of -- the morning  
15 of December 30th, 2011, correct?

16 DETECTIVE JACKSON: Thursday night  
17 for Friday morning, yes.

18 MS. WILLIFORD: And within the  
19 narrative substance of that report it states,  
20 and I quote, "Due to the nature and severity  
21 of both C1 and C2's injuries they were unable  
22 to provide a detailed statement as to what led

1 to them being assaulted." Do you recall that  
2 statement?

3 DETECTIVE JACKSON: What page do  
4 you see it on?

5 MS. WILLIFORD: The second page of  
6 your report. And what documents do you have  
7 before you? I'm sorry. Are you --

8 MR. STERN: Yes, she just has  
9 the --

10 MS. WILLIFORD: Okay.

11 DETECTIVE JACKSON: Exhibit 2 or  
12 Exhibit 3?

13 MR. STERN: No, you just need  
14 the --

15 MS. WILLIFORD: I'm sorry. Let me  
16 -- for the purposes of the Board, I don't  
17 intend to admit this, but this is just to be  
18 used to refresh on the recollection of the  
19 detective. And this is Exhibit 1 to the  
20 investigative report, which everyone has a  
21 copy of. May I approach?

22 DETECTIVE JACKSON: I don't have

1 that.

2 CHAIRPERSON MILLER: Yes.

3 DETECTIVE JACKSON: Is that the  
4 PD-251, ma'am?

5 MS. WILLIFORD: Yes, it is.

6 DETECTIVE JACKSON: I didn't write  
7 that. That's Officer Mayer.

8 MS. WILLIFORD: So you did you not  
9 -- did you participate in the drafting -- were  
10 you consulted in connection with the drafting  
11 of the report, the 251?

12 DETECTIVE JACKSON: I do not  
13 govern his report whatsoever. That's a patrol  
14 report and I do a detective report.

15 CHAIRPERSON MILLER: What report  
16 are you referring to?

17 MS. WILLIFORD: The incident-based  
18 report which is Exhibit 1 to the investigative  
19 report.

20 CHAIRPERSON MILLER: Okay. Thank  
21 you.

22 MS. WILLIFORD: What time did you

1 have your conversation with C2, Jason Thomas?

2 DETECTIVE JACKSON: Ooh, I don't  
3 have time, but it was just shortly after me  
4 literally arriving at the hospital. Officer  
5 Tulston put it on the radio and I -- like I  
6 said, I immediately responded. I went to the  
7 hospital. My sergeant went to the crime  
8 scene. And I would gather I -- it took me  
9 tops 10 minutes from the time she -- Ms.  
10 Tulston put it out, Officer Tulston. So 1:30-  
11 ish.

12 MS. WILLIFORD: So at 1:30-ish  
13 Jason Thomas was already admitted to the  
14 hospital?

15 DETECTIVE JACKSON: He was in  
16 trauma room No. 1 being treated.

17 MS. WILLIFORD: And how are you  
18 sure about that time frame?

19 DETECTIVE JACKSON: Because it --  
20 the station is only like 10 blocks from there.  
21 There was nobody on the street that night. It  
22 was dead. And I ran code to the hospital.

1 MS. WILLIFORD: Okay. And so your  
2 testimony is that you received a call that  
3 there was two gentlemen admitted to Howard  
4 University Hospital for stab wounds. You  
5 estimate it was approximately 1:30-ish, is  
6 that correct?

7 DETECTIVE JACKSON: I got there  
8 about 1:30-ish.

9 MS. WILLIFORD: And they had  
10 already been admitted at that point?

11 DETECTIVE JACKSON: I'm not the  
12 nurse. All I know is that he was in trauma  
13 room No. 1 being attended to by Dr. Cornwell  
14 and his team. And Mr. King was in trauma room  
15 No. 2, but he had already been rolled out and  
16 was at OR.

17 MS. WILLIFORD: Did you ask him  
18 whether he was given any medication at the  
19 time --

20 DETECTIVE JACKSON: No, I did not.

21 MS. WILLIFORD: So you don't know  
22 if he had received any medication or was under

1 any medication when you spoke with him?

2 DETECTIVE JACKSON: No, I do not.

3 MS. WILLIFORD: Was he visibly in  
4 pain when you spoke with him?

5 DETECTIVE JACKSON: Yes, he was.

6 MS. WILLIFORD: Was any comment  
7 made to you by him about his ability to  
8 recollect what happened to him?

9 DETECTIVE JACKSON: I asked him if  
10 he had been drinking or anything to that  
11 effect. He said no. And I asked him what had  
12 happened. Everybody was trying to get a look  
13 out maybe at who the suspect was, because the  
14 officers were out in the area. He could not  
15 provide one. And that's when he stated to me  
16 that he was outside of the lounge next to his  
17 car. He was on the curb. And that's when he  
18 sees -- the nicknames he used was Baby and  
19 Shy. Baby's escorting Shy out. Shy's  
20 quote/unquote "junk" is hanging out. And he  
21 said we got to get him to the hospital. They  
22 start to put him the car. He discovers

1 himself as stabbed. He gets in the car and  
2 they drive off.

3 MS. WILLIFORD: Okay. Thank you.  
4 And you said the gentleman that was -- had his  
5 stuff hanging out. So he was bleeding as he  
6 was leaving the Mood Lounge?

7 DETECTIVE JACKSON: He had went  
8 inside the Mood Lounge.

9 MS. WILLIFORD: Okay.

10 DETECTIVE JACKSON: He was  
11 standing outside when he got stabbed, went  
12 inside and got Mr. Griffin. Mr. Griffin  
13 escorts him out. They take to the hospital.

14 MS. WILLIFORD: And according to  
15 your understanding from your investigative  
16 work his -- he was bleeding from outside,  
17 inside and then back outside again, is that  
18 correct?

19 DETECTIVE JACKSON: Yes.

20 MS. WILLIFORD: Based on what you  
21 have -- the investigation that you've done,  
22 was there any blood found within Mood?

1                   DETECTIVE JACKSON: Because I was  
2 not on the crime scene --

3                   MS. WILLIFORD: I'm just -- it's  
4 yes or no.

5                   DETECTIVE JACKSON: I don't know.

6                   MR. STERN: Objection. She can  
7 explain her answer.

8                   MS. WILLIFORD: Well, I asked her  
9 something -- yes or no question --

10                  MR. STERN: This isn't TV.

11                  MS. WILLIFORD: -- was there blood  
12 found within Mood Lounge. And it's a yes or  
13 no answer.

14                  CHAIRPERSON MILLER: But I think  
15 she has a little leeway in -- if it needs --  
16 does it need a qualification?

17                  DETECTIVE JACKSON: I was never --  
18 my supervisor never related to me that there  
19 was anything inside, but people were being  
20 moved out of the club at that point. They  
21 were trying to get everything again cordoned  
22 off.

1 MS. WILLIFORD: Based on your  
2 investigation was there any testing of the  
3 spots that were related to you as being blood?

4 DETECTIVE JACKSON: I don't know,  
5 ma'am. I'm not crime scene.

6 MS. WILLIFORD: Was that one of  
7 the questions that you would have asked in  
8 connection with your investigation?

9 DETECTIVE JACKSON: Pretty much  
10 when crime scene comes out, they know what  
11 they need to do. They do what they have to do  
12 and if there's anything I need to know later  
13 on, they tell me.

14 MS. WILLIFORD: Based on your  
15 investigation was there anything connecting  
16 the substance that was on the ground referred  
17 to as blood and the victims who you spoke with  
18 within Howard University Hospital?

19 DETECTIVE JACKSON: They made  
20 swabs, but they won't have any results from  
21 those swabs until later on. It's got to --  
22 they got to be submitted into a crime lab.

1 MS. WILLIFORD: Do you have an  
2 understanding whether those swabs have been  
3 submitted?

4 DETECTIVE JACKSON: No, I do not.

5 MS. WILLIFORD: Other than the  
6 statement made to you by C2, Jason Thomas,  
7 about the -- him being stabbed outside of Mood  
8 Lounge, do you have any other first-hand  
9 accounts of witnesses telling you where the  
10 stabbing occurred?

11 DETECTIVE JACKSON: No.

12 MS. WILLIFORD: No further  
13 questions.

14 CHAIRPERSON MILLER: Okay. Any  
15 Board questions? Yes, Mr. Alberti?

16 MEMBER ALBERTI: Detective  
17 Jackson, thank you for coming today.

18 DETECTIVE JACKSON: Thank you.

19 MEMBER ALBERTI: Thank you for  
20 your service. Mr. Griffin, did you speak with  
21 Mr. Griffin?

22 DETECTIVE JACKSON: The one that

1       drove them to the hospital?

2                   MEMBER ALBERTI:   Yes.

3                   DETECTIVE JACKSON:   Yes, sir.

4                   MEMBER ALBERTI:   Okay.  Now is it  
5       your testimony that Mr. Griffin told you that  
6       he witnessed an altercation inside of the  
7       establishment?

8                   DETECTIVE JACKSON:   Yes.

9                   MEMBER ALBERTI:   And that -- I  
10      think the way you said it was that they were  
11      thrown out.  What did he tell you about the --

12                   DETECTIVE JACKSON:   He said an --

13                   MEMBER ALBERTI:   -- actions of the  
14      club to that altercation?

15                   DETECTIVE JACKSON:   He said there  
16      was an altercation between like two I guess  
17      rapper gangs or something and that they were  
18      escorted out of the business.

19                   MEMBER ALBERTI:   Okay.

20                   DETECTIVE JACKSON:   And then  
21      everybody started partying as usual.

22                   MEMBER ALBERTI:   Okay.  Fine.  Now

1 subsequent to that, I think you reported you  
2 -- I think you testified -- is it your  
3 testimony that subsequent to that -- that Mr.  
4 Griffin told you that subsequent to that Mr.  
5 King came back into the establishment?

6 DETECTIVE JACKSON: Stabbed.

7 MEMBER ALBERTI: Well, he came  
8 back in. I'll get to that, yes. He came back  
9 into the establishment. How did -- did Mr.  
10 Griffin tell you how he discovered that Mr.  
11 King was stabbed?

12 DETECTIVE JACKSON: Mr. Griffin  
13 said that Mr. King came back into the  
14 establishment holding his abdomen. He saw  
15 that he was bleeding. Mr. King approached  
16 him, brought his hands back, saw that there  
17 was something not right --

18 MEMBER ALBERTI: Yes.

19 DETECTIVE JACKSON: -- and grabbed  
20 him by his arm and then escorted him out to  
21 the outside of the business.

22 MEMBER ALBERTI: Okay. Did Mr.

1 Griffin at all indicate where he was standing  
2 in the club when Mr. King -- he encountered  
3 Mr. King at that point?

4 DETECTIVE JACKSON: Because I  
5 haven't been inside the establishment yet --

6 MEMBER ALBERTI: But what he told  
7 you though, I mean.

8 DETECTIVE JACKSON: Oh, yes. What  
9 I was going to say is what he explained to me,  
10 I guess there's the floor and there's a --  
11 like a step up --

12 MEMBER ALBERTI: Yes.

13 DETECTIVE JACKSON: -- next to the  
14 bar. And that he was up by the step by the  
15 bar. But I haven't been in there, so I don't  
16 know --

17 MEMBER ALBERTI: So he described  
18 being a step up from the floor?

19 DETECTIVE JACKSON: Right, like by  
20 the bar.

21 MEMBER ALBERTI: In the vicinity  
22 of the bar?

1                   DETECTIVE JACKSON: By the bar.  
2                   By the -- and I think it's by the front door  
3                   or something.

4                   MEMBER ALBERTI: Okay.

5                   DETECTIVE JACKSON: So it's  
6                   towards the door.

7                   MEMBER ALBERTI: I have that  
8                   information and when I see a picture, I can  
9                   match the two. But he was a step up in the  
10                  vicinity -- from the floor in the vicinity of  
11                  the bar?

12                  DETECTIVE JACKSON: Right.

13                  MEMBER ALBERTI: Okay. And then  
14                  he escorted Mr. King out, is that correct?

15                  DETECTIVE JACKSON: Yes.

16                  MEMBER ALBERTI: Okay. You said  
17                  the crime scene techs come in and they deal  
18                  with all of the evidence, the blood and  
19                  physical evidence. Is that correct?

20                  DETECTIVE JACKSON: Yes.

21                  MEMBER ALBERTI: All right. Do  
22                  they communicate with you at least to the

1 level of telling you that the investigation --  
2 let me give you a hypothesis. The crime techs  
3 came in. And they're experts, correct?

4 DETECTIVE JACKSON: What?

5 MEMBER ALBERTI: They're experts  
6 in what they do, right?

7 DETECTIVE JACKSON: I don't know  
8 if they're qualified by the courts as experts,  
9 but that's all they do.

10 MEMBER ALBERTI: And they're  
11 experienced?

12 DETECTIVE JACKSON: And they're  
13 trained and their experience is --

14 MEMBER ALBERTI: All right. So if  
15 they came in and said to you, you know, that  
16 stuff was cranberry juice, not blood. It's  
17 obvious to us. Would they convey that  
18 information to you?

19 DETECTIVE JACKSON: Yes.

20 MEMBER ALBERTI: Because it's  
21 important to your investigation, is that  
22 correct?

1 DETECTIVE JACKSON: Yes.

2 MEMBER ALBERTI: Okay. Has anyone  
3 conveyed information of that nature to you  
4 with regard to this --

5 DETECTIVE JACKSON: No.

6 MEMBER ALBERTI: -- incident?

7 DETECTIVE JACKSON: No.

8 MEMBER ALBERTI: Thank you. So as  
9 far as you know, this is still a stabbing  
10 crime, right?

11 DETECTIVE JACKSON: Yes.

12 MEMBER ALBERTI: I have no further  
13 questions. Thank you.

14 CHAIRPERSON MILLER: Any other  
15 questions? Yes, Mr. Brooks?

16 MEMBER BROOKS: Yes, thank you,  
17 Madam Chair.

18 Detective Jackson, you indicated  
19 that Mr. Griffin was the person who drove I  
20 guess the victims to the hospital?

21 DETECTIVE JACKSON: Yes.

22 MEMBER BROOKS: Now he was inside

1 when he first encountered I guess Mr. King?

2 DETECTIVE JACKSON: He was inside  
3 when he first encountered Mr. -- when -- he  
4 went up there to see Mr. King perform.

5 MEMBER BROOKS: Right.

6 DETECTIVE JACKSON: So they're all  
7 waiting for him to -- he had -- he never  
8 performed. Mr. King came from outside and  
9 went directly to him showing him that he was  
10 injured.

11 MEMBER BROOKS: That he was  
12 bleeding?

13 DETECTIVE JACKSON: Yes.

14 MEMBER BROOKS: Okay. Did Mr.  
15 Griffin indicate that before he left with Mr.  
16 King -- before they left to go to the  
17 hospital, did he say anything to anyone in the  
18 club that he was injured?

19 DETECTIVE JACKSON: I don't think  
20 he did. He didn't tell me anything if he  
21 notified anyone in the club, because he said  
22 it looked bad. He wanted to get him to the

1 hospital.

2 MEMBER BROOKS: Right. Right,  
3 right. Okay. Thank you, Madam Chair.

4 CHAIRPERSON MILLER: Yes, Ms.  
5 Mobley?

6 MEMBER MOBLEY: Officer Jackson,  
7 when you arrived on the scene approximately  
8 how many individuals were standing outside of  
9 the club?

10 DETECTIVE JACKSON: I didn't  
11 respond to the scene. My supervisor and  
12 the --

13 MEMBER MOBLEY: I mean when you  
14 arrived --

15 DETECTIVE JACKSON: At the  
16 hospital?

17 MEMBER MOBLEY: No, I thought I  
18 heard you say when you left the hospital then  
19 you went over to the club. Did I --

20 DETECTIVE JACKSON: No, I went  
21 to --

22 MEMBER MOBLEY: Am I mistaken?

1                   DETECTIVE JACKSON:  -- the club  
2 the next morning.

3                   MEMBER MOBLEY:  The next morning?  
4 Okay.

5                   DETECTIVE JACKSON:  My supervisor,  
6 Sergeant Davila, responded straight to the  
7 club.

8                   MEMBER MOBLEY:  Right, I  
9 understand that.

10                  DETECTIVE JACKSON:  And then  
11 additional officers --

12                  MEMBER MOBLEY:  Okay.

13                  DETECTIVE JACKSON:  -- were with  
14 him.

15                  MEMBER MOBLEY:  All right.  Thank  
16 you.  Then that takes care of the question I  
17 was going to ask.  Thank you.

18                  DETECTIVE JACKSON:  I'm sorry?

19                  CHAIRPERSON MILLER:  Mr. Alberti?

20                  MEMBER ALBERTI:  Detective  
21 Jackson, one other question.  Did Mr. Griffin  
22 describe to you at all what kind of help he

1 had to -- assistance, if any assistance at  
2 all, was required in escorting -- getting Mr.  
3 King out? So I think -- I guess the way to  
4 put this: Did Mr. Griffin indicate to you  
5 that he had to provide any assistance to Mr.  
6 King to get him out to the car?

7 DETECTIVE JACKSON: He held him by  
8 the arm and was helping him walk, because Mr.  
9 King had his -- he was holding his side. So  
10 Mr. Griffin held his arm and his -- was, you  
11 know, forcing him over to the car.

12 MEMBER ALBERTI: Did he describe  
13 in any way Mr. King's condition at that time?

14 DETECTIVE JACKSON: No, he just  
15 knew he was bad because he saw that his  
16 intestines were hanging out.

17 MEMBER ALBERTI: Okay.

18 DETECTIVE JACKSON: Mr. Griffin  
19 did.

20 MEMBER ALBERTI: All right. Thank  
21 you.

22 CHAIRPERSON MILLER: Ms. Jackson,

1 I just want to get clear what part of your  
2 testimony is based on interviews and what part  
3 is based on personal interaction. So I  
4 understand that you went to the hospital. So  
5 some of what you're testifying to is direct  
6 communication with individuals, correct? And  
7 then the rest of it is based on what they told  
8 you and what other people told you? Could you  
9 just kind of --

10 DETECTIVE JACKSON: I had direct  
11 contact with Mr. Griffin.

12 CHAIRPERSON MILLER: Yes.

13 DETECTIVE JACKSON: Mr. Thomas,  
14 who was the one stabbed in the back.

15 CHAIRPERSON MILLER: And is that  
16 at the hospital?

17 DETECTIVE JACKSON: At the --  
18 well, at the hospital.

19 CHAIRPERSON MILLER: Okay.

20 DETECTIVE JACKSON: Marlon Brown,  
21 who came up, not because he was injured. He  
22 was more concerned about his two friends that

1 had just been stabbed. And that's when I saw  
2 that he was bleeding from the mouth, but he  
3 was not very cooperative, which he states he  
4 had went to the hospital himself later. There  
5 were several other people that were walking  
6 in, but I asked a very strong question and I  
7 scared everybody and they went -- they left.  
8 So Mr. Thomas, Mr. Brown, Mr. Griffin. And I  
9 did not get to interview Mr. King until -- I  
10 think it's in my -- New Year's -- New Year's  
11 Eve morning. Friday night for Saturday, so  
12 Saturday morning.

13 CHAIRPERSON MILLER: Okay. So you  
14 can testify directly as to the condition of  
15 Mr. Thomas and Mr. Griffin at the hospital and  
16 what they told you, but everything about the  
17 crime scene and the crime was what you didn't  
18 -- you weren't even at the crime scene. It's  
19 what people told you?

20 DETECTIVE JACKSON: Right.

21 CHAIRPERSON MILLER: Okay. And  
22 did you put the result of your interviews in

1 a report? And if so, was it the report that  
2 just was not admitted into -- that was  
3 withdrawn?

4 DETECTIVE JACKSON: I'm sorry?

5 CHAIRPERSON MILLER: Did you put  
6 -- you did an investigation, you went to the  
7 hospital, you talked to people. Did you write  
8 it up, the findings, and put them in a report?

9 DETECTIVE JACKSON: It's in my  
10 WACIS report that Mr. -- Dr. Cornwell advised  
11 us, because we had -- there was a lot of  
12 officers on -- at the hospital. He wanted to  
13 give us a brief update of what was going on.  
14 He's the one that told us that at that time  
15 Mr. King was considered critical and he was in  
16 OR. And he stated Mr. Thomas was also  
17 critical. He had internal bleeding and they  
18 were trying to find out what was going on with  
19 him.

20 CHAIRPERSON MILLER: My question  
21 is did you write a report?

22 DETECTIVE JACKSON: It's in my

1 WACIS.

2 CHAIRPERSON MILLER: Is that the  
3 report that Mr. Stern wanted to put into  
4 evidence and then withdrew?

5 MR. STERN: Yes.

6 CHAIRPERSON MILLER: Okay. Thank  
7 you.

8 Okay. Thank you.

9 Do you have any redirect?

10 MR. STERN: Nothing as to  
11 questions.

12 CHAIRPERSON MILLER: Okay.

13 MR. STERN: Thank you.

14 CHAIRPERSON MILLER: Thank you  
15 very much then. I think --

16 MEMBER ALBERTI: I think Mr.  
17 Woodson --

18 CHAIRPERSON MILLER: Oh, Mr.  
19 Woodson?

20 MEMBER ALBERTI: Any recross based  
21 on our --

22 MR. WOODSON: No further.

1                   CHAIRPERSON MILLER: Thank you  
2 very much.

3                   MR. STERN: We have agreed with  
4 the Respondent that they be allowed to call  
5 someone out of order because of time  
6 considerations.

7                   CHAIRPERSON MILLER: Okay.  
8 Welcome back. Okay.

9                   MS. WILLIFORD: We appreciate the  
10 Board's consideration for us calling out of  
11 order our witness, Jeff Jackson. As he will  
12 explain, he's one of the ones that provided  
13 training, but because of time constraints for  
14 him, they've agreed to take him out of order.  
15 So we'd like to call Jeff Jackson to the  
16 stand.

17                   CHAIRPERSON MILLER: Okay. He's  
18 not related to Ms. Jackson?

19                   MS. WILLIFORD: Correct, not  
20 related to Ms. Jackson. Correct.

21                   Oh, I think there's one witness  
22 that needs to be outside while he's

1       testifying.

2                   MEMBER ALBERTI:  Yes, we have the  
3       rule on witnesses.

4                   CHAIRPERSON MILLER:  The public  
5       can be here at this point, just not any  
6       witnesses.

7                   MS. WILLIFORD:  Yes, correct.

8                   CHAIRPERSON MILLER:  Okay.  Yes.  
9       Thank you.

10                   If you'll raise your right hand,  
11       I'll swear you in.  Do you swear to tell the  
12       whole truth and nothing but the truth?

13                   MR. JACKSON:  Yes.

14                   CHAIRPERSON MILLER:  Okay.  Have a  
15       seat.

16                   MS. WILLIFORD:  Good afternoon.

17                   MR. JACKSON:  Good afternoon.

18                   MS. WILLIFORD:  Thank you for your  
19       time.  Would you please state for the record  
20       your name?

21                   MR. JACKSON:  Jeffrey Jackson.

22                   MS. WILLIFORD:  And could you

1 please -- do you have any experience relating  
2 to ABC matters?

3 MR. JACKSON: Yes, I do.

4 MS. WILLIFORD: Can you please  
5 detail your experience relating to ABC  
6 matters?

7 MR. JACKSON: I've been with ABC  
8 for approximately 11 years as an investigator,  
9 supervisory investigator and acting chief  
10 investigator.

11 MS. WILLIFORD: And when did you  
12 leave ABC?

13 MR. JACKSON: 2008.

14 MS. WILLIFORD: And at some point  
15 did you come to establish a consulting firm by  
16 the name of Alcohol Beverage Consultants, LLC?

17 MR. JACKSON: Yes, I did.

18 MS. WILLIFORD: Can you please  
19 describe for the Board what Alcohol Beverage  
20 Consultants, LLC does?

21 MR. JACKSON: I submitted a  
22 package to the Board back in, I believe, 2008

1 listing hospitality training and alcohol  
2 awareness training. And I was approved by the  
3 Board to do the alcohol awareness training and  
4 the hospitality training.

5 MS. WILLIFORD: If you could just  
6 briefly describe your experience while working  
7 with ABRA regarding hospitality training and  
8 security training so the Board can --

9 MR. JACKSON: Well, during my stay  
10 -- term with ABRA; ABC at the time, I helped  
11 with the Amendment to the Regulation 2004 when  
12 it came to the security training, things of  
13 that sort. So basically, I assisted in coming  
14 up with the procedures or suggested procedures  
15 which establishments supposed to abide by in  
16 their security plan.

17 MS. WILLIFORD: So in addition, in  
18 connection with your duties as an  
19 investigator, did you become familiar with  
20 D.C. nightlife and nightclubs?

21 MR. JACKSON: Yes, I was in charge  
22 of overseeing all investigative reports and

1 training the investigators on how to properly  
2 investigate incidents.

3 MS. WILLIFORD: Okay. So would  
4 you categorize yourself as having knowledge  
5 regarding enforcement of ABRA regulations  
6 within D.C.?

7 MR. JACKSON: Yes, I would.

8 MS. WILLIFORD: Did there come a  
9 point when you had become familiar with Mood  
10 Lounge?

11 MR. JACKSON: Yes.

12 MS. WILLIFORD: Can you please  
13 explain?

14 MR. JACKSON: Well, I was referred  
15 to Mood Lounge by another business partner.  
16 Stated that they needed some security training  
17 and alcohol awareness training.

18 MS. WILLIFORD: And at some point  
19 did you get in contact with the owner of Mood  
20 Lounge regarding that training?

21 MR. JACKSON: Yes, I did.

22 MS. WILLIFORD: And was the

1 training conducted as a follow up to that  
2 call?

3 MR. JACKSON: Yes, it was.

4 MS. WILLIFORD: When was that  
5 training conducted?

6 MR. JACKSON: Training conducted  
7 was on January the 5th, the 6th and the 7th.

8 MS. WILLIFORD: And who  
9 specifically conducted the training?

10 MR. JACKSON: Myself and my  
11 partner Ronald Monroe, who was the assistant  
12 police chief of the Metropolitan Police  
13 Department, who's retired now, and Phil  
14 Villanueva. He was the instructor for the  
15 Metropolitan Police Department Academy --

16 MS. WILLIFORD: Okay.

17 MR. JACKSON: -- for 25 years. He  
18 did verbal judo.

19 MS. WILLIFORD: Okay. So the  
20 three of you led the training that happened on  
21 January 5th and January 6th. Can you please  
22 describe briefly what the training covered

1 during the program?

2 MR. JACKSON: Yes. The training  
3 covered ID checking procedures, how to  
4 properly monitor a arch tunnel. Being that  
5 they didn't have one, but we explained to them  
6 what to do. How to use wands and pat downs.  
7 We trained them how to properly check  
8 accessory and clothing. How to adequately  
9 staff security personnel based upon the  
10 occupancy. How to properly conduct ID checks.  
11 How to maintain proper lighting around the  
12 exits and entrances. How to properly maintain  
13 a incident log and logging the information.  
14 We trained them on how to properly maintain a  
15 working relationship with the Metropolitan  
16 Police Department. The use of communication  
17 tools and techniques. How to properly monitor  
18 the exterior premise and secure 1,000-foot  
19 radius. Where security is supposed to be  
20 positioned inside the establishment and wear  
21 identifiable clothing. The use of the video  
22 cameras. How to conduct themselves against

1 aggressive patrons and alcohol awareness  
2 training. So we taught them how to identify  
3 intoxicated individuals. How to properly  
4 enforce a barring notice if they want to bar  
5 individuals from the premise. And we taught  
6 them verbal judo.

7 MS. WILLIFORD: And, Mr. Jackson,  
8 it appears as if you're reading from a  
9 document. For the purposes of bringing  
10 everyone up to speed, I'd like to show you  
11 what I've marked here as Exhibit F for  
12 purposes of discussion.

13 I have copies here for the Board.  
14 May I approach?

15 MEMBER ALBERTI: Mr. Stern?

16 MR. STERN: I have it.

17 MS. WILLIFORD: All of the  
18 exhibits have been provided to the --

19 MEMBER ALBERTI: Any objections,  
20 Mr. --

21 MR. STERN: No objection.

22 MEMBER ALBERTI: Ms. Jenkins will

1 -- I'm sorry.

2 MS. WILLIFORD: Can you take a  
3 look at what I have marked for discussion  
4 purposes as Exhibit F and let me know if you  
5 recognize that document?

6 MR. JACKSON: Yes.

7 MS. WILLIFORD: And what is that  
8 document?

9 MR. JACKSON: This is our training  
10 document that we provided to Mood Lounge with  
11 the contract.

12 MS. WILLIFORD: Okay. And is  
13 that --

14 MR. JACKSON: The training that we  
15 will be including.

16 MS. WILLIFORD: And is that the  
17 document you were just reading from that  
18 explained what type of training you provided  
19 in connection with the January 5th and January  
20 6th training?

21 MR. JACKSON: Correct.

22 MS. WILLIFORD: And what you read

1 was in fact provided during those evenings?

2 MR. JACKSON: Correct. And it's  
3 ongoing. It hasn't been completed as of yet.

4 MS. WILLIFORD: Okay. I would  
5 move to admit the document which has been  
6 marked for identifying purposes as Exhibit F.  
7 How should we start -- I'll defer to the  
8 Board. And for sequence purposes some of this  
9 is taken out of sequence, so does the Board  
10 have a preference for how we label these going  
11 forward?

12 CHAIRPERSON MILLER: Well, I think  
13 as they come in.

14 MS. WILLIFORD: Okay. We would  
15 like to for exhibit purposes label it as  
16 Respondent 1.

17 CHAIRPERSON MILLER: Right.

18 MS. WILLIFORD: So it would be  
19 Respondent 1, but for identification purposes  
20 Exhibit F. And we'll track that to make sure  
21 there's no issues.

22 CHAIRPERSON MILLER: Well, that

1 sounds good. Okay.

2 MS. WILLIFORD: And, Mr. Jackson,  
3 you mentioned that it was -- that the training  
4 was still ongoing. Can you --

5 MR. JACKSON: Correct.

6 MS. WILLIFORD: -- elaborate on  
7 that statement?

8 MR. JACKSON: Well, what we do, we  
9 also conduct quarterly compliance inspections.  
10 And being unfamiliar with the ABC --

11 CHAIRPERSON MILLER: Oh, okay.  
12 Sorry. Just a little procedural thing here.  
13 I didn't hear, did you move to admit it into  
14 evidence?

15 MS. WILLIFORD: Oh, yes. I'm  
16 sorry.

17 CHAIRPERSON MILLER: I know you  
18 were marking it. I didn't hear that you  
19 actually were moving it.

20 MS. WILLIFORD: Yes, I would like  
21 to mark that as Respondent's Exhibit 1 and  
22 move that into evidence.

1                   CHAIRPERSON MILLER: Is there any  
2 objection, Mr. Stern?

3                   MR. STERN: No objection.

4                   CHAIRPERSON MILLER: Okay. Then  
5 we'll admit it into evidence.

6                   MS. WILLIFORD: Thank you. Mr.  
7 Jackson, you mentioned before that that was --  
8 that the training was ongoing. Would you  
9 please continue to elaborate?

10                  MR. JACKSON: Yes, what we do, we  
11 conduct quarterly compliance inspections. And  
12 basically, that's when we send in an  
13 individual unannounced impromptu to see if  
14 they're adhering to the procedures that they  
15 were taught. So we would send in someone with  
16 a fake ID that's under the age of 21 and we  
17 would also put a weapon on the individual to  
18 see if they can catch that. And we would be  
19 located on the outside of the establishment  
20 undetected. So they won't know that we're  
21 coming.

22                                   And the quarterly what we call

1 compliance inspections, we go there like every  
2 three months just to give a refreshment to  
3 make sure that, you know, they still familiar  
4 and following proper procedures.

5 MS. WILLIFORD: Now, Mr. Jackson,  
6 was there any training direction that you  
7 provided regarding monitoring the exterior of  
8 the premise?

9 MR. JACKSON: Yes.

10 MS. WILLIFORD: Would you please  
11 explain?

12 MR. JACKSON: I suggested that  
13 they relocate and additional cameras to the  
14 outside. And the cameras located outside  
15 covers at least I believe like 300 feet to the  
16 east and west of 9th Street. And also I  
17 instructed or suggested to them that they  
18 position security on the outside during the  
19 evening, identifiable clothing, with radio  
20 communications. So if they was to observe or  
21 witness an incident, they would contact the  
22 Metropolitan Police Department and inform them

1 of that if they can't get involved and cause  
2 any harm to themselves or the individual.

3 MS. WILLIFORD: And, Mr. Jackson,  
4 did you also take a -- you mentioned the  
5 cameras outside. Did you take a look at the  
6 cameras in general within Mood Lounge?

7 MR. JACKSON: Yes.

8 MS. WILLIFORD: Okay.

9 MR. JACKSON: When I went inside  
10 and did my visual inspection of the location,  
11 I personally didn't think that the camera had  
12 adequate coverage, so I recommended and  
13 suggested that they add additional cameras and  
14 where they should be strategically located to  
15 cover all the blind spots in area of movement  
16 inside the establishment, which brought the  
17 count up to, I believe, 16 cameras.

18 MS. WILLIFORD: Mr. Jackson, was  
19 that recommendation followed to your  
20 knowledge?

21 MR. JACKSON: Yes, it was.

22 MS. WILLIFORD: How do you know

1 that?

2 MR. JACKSON: I went back and  
3 checked myself.

4 MS. WILLIFORD: And when did you  
5 do that check?

6 MR. JACKSON: I did that check on  
7 Thursday. Yesterday.

8 MS. WILLIFORD: Thank you. In  
9 connection with your training do you recall  
10 how many individuals you trained during the  
11 nights of January 5th and January 6th?

12 MR. JACKSON: Yes, it was 10  
13 security personnel and approximately 4  
14 bartenders and the owner as well. Provided  
15 them with the alcohol awareness training.

16 MS. WILLIFORD: Okay. And in  
17 connection with that training were there  
18 certificates of completion hours submitted  
19 that were provided to Mood Lounge to  
20 acknowledge the training that was done?

21 MR. JACKSON: Yes, it was.

22 MS. WILLIFORD: I'd like to

1 approach the witness and provide him what I  
2 will refer to for identification purposes as  
3 Exhibit G.

4 MR. STERN: Yes, I have those.  
5 And if it will speed things up, we'll  
6 stipulate that they were given to them by  
7 hospitality awareness.

8 MS. WILLIFORD: Okay.

9 CHAIRPERSON MILLER: How many  
10 exhibits are you referring to, just one, or  
11 are we going to move in a group?

12 MS. WILLIFORD: Yes, I was just  
13 going to move in a group of all of them, but  
14 if he's stipulating, we can just bypass that  
15 in the interest of time. It's your --

16 MR. STERN: Oh, you can --

17 CHAIRPERSON MILLER: Well, that  
18 would mean you could move them in.

19 MS. WILLIFORD: Okay. So, yes.

20 CHAIRPERSON MILLER: So could you  
21 identify what those documents are?

22 MS. WILLIFORD: Yes. What's been

1 marked for identification purposes as Exhibit  
2 G is a certificate of completion for numerous  
3 employees at Mood Lounge. And it can be  
4 Respondent's -- we'd like to introduce them as  
5 Respondent's Exhibit 2. And it has nine  
6 pages.

7 CHAIRPERSON MILLER: So it's one  
8 exhibit with nine pages?

9 MS. WILLIFORD: Correct.

10 CHAIRPERSON MILLER: Okay.

11 MS. WILLIFORD: Which are  
12 certificates of completion that were issued by  
13 Mr. Jackson with ABC Consultants, LLC.

14 CHAIRPERSON MILLER: Okay. So are  
15 those individual certificates for employees?

16 MS. WILLIFORD: Correct.

17 CHAIRPERSON MILLER: Okay. Thank  
18 you.

19 MS. WILLIFORD: I'd like to move  
20 for the admittance of Respondent's Exhibit 2,  
21 which is the nine-page document.

22 CHAIRPERSON MILLER: What? Wait,

1 I'm sorry. What? Okay. I'm sorry. Go  
2 ahead.

3 MS. WILLIFORD: I'd just to  
4 officially move for the admittance of  
5 Respondent's Exhibit 2, which we just passed  
6 up, which are the certificates of completion  
7 for the employees at Mood Lounge of the ABC  
8 Consultant, LLC training.

9 CHAIRPERSON MILLER: Okay. And  
10 it's one exhibit consisting of nine pages.  
11 And there's no objection, so they're  
12 considered admitted.

13 MS. WILLIFORD: Okay. Thank you.

14 Mr. Jackson, in connection with  
15 your preparation for training of Mood Lounge  
16 did you look into -- what documents relating  
17 to Mood did you look into in connection with  
18 your investigation?

19 MR. JACKSON: I reviewed the  
20 investigative history. I also looked at the  
21 investigative history of the establishment  
22 prior to Mood Lounge.

1 MS. WILLIFORD: Why did you do  
2 that?

3 MR. JACKSON: To see if there's  
4 some sort of connection to the establishment  
5 with ongoing incidents and to see what type of  
6 incidents that previous owners have had with  
7 that establishment.

8 MS. WILLIFORD: And did your  
9 assessment of that reveal anything that was  
10 pertinent to Mood Lounge?

11 MR. JACKSON: Yes.

12 MS. WILLIFORD: And can you  
13 explain that to the Board?

14 MR. JACKSON: Well, look at the --  
15 looking at the previous investigative history,  
16 I believe of Be Bar, they had many more  
17 incidents of no manager on duty, sale to  
18 minors, simple assaults, and violations of the  
19 voluntary agreement. And when I looked at  
20 Mood Lounge's investigative history, majority  
21 of their incidents was just noise complaints.  
22 And Mood -- this was the only incident that I

1 observed that was considered ADW.

2 So in my training I wanted to make  
3 sure that they didn't run into the same  
4 problems or situations that the previous  
5 owners had, like sale to minors, no manager on  
6 duty and things of that sort.

7 CHAIRPERSON MILLER: I'm sorry. I  
8 just want to jump in because --

9 MR. JACKSON: Sure.

10 CHAIRPERSON MILLER: -- I didn't  
11 get what you meant, and perhaps others didn't.  
12 I think you had some letters there, considered  
13 just what? ABW or --

14 MR. JACKSON: ADW, assault with a  
15 deadly weapon.

16 CHAIRPERSON MILLER: Okay.

17 MS. WILLIFORD: So based on your  
18 assessment and the comparison of the two, did  
19 you reach a conclusion regarding Mood Lounge  
20 from your preliminary review of that?

21 MR. JACKSON: In my review of it,  
22 it appeared that Mood Lounge was -- in my

1 opinion, they didn't present an imminent  
2 danger to the community as the --

3 MR. STERN: Objection.

4 MR. JACKSON: -- previous  
5 establishment. That's just my opinion.

6 MR. STERN: He doesn't have --

7 CHAIRPERSON MILLER: What's the  
8 objection, Mr. Stern?

9 MR. STERN: Is he an expert on  
10 danger to the community? I mean, he hasn't  
11 been qualified as an expert on whether there's  
12 a danger to the community. And it's a  
13 conclusions of law which only the Board can  
14 draw.

15 CHAIRPERSON MILLER: Well, it is a  
16 conclusion. You haven't proffered him as an  
17 expert.

18 Your field is security, is that  
19 correct?

20 MR. JACKSON: Yes. And also I've  
21 handled hundreds of protest investigations in  
22 investigations with ABRA.

1                   CHAIRPERSON MILLER:  So it's a  
2                   part of your work to make assessments with  
3                   respect to whether security is adequate as it  
4                   relates to dangers to the public?

5                   MR. JACKSON:  Yes.

6                   CHAIRPERSON MILLER:  Okay.  I  
7                   would overrule it.

8                   MS. WILLIFORD:  Well, I want to go  
9                   back to the night of the -- the actual night  
10                  of the training, January 5th and January 6th.  
11                  When you were actually conducting the training  
12                  did you find anything unusual that occurred  
13                  while you were there?

14                  MR. JACKSON:  Yes.  To my surprise  
15                  while we was conducting the training, as I  
16                  said, one of my partners was the assistant  
17                  police chief for Metropolitan Police  
18                  Department.  On three occasions we had three  
19                  different officers come into the  
20                  establishment, said that they got a call that  
21                  the establishment was operating and selling  
22                  alcoholic beverages.  And we actually spoke to

1 the officers and they came in. I said we just  
2 conducting a training. No alcohol was being  
3 served. No music was being played.

4 So three officers left. About 20  
5 minutes later three more officers came, said  
6 that they got a call for the same thing. And  
7 then after they left, then they -- another  
8 officer was positioned outside monitoring the  
9 establishment.

10 MS. WILLIFORD: So while you were  
11 there was there any music being played?

12 MR. JACKSON: No music was being  
13 played.

14 MS. WILLIFORD: Was there any  
15 individuals who were not employees of Mood  
16 Lounge within the establishment?

17 MR. JACKSON: No, it's just the  
18 employees that were being trained.

19 MS. WILLIFORD: Did you speak with  
20 any of the officers that arrived that night?

21 MR. JACKSON: Yes.

22 MS. WILLIFORD: Did they tell you

1 why they were there?

2 MR. JACKSON: Yes, they said they  
3 got a call that the establishment was open and  
4 operating.

5 MS. WILLIFORD: And they were  
6 responding to that call?

7 MR. JACKSON: Correct.

8 MS. WILLIFORD: No further  
9 questions. Thank you very much for your time.

10 MR. STERN: Yes, Mr. Jackson?

11 MR. JACKSON: Yes, sir?

12 MR. STERN: It's your business to  
13 provide this sort of training to people?

14 MR. JACKSON: Correct.

15 MR. STERN: You think you do a  
16 pretty good job at it?

17 MR. JACKSON: I think I do.

18 MR. STERN: Okay. Is the training  
19 that you have important training?

20 MR. JACKSON: Excuse me?

21 MR. STERN: Is it important for  
22 the establishments to have this training?

1 MR. JACKSON: Oh, very important.

2 MR. STERN: Okay. And the  
3 training that you gave to the employees here,  
4 was that an improvement over the training that  
5 they had had previously?

6 MR. JACKSON: To be perfectly  
7 honest, I don't know what training they had  
8 previously, but -- and not bragging, there's  
9 no one out there in the industry right now  
10 that can do the training that my staff can  
11 conduct, because there's no one that actually  
12 came out of the Agency that's conducting this  
13 type of training that's familiar with the  
14 rules and regulations.

15 MR. STERN: Now so whatever  
16 training they did have it couldn't have been  
17 as good as the training you --

18 MR. JACKSON: Exactly.

19 MR. STERN: Okay. And does  
20 something in the training that you give  
21 prevent violence?

22 MR. JACKSON: It doesn't prevent

1 violence. No training can prevent violence,  
2 but you can try to reduce it or eliminate it.

3 MR. STERN: Okay. And you didn't  
4 mention, when were you first called to give  
5 this training?

6 MR. JACKSON: I was called -- did  
7 the training on Thursday. I was called on  
8 Tuesday, I believe.

9 MR. STERN: Okay. So that would  
10 have been after the establishment had already  
11 been closed?

12 MR. JACKSON: Correct.

13 MR. STERN: And after this  
14 incident?

15 MR. JACKSON: Correct.

16 MR. STERN: And the establishment  
17 was open for a year prior to this incident,  
18 right?

19 MR. JACKSON: Yes, it was.

20 MR. STERN: So it might have been  
21 beneficial to the establishment to have the  
22 training --

1 MS. WILLIFORD: Objection.

2 MR. STERN: -- before the  
3 incident?

4 MS. WILLIFORD: Objection. He's  
5 asking for him to opine about what the  
6 establishment believes. It's clearly not  
7 something that he can attest to either  
8 personally or he should even have an opinion  
9 of what he believes the establishment should  
10 have done.

11 MR. STERN: He's opining on what  
12 his opinion is, which is just what he opined  
13 when he was asked questions by the Respondent.

14 CHAIRPERSON MILLER: I would  
15 agree. He was asked a question dealing with  
16 what would be good for them for security  
17 reasons to have done or not done, correct?

18 MR. STERN: Right. I mean, I can  
19 answer.

20 CHAIRPERSON MILLER: Okay.

21 MR. STERN: Yes.

22 CHAIRPERSON MILLER: I overrule

1 the objection. You can answer the question.

2 MR. JACKSON: I think that every  
3 establishment that obtains a CN license in the  
4 District, or a CT license, who needs security  
5 training should use my company before they  
6 even issue a license.

7 (Laughter.)

8 MR. STERN: I would expect that.  
9 And the Respondent never once contacted you or  
10 tried to get some training before the incident  
11 occurred?

12 MR. JACKSON: No.

13 MR. STERN: Okay. Now you were  
14 mentioning the history of Be Bar Lounge.

15 MR. JACKSON: Yes.

16 MR. STERN: There were no  
17 stabbings at Be Bar Lounge, were there?

18 MR. JACKSON: Let me bring it up.  
19 I have a copy of it here. I believe I saw a  
20 simple assault.

21 MR. STERN: Right. There was no  
22 further action taken on that case, is that

1 correct?

2 MR. JACKSON: Not to my knowledge.

3 MR. STERN: So there was no  
4 violation there?

5 MR. JACKSON: Not to my knowledge.  
6 I didn't find -- I didn't look up the Board's  
7 decision, whether they were in violation of  
8 anything.

9 MR. STERN: Okay.

10 MR. JACKSON: I saw other  
11 violations that was listed.

12 MR. STERN: Okay. So I'm going  
13 back now. This spans -- at least the second  
14 one in Exhibit H spans approximately three  
15 full years, within a month or so, is that  
16 right?

17 MR. JACKSON: Excuse me?

18 MR. STERN: Within a month or so  
19 this spans three full years, is that correct?

20 CHAIRPERSON MILLER: What spans  
21 three --

22 MR. JACKSON: I'm not

1 understanding.

2 MR. STERN: The history that you  
3 submitted --

4 MR. JACKSON: Right.

5 MR. STERN: -- that you  
6 reviewed --

7 MR. JACKSON: Yes.

8 MR. STERN: -- spans three full  
9 years.

10 MR. JACKSON: Oh, yes.

11 MR. STERN: And during that three  
12 full years -- I'm sorry, was there an  
13 objection?

14 MR. WOODSON: The document wasn't  
15 submitted.

16 CHAIRPERSON MILLER: That's  
17 correct. That's what I was wondering. What  
18 document are you referring to.

19 MR. STERN: Okay. I'm sorry.  
20 I'll clear it up. I'm going to show you what  
21 the Respondent -- oh, excuse me, what the  
22 Respondent has marked as Exhibit H and ask if

1 you can identify what that is?

2 MR. JACKSON: Yes, this appear to  
3 be a investigative history of Be Bar license  
4 dated 3/18/10.

5 MR. STERN: Okay. And in fact  
6 there's a second page to that exhibit. Can  
7 you tell me what that is?

8 MR. JACKSON: Yes. Same thing.  
9 This is the one I have, the investigative  
10 history.

11 MR. STERN: Okay. And is that the  
12 investigative history that you reviewed and  
13 you were testifying about?

14 MR. JACKSON: Correct.

15 MR. STERN: Thank you. Now in  
16 reviewing and testifying about that  
17 investigative history, did you find that -- I  
18 think you went back and said that you thought  
19 there was a simple assault, right?

20 MR. JACKSON: Yes.

21 MR. STERN: And that was in 2007,  
22 was that right?

1 MR. JACKSON: Yes, 6/11/2007.

2 MR. STERN: And that resulted in  
3 no action by the Board?

4 MR. JACKSON: Correct, according  
5 to the document I'm looking at.

6 MR. STERN: Okay. Were there any  
7 stabbings during that time period that there  
8 was -- Be Bar Lounge was in effect?

9 MR. JACKSON: Not to my knowledge.

10 MR. STERN: Okay. So in the  
11 course of the more -- approximately three  
12 years, one month less than three years, this  
13 establishment that had a worse record never  
14 had any stabbings?

15 MR. JACKSON: Well, on 10/26/09 it  
16 says ABC violation or incident, ADW.

17 MR. STERN: Right, for pepper  
18 spray.

19 MR. JACKSON: Okay. Well, I'm  
20 just saying --

21 MR. STERN: Is that what it says?

22 MR. JACKSON: Well, it says ADW

1 then dash pepper spray. So I don't know if  
2 they defining ADW as pepper spray.

3 MR. STERN: Assault with a  
4 dangerous weapon, pepper spray. Isn't that  
5 what that --

6 MR. JACKSON: That -- I don't know  
7 if that's what the intended purpose of putting  
8 that down. Assault with a deadly weapon is a  
9 ADW. I don't know if they defining pepper  
10 spray as a deadly weapon.

11 MR. STERN: If I may, are you  
12 familiar with the terminology that the D.C.  
13 Code uses?

14 MR. JACKSON: ADW?

15 MR. STERN: Yes.

16 MR. JACKSON: Yes.

17 MR. STERN: Isn't assault with a  
18 dangerous weapon?

19 MR. JACKSON: Or deadly weapon,  
20 dangerous weapon.

21 MR. STERN: Well, it's one or the  
22 other. Are you familiar with what it is?

1 MR. JACKSON: Well, I believe it's  
2 assault with a deadly weapon.

3 MR. STERN: Okay. And in this  
4 instance it says ADW, pepper spray, is that  
5 correct?

6 MR. JACKSON: Correct.

7 MR. STERN: Okay. And you don't  
8 know any of the background of that case, do  
9 you?

10 MR. JACKSON: No, I do not.

11 MR. STERN: Could've been somebody  
12 defending themselves inside the establishment,  
13 right?

14 MR. JACKSON: It could've been.

15 MR. STERN: Okay. And in fact  
16 what happened with that, there was a  
17 settlement and they paid a fine of \$500, is  
18 that correct?

19 MR. JACKSON: I don't see that  
20 document. I wouldn't know.

21 MR. STERN: Okay. Well, I'd point  
22 you to No. 2 on -- I'm sorry. That's wrong.

1 On the first page of Exhibit H, No. 3, it says  
2 -- well, you can read it. It says October  
3 26th, 2009, ABC violation or incident, ADW,  
4 pepper spray. Board referred to staff for a  
5 settlement.

6 MR. JACKSON: Excuse me. On No.  
7 3?

8 MR. STERN: On page 1, No. 3.

9 MR. JACKSON: Okay. We looking at  
10 the same document?

11 MR. STERN: Page 1.

12 MS. WILLIFORD: May I make a --

13 MR. JACKSON: My No. 3 says  
14 1/13/2010.

15 CHAIRPERSON MILLER: Yes, you can.

16 MS. WILLIFORD: Okay. I'd like to  
17 make a --

18 CHAIRPERSON MILLER: I'm sorry.  
19 Could you remind me what your name is?

20 MS. WILLIFORD: Kwamina Williford.

21 CHAIRPERSON MILLER: Williford?

22 MS. WILLIFORD: Kwamina Williford,

1 yes.

2 CHAIRPERSON MILLER: Okay. Yes,  
3 Ms. Williford?

4 MS. WILLIFORD: I'd like to --

5 CHAIRPERSON MILLER: Because I  
6 think this is going on for a very long time.

7 MS. WILLIFORD: Yes.

8 CHAIRPERSON MILLER: I don't know  
9 if it needs to be, but --

10 MS. WILLIFORD: Exactly. I'd like  
11 to object to this line of questioning and  
12 proffer in the interest of time the statement  
13 that Mr. Jackson made was he reviewed the  
14 investigative history of Be Bar and he  
15 reviewed the investigative history of Mood  
16 Lounge, and in reviewing that he made an  
17 assessment.

18 Walking through what this  
19 investigative history says, I think, is kind  
20 of a little bit besides the point. And also  
21 the issues regarding whether an assault with  
22 a deadly weapon happened wouldn't have been --

1 there's been no finding as of yet regarding  
2 that.

3 And so, if they would want to  
4 stipulate to what's within here, that's fine,  
5 but walking through what may or may not have  
6 happened in an investigative report and  
7 challenging his knowledge behind it really  
8 isn't going to get us to -- really isn't going  
9 to add any value. So I'm not sure where he  
10 was going with the line of questioning, but  
11 maybe there's a way we can get to the point  
12 quicker.

13 CHAIRPERSON MILLER: Yes, Mr.  
14 Stern?

15 MR. STERN: The testimony was that  
16 the -- he reviewed other to compare them to  
17 what was happening at Mood. And in comparing  
18 them I wanted to point out that Mood had in  
19 one year a aggravated assault, whereas in --  
20 there was no more than a secondary potential  
21 assault, which has no finding on it for Be Bar  
22 Lounge.

1                   CHAIRPERSON MILLER: I think you  
2                   were arguing, too, what that document shows.  
3                   And so, I'm wondering if you -- an alternative  
4                   is to put the document into evidence. And if  
5                   you want to make a general statement that you  
6                   don't think it shows what he's saying, I think  
7                   -- but unless you don't think the document  
8                   would speak for itself.

9                   MS. WILLIFORD: And I'd like to  
10                   add as well he's arguing facts that aren't  
11                   into evidence in terms of whether there was an  
12                   assault with a deadly weapon within Mood,  
13                   which is why we're before -- a part of which  
14                   is why we're here today. So, if he's going to  
15                   rely on that --

16                   CHAIRPERSON MILLER: It just  
17                   seems, Mr. Stern, to me that you're going line  
18                   by line and arguing with him that isn't this,  
19                   you know, less dangerous, or isn't this less  
20                   whatever?

21                   MR. STERN: Okay.

22                   CHAIRPERSON MILLER: So I don't

1 know if that's really appropriate.

2 MR. STERN: I'll move on.

3 CHAIRPERSON MILLER: Okay.

4 MR. STERN: Did you determine --  
5 in the course of your investigation did you  
6 determine whether or not the cameras that were  
7 there were working?

8 MR. JACKSON: The cameras were not  
9 properly positioned.

10 MR. STERN: Okay. But you didn't  
11 determine whether or not they were actually  
12 operational?

13 MR. JACKSON: On the night of the  
14 event? No. They were operational when I were  
15 there -- when I was there, but I don't know if  
16 they was -- they were operational on the night  
17 of the event.

18 MR. STERN: Did you determine  
19 whether or not they were recording on the time  
20 you were there?

21 MR. JACKSON: Yes.

22 MR. STERN: And were they

1 recording at the time?

2 MR. JACKSON: On the time I was  
3 there, yes.

4 MR. STERN: Okay. Were you able  
5 to go back in time and see whether or not they  
6 recorded on the day of the incident?

7 MR. JACKSON: No, I didn't go back  
8 in time.

9 MR. STERN: Okay.

10 MR. JACKSON: I did recommend that  
11 the record time should be 30 days.

12 MR. STERN: Okay. So the cameras  
13 as they were were not adequate, as far as  
14 you're concerned?

15 MR. JACKSON: In my opinion, yes.

16 MR. STERN: Okay. Thank you.  
17 That's all I have.

18 CHAIRPERSON MILLER: Okay. Are  
19 there Board questions?

20 MEMBER ALBERTI: Go ahead, Mr.  
21 Brooks?

22 MEMBER BROOKS: Oh, thank you,

1 Madam Chair. Mr. Jackson --

2 MR. JACKSON: Yes, sir?

3 MEMBER BROOKS: -- you said you do  
4 monitoring to test the establishment after you  
5 do the training to see if they're following  
6 through?

7 MR. JACKSON: Yes.

8 MEMBER BROOKS: And what happens  
9 if you find that they're not?

10 MR. JACKSON: Well, I bring to the  
11 owner's attention.

12 MEMBER BROOKS: Okay.

13 MR. JACKSON: And let her make a  
14 recommendation as to how she want to handle  
15 it.

16 MEMBER BROOKS: I see. Okay. And  
17 you indicated that at times to test, I guess,  
18 the wanding or the pat down you actually have  
19 a gun to test?

20 MR. JACKSON: No, we have put a --  
21 like a knife, a pocketknife on them, or  
22 something maybe.

1                   MEMBER BROOKS:   Okay.  I thought  
2                   you said a gun.

3                   MR. JACKSON:    Oh, no, no.  I  
4                   didn't say a gun.

5                   MEMBER BROOKS:   Oh, okay.  All  
6                   right.

7                   CHAIRPERSON MILLER:  Maybe a  
8                   weapon.

9                   MEMBER BROOKS:   A weapon?

10                  CHAIRPERSON MILLER:  Hopefully.

11                  MEMBER BROOKS:   Okay.

12                  CHAIRPERSON MILLER:  Yes.

13                  MEMBER BROOKS:   Okay.  And the  
14                  staff that you trained, now were they in-house  
15                  staff or were they contract staff?

16                  MR. JACKSON:    They were in-house  
17                  staff.

18                  MEMBER BROOKS:   In-house staff?  
19                  Okay.  Thank you, Madam Chair.

20                  MR. JACKSON:    And I also trained  
21                  them in the alcohol awareness training that  
22                  they cannot contract outside security to take

1 over or monitor the establishment, that they  
2 have -- they're security need to be in control  
3 of very event that they have.

4 MEMBER BROOKS: I see. Okay.

5 Thank you.

6 CHAIRPERSON MILLER: Mr. Nophlin?

7 MEMBER NOPHLIN: Thank you, Madam  
8 Chair.

9 Mr. Jackson, you mentioned  
10 improvement of the security cameras.

11 MR. JACKSON: Yes, sir.

12 MEMBER NOPHLIN: You went in and  
13 made some improvements. And maybe I missed  
14 it; I'm sorry, what improvements did you make?  
15 Was it repositioning --

16 MR. JACKSON: Repositioning.

17 MEMBER NOPHLIN: -- cameras?

18 MR. JACKSON: Repositioning of the  
19 cameras and the addition of cameras.

20 MEMBER NOPHLIN: And the addition?  
21 How many additional cameras did you install?

22 MR. JACKSON: Four additional

1 cameras were added. They had 12. Now they  
2 have 16.

3 MEMBER NOPHLIN: Okay.

4 MR. JACKSON: And the record time,  
5 it was enhanced to cover 30 days.

6 MEMBER NOPHLIN: Cover 30 days?

7 MR. JACKSON: Correct.

8 MEMBER NOPHLIN: If there's --  
9 something happens; for an example, if the  
10 electricity went out or something major  
11 happens, what happens to the cameras? Will  
12 they still record?

13 MR. JACKSON: Well, I made a  
14 suggestion that they get a backup generator.

15 MEMBER NOPHLIN: Okay. But  
16 there's none there now?

17 MR. JACKSON: Not at this time.

18 MEMBER NOPHLIN: Okay. The other  
19 thing is the outside cameras. Did you  
20 position outside cameras as well?

21 MR. JACKSON: Yes, I did.

22 MEMBER NOPHLIN: And where does

1       that cover?

2                   MR. JACKSON:   The cameras cover  
3       east and west, say approximately to the  
4       corner.  You can see the corner of 9th Street  
5       in both directions.

6                   MEMBER NOPHLIN:  Okay.  And one  
7       last item.  Your expertise is -- explain your  
8       expertise again in terms of your background.

9                   MR. JACKSON:  My expertise is  
10      anything that's related or associated with  
11      ABC.

12                   MEMBER NOPHLIN:  Okay.  Thank you.  
13                   Thank you, Madam Chair.

14                   CHAIRPERSON MILLER:  And, Mr.  
15      Alberti?

16                   MEMBER ALBERTI:  Hi, Mr. Jackson.

17                   MR. JACKSON:  Hi.

18                   MEMBER ALBERTI:  Thank you for  
19      coming.  You said initially -- I mean, right  
20      off the bat you said that you were -- a friend  
21      of yours contacted you, or maybe paraphrased  
22      just a slight bit, you said a friend of yours

1       contacted you and said that Mood Lounge was in  
2       need of security training. Is that correct?

3               MR. JACKSON: No, they was  
4       referred to me by a friend.

5               MEMBER ALBERTI: They were --

6               MR. JACKSON: Mood Lounge was  
7       referred to me by a friend.

8               MEMBER ALBERTI: They were  
9       referred to you by a friend?

10              MR. JACKSON: Correct.

11              MEMBER ALBERTI: Who said what?

12              MR. JACKSON: That they may need  
13       your services.

14              MEMBER ALBERTI: They may -- and  
15       did he say why he thought they needed your  
16       services?

17              MR. JACKSON: Yes.

18              MEMBER ALBERTI: And why?

19              MR. JACKSON: To provide security  
20       training and alcohol awareness training.

21              MEMBER ALBERTI: I understand  
22       that, but that's -- because that's what you

1 do.

2 MR. JACKSON: Right.

3 MEMBER ALBERTI: But did he say  
4 why they needed security training?

5 MR. JACKSON: No, he didn't go  
6 into detail. He didn't go into detail.

7 MEMBER ALBERTI: Okay. But it was  
8 his opinion that they needed security  
9 training?

10 MR. JACKSON: By the best.

11 MEMBER ALBERTI: Okay. Got you.  
12 All right.

13 (Laughter.)

14 MEMBER ALBERTI: But something  
15 promoted that opinion, right? Am I right?  
16 Right?

17 MR. JACKSON: Yes.

18 MEMBER ALBERTI: Can I assume  
19 that?

20 MR. JACKSON: Yes.

21 MEMBER ALBERTI: Thank you.

22 Great. When you went in, did you assess what

1 prior training -- did you speak to the manager  
2 or the staff to assess what prior training  
3 they had?

4 MR. JACKSON: No, I did not.

5 MEMBER ALBERTI: Okay. So you  
6 could have -- you may have duplicated some of  
7 the prior training, right? But you don't know  
8 that?

9 MR. JACKSON: In my opinion I  
10 don't think I duplicated their training.

11 MEMBER ALBERTI: And why do you  
12 say that?

13 MR. JACKSON: Because there's no  
14 one out that conduct this type of training  
15 that I'm aware of, the alcohol awareness  
16 training, the verbal judo.

17 MEMBER ALBERTI: But you don't  
18 know if they were trained or who -- by whom  
19 they were trained, is that correct?

20 MR. JACKSON: Correct.

21 MEMBER ALBERTI: Thank you. You  
22 said you trained them in the use of video

1 cameras. What does that mean? I mean, what's  
2 that training entail?

3 MR. JACKSON: How to position the  
4 video cameras, how to monitor the video  
5 cameras, to have someone positioned at the  
6 video cameras at all times.

7 MEMBER ALBERTI: You mean  
8 positioned at the monitors at all times?

9 MR. JACKSON: Right, the monitors  
10 at all times.

11 MEMBER ALBERTI: Okay. And do you  
12 know whether they adopted that policy or not?

13 MR. JACKSON: Well, that's what  
14 the quarterly --

15 MEMBER ALBERTI: Or plan to adopt  
16 it because they're not open?

17 MR. JACKSON: That's what the  
18 quarterly compliance inspection does. Once  
19 they reopened or if they reopen, then I would  
20 go out to make sure that those things are in  
21 play.

22 MEMBER ALBERTI: But have they --

1 do you know -- I mean, you have conversations  
2 with them. Do you know whether or not they  
3 plan to adopt that policy?

4 MR. JACKSON: Yes, they do.

5 MEMBER ALBERTI: Okay. Thank you.

6 MR. JACKSON: And as of yesterday  
7 that policy --

8 MEMBER ALBERTI: And how do you  
9 know that? And how do you know that? And how  
10 do you know that?

11 MR. JACKSON: When I was there the  
12 other day, they had everything in place.

13 MEMBER ALBERTI: They weren't  
14 open. How do you know that they plan to adopt  
15 that policy when they open?

16 MR. JACKSON: Because I don't  
17 think that they want to come back before you  
18 again.

19 MEMBER ALBERTI: But they haven't  
20 told you that?

21 MR. JACKSON: They haven't told me  
22 what?

1                   MEMBER ALBERTI: That they plan to  
2 adopt that policy.

3                   MR. JACKSON: No, they said they  
4 going to follow the recommendations.

5                   MEMBER ALBERTI: Okay. So they  
6 specifically told you that they were going to  
7 follow your recommendations, including  
8 adopting that policy, is that correct?

9                   MR. JACKSON: Correct.

10                  MEMBER ALBERTI: All right. Thank  
11 you. We were given nine certificates.

12                  MR. JACKSON: Correct.

13                  MEMBER ALBERTI: One certificate  
14 says to wit: Tefri, for completion of alcohol  
15 awareness training, Title 25 D.C. Code,  
16 etcetera. Are you familiar with that --

17                  MR. JACKSON: Yes.

18                  MEMBER ALBERTI: -- for that  
19 certificate? The other eight -- I believe  
20 it's all eight of them say --

21                  MR. JACKSON: Hospitality and  
22 verbal judo.

1                   MEMBER ALBERTI:  -- training,  
2                   verbal judo.  What's the difference between  
3                   the training given to Mr. Tefri and the other  
4                   eight individuals?

5                   MR. JACKSON:  Okay.  The  
6                   bartenders was trained on alcohol awareness.

7                   MEMBER ALBERTI:  So they were not  
8                   -- were they not --

9                   MR. JACKSON:  Right, they're not  
10                  going to be providing security.  They were  
11                  trained on how to identify intoxicated  
12                  persons, how to measure backup drinks.

13                  MEMBER ALBERTI:  Okay.

14                  MR. JACKSON:  And how to properly  
15                  ID folks.  So that's during the alcohol  
16                  awareness training.  Pretty much the same  
17                  training that somebody would go through to  
18                  become a licensed ABC manager.

19                  MEMBER ALBERTI:  Okay.  And the  
20                  hospitality training, verbal judo?

21                  MR. JACKSON:  Right, that was all  
22                  the other stuff.

1 MEMBER ALBERTI: Okay. And --

2 MR. JACKSON: And in addition to  
3 the -- how to identify intoxicated individual  
4 and check IDs.

5 MEMBER ALBERTI: Okay. So these  
6 eight got the entire package and the bartender  
7 got just the awareness training?

8 MR. JACKSON: Correct.

9 MEMBER ALBERTI: Okay. I got you.  
10 You said -- and maybe I misunderstood you, but  
11 you said you trained 10 security people, 4  
12 bartenders and the owner.

13 MR. JACKSON: Correct.

14 MEMBER ALBERTI: I only see nine  
15 certificates.

16 MR. JACKSON: There's one --

17 MEMBER ALBERTI: Did the others  
18 not pass?

19 (Laughter.)

20 MR. JACKSON: No, no, no. No,  
21 what it is -- one individual that I told him  
22 I wanted to give him additional training and

1 we're supposed to be having that scheduled  
2 training for tomorrow. Once he complete it,  
3 then he gets a certificate.

4 MEMBER ALBERTI: Okay. So that's  
5 -- I'm counting 15 people trained and I have  
6 9 certificates. Now we're up to 10. What  
7 about the other five?

8 MR. JACKSON: You should have  
9 eight security and you should have two --

10 MEMBER ALBERTI: You told me you  
11 -- okay. Let's stop there.

12 MR. JACKSON: Okay.

13 MEMBER ALBERTI: You told me you  
14 trained 10 security.

15 MR. JACKSON: Right. Let me  
16 finish. Ten security was trained, but as I  
17 stated to you, the training is ongoing. So  
18 once the other four -- the other two people  
19 for the alcohol awareness training, which is  
20 supposed to be completed tomorrow, and the  
21 other two security personnel, then they would  
22 get their --

1 MEMBER ALBERTI: Okay.

2 MR. JACKSON: -- they will be  
3 given their certificates.

4 MEMBER ALBERTI: So currently not  
5 all of the employees that you said were going  
6 to be -- there were going to be 10 security  
7 people, the 4 bar managers and the owner, have  
8 not -- not all of them have been trained? Is  
9 that correct?

10 MR. JACKSON: They been partially  
11 trained.

12 MEMBER ALBERTI: All right.  
13 They've not completed training? Has the --

14 MR. JACKSON: Two --

15 MEMBER ALBERTI: I understand.

16 MR. JACKSON: Okay.

17 MEMBER ALBERTI: Has the owner  
18 completed training?

19 MR. JACKSON: Yes.

20 MEMBER ALBERTI: Is there a  
21 separate --

22 MR. JACKSON: I don't need to give

1 the owner a certificate because -- in my  
2 opinion, I didn't give the owner a certificate  
3 because she didn't need one.

4 MEMBER ALBERTI: Okay. All right.  
5 We may need one.

6 MR. JACKSON: No, let me tell what  
7 I do though.

8 MEMBER ALBERTI: That's -- no,  
9 that's all right.

10 MR. JACKSON: No, no, no. Hold  
11 on.

12 MEMBER ALBERTI: No, no, no, no.

13 MR. JACKSON: Okay.

14 MEMBER ALBERTI: No, no. That's  
15 fine. You said that you didn't think that the  
16 Mood Lounge presented a threat to imminent  
17 danger of the public, is that correct?

18 MR. JACKSON: That was my opinion,  
19 yes.

20 MEMBER ALBERTI: That's your  
21 opinion? Had you observed operations before  
22 you were hired?

1 MR. JACKSON: No, I reviewed the  
2 investigative report and I looked at the --

3 MEMBER ALBERTI: I understand.

4 MR. JACKSON: Okay.

5 MEMBER ALBERTI: But answer my  
6 question. Please just answer my question.

7 MR. JACKSON: Okay.

8 MEMBER ALBERTI: Did you observe  
9 operations before you were hired?

10 MR. JACKSON: No, I did not.

11 MEMBER ALBERTI: So you really  
12 don't know how they were operating before you  
13 were hired, is that correct?

14 MR. JACKSON: Personally, no.

15 MEMBER ALBERTI: Okay. So other  
16 than the investigative history, that's --  
17 you're basing that opinion solely on the  
18 investigative history. Is that true?

19 MR. JACKSON: Yes.

20 MEMBER ALBERTI: Thank you. Do  
21 you know -- one of your partners is a police  
22 officer, is that correct?

1 MR. JACKSON: A retired police  
2 chief.

3 MEMBER ALBERTI: A former police  
4 officer. You consult with him, right? You  
5 try to learn -- you consult with him and learn  
6 from him, I would imagine, right?

7 MR. JACKSON: Of course.

8 MEMBER ALBERTI: To your  
9 knowledge, right?

10 MR. JACKSON: Yes.

11 MEMBER ALBERTI: Good.

12 MR. JACKSON: Matter of fact, both  
13 of them are.

14 MEMBER ALBERTI: All right. Do  
15 you know if pepper spray is considered a  
16 dangerous weapon in the District of Columbia?

17 MR. JACKSON: If not used  
18 properly.

19 MEMBER ALBERTI: Officially by  
20 D.C. Code is it considered a dangerous weapon  
21 in the District of Columbia? Can you be  
22 arrested for assault with a dangerous weapon

1 if you use pepper spray in the District of  
2 Columbia?

3 MR. JACKSON: You can if you're  
4 not licensed. You have to be licensed to  
5 carry the pepper spray.

6 MEMBER ALBERTI: Thank you. I  
7 have no further questions.

8 CHAIRPERSON MILLER: Mr.  
9 Silverstein?

10 MEMBER SILVERSTEIN: Mr. Jackson,  
11 you say that you do not believe that Mood  
12 Lounge poses an imminent danger to the public  
13 health and safety right now.

14 MR. JACKSON: Right now.

15 MEMBER SILVERSTEIN: Based on what  
16 you know from reading the investigative  
17 reports, did they pose such a threat on the  
18 30th of December, or prior to that?

19 MR. JACKSON: In my opinion, no.  
20 Reading the investigative report that was  
21 prepared and looking at the investigative  
22 history, in my opinion they did not.

1                   MEMBER SILVERSTEIN: So then you  
2 disagree with the chief of police closure?

3                   MR. JACKSON: Oh, most definitely.

4                   MEMBER SILVERSTEIN: Very well.  
5 No further questions.

6                   CHAIRPERSON MILLER: I'd like to  
7 -- well, why don't I start with following up  
8 on that question. How do you evaluate whether  
9 or not they pose an imminent danger to the  
10 public?

11                  MR. JACKSON: Because according to  
12 the investigative report and the facts that  
13 was gathered there's no evidence to conclude  
14 that the incident occurred on the inside of  
15 the establishment. And this incident,  
16 according to investigative report and reading  
17 the victim's -- that it occurred -- one victim  
18 said he didn't no where it occurred. And then  
19 he even stated that he walked back inside the  
20 establishment and someone identified him  
21 bleeding, which was his friend, and he didn't  
22 report anything to management or security, and

1 he left the location.

2 CHAIRPERSON MILLER: Okay. How  
3 many employee do you have, or how many people  
4 make up your business?

5 MR. JACKSON: Approximately six.

6 CHAIRPERSON MILLER: Six? Okay.  
7 So it's you, a police officer and who else?

8 MR. JACKSON: Have two --

9 CHAIRPERSON MILLER: A former  
10 police officer.

11 MR. JACKSON: Have two police  
12 officers, one individual that used to --  
13 that's a certified addiction counselor that  
14 used to head the Chairman Alcohol Committee,  
15 myself and another former police officer,  
16 Vince Towson, that used to be the chief  
17 investigator for ABRA. He heads up the -- his  
18 own security firm.

19 CHAIRPERSON MILLER: So when you  
20 do your checks, you know, every so often you  
21 do your monitoring --

22 MR. JACKSON: Yes.

1                   CHAIRPERSON MILLER:  -- incognito.  
2                   There aren't very many of you.  How do you go  
3                   undetected?

4                   MR. JACKSON:  Because I don't want  
5                   to reveal everything -- now, I can do it off  
6                   record, but I don't want --

7                   CHAIRPERSON MILLER:  Okay.

8                   MR. JACKSON:  -- because there's  
9                   individuals in here now that may be able to --

10                  CHAIRPERSON MILLER:  Okay.

11                  MR. JACKSON:  -- look for certain  
12                  things.

13                  CHAIRPERSON MILLER:  Okay.  But  
14                  you do succeed in not being recognized?

15                  MR. JACKSON:  Oh, most definitely.

16                  CHAIRPERSON MILLER:  Okay.

17                  MR. JACKSON:  Like to sell to  
18                  minors.

19                  CHAIRPERSON MILLER:  Okay.  Right.  
20                  It seems, you know, when I look at the  
21                  description of -- I don't know if it's a full  
22                  description, but the hospitality training that

1 we have, which is Exhibit F, and you've  
2 discussed a lot of training of employees and  
3 what a big difference this makes. And you've  
4 discussed video cameras.

5 What I haven't heard you discuss  
6 is their security plan. Do you evaluate  
7 security plans when you --

8 MR. JACKSON: Yes.

9 CHAIRPERSON MILLER: -- go into a  
10 business? Okay.

11 MR. JACKSON: We review security  
12 plans and make recommendations to security  
13 plans as well.

14 CHAIRPERSON MILLER: Okay. So  
15 then did you review their security plan?

16 MR. JACKSON: Yes, I did.

17 CHAIRPERSON MILLER: And did you  
18 make recommendations?

19 MR. JACKSON: Yes, I did.

20 CHAIRPERSON MILLER: But they're  
21 not -- we don't have them --

22 MR. JACKSON: No, you don't have

1       them.

2                   CHAIRPERSON MILLER:   Okay.   And  
3       you evaluated their weaknesses in their  
4       current security plan, is that correct, if  
5       there were any?

6                   MR. JACKSON:   I wouldn't say  
7       weaknesses, but improvements that --

8                   CHAIRPERSON MILLER:   You made  
9       recommendations for improvement?

10                  MR. JACKSON:   Correct.

11                  CHAIRPERSON MILLER:   It just seems  
12       a little peculiar to me that we don't have  
13       that before us.   That seems like a question  
14       mark.   And I don't know -- part of our  
15       evaluation is, you know, how they were before  
16       and what they're doing now.   And so therefore,  
17       what they're doing now is much better so we  
18       can feel secure in allowing them to reopen.  
19       Okay.   So is there anything about their  
20       security plan that's changed that would give  
21       the Board --

22                  MR. JACKSON:   One of the things

1 that I suggested or recommended that they put  
2 in their security plan is their record time of  
3 30 days. And I was kind of hesitant to tell  
4 them to include that in the security plan  
5 because your security plan is supposed to be  
6 dispersed to, what I would say, all your  
7 security personnel. But certain information  
8 I think should be in house because it reveals  
9 too much.

10 CHAIRPERSON MILLER: Yes.

11 MR. JACKSON: If you disperse it,  
12 everything, you know, you just don't let  
13 everybody know what you're doing. So certain  
14 things, in my opinion, shouldn't go in the  
15 security plan. When it comes to safety, those  
16 things, but when it comes to camera coverage  
17 and things of that sort, it should be a  
18 separate packet that the owner would have to  
19 include certain things in a security plan.

20 CHAIRPERSON MILLER: Okay. So in  
21 your testimony today though the only two  
22 recommendations -- and they may not be only

1 two you made, but the only two you're stating  
2 right now is a longer record time and not to  
3 -- and to keep your security more in house?

4 MR. JACKSON: Not only in house.  
5 The position of the cameras, where the monitor  
6 -- the positioning of the employees on the  
7 inside of the establishment. Also, the  
8 employees, the dispersement of the employees  
9 on the outside of the establishment.

10 CHAIRPERSON MILLER: Okay. And  
11 can you give an opinion as to whether -- if  
12 all those recommendations had been in place  
13 whether the incident could have been  
14 prevented?

15 MR. JACKSON: I don't think that  
16 the incident could have been prevented,  
17 according to the investigative report.

18 CHAIRPERSON MILLER: Could the  
19 incident have been handled better after it  
20 occurred?

21 MR. JACKSON: According to the  
22 investigative report they weren't made aware

1 of the incident.

2 CHAIRPERSON MILLER: Yes, but --

3 MR. JACKSON: I mean, at the time  
4 that the incident occurred.

5 CHAIRPERSON MILLER: What?

6 MR. JACKSON: According to the  
7 report the victim said that he never -- that  
8 security didn't even witness it. So --

9 CHAIRPERSON MILLER: I guess my  
10 question is though if you had been positioned  
11 cameras, then perhaps security would have  
12 witnessed it?

13 MR. JACKSON: Depending on where  
14 the incident occurred.

15 CHAIRPERSON MILLER: Well, it's  
16 just -- with the recommendation of the  
17 additional cameras, are they going to cover  
18 enough of the property so that it -- they'd be  
19 likely to, or much more likely to catch an  
20 incident?

21 MR. JACKSON: Yes, if this  
22 happened within the footage of the cameras.

1                   CHAIRPERSON MILLER: No, I hear  
2 what you're saying, if it comes within the  
3 footage of the cameras, and I'm not sure how  
4 far you recommend that people go. I mean,  
5 you're saying that you can't see everywhere.  
6 How much should you see?

7                   MR. JACKSON: In my opinion,  
8 according to the establishment, it covers I  
9 would say the entire block. It covers the  
10 entire block, but it doesn't cover around the  
11 corner from the establishment.

12                   CHAIRPERSON MILLER: Okay.

13                   MR. JACKSON: But that's where the  
14 positioning of the personnel would catch that,  
15 because I recommended or suggested to them  
16 that at the end of the evening, during the  
17 night, that they have two employees stationed  
18 on the outside of the establishment.

19                   CHAIRPERSON MILLER: So based on  
20 those recommendations that you've put on the  
21 record, is it your opinion that they're in a  
22 much stronger position to prevent incidences

1 of that type or to detect them earlier so that  
2 they could take action earlier on them?

3 MR. JACKSON: Yes.

4 CHAIRPERSON MILLER: There was  
5 some question about your friend's referral of  
6 this establishment to you. Did that occur  
7 after the incident?

8 MR. JACKSON: Yes, it occurred  
9 after the incident.

10 CHAIRPERSON MILLER: Why don't you  
11 think the trainer -- I mean, the owner needed  
12 a certificate of the training?

13 MR. JACKSON: Pretty much the same  
14 way why owners don't really have to go through  
15 alcohol awareness training. You know, they  
16 don't need a manager's license. So I just use  
17 the same procedures that is fashioned by the  
18 Agency, that they don't require the owners to  
19 get certified on alcohol awareness training.

20 CHAIRPERSON MILLER: Well, what's  
21 the rationale for that? Shouldn't the  
22 owner --

1 MR. JACKSON: I agree.

2 CHAIRPERSON MILLER: -- have all  
3 that knowledge?

4 MR. JACKSON: Let me say this: I  
5 totally agree that the owner should have that  
6 knowledge, and I presented a package to the  
7 Board about a year ago saying that I recommend  
8 that there be a owner certification program.  
9 Because we teach all of the managers  
10 everything, but if a manager goes, the owners  
11 don't know what to do. So I train the owners  
12 as well as the managers, but I give the owners  
13 a more extensive training, plus I give them a  
14 copy of the regulations.

15 CHAIRPERSON MILLER: Okay. And  
16 other employees that don't get trained, are  
17 they -- the servers don't get trained, or who  
18 doesn't get trained in this?

19 MR. JACKSON: In my opinion,  
20 everybody should be trained.

21 CHAIRPERSON MILLER: Who was  
22 trained with respect to this establishment?

1 MR. JACKSON: The bartenders, the  
2 security personnel and the owners.

3 CHAIRPERSON MILLER: Okay. That  
4 completes my questioning.

5 MEMBER ALBERTI: Just real quick?

6 CHAIRPERSON MILLER: Mr. Alberti,  
7 yes?

8 MEMBER ALBERTI: Just back to the  
9 security plan.

10 MR. JACKSON: Sure.

11 MEMBER ALBERTI: So you made  
12 recommendations on how to enhance the security  
13 plan, is that correct?

14 MR. JACKSON: Yes, sir.

15 MEMBER ALBERTI: All right. To  
16 your knowledge have those enhancements been  
17 incorporated into their security plan?

18 MR. JACKSON: They will be.

19 MEMBER ALBERTI: They will be, but  
20 they have not been to your knowledge?

21 MR. JACKSON: Right, it hasn't  
22 been finalized yet.

1                   MEMBER ALBERTI: Thank you. No  
2 further questions.

3                   CHAIRPERSON MILLER: Okay. Are  
4 there any other questions from -- oh, I'm  
5 sorry --

6                   MEMBER NOPHLIN: That's okay.

7                   CHAIRPERSON MILLER: -- from the  
8 Board? Mr. Nophlin?

9                   MEMBER NOPHLIN: I'm sorry. I was  
10 on the side over here.

11                   The one thing I didn't see; and  
12 maybe it's not part of the plan, but what  
13 about crowd control if something gets out of  
14 hand? Is that part of the training?

15                   MR. JACKSON: Yes.

16                   MEMBER NOPHLIN: And maybe it's  
17 listed here. I didn't see it.

18                   MR. JACKSON: Yes, crowd control  
19 is part of the training. And what I suggest  
20 that they do, everyone to be familiar with the  
21 occupancy, especially the security. And they  
22 would have a clicker on the outside to make

1       sure that -- that's one of the recommendations  
2       or suggestions, to make sure that they're  
3       within compliance of their occupancy.

4                   MEMBER NOPHLIN: Thank you.

5                   CHAIRPERSON MILLER: I have one  
6       other follow-up question.

7                   MR. JACKSON: Yes?

8                   CHAIRPERSON MILLER: You say you  
9       do these spot checks, a follow up.

10                  MR. JACKSON: Correct.

11                  CHAIRPERSON MILLER: How long do  
12       they continue for?

13                  MR. JACKSON: Excuse me?

14                  CHAIRPERSON MILLER: How long do  
15       they continue for, like a year after?

16                  MR. JACKSON: Yes. Yes,  
17       quarterly.

18                  CHAIRPERSON MILLER: Quarterly for  
19       a year?

20                  MR. JACKSON: Yes.

21                  CHAIRPERSON MILLER: Okay.

22                  MR. JACKSON: As long as they want

1 it can go.

2 CHAIRPERSON MILLER: How many  
3 establishments have you done this for?

4 MR. JACKSON: Did it for four  
5 establishments so far.

6 CHAIRPERSON MILLER: And what's  
7 been their track record with respect to, you  
8 know, whether they had problems before and  
9 then when you did the training what their  
10 record was?

11 MR. JACKSON: Very good. They  
12 haven't -- I haven't heard of these  
13 establishments coming back before you. One  
14 was Caf, Citron. One was Pure. We just  
15 concluded with Stadium.

16 CHAIRPERSON MILLER: Okay. You've  
17 been in business how long?

18 MR. JACKSON: Since 2008.

19 CHAIRPERSON MILLER: Okay. That's  
20 right. Okay. Thank you.

21 And any other Board questions?

22 (No response.)

1 CHAIRPERSON MILLER: Any questions  
2 from --

3 MR. STERN: I do have some, but  
4 that's cross-examination, so --

5 CHAIRPERSON MILLER: You can go  
6 first, right. Mr. Woodson? Ms. Williford?

7 MS. WILLIFORD: Yes, there's been  
8 a lot of discussion about your qualifications  
9 in the business of your company. I'm going to  
10 show you what I've marked identified -- I  
11 mean, marked for identification purposes as  
12 Exhibit E. If you can take a look at that and  
13 let me know if you -- this has been previously  
14 provided to --

15 MR. JACKSON: Yes.

16 MS. WILLIFORD: -- the OAG. And I  
17 have copies if the Board would like to review  
18 that.

19 Could you let me know if you  
20 recognize that document?

21 MR. JACKSON: Yes, I do.

22 MS. WILLIFORD: And what is that

1 document?

2 MR. JACKSON: This document  
3 explains my business and my partners' and I  
4 qualifications.

5 MS. WILLIFORD: And are the  
6 qualifications that you were beginning to  
7 explain some of them, are they referenced  
8 within that document as well?

9 MR. JACKSON: Yes, it is.

10 MS. WILLIFORD: Okay. I would  
11 like to offer that document into evidence as  
12 Respondent's Exhibit 3.

13 MR. STERN: No objection.

14 CHAIRPERSON MILLER: Okay.  
15 Admitted.

16 MS. WILLIFORD: Mr. Jackson, there  
17 was a lot of discussion regarding the number  
18 of certificates provided versus the number of  
19 individuals who were actually trained.

20 MR. JACKSON: Yes.

21 MS. WILLIFORD: And so just to be  
22 clear, there were individuals who actually

1 trained who did not receive certificates?

2 MR. JACKSON: Correct.

3 MS. WILLIFORD: Was there a reason  
4 associated with that?

5 MR. JACKSON: Yes, there weren't  
6 completed the training. I didn't train them  
7 completely. So there's a couple of more  
8 things I wanted to go over with them before I  
9 certify them.

10 MS. WILLIFORD: Okay.

11 MR. JACKSON: To make sure they  
12 understand.

13 MS. WILLIFORD: And how much time  
14 does -- and this training is scheduled to take  
15 place when?

16 MR. JACKSON: Tomorrow.

17 MS. WILLIFORD: Tomorrow? Thank  
18 you. No further questions.

19 MR. STERN: Yes, Mr. Jackson, just  
20 one or two things.

21 MR. JACKSON: Sure.

22 MR. STERN: Would you agree with

1 me that it pretty much goes without saying  
2 that no matter how good the security plan, no  
3 matter how good the training, if it's not  
4 followed by the establishment it's of no real  
5 value?

6 MR. JACKSON: I agree.

7 MR. STERN: Okay. And did you  
8 testify earlier that you didn't think that  
9 this establishment was a danger to the  
10 community because nothing -- that the --  
11 because the stabbing did not occur inside the  
12 establishment?

13 MR. JACKSON: No, according to  
14 their record I -- the only thing I saw that  
15 was a nuisance was noise. And this was a  
16 first incident and no one was made aware of  
17 this incident, neither security nor  
18 management.

19 MR. STERN: Okay. Well, let me  
20 ask this: Their security plan calls for if  
21 there's two combatants that they be separated  
22 and taken outside separately, is that right?

1 MR. JACKSON: According to their  
2 security plan, yes.

3 MR. STERN: Right. And the reason  
4 for that is designed to lower violence,  
5 prevent fights from going outside and protect  
6 the public, both those people, right?

7 MR. JACKSON: Yes.

8 MR. STERN: Okay. Now would you  
9 agree that if that doesn't happen that could  
10 lead to a danger to the public?

11 MR. JACKSON: I don't agree.

12 MR. STERN: You don't agree no  
13 matter what? That if that doesn't happen it  
14 would be -- it cannot be a danger to the  
15 public?

16 MR. JACKSON: No, because it can  
17 happen. I've seen incidents where it did  
18 happen and still presented a danger to the  
19 public.

20 MR. STERN: I understand that.  
21 That's not what my question was. My question  
22 was if it doesn't happen can that be a danger

1 to the public?

2 MR. JACKSON: I don't agree.

3 MR. STERN: So it can't be a  
4 danger to the public even if it doesn't  
5 happen?

6 MS. WILLIFORD: Asked and --  
7 object. Asked and answered.

8 MR. JACKSON: You asked me can it  
9 be a danger to the public? I disagree.

10 MR. STERN: Even if they put two  
11 combatants outside together?

12 MS. WILLIFORD: Objection. He  
13 asked and answered. This is the third time.

14 MR. JACKSON: Yes.

15 MR. STERN: Okay.

16 MR. JACKSON: I won't say that  
17 will be considered a danger to the public  
18 because you put two people out.

19 MR. STERN: Oh, so why would you  
20 put that in your security plan?

21 MS. WILLIFORD: Objection. Asked  
22 and answered.

1 MR. JACKSON: That's not my  
2 security plan.

3 MEMBER ALBERTI: Wait, wait.

4 CHAIRPERSON MILLER: Okay.

5 MR. STERN: They're different  
6 questions.

7 CHAIRPERSON MILLER: But I know,  
8 but I'm kind of wondering, I thought you said  
9 it wasn't a good idea to throw out two  
10 combatants. Is that not correct?

11 MR. JACKSON: I didn't say that.

12 CHAIRPERSON MILLER: Oh.

13 MR. JACKSON: And that's not my  
14 security plan that states --

15 CHAIRPERSON MILLER: You did say  
16 it --

17 MR. STERN: Okay. When you  
18 reviewed it, is in the new security plan?

19 MR. JACKSON: In the new --

20 MS. WILLIFORD: Objection.  
21 There's been no testimony about a new security  
22 plan. There was previous testimony --

1 CHAIRPERSON MILLER: There was --

2 MS. WILLIFORD: -- about him --

3 I'm sorry.

4 CHAIRPERSON MILLER: I'm sorry.

5 MS. WILLIFORD: I'm sorry.

6 MR. JACKSON: No, I said I made  
7 recommendations --

8 MS. WILLIFORD: Okay.

9 MR. JACKSON: -- to put in the --

10 MR. STERN: Okay. Was one of your  
11 recommendations that that was unnecessary?

12 MR. JACKSON: Not unnecessary. It  
13 could be done a different way.

14 MR. STERN: Removing two  
15 combatants separately can be done a different  
16 way?

17 MR. JACKSON: Correct.

18 MR. STERN: Okay.

19 MR. JACKSON: Because first you  
20 have to identify what you consider combatant  
21 patrons. You talk about verbal or physical.  
22 So if it's a physical altercation, in my

1 opinion, if you can separate the two, I mean,  
2 if it's what I would call a hostile where  
3 people is slugging and fighting and punching  
4 and kicking, then the establishment can be  
5 charged for a simple assault as well if they  
6 put they hands on a individual and forcefully  
7 put that person out of an establishment. So  
8 that's where the verbal judo come in. So  
9 that's what I'm saying. It all depends. You  
10 just can't make -- put a -- give me a  
11 situation and say this what's supposed to  
12 happen on every situation, because it may not  
13 be safe to do that.

14 MR. STERN: Okay.

15 CHAIRPERSON MILLER: And can I  
16 just ask a clarifying question, because you  
17 know, I'm not sure where we're going here.  
18 Did you say that there was a new provision in  
19 the security plan that's not final right now  
20 that deals with separating combatants or not?

21 MR. JACKSON: No, I did not say  
22 that.

1 CHAIRPERSON MILLER: Is that what  
2 you were alluding to or not?

3 MR. STERN: No, my question was --

4 CHAIRPERSON MILLER: What are we  
5 talking about?

6 MR. STERN: -- the new plan still  
7 has the provision that calls for the  
8 separation of individuals, right?

9 MR. JACKSON: We haven't finalized  
10 the new plan.

11 CHAIRPERSON MILLER: Oh, okay.

12 MR. STERN: Okay.

13 CHAIRPERSON MILLER: I understand  
14 what you're saying.

15 MR. STERN: But you haven't  
16 recommended removing that provision?

17 MR. JACKSON: Not at this time,  
18 no.

19 MR. STERN: And is your testimony  
20 -- regardless of what you recommend and what's  
21 in the plan, is it your testimony that no  
22 matter what happens in any situation it is

1 never a danger to the community to set -- put  
2 two combatants outside at the same time?

3 MR. JACKSON: I didn't say that.

4 MR. STERN: Okay. That's what I  
5 was asking the first time. Is it a danger to  
6 the community to put two combatants out at the  
7 same time if the combatants are arguing,  
8 fighting, etcetera?

9 MR. JACKSON: Depending on the  
10 situation.

11 CHAIRPERSON MILLER: Okay.

12 MR. STERN: Okay. No further  
13 questions.

14 CHAIRPERSON MILLER: Okay. Any  
15 other questions?

16 (No response.)

17 CHAIRPERSON MILLER: Okay. Thank  
18 you. Thank you for your time, sir.

19 It's almost 2:00. Are there some  
20 other witnesses that need to be heard before  
21 we break for lunch that, you know --

22 MR. STERN: I do have --

1 CHAIRPERSON MILLER: You have one  
2 more?

3 MR. STERN: -- two police  
4 officers.

5 CHAIRPERSON MILLER: You have two?

6 MR. STERN: Both of them I think  
7 will be quick.

8 CHAIRPERSON MILLER: Okay.

9 MR. STERN: Which I'd like to  
10 call. They're the officers on the scene  
11 that --

12 CHAIRPERSON MILLER: How long do  
13 you think each one will take?

14 MR. STERN: They're just going to  
15 testify about the scene itself and their  
16 discussions directly with the -- I'm hoping  
17 that 15, 20 minutes --

18 CHAIRPERSON MILLER: Fifteen,  
19 twenty? They're not going to be duplicative?  
20 I mean, they're not going to be duplicative  
21 though?

22 MR. STERN: There are some things

1 they saw in common and other things that they  
2 didn't.

3 CHAIRPERSON MILLER: Okay.

4 MR. STERN: I will try to only  
5 call one of them. How about that?

6 CHAIRPERSON MILLER: No, it's up  
7 to you. It's your case.

8 MR. STERN: Yes, I understand.

9 CHAIRPERSON MILLER: Okay.  
10 Okay. Why don't you call your  
11 witness?

12 MR. STERN: Thank you.

13 CHAIRPERSON MILLER: Good  
14 afternoon. I'm just going to swear you in.  
15 If you would raise your right hand? Do you  
16 swear to tell the truth, the whole truth and  
17 nothing but the truth?

18 OFFICER WILCOX: I do.

19 CHAIRPERSON MILLER: Okay. Have a  
20 seat.

21 MR. STERN: Thank you, officer.  
22 Could you give us your full name and spell

1 your last name for the record, please?

2 OFFICER WILCOX: Olivia Wilcox, W-  
3 I-L-C-O-X.

4 MR. STERN: And are you employed,  
5 Ms. Wilcox?

6 OFFICER WILCOX: I am.

7 MR. STERN: How are you employed?

8 OFFICER WILCOX: Metropolitan  
9 Police Department.

10 MR. STERN: And were you so  
11 employed on the evening or early morning hours  
12 of December 30th, 2011?

13 OFFICER WILCOX: Yes, I was.

14 MR. STERN: At that time did you  
15 have occasion to become familiar with an  
16 establishment that became know to you as Mood  
17 Lounge at 1318 9th Street, N.W.?

18 OFFICER WILCOX: Yes.

19 MR. STERN: And what is it that  
20 brought that establishment to your attention?

21 OFFICER WILCOX: I received a  
22 request to respond to that location.

1       Apparently two gentlemen were -- was driven to  
2       Howard Hospital with stab wounds and I was --

3                   MEMBER SILVERSTEIN:   Excuse me,  
4       Ms. Wilcox.  If you could speak a little more  
5       toward us so that we could hear you?

6                   OFFICER WILCOX:   Okay.  I'm sorry.  
7       I was asked to respond to that -- to the  
8       hospital -- I mean -- I sorry.  I was asked to  
9       respond to the Mood Lounge to look for a crime  
10      scene.

11                  MR. STERN:   And when you came upon  
12      the -- did you find a crime scene?

13                  OFFICER WILCOX:   I did.

14                  MR. STERN:   And can you describe  
15      what that was to us, please?

16                  OFFICER WILCOX:   Sure.  There were  
17      blood puddles in the street and blood splatter  
18      on the sidewalk.

19                  MR. STERN:   Okay.  And did you  
20      eventually go inside of Mood?

21                  OFFICER WILCOX:   I did.

22                  MR. STERN:   Did you notice

1 anything that drew your attention when you  
2 were inside of Mood?

3 OFFICER WILCOX: I noticed some  
4 stains on the -- they have a blue lounge chair  
5 or couch against the wall. I noticed some  
6 stains, but it was dark and I couldn't tell  
7 exactly what those stains were. I also  
8 noticed some glass that was broken on the  
9 floor in that general area.

10 MR. STERN: Did you -- was there  
11 anything that your senses picked up that you  
12 felt was unusual?

13 OFFICER WILCOX: There was the  
14 scent of marijuana in the air.

15 MR. STERN: Okay. And that was  
16 inside the establishment?

17 OFFICER WILCOX: Yes, it was.

18 MR. STERN: That's all I have for  
19 you. Thank you, officer.

20 MR. WOODSON: Officer Milcox? Do  
21 I have that correct? M-I-L-C-O-X?

22 OFFICER WILCOX: No, Wilcox.

1 MR. WOODSON: Oh, Wilcox?

2 OFFICER WILCOX: Yes.

3 MR. WOODSON: Excuse me. Officer  
4 Wilcox, what time did you arrive at Mood  
5 Lounge?

6 OFFICER WILCOX: I honestly cannot  
7 recall.

8 MR. WOODSON: Do you know what  
9 time you received the call?

10 OFFICER WILCOX: Not off the top  
11 of my head, no.

12 MR. WOODSON: Do you know what day  
13 it was?

14 OFFICER WILCOX: It was December  
15 30th.

16 MR. WOODSON: Are you saying 30th?  
17 Was it in the morning? Was it at night? Was  
18 in the week? In the day?

19 OFFICER WILCOX: It was in the  
20 morning. It was after midnight.

21 MR. WOODSON: It was after  
22 midnight?

1 OFFICER WILCOX: Yes.

2 MR. WOODSON: When you responded  
3 was there any other officer on the scene?

4 OFFICER WILCOX: There was an  
5 officer, Officer Bucheron. He responded with  
6 me. We both arrived at the same time.

7 MR. WOODSON: How long did you  
8 stay?

9 OFFICER WILCOX: We were there  
10 probably I'd say three hours or so.

11 MR. WOODSON: Did you write a  
12 report based on your attendance at Mood that  
13 night?

14 OFFICER WILCOX: No, I didn't.

15 MR. WOODSON: Was there a report  
16 written by your colleague who attended with  
17 you?

18 OFFICER WILCOX: No.

19 MR. WOODSON: I have to ask, why  
20 not?

21 OFFICER WILCOX: A report was  
22 being completed by the officer who was at the

1 scene at the hospital for the stabbing. It  
2 was his scene.

3 MR. WOODSON: So there's no actual  
4 contemporaneous report of the scene itself?

5 OFFICER WILCOX: Just what the  
6 crime scene officers observed and took  
7 pictures of and what the officer at the  
8 hospital took a report of.

9 MR. WOODSON: Okay. You say when  
10 you went inside -- tell me what Mood looks  
11 like.

12 OFFICER WILCOX: It's a two-level  
13 nightclub. When I arrived on the scene it was  
14 dark inside. They were closing up. They were  
15 also cleaning up. The furniture is dark in  
16 color.

17 MR. WOODSON: Where is the bar?

18 OFFICER WILCOX: There's on the  
19 first floor and there's one on the second  
20 floor as well.

21 MR. WOODSON: Can you describe  
22 generally the interior of what Mood looks

1       like?  Is it a square?  Is it a rectangle?  Is  
2       it a circle?  Is it -- what does the floor  
3       space look like?

4                   OFFICER WILCOX:  It's a rectangle.

5                   MR. WOODSON:  It's a rectangle?

6                   OFFICER WILCOX:  Yes.

7                   MR. WOODSON:  And the doorway is  
8       at the end of the rectangle?

9                   OFFICER WILCOX:  There's several  
10       doorways.  There's one doorway at the  
11       beginning of the rectangle.  Actually, let me  
12       take that back.  There's two doorways at the  
13       beginning of the rectangle.  One door leads  
14       upstairs to the second floor.  The other door  
15       leads into the main -- I guess the main bar  
16       area.  There's also another door and another  
17       staircase at the back of the building.

18                   MR. WOODSON:  You made mention of  
19       couches.  Are couches only in a certain place,  
20       or are they dispersed throughout the floor  
21       space?

22                   OFFICER WILCOX:  From what I

1 observed there is couches on -- there's a bar.  
2 When you walk into the main building or the  
3 main floor, there's a bar to the -- to your  
4 left. There's a small dance floor and then  
5 there's a stage with like a couch and tables.

6 MR. WOODSON: Is the stage on the  
7 other end?

8 MR. STERN: Objection. Other end  
9 doesn't mean anything. Other end from where?

10 OFFICER WILCOX: Is the stage on  
11 the opposite end from the entrance?

12 OFFICER WILCOX: Yes, I believe it  
13 is.

14 MR. WOODSON: And the couches are  
15 where, on the right-hand side?

16 OFFICER WILCOX: The right-hand  
17 side as you're walking into the building.

18 MR. WOODSON: Did you walk the  
19 entire floor of the interior?

20 OFFICER WILCOX: Yes.

21 MR. WOODSON: And where were the  
22 stains? You say you saw stains on a couch.

1       Were they the couch in the front, the couch in  
2       the back? Was it just one stain on one couch?

3               OFFICER WILCOX: There were  
4       several stains on the couch. It's a long  
5       bench-like couch. There were stains all  
6       throughout the couch, actually. But the area  
7       I was concentrating on was where the broken  
8       glass was, like right in the middle of --

9               MR. WOODSON: Of the floor?

10              OFFICER WILCOX: -- the bench.

11              MR. WOODSON: Right -- I'm sorry,  
12       right in the middle of --

13              OFFICER WILCOX: It's a -- I'm  
14       sorry. It's a raised platform where the couch  
15       is sitting with tables. The area I was  
16       concentrating on most had broken glass on the  
17       floor in front of the couch. And then there  
18       was stains on the couch, but it was dark and  
19       I could not tell what the stains were.

20              MR. WOODSON: Did you have an  
21       occasion to report any of this to the crime  
22       scene individuals?

1 OFFICER WILCOX: Yes.

2 MR. WOODSON: And what did they  
3 do?

4 OFFICER WILCOX: They attempted to  
5 go and take pictures.

6 MR. WOODSON: Did they take the  
7 pictures?

8 OFFICER WILCOX: I'm not sure.

9 MR. WOODSON: Did you happen to  
10 see them go in or try to go in to take photos?

11 OFFICER WILCOX: Yes, they did  
12 enter.

13 MR. WOODSON: They did enter?

14 OFFICER WILCOX: Yes.

15 MR. WOODSON: The glass on the  
16 floor, was it a lot of glass or a little bit  
17 of glass? Was the glass all over the floor?  
18 Could you describe that a bit?

19 OFFICER WILCOX: There were  
20 several looked like champagne flutes that were  
21 broken on the floor and it was just  
22 concentrated in that one area.

1 MR. WOODSON: When you did go in,  
2 were there staff of Mood in on the floor at  
3 the time in the building?

4 OFFICER WILCOX: Yes.

5 MR. WOODSON: What were they  
6 doing?

7 OFFICER WILCOX: Cleaning.

8 MR. WOODSON: They were cleaning?  
9 When you say they were cleaning, were they  
10 sweeping up the floor? What were they doing?

11 OFFICER WILCOX: Sweeping up the  
12 floor, wiping down tables, picking up glass  
13 and other things that were on the floor.

14 MR. WOODSON: What is it that  
15 attracted your attention to the glass that  
16 they were cleaning up? What was --

17 OFFICER WILCOX: I personally was  
18 looking for the crime scene. I was looking  
19 for a weapon, blood splatter, anything that  
20 might lead me to believe that a crime happened  
21 at that area.

22 MR. WOODSON: And what did -- did

1 you find one?

2 OFFICER WILCOX: I did find a  
3 crime scene, yes.

4 MR. WOODSON: And what did you  
5 find that constituted a crime scene?

6 OFFICER WILCOX: I found -- you  
7 mean inside?

8 MR. WOODSON: Yes.

9 OFFICER WILCOX: I didn't find one  
10 inside.

11 MR. WOODSON: Officer Wilcox, how  
12 long have you been a member of the force?

13 OFFICER WILCOX: Ten years.

14 MR. WOODSON: Ten years? Have you  
15 been -- has your duties always involved calls  
16 to entertainment -- evening entertainment  
17 facilities?

18 OFFICER WILCOX: They've been some  
19 of my runs, yes.

20 MR. WOODSON: They've been some of  
21 them?

22 OFFICER WILCOX: Yes.

1 MR. WOODSON: How about recently?

2 OFFICER WILCOX: Yes.

3 MR. WOODSON: But since the event  
4 at Mood have you had occasion to do another?

5 OFFICER WILCOX: No.

6 MR. WOODSON: At the time you  
7 visited had you had such an occasion say  
8 within 60 days prior to that?

9 OFFICER WILCOX: Prior to that?  
10 Yes.

11 MR. WOODSON: When you visited the  
12 inside, when you visited Mood on that evening,  
13 did you have occasion to talk with the owner?

14 OFFICER WILCOX: No.

15 MR. WOODSON: You did not? When  
16 you went inside of Mood -- when you -- after  
17 you arrived at Mood, how long was it before  
18 you actually went inside?

19 OFFICER WILCOX: Immediately.

20 MR. WOODSON: You went inside  
21 immediately? Did anyone ask why you were  
22 there?

1 OFFICER WILCOX: Yes.

2 MR. WOODSON: Who was that?

3 OFFICER WILCOX: Security.

4 MR. WOODSON: Security? And what  
5 did you tell them?

6 OFFICER WILCOX: I was asked to  
7 come to the scene to look for a crime scene.  
8 We had two individuals that were stabbed.

9 MR. WOODSON: Did you tell them  
10 that there was a stabbing?

11 OFFICER WILCOX: Yes.

12 MR. WOODSON: Did you say to them  
13 that there was a stabbing in front of Mood, or  
14 down the street from Mood, or did you give  
15 them the location of where it took place?

16 OFFICER WILCOX: Yes, I stated  
17 that the victim told me that he -- or told the  
18 officer that he was stabbed at the club, at  
19 Mood Lounge.

20 MR. WOODSON: I'm sorry, say that  
21 one more time, please?

22 OFFICER WILCOX: When I

1 encountered those security staff --

2 MR. WOODSON: Yes.

3 OFFICER WILCOX: -- I told them  
4 that I was dispatched to the location for --  
5 to look for a crime scene because two men were  
6 stabbed at that location. The victim had told  
7 the responding officer to the hospital that he  
8 was at Mood Lounge, 1318 9th Street, and he  
9 was stabbed.

10 MR. WOODSON: Did you actually see  
11 anyone in Mood either inside or outside  
12 smoking marijuana?

13 OFFICER WILCOX: No.

14 MR. WOODSON: Did you ask anyone  
15 about that?

16 OFFICER WILCOX: No.

17 MR. WOODSON: You said that it was  
18 dark inside and you could not see the stain on  
19 the couch well. Am I saying that correct?

20 OFFICER WILCOX: Yes.

21 MR. WOODSON: Did you ask the  
22 owner about it?

1 OFFICER WILCOX: No.

2 MR. WOODSON: Did you ask anyone  
3 about it?

4 OFFICER WILCOX: No.

5 MR. WOODSON: You did make --  
6 you've made a point to speak about the glass  
7 on the floor, but is it fair to say that you  
8 did not consider the broken glass on the floor  
9 to be a crime scene?

10 OFFICER WILCOX: In the beginning  
11 I did think it was a possibility, but as the  
12 investigation continued, no.

13 MR. WOODSON: I have nothing  
14 further.

15 CHAIRPERSON MILLER: Yes, Mr.  
16 Silverstein?

17 MEMBER SILVERSTEIN: Thank you for  
18 your service, officer. The stains that you  
19 saw on the couch, is there any way of telling  
20 whether they were fresh or not? Couches get  
21 stained all the time and people spill red wine  
22 on them and things like that.

1                   OFFICER WILCOX: I personally  
2                   couldn't tell. As I was still looking for a  
3                   crime scene, I'd asked them -- I asked the  
4                   staff that was cleaning up the place to stop  
5                   cleaning so I could continue looking for a  
6                   crime scene. It was just me and another  
7                   officer on the scene at that time and I didn't  
8                   have the manpower to actually have someone  
9                   stand by that location.

10                   MEMBER SILVERSTEIN: Based on your  
11                   extensive experience, is there any reason to  
12                   believe that it may have been blood or that it  
13                   may have been some other substance?

14                   OFFICER WILCOX: Possible, yes.

15                   MEMBER SILVERSTEIN: What does  
16                   that mean? It could be either?

17                   OFFICER WILCOX: It could be  
18                   either. They were dark stains. The fabric is  
19                   a dark blue color, so I couldn't tell if it  
20                   could be -- it definitely wasn't water. It  
21                   was a dark-colored liquid, but I couldn't tell  
22                   what it was.

1                   MEMBER SILVERSTEIN:   Okay.   My  
2                   other question is you said there was a scent  
3                   of marijuana.

4                   OFFICER WILCOX:   Yes.

5                   MEMBER SILVERSTEIN:   How much is a  
6                   scent?   I mean, you know that -- you know, you  
7                   can be in a room where one person smoked a  
8                   cigarette and you can smell it.   And then you  
9                   get a room where everyone's smoking and you  
10                  can be just literally almost forced out of the  
11                  room.

12                  OFFICER WILCOX:   It was --

13                  MEMBER SILVERSTEIN:   Did you get a  
14                  contact high from this?   I mean, was there  
15                  that much?   Did it really reek of it, or was  
16                  this -- you know, is there any way of knowing  
17                  how much smoking had been going on?

18                  OFFICER WILCOX:   There is no way  
19                  of knowing for certain, but based on my  
20                  experience it smelled like there was a lot.

21                  MEMBER SILVERSTEIN:   It smelled  
22                  like there was a lot?

1 OFFICER WILCOX: Yes.

2 MEMBER SILVERSTEIN: You would say  
3 it reeked of marijuana as opposed to a scent  
4 or --

5 OFFICER WILCOX: Oh, yes. Like it  
6 was freshly smoked.

7 MEMBER SILVERSTEIN: Freshly?

8 OFFICER WILCOX: Yes.

9 MEMBER SILVERSTEIN: And this is  
10 based on your experience as a police officer?

11 OFFICER WILCOX: Yes.

12 MEMBER SILVERSTEIN: No further  
13 questions, Madam Chair.

14 CHAIRPERSON MILLER: Questions?

15 (No response.)

16 CHAIRPERSON MILLER: Okay. I have  
17 just a few. With respect to the stain that  
18 we're talking about, I mean, could you tell  
19 whether it was fresh or old?

20 OFFICER WILCOX: No.

21 CHAIRPERSON MILLER: Is it because  
22 you can't touch it in order to see if it's wet

1 or not because you'd contaminate it? I mean,  
2 how does that work?

3 OFFICER WILCOX: I didn't want to  
4 contaminate it. And I was also concerned with  
5 finding other -- it was a small amount of  
6 blood, and from what I had heard the wounds  
7 were like, it didn't seem consistent at that  
8 time. But it -- I didn't touch it to see, you  
9 know, if it was wet or not.

10 CHAIRPERSON MILLER: You referred  
11 to it as blood. Did you mean to do that?

12 OFFICER WILCOX: Oh, I'm sorry.

13 CHAIRPERSON MILLER: You didn't  
14 know if it was blood?

15 OFFICER WILCOX: The liquid.

16 CHAIRPERSON MILLER: Okay. Was it  
17 eventually tested?

18 OFFICER WILCOX: I'm not sure.

19 CHAIRPERSON MILLER: But you're  
20 not aware of any results?

21 OFFICER WILCOX: No.

22 CHAIRPERSON MILLER: Who would

1 decide whether to test it?

2 OFFICER WILCOX: The crime scene  
3 officer.

4 CHAIRPERSON MILLER: The ones  
5 taking pictures?

6 OFFICER WILCOX: Yes.

7 CHAIRPERSON MILLER: And you're  
8 not aware of pictures either?

9 OFFICER WILCOX: I did not --  
10 after I located the crime scene outside the  
11 building, I did not reenter the building.

12 CHAIRPERSON MILLER: Okay. So  
13 when you located a crime scene outside the  
14 building, was it just one area?

15 OFFICER WILCOX: No, it was pretty  
16 spread out. There was two rather large  
17 puddles of blood on the street. There was  
18 quite a bit of blood splatter that was walking  
19 -- it looked like someone was walking along  
20 the sidewalk.

21 CHAIRPERSON MILLER: Okay. And  
22 did you see the owner? You said that you

1 didn't talk to the owner. Did you see the  
2 owner there?

3 OFFICER WILCOX: I did see her.  
4 My partner, who arrived at the scene with me,  
5 at that time followed her upstairs and then I  
6 went downstairs to canvas.

7 CHAIRPERSON MILLER: Oh, okay. So  
8 is it correct to say that you didn't talk to  
9 the owner because your partner did?

10 OFFICER WILCOX: Right.

11 CHAIRPERSON MILLER: Okay.

12 OFFICER WILCOX: Yes.

13 CHAIRPERSON MILLER: Okay. That's  
14 all. Anybody else have a -- yes, Mr. Alberti?

15 MEMBER ALBERTI: Ms. Mobley --

16 CHAIRPERSON MILLER: You defer to  
17 Ms. -- Ms. Mobley, do you have something?

18 MEMBER MOBLEY: Yes, I do.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER MOBLEY: Officer Wilcox,  
21 thank you for being here. You had mentioned  
22 that when you went to the security you implied

1       there was more than one security person that  
2       you spoke with inside of the lounge. And you  
3       advised that there was a stabbing at Mood  
4       Lounge?

5                   OFFICER WILCOX: Yes.

6                   MEMBER MOBLEY: What was their  
7       response?

8                   OFFICER WILCOX: In here?

9                   MEMBER MOBLEY: I'm sorry?

10                  OFFICER WILCOX: They said, "In  
11       here?" They seemed not to believe it.

12                  MEMBER MOBLEY: Okay. And how  
13       many security guards are we speaking of?

14                  OFFICER WILCOX: I believe I saw  
15       three.

16                  MEMBER MOBLEY: You saw or  
17       actually spoke to? I'm talking about in this  
18       conversation when you say that you said to  
19       security guards that you came because you had  
20       been advised that there was a stabbing at Mood  
21       Lounge.

22                  OFFICER WILCOX: There were three

1 standing together.

2 MEMBER MOBLEY: Okay.

3 OFFICER WILCOX: And I just  
4 addressed them as a group.

5 MEMBER MOBLEY: And their response  
6 again was?

7 OFFICER WILCOX: In here? They  
8 couldn't believe that -- they did not believe  
9 that something like that occurred inside the  
10 building.

11 MEMBER MOBLEY: Okay. And what  
12 was your response to their disbelief?

13 OFFICER WILCOX: Yes, that this is  
14 the location that we were told this crime  
15 happened at.

16 MEMBER MOBLEY: Okay. Okay. And  
17 then you -- I think I heard you say that as  
18 the investigation, or your investigation  
19 continued you did not consider this to be a  
20 crime scene?

21 OFFICER WILCOX: The amount of  
22 blood outside compared to the dark stains that

1 were on the couch did not seem consistent.

2 MEMBER MOBLEY: Okay.

3 OFFICER WILCOX: And when I spoke  
4 with the bartenders that were cleaning up in  
5 that area, they stated that they had saw a  
6 group of males come together as in an  
7 argument, but then they separated with no  
8 punches or anything from --

9 MEMBER MOBLEY: What did the  
10 bartenders -- or how many bartenders are we  
11 speaking of again?

12 OFFICER WILCOX: There was three.

13 MEMBER MOBLEY: Three? And they  
14 said that they saw what again?

15 OFFICER WILCOX: There was a group  
16 of males, unknown number.

17 MEMBER MOBLEY: Yes. Inside?

18 OFFICER WILCOX: Inside.

19 MEMBER MOBLEY: Okay. They all  
20 came together like in a verbal argument like  
21 they were about to fight and then they just  
22 separated without throwing a punch or

1 anything.

2 MEMBER MOBLEY: Who separated  
3 them?

4 OFFICER WILCOX: They separated  
5 each other.

6 MEMBER MOBLEY: The people who  
7 were arguing separated each other?

8 OFFICER WILCOX: That's what I was  
9 told.

10 MEMBER MOBLEY: Okay. What was  
11 your response to that? Did you follow up with  
12 any additional questions?

13 OFFICER WILCOX: I asked if I  
14 could get a description, if I can get a  
15 location? Where did they go? And they didn't  
16 have any answers.

17 MEMBER MOBLEY: Okay. All right.  
18 Thank you.

19 CHAIRPERSON MILLER: Mr. Alberti?

20 MEMBER ALBERTI: Hi, Officer  
21 Wilcox. I want to focus on the blood outside,  
22 because I'm not really getting a clear picture

1 of what it looked like. All right? You said  
2 there were two big -- two significant pools?

3 OFFICER WILCOX: Yes.

4 MEMBER ALBERTI: How far apart  
5 were they?

6 OFFICER WILCOX: Maybe a foot.

7 MEMBER ALBERTI: Okay. How big  
8 were they?

9 OFFICER WILCOX: They were about  
10 the size of a football.

11 MEMBER ALBERTI: Each of them?

12 OFFICER WILCOX: Yes.

13 MEMBER ALBERTI: Okay. How fresh  
14 did they look?

15 OFFICER WILCOX: Very fresh.

16 MEMBER ALBERTI: I mean, when you  
17 looked at them, were they obviously wet?

18 OFFICER WILCOX: Oh, yes.

19 MEMBER ALBERTI: Okay. This may  
20 be an unfair question because you're  
21 experienced and you've seen this before, but  
22 was it obviously blood? To you was it

1 obviously blood?

2 OFFICER WILCOX: Yes.

3 MEMBER ALBERTI: There's no  
4 question about that, right?

5 OFFICER WILCOX: No question.

6 MEMBER ALBERTI: Okay. Where were  
7 they in relationship to the front? Let's talk  
8 about the front. Let's back up again. The  
9 front entrance. So describe the front  
10 entrance. You said there are several doors.

11 OFFICER WILCOX: Yes.

12 MEMBER ALBERTI: Several doors  
13 that lead out to the street?

14 OFFICER WILCOX: Yes, there's --  
15 when you face the building, there are two  
16 doors that are probably I want to say three or  
17 four feet apart.

18 MEMBER ALBERTI: Okay.

19 OFFICER WILCOX: There's an awning  
20 in front of the building.

21 MEMBER ALBERTI: Yes.

22 OFFICER WILCOX: And then there's

1 a camera that faces the doorway.

2 MEMBER ALBERTI: Okay. And so  
3 when you -- okay. So there are two doors.  
4 Okay. Where was the blood in relationship to  
5 those two doors?

6 OFFICER WILCOX: I would say it  
7 was approximately maybe four or five feet from  
8 the door.

9 MEMBER ALBERTI: Towards the  
10 street?

11 OFFICER WILCOX: Yes.

12 MEMBER ALBERTI: Okay. If you're  
13 standing behind the puddle looking at the  
14 establishment, all right?

15 OFFICER WILCOX: Yes.

16 MEMBER ALBERTI: And you're  
17 looking straight ahead from puddle A, what are  
18 you looking at?

19 OFFICER WILCOX: You're looking at  
20 -- there's a window.

21 MEMBER ALBERTI: Yes.

22 OFFICER WILCOX: And there's bars

1 that's on the windows. And I believe that's  
2 where it was.

3 MEMBER ALBERTI: Okay. And the  
4 second puddle, puddle B. You're looking --  
5 you're standing behind it. The street's  
6 behind you and you're looking straight at the  
7 building. What are you looking at?

8 OFFICER WILCOX: Same thing.

9 MEMBER ALBERTI: Same thing?

10 OFFICER WILCOX: Yes.

11 MEMBER ALBERTI: Oh, so they're  
12 very close?

13 OFFICER WILCOX: Yes.

14 MEMBER ALBERTI: Within a foot of  
15 each other?

16 OFFICER WILCOX: Only about a foot  
17 apart.

18 MEMBER ALBERTI: And where is the  
19 door in relationship to that?

20 OFFICER WILCOX: The door is  
21 diagonal to your left, and I want to say it's  
22 probably four or five feet.

1                   MEMBER ALBERTI: Four or five feet  
2 to the left?

3                   OFFICER WILCOX: Yes.

4                   MEMBER ALBERTI: And that's --  
5 which door is that? Which door is --

6                   OFFICER WILCOX: That would be the  
7 main door.

8                   MEMBER ALBERTI: The door that  
9 leads to the first level?

10                  OFFICER WILCOX: Yes.

11                  MEMBER ALBERTI: Okay. Do you  
12 know if you can get to the second level from  
13 inside?

14                  OFFICER WILCOX: Yes, you can.

15                  MEMBER ALBERTI: How do you do  
16 that?

17                  OFFICER WILCOX: Both doors  
18 actually have a vestibule that connect. The  
19 door on the right, you go up -- takes you  
20 immediately upstairs.

21                  MEMBER ALBERTI: Okay.

22                  OFFICER WILCOX: The door on the

1 left takes you mainly into the main bar area.

2 MEMBER ALBERTI: Okay. How well  
3 let is the street out there?

4 OFFICER WILCOX: It's pretty well  
5 lit.

6 MEMBER ALBERTI: Do you feel --  
7 how close do you -- do you remember how close  
8 the street light is?

9 OFFICER WILCOX: Honestly, I'm not  
10 sure, but I know there is --

11 MEMBER ALBERTI: Are there street  
12 lights that illuminate that block?

13 OFFICER WILCOX: Yes, there are  
14 several lights --

15 MEMBER ALBERTI: City street  
16 lights that -- and are they -- to your  
17 recollection, are they normal distance that  
18 you see street lights on a city block in  
19 that --

20 OFFICER WILCOX: Yes.

21 MEMBER ALBERTI: Okay. All right.  
22 So when I walk in, I'm in a vestibule?

1                   OFFICER WILCOX:  Yes.

2                   MEMBER ALBERTI:  All right.  And  
3                   then what separates the vestibule from the  
4                   first floor, or is there no physical  
5                   separation?

6                   OFFICER WILCOX:  There's no  
7                   physical separation.  I'm sorry.  The left  
8                   side door, there's no separation.  The right  
9                   door, there's a small doorway that will take  
10                  you upstairs or you can go to the left and  
11                  bring you into the main bar area.

12                  MEMBER ALBERTI:  Okay.  So when I  
13                  walk in, really there's kind of a -- the sense  
14                  of a vestibule, but you really -- it's --  
15                  there's no separation between the bar, the  
16                  main floor area and that area?

17                  OFFICER WILCOX:  Right.

18                  MEMBER ALBERTI:  Okay.

19                  OFFICER WILCOX:  That's correct.

20                  MEMBER ALBERTI:  Oh, is this your  
21                  regular beat, this area?

22                  OFFICER WILCOX:  Yes, it is.

1 MEMBER ALBERTI: How long have you  
2 been assigned to that area?

3 OFFICER WILCOX: I have been  
4 assigned there probably a year.

5 MEMBER ALBERTI: A year now?  
6 Okay. What's your normal shift, or does it  
7 change?

8 OFFICER WILCOX: Midnights.

9 MEMBER ALBERTI: Midnights?

10 OFFICER WILCOX: Yes, which is --

11 MEMBER ALBERTI: You come in on  
12 midnights?

13 OFFICER WILCOX: Yes.

14 MEMBER ALBERTI: Okay.

15 OFFICER WILCOX: Which is, right  
16 now my tour is from 2230 to 0700.

17 MEMBER ALBERTI: Okay. Was Mood  
18 Lounge known to you before this incident?

19 OFFICER WILCOX: Yes.

20 MEMBER ALBERTI: And what did you  
21 know about it?

22 OFFICER WILCOX: I've known we

1 received several complaints from neighbors in  
2 that area. My officials would have us sent  
3 out there just to make sure everything was  
4 smooth, that there was no confrontations  
5 between the patrons or the owners of Mood  
6 Lounge and the neighbors.

7 MEMBER ALBERTI: Oh, so you  
8 actually sat there in a patrol car?

9 OFFICER WILCOX: Quite often.

10 MEMBER ALBERTI: Quite often?  
11 Would you observe -- I mean, did you observe  
12 any potential disturbances while you were  
13 there?

14 OFFICER WILCOX: Since I've been  
15 there, no.

16 MEMBER ALBERTI: Okay.

17 OFFICER WILCOX: Usually they'd  
18 let out about 3:00 in the morning. There's  
19 usually a large crowd. They also have valet  
20 parking, so they're usually just the crowd  
21 waiting to get their cars to leave.

22 MEMBER ALBERTI: Okay. Thank you.

1 I have no further questions.

2 CHAIRPERSON MILLER: Mr.  
3 Silverstein?

4 MEMBER SILVERSTEIN: Following up  
5 some other questions, you told Board Member  
6 Mobley that you did not believe that the couch  
7 area was part of the crime scene.

8 OFFICER WILCOX: Right.

9 MEMBER SILVERSTEIN: Did you see  
10 any blood or any evidence of a crime scene  
11 anywhere from the couch area to the door?

12 OFFICER WILCOX: No.

13 MEMBER SILVERSTEIN: Is it  
14 possible that that area could have been  
15 cleaned before you got there?

16 OFFICER WILCOX: It is possible.

17 MEMBER SILVERSTEIN: So we don't  
18 actually know for sure one way or another.  
19 Was there any evidence leading from the door  
20 to the two pools of blood that you talked to  
21 Board Member Alberti about?

22 OFFICER WILCOX: Not that I've

1       seen.

2                   MEMBER SILVERSTEIN:   So there is  
3       no evidence that the stabbings did not occur  
4       at the area outside the bar where these two  
5       pools of blood were?

6                   OFFICER WILCOX:   Yes.

7                   CHAIRPERSON MILLER:   I'm sorry.  
8       That was like a double negative.   What do you  
9       mean?

10                   MEMBER SILVERSTEIN:   There is no  
11       evidence that you can find that people -- that  
12       the stabbing might have occurred inside and  
13       that the people walked outside?   You have no  
14       trail of blood, no pool of blood, nothing like  
15       that that would show, would indicate, nothing  
16       that appeared to have recently been cleaned  
17       that would indicate that anybody had scrubbed  
18       the scene?   There's no evidence to show that  
19       the stabbings occurred anywhere other than  
20       outside the club?   Is that what you're saying?

21                   OFFICER WILCOX:   That's what I'm  
22       saying.

1                   MEMBER SILVERSTEIN: Okay. As far  
2 as Mood Lounge, this is your regular beat. I  
3 just want to go a little further than  
4 Commissioner Alberti. Have there been cases  
5 of neighbors complaining and you find that  
6 nothing has gone on?

7                   OFFICER WILCOX: Quite often.

8                   MEMBER SILVERSTEIN: Or maybe  
9 these things happen after you leave?

10                  OFFICER WILCOX: I've received  
11 several -- while working I've received several  
12 radio runs to that location for people  
13 fighting. When I get on the scene, there's no  
14 one fighting. Everyone's peacefully standing  
15 around waiting for their vehicles. Usually  
16 it's a large crowd congregating, but no one's  
17 being unruly.

18                  MEMBER SILVERSTEIN: So you're  
19 saying these are not bad actors, or they're  
20 good actors, or it's just -- it's a late night  
21 place in a mixed-residential area where you're  
22 going to have problems of noise because that's

1 what happens when you have mixed-use  
2 neighborhoods and late night places?

3 OFFICER WILCOX: Yes.

4 MEMBER SILVERSTEIN: There's  
5 nothing special here?

6 OFFICER WILCOX: No.

7 MEMBER SILVERSTEIN: But the  
8 marijuana?

9 OFFICER WILCOX: But the  
10 marijuana. But that happens at most clubs in  
11 this area.

12 MEMBER SILVERSTEIN: Yes. No  
13 further questions, Madam Chair.

14 MEMBER ALBERTI: Just a quick  
15 follow-up on the blood. I'm sorry.

16 OFFICER WILCOX: That's okay.

17 MEMBER ALBERTI: Did you speak to  
18 -- when you got there, did you speak to the  
19 staff or the owner or anyone about the blood  
20 outside?

21 OFFICER WILCOX: I did not, no.

22 MEMBER ALBERTI: Okay. So you

1 didn't tell them that you saw the blood  
2 outside and question them about --

3 OFFICER WILCOX: They -- when I  
4 was standing outside guarding the crime scene,  
5 I had several security staff and other  
6 patrons, I believe, come outside. I'm sure  
7 they seen it, but they didn't --

8 MEMBER ALBERTI: But prior to  
9 that, when you first arrived, you didn't ask  
10 them about the blood outside?

11 OFFICER WILCOX: Actually I take  
12 that back. There was a security guard --  
13 there was -- I want to -- I believe there was  
14 one security guard while I was standing there  
15 looking at the blood trying to determine if it  
16 was blood who stated that it was cough syrup  
17 mixed with Sprite and --

18 MEMBER ALBERTI: And that's before  
19 you said anything to -- that's when you first  
20 arrived?

21 OFFICER WILCOX: No, that was  
22 after I had been inside and came back outside

1 to canvas.

2 MEMBER ALBERTI: Oh, came back  
3 outside? So he told you it was cough syrup --

4 OFFICER WILCOX: And Sprite.

5 MEMBER ALBERTI: -- mixed with  
6 Sprite. Did he have a reason to offer that up  
7 to you?

8 OFFICER WILCOX: No.

9 MEMBER ALBERTI: Had you said --  
10 asked him what it was?

11 OFFICER WILCOX: I didn't say a  
12 word to him.

13 MEMBER ALBERTI: Okay. Thank you.

14 CHAIRPERSON MILLER: Yes, Mr.  
15 Nophlin?

16 MEMBER NOPHLIN: Yes, thank you.  
17 The report that was done, did you help write  
18 the report, the police report?

19 OFFICER WILCOX: No, I did not.

20 MEMBER NOPHLIN: Your partner or  
21 somebody who was with you wrote the report, or  
22 did they write -- make a report?

1                   OFFICER WILCOX:  The officer who  
2 was at the hospital --

3                   MEMBER NOPHLIN:  Yes?

4                   OFFICER WILCOX:  -- he was the one  
5 that did the report.  My partner passed the  
6 only information that we had collected from  
7 the scene to said officer.

8                   MEMBER NOPHLIN:  To the officer?  
9 Okay.  And you had -- did you have an  
10 opportunity to interview the two people who  
11 were stabbed?

12                  OFFICER WILCOX:  No.

13                  MEMBER NOPHLIN:  Okay.  Thank you.

14                  CHAIRPERSON MILLER:  I just want  
15 to ask one follow-up question just about your  
16 observation of the establishment before the  
17 incident.  And you said that often they would  
18 empty out at about 3:00 in the morning and  
19 there would be a crowd, and most of them were  
20 getting valet parking getting their cars?

21                  OFFICER WILCOX:  Correct.

22                  CHAIRPERSON MILLER:  How many

1 people about constitute this kind of crowd you  
2 were talking about?

3 OFFICER WILCOX: I would say  
4 there's usually 40 to 50 people on the  
5 sidewalk.

6 CHAIRPERSON MILLER: And are they  
7 mixed ages, or would you be able to say that,  
8 oh, they're generally --

9 OFFICER WILCOX: They generally  
10 seem to be between 20 -- mid-20s and maybe  
11 mid-40s.

12 CHAIRPERSON MILLER: And then  
13 finally, since they're driving, I assume, are  
14 most of the patrons from outside the  
15 neighborhood?

16 OFFICER WILCOX: I haven't really  
17 noticed. I did notice that a lot of the cars  
18 that are parked directly around that area has  
19 D.C. tags.

20 CHAIRPERSON MILLER: You notice  
21 people walking home from the establishment?

22 OFFICER WILCOX: Actually, yes, we

1 usually get probably 10 or 15 people that walk  
2 south on 9th Street. Very few go north.

3 CHAIRPERSON MILLER: Okay. All  
4 right. I don't have any other questions.

5 MEMBER MOBLEY: I --

6 CHAIRPERSON MILLER: Oh, yes, Ms.  
7 Mobley?

8 MEMBER MOBLEY: Thank you. Let me  
9 just ask this, Officer Wilcox: When you  
10 arrived on the scene with Officer Bucheron I  
11 think you said is his name --

12 OFFICER WILCOX: Yes.

13 MEMBER MOBLEY: -- I heard you say  
14 that there was one security guard outside who  
15 made the reference to cough syrup and Sprite.  
16 Were there any other individuals outside of  
17 the club?

18 OFFICER WILCOX: There were  
19 several people walking out of the club. From  
20 what I could tell there was a couple of  
21 security guards that would congregate around  
22 the entrance --

1 MEMBER MOBLEY: Yes.

2 OFFICER WILCOX: -- of where we  
3 were standing. But other than that --

4 MEMBER MOBLEY: The other  
5 individuals, were they patrons?

6 OFFICER WILCOX: I couldn't tell.

7 MEMBER MOBLEY: Okay. Did you ask  
8 them any questions?

9 OFFICER WILCOX: No.

10 MEMBER MOBLEY: In terms of what  
11 they saw or heard or anything of that nature?

12 OFFICER WILCOX: No.

13 MEMBER MOBLEY: Okay. All right.  
14 Thank you.

15 CHAIRPERSON MILLER: You know, I'd  
16 want to follow up on that, too, because I know  
17 that when Mr. Woodson I believe was asking you  
18 about time, you didn't know what time it was.

19 OFFICER WILCOX: Yes.

20 CHAIRPERSON MILLER: But it was  
21 before closing, right?

22 OFFICER WILCOX: I was a little

1 bit flustered.

2 CHAIRPERSON MILLER: Okay.

3 OFFICER WILCOX: When I arrived on  
4 the scene they were closing up. The patrons  
5 were emptying out of the building. That's  
6 when we went in. That's why I wanted to go  
7 into the building first to look for a crime  
8 scene was because they were already trying to  
9 close up. So I wanted to make sure that we  
10 would see if there was a crime scene and get  
11 of their way if there wasn't.

12 CHAIRPERSON MILLER: Okay. Did  
13 you have any other questions?

14 (No response.)

15 CHAIRPERSON MILLER: Okay. I  
16 think that concludes this witness, or do  
17 you --

18 MR. STERN: I do have one or two  
19 follow ups.

20 CHAIRPERSON MILLER: Okay.

21 MR. STERN: When you got there as  
22 far as you know were the ABRA investigators

1 already there?

2 OFFICER WILCOX: No, they weren't.

3 MR. STERN: Okay. Did they come  
4 while you were there?

5 OFFICER WILCOX: Yes.

6 MR. STERN: When you walked in the  
7 door, where did you encounter the security  
8 guards?

9 OFFICER WILCOX: They were all in  
10 the front of the entrance, because they were  
11 escorting people out of the building.

12 MR. STERN: Okay. And is there  
13 anything, a report from someone else or --  
14 that would refresh your recollection about  
15 what time you came relative to when the call  
16 went out -- or maybe your remember, what time  
17 did you come relative to when the call went  
18 out for people in the hospital?

19 OFFICER WILCOX: Actually when the  
20 call came out for the person in the hospital,  
21 I was actually a block away from that  
22 building.

1 MR. STERN: Okay.

2 OFFICER WILCOX: Because we were  
3 -- again we were asked to sit out front of the  
4 building just to monitor the situation and I  
5 just happened to be a block away at that time.

6 MR. STERN: Now did anybody -- it  
7 was -- when you got there you said that -- in  
8 response to one of the questions, that they  
9 were closing up.

10 OFFICER WILCOX: Yes, the business  
11 was closing up.

12 MR. STERN: Okay. Isn't 3:00  
13 their closing time on a Friday night?

14 OFFICER WILCOX: Yes, it is.

15 MR. STERN: Do you recall whether  
16 this was -- did anybody explain why they would  
17 be closing substantially before 3:00?

18 OFFICER WILCOX: My partner, when  
19 he came down to join me downstairs, he told me  
20 that the owner had noticed that people in the  
21 building -- or the patrons started smoking  
22 marijuana so she turned on the light and told

1       them that they were closing early because they  
2       wouldn't stop.

3               MR. STERN:   Okay.   About how many  
4       people were inside when you arrived?

5               OFFICER WILCOX:   I would say there  
6       was probably 15.

7               MR. STERN:   How far along -- could  
8       you tell how far along the cleaning crew had  
9       gotten in terms of picking things up and  
10      cleaning things off?

11              Were the lights on?   First -- I'm  
12      sorry.   Dumb question.   Were the lights on  
13      first when you got there?

14              OFFICER WILCOX:   Yes, they were.

15              MR. STERN:   Okay.   Could you tell  
16      how far along the cleaning crew had gotten?

17              OFFICER WILCOX:   Not really.   It  
18      appeared they had just started.

19              MR. STERN:   Okay.   That's all I  
20      have.   Thank you.

21              MR. WOODSON:   Officer Wilcox, was  
22      the door locked when you arrived?

1                   OFFICER WILCOX:  No.

2                   MR. WOODSON:  You mentioned at the  
3 beginning of your remarks that there were  
4 puddles of blood in the street and splatters  
5 on the sidewalk.  Is that still your  
6 testimony?

7                   OFFICER WILCOX:  Yes.

8                   MR. WOODSON:  How far away were  
9 the puddles of blood on the street from the  
10 front door of Mood?

11                  OFFICER WILCOX:  About four or  
12 five feet.

13                  MR. WOODSON:  Four or five feet?  
14 In the front of Mood there is a sidewalk?

15                  OFFICER WILCOX:  Yes.

16                  MR. WOODSON:  And there is a tree?

17                  OFFICER WILCOX:  Yes.

18                  MR. WOODSON:  Is there a parking  
19 lane?

20                  OFFICER WILCOX:  Yes.

21                  MR. WOODSON:  Were the puddles of  
22 blood outside of the parking lane?

1 OFFICER WILCOX: No.

2 MR. WOODSON: They were inside of  
3 the parking -- were they actually in the  
4 street itself?

5 OFFICER WILCOX: Yes.

6 MR. WOODSON: Is the parking lane  
7 revealed through any markings in the street?

8 OFFICER WILCOX: I want to say it  
9 was a dotted line that -- I'm not sure what  
10 the markings were honestly. I believe it was  
11 a dotted line marking that lane.

12 MR. WOODSON: The parking lane?

13 OFFICER WILCOX: Yes.

14 MR. WOODSON: And your testimony  
15 is that the puddles of blood were between the  
16 parking lane line and the curb?

17 OFFICER WILCOX: Yes.

18 MR. WOODSON: The remark that you  
19 heard about cough syrup and Sprite when you  
20 arrived --

21 OFFICER WILCOX: Yes.

22 MR. WOODSON: -- who was it that

1       said that?

2                   OFFICER WILCOX:  I don't know.

3                   MR. WOODSON:  Was it -- do you  
4 know if it was one of the people on the staff?

5                   OFFICER WILCOX:  I believe it was  
6 a security guard.

7                   MR. WOODSON:  But you don't know?

8                   OFFICER WILCOX:  I don't know for  
9 certain.

10                  MR. WOODSON:  Did you see them  
11 afterwards?  I mean, were --

12                  OFFICER WILCOX:  Yes.

13                  MR. WOODSON:  -- you were there  
14 for awhile.

15                  OFFICER WILCOX:  Yes, they  
16 actually -- I believe the security staff hung  
17 around pretty much until we left.

18                  MR. WOODSON:  And that individual  
19 was there the entire time, you say?

20                  OFFICER WILCOX:  I believe so.

21                  MR. WOODSON:  But you're not  
22 actually certain?

1                   OFFICER WILCOX: I was  
2 concentrating on keeping the crime scene safe.

3                   MR. WOODSON: Okay. That's fair  
4 enough.

5                   Madam Chair, nothing further.

6                   CHAIRPERSON MILLER: Okay. I just  
7 want to ask one question just to clarify,  
8 because I thought I heard you say something  
9 inconsistent and I wanted to let you just  
10 clarify. I thought you said at the beginning  
11 that when you came into the establishment it  
12 was dark and that's why you couldn't tell what  
13 the stain was. And then I just thought I  
14 heard you say that when you came in the  
15 establishment had -- the owner had put on the  
16 lights and then it -- so that people would  
17 leave.

18                   OFFICER WILCOX: The lights were  
19 on, but the -- like I said, the interior and  
20 the upholstery are dark in color, so it's  
21 difficult to see.

22                   CHAIRPERSON MILLER: Oh, you meant

1           what was dark was the upholstery?

2                       OFFICER WILCOX:  Yes, I'm sorry.

3                       CHAIRPERSON MILLER:  Okay.  Thank  
4           you.  Okay.  Okay.  Nothing further.

5                       MR. STERN:  Nothing further.

6                       CHAIRPERSON MILLER:  I think you  
7           can be excused then.

8                       MR. STERN:  Yes.

9                       CHAIRPERSON MILLER:  Thank you  
10          very much.  Okay.

11                      MR. STERN:  I understand the Board  
12          wants to take a break.

13                      CHAIRPERSON MILLER:  Okay.  Let's  
14          just get an idea of what's remaining, if we  
15          could.  Are you going to be presenting your  
16          other police officer?

17                      MR. STERN:  I don't think so.  He  
18          was not available.

19                      CHAIRPERSON MILLER:  Oh, okay.  
20          It's not like he's waiting now?

21                      MR. STERN:  No.

22                      CHAIRPERSON MILLER:  Okay.  So if

1 you could give us an indication maybe of how  
2 many more witnesses you intend to call and  
3 then Mr. Woodson?

4 MR. STERN: I have one witness who  
5 is only going to introduce documents. And  
6 then I have the investigator. I think that  
7 will be all.

8 CHAIRPERSON MILLER: Okay.

9 MR. STERN: The ABRA investigator.

10 CHAIRPERSON MILLER: Okay. And  
11 will that -- how long will the investigator  
12 take about? Have you any idea? Long time?  
13 An hour?

14 MR. STERN: Half-hour, maybe.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER ALBERTI: An hour --

17 CHAIRPERSON MILLER: An hour?

18 Okay.

19 How about you all?

20 MS. WILLIFORD: Depending on what  
21 evidence is provided, we have up to five  
22 witnesses that we would be prepared to call to

1       rebut the evidence that's been provided.

2                   CHAIRPERSON MILLER:  Oh, depending  
3       on the remaining part of his case?

4                   MS. WILLIFORD:  Correct, depending  
5       on what happens with the remainder of the  
6       case, we would be able to pare that down some.  
7       But we have five individuals prepared to  
8       testify.

9                   CHAIRPERSON MILLER:  Okay.  And do  
10      you have an estimate on time?

11                  MR. WOODSON:  If I could offer an  
12      observation, Madam Chair?  Given the way Board  
13      testimony always goes, I would say that --

14                  CHAIRPERSON MILLER:  Board  
15      questions?

16                  MR. WOODSON:  I'm sorry?

17                  CHAIRPERSON MILLER:  You mean  
18      Board questions?

19                  MR. WOODSON:  I'm sorry.  Excuse  
20      me.  Board proceedings --

21                  CHAIRPERSON MILLER:  Okay.

22                  MR. WOODSON:  -- are normally done.

1 (Laughter.)

2 MR. WOODSON: You know, in our  
3 best of circumstance I haven't seen a witness  
4 yet that's less than 40 minutes. And so, I  
5 would anticipate that our witnesses will  
6 consume four hours of time.

7 CHAIRPERSON MILLER: Okay. Well,  
8 it depends depending on if you put all those  
9 witnesses on.

10 MR. WOODSON: Might have three-  
11 and-a-half.

12 CHAIRPERSON MILLER: Okay. All  
13 right. All right. Yes, we're break. It's  
14 time. And we're going to recess for half an  
15 hour. Everybody can get lunch. Is that  
16 enough? Unless somebody has any other -- need  
17 for longer. Okay.

18 MEMBER ALBERTI: 3:15. We'll be  
19 back at 3:15.

20 CHAIRPERSON MILLER: 3:15. Okay.  
21 So we're off the record now.

22 (Whereupon, at 2:43 p.m. the

1 above-entitled matter went off the record and  
2 resumed at 3:25 p.m.)

3 CHAIRPERSON MILLER: Back on the  
4 record. And the Government has brought in one  
5 witness.

6 Would you like to stand and I'll  
7 swear you in? Could you raise your right  
8 hand? Do you swear to tell the truth, the  
9 whole truth and nothing but the truth?

10 MS. HAVLIN: I do.

11 CHAIRPERSON MILLER: Okay. Thank  
12 you.

13 MR. STERN: Thank you. Good  
14 afternoon. Can you give us your name and  
15 spell your last name for the court reporter?

16 MS. HAVLIN: Yes, my name is Diana  
17 Havlin, H-A-V-L-I-N.

18 MR. STERN: And, Ms. Havlin, are  
19 you employed?

20 MS. HAVLIN: Yes, I am.

21 MR. STERN: By whom are you  
22 employed?

1 MS. HAVLIN: By the Metropolitan  
2 Police Department.

3 MR. STERN: And are you a sworn  
4 officer?

5 MS. HAVLIN: I am not.

6 MR. STERN: Civilian employee?

7 MS. HAVLIN: Yes, sir.

8 MR. STERN: What is your job with  
9 the Metropolitan Police Department?

10 MS. HAVLIN: I'm a crime analyst  
11 for the 3rd District.

12 MR. STERN: Okay. And as part of  
13 your job were you asked to do anything  
14 regarding Mood Lounge?

15 MS. HAVLIN: Yes, I was.

16 MR. STERN: And what was it that  
17 you were asked to do?

18 MS. HAVLIN: I was asked to do a  
19 database search for calls for service, arrests  
20 and PD-251 reports, which are crime reports,  
21 for 1318 9th Street, which is Mood Lounge.

22 MR. STERN: Okay. I'm going to

1 show you what I've marked up as Government's  
2 Exhibit No. 2. And I know it's out of order,  
3 but I prefer using No. 2 for this because  
4 we've got the other thing for No. 1.

5 Could you look at that and tell me  
6 if you recognize what that is?

7 MS. HAVLIN: Yes, I do.

8 MR. STERN: What is that?

9 MS. HAVLIN: this is a database  
10 search of the CAD database, which is computer-  
11 aided dispatch. And that's the 911 database  
12 for the listed address, 1318 9th Street.

13 MR. STERN: And you ran that  
14 report?

15 MS. HAVLIN: I did.

16 MR. STERN: Okay. We move the  
17 report into evidence.

18 MR. WOODSON: No objection.

19 CHAIRPERSON MILLER: Okay. Any  
20 objection?

21 MR. WOODSON: No objection.

22 CHAIRPERSON MILLER: Is this it?

1 MS. HAVLIN: Yes.

2 CHAIRPERSON MILLER: Okay. Thank  
3 you. It's in as evidence.

4 MR. STERN: Just to clarify, can  
5 you tell me what the report lists?

6 MS. HAVLIN: The report has calls  
7 for service, which are 911 calls.

8 MR. STERN: Okay. And is there  
9 also a compilation somewhere?

10 MS. HAVLIN: Yes, on the second  
11 page is the count of each call type.

12 MR. STERN: Thank you. That's  
13 all.

14 CHAIRPERSON MILLER: That's all?

15 MR. WOODSON: That's it.

16 CHAIRPERSON MILLER: Mr. Woodson?

17 MR. WOODSON: Yes. These calls  
18 are categorized by address, are they not?

19 MS. HAVLIN: Yes.

20 MR. WOODSON: So any call that  
21 mentions this address gets included in the  
22 database?

1 MS. HAVLIN: Yes, sir.

2 MR. WOODSON: Okay. Are you  
3 familiar with the address itself? Have you  
4 ever seen the address on 9th Street?

5 MS. HAVLIN: I have.

6 MR. WOODSON: You have? Isn't it  
7 true that in that area of 9th Street that the  
8 address 1318 is the only address on any  
9 building within three -- within four spaces?  
10 That is, Mood Lounge -- this is Mood Lounge,  
11 right? Mood Lounge is at 1318 9th Street.  
12 Isn't it also true that there is not another  
13 address on any building within three doors of  
14 1819 -- of 1318 9th Street?

15 MS. HAVLIN: I believe that only  
16 one building would carry 1318 9th Street.

17 MR. WOODSON: No, I'm not asking  
18 that. I'm asking you isn't it true that the  
19 address 1318 is the only address displayed on  
20 a building within three doors of the location  
21 of Mood Lounge, that there's no address on any  
22 building to the left and there's no address on

1 any building to the right?

2 MS. HAVLIN: I can't be certain of  
3 that unless I saw the block, but I would not  
4 assume so. There should be -- there should  
5 not be any other address of 1318 within two  
6 doors one way or the other.

7 MR. WOODSON: Well, I would  
8 certainly agree with you on that.

9 MS. HAVLIN: Okay.

10 MR. WOODSON: What I'm trying to  
11 -- well, let me come back to that question --

12 MS. HAVLIN: Okay.

13 MR. WOODSON: -- because it does  
14 have relevance here.

15 MS. HAVLIN: Okay.

16 MR. WOODSON: I see on the fourth  
17 line down we have a call at 1522, disorderly.

18 MS. HAVLIN: Yes.

19 MR. WOODSON: Okay. And I notice  
20 that disorderly constitutes the bulk of all of  
21 these. What is a disorderly call?

22 MS. HAVLIN: A disorderly would --

1 is a behavior-related call, so it include  
2 something like a fight, something like  
3 drinking in public, some kind of disorderly  
4 conduct. I would have to read the  
5 dispatcher's notes in order to specify with  
6 respect to that call what the disorderly is.  
7 But it's generally fighting or a scuffle --

8 MR. WOODSON: Could it also --

9 MS. HAVLIN: -- that sort of  
10 thing.

11 MR. WOODSON: Okay. But it's sort  
12 of a catch-all. It could also include people  
13 making loud noise?

14 MS. HAVLIN: Yes.

15 MR. WOODSON: Yes. It could be  
16 really just any kind of what could be  
17 characterized as a disturbance of the peace?

18 MS. HAVLIN: Yes.

19 MR. WOODSON: All right. And I  
20 notice that the time there is 1522. Am I  
21 correct in saying that's like 3:00 -- it's in  
22 the afternoon?

1 MS. HAVLIN: Yes.

2 MR. WOODSON: What time would that  
3 be?

4 MS. HAVLIN: 3:22 p.m.

5 MR. WOODSON: Do you know what day  
6 that is?

7 MS. HAVLIN: February 1st, 2011.

8 No, I don't know the day of the week.

9 MR. WOODSON: Would it surprise to  
10 you to know that that's a Tuesday?

11 MS. HAVLIN: No, it wouldn't  
12 surprise me.

13 MR. WOODSON: Okay. I want to go  
14 back to this idea about the call. Do you  
15 consider the call to be evidence of the  
16 presence of a crime?

17 MR. STERN: Objection.

18 MR. WOODSON: All right. Let me  
19 rephrase that.

20 CHAIRPERSON MILLER: Okay.

21 MR. WOODSON: Does a call itself  
22 refer to the presence of a crime?

1 MS. HAVLIN: Not necessarily.

2 MR. WOODSON: Isn't it also true  
3 that -- is it true that calls go to an address  
4 that happen to be nearby?

5 If you can't figure out where else  
6 to say a call -- where else to make a  
7 complaint for, you pick the address that you  
8 think is closest by?

9 MS. HAVLIN: It's possible. It's  
10 possible. I would have no way on knowing of  
11 these calls whether that was the case, because  
12 this is the address that went into the  
13 dispatch database.

14 MR. WOODSON: Now these calls -- I  
15 see one for a traffic complaint.

16 MS. HAVLIN: Yes.

17 MR. WOODSON: This is -- what is a  
18 traffic complaint?

19 MS. HAVLIN: A traffic complaint  
20 could be -- and again, I would have to have  
21 read the dispatcher's note to know what that  
22 specific incident is, but --

1 MR. WOODSON: Yes.

2 MS. HAVLIN: -- cars blocking an  
3 alley, a car idling in a through lane.  
4 Anything like that could be a traffic  
5 complaint.

6 MR. WOODSON: Okay. I see another  
7 one here. I would say it's on -- six lines  
8 from the bottom. This one says business alarm  
9 dated September 5th. You see that?

10 MS. HAVLIN: Yes.

11 MR. WOODSON: What time is that?

12 MS. HAVLIN: 8:54 in the morning.

13 MR. WOODSON: 8:54 in the morning?  
14 Would it surprise you to know that's a Monday?

15 MS. HAVLIN: It would not  
16 necessarily surprise me.

17 MR. WOODSON: Okay. I see another  
18 one, business alarm. This one is about midway  
19 in the page dated July 12th. You see that?

20 MS. HAVLIN: Yes, I do.

21 MR. WOODSON: And that says 2230.  
22 What time is that?

1 MS. HAVLIN: 10:30 p.m.

2 MR. WOODSON: All right. And  
3 would it surprise you to know that's also a  
4 Tuesday?

5 MS. HAVLIN: Not necessarily.

6 MR. WOODSON: Just above that on  
7 6/25 is something called other. What is that?

8 MS. HAVLIN: Again, I would have  
9 to read the dispatcher's notes to know exactly  
10 what that is, but it could be anything. It  
11 could be anything that the dispatcher didn't  
12 know how to categorize from the caller's  
13 information.

14 MR. WOODSON: I want to go back to  
15 the address a moment. I don't want to belabor  
16 this too much, but I just want to be sure that  
17 I understand -- we understand your perception  
18 of this location that each of these calls to  
19 this address could not be mistaken -- well,  
20 putting it another way, isn't it true that in  
21 the absence of having a visible address for a  
22 call that you -- that the call would be

1 assigned to the address that's most obvious?

2 MR. STERN: Objection.

3 CHAIRPERSON MILLER: What's the  
4 basis of your objection?

5 MR. STERN: Calls for her to  
6 speculate on something she -- there's --  
7 where's there no foundation to believe one way  
8 or the other.

9 CHAIRPERSON MILLER: Mr. Woodson,  
10 do you want to respond to that?

11 MR. WOODSON: Yes. This has been  
12 offered into evidence, this document, but  
13 evidence of what and evidence of where? The  
14 presumption is that the list, a call list from  
15 MPD ipso facto implies the presence of crime.  
16 And it's our position and it's our view that  
17 a call list is simply that. It is not  
18 evidence of anything but the fact that there  
19 was a call.

20 CHAIRPERSON MILLER: Mr. Woodson,  
21 excuse me. I thought that your point was that  
22 it -- you asked her if she was familiar, but

1       you seem to be indicating that there are  
2       buildings in the vicinity of this one that  
3       don't have an address on them, or something to  
4       that effect.  And therefore, I understood your  
5       question to if somebody -- if the only address  
6       they could see was this building, then  
7       couldn't the crime relate to the building next  
8       door instead, or another building.  Did I --

9                   MR. WOODSON:  Well, you've been  
10       much more clear than I was, Madam Chair.

11                   CHAIRPERSON MILLER:  Okay.  So you  
12       can say whether you have any experience  
13       whatsoever to respond to that question or not.  
14       I don't know what your experience is, if you  
15       have experience, you know, with addresses for  
16       which a dispatch is being sent and you know  
17       that that's the case sometimes, or you don't  
18       know, or you can't -- you know, however you  
19       want to respond.

20                   But that is the point, is that  
21       correct, Mr. Woodson?

22                   MR. WOODSON:  Yes.

1                   CHAIRPERSON MILLER: There may be  
2 other buildings that don't have addresses on  
3 them nearby.

4                   MS. HAVLIN: Well, I do know,  
5 because I've done quite a bit of work with  
6 this address that they requested, my -- the  
7 officials who supervise me, that many times in  
8 the narrative in the dispatcher's notes it  
9 does specify Mood Lounge. Live music coming  
10 from Mood Lounge or, you know, a couple  
11 fighting in front of Mood Lounge. Many times  
12 it makes sense to me that the call pertains to  
13 the lounge based on the dispatcher's notes,  
14 which are not included in this report that's  
15 been entered into evidence. So that -- I  
16 mean, that would be my basis for answering the  
17 question.

18                   CHAIRPERSON MILLER: Okay.

19                   MR. WOODSON: One more question  
20 about the -- there's categories here. On the  
21 last column there are some entries that have  
22 CCN numbers and most do not.

1 MS. HAVLIN: Yes.

2 MR. WOODSON: Tell me about a CCN  
3 number.

4 MS. HAVLIN: A CCN number is a  
5 central complaint number, and that's the --  
6 essentially the report number. So if a call  
7 for service has a CCN number associated with  
8 it, that means that for whatever reason the  
9 officer took a police report or some kind of  
10 report. It could have been a PD-10 traffic  
11 report or an incident report. But some kind  
12 of report was filed and needed a complaint  
13 number. As you can see, not all calls for  
14 service result in a police report.

15 MR. WOODSON: Is there a reason  
16 for that?

17 MS. HAVLIN: Sometimes when the  
18 officer arrives on the scene people have  
19 already moved on their way. Sometimes when  
20 the officer arrives on the scene they  
21 determine that no crime has been committed.  
22 Sometimes the complainant have left the scene.

1 You know, it could be any number of reasons  
2 why they would not file a report.

3 MR. WOODSON: Okay. And for those  
4 for which there is a report, they aggregate  
5 10.

6 MS. HAVLIN: Yes.

7 MR. WOODSON: Ten out of sixty-  
8 one. Yes, what is -- you have something  
9 called miscellaneous reports. Could you speak  
10 about that a moment? There are two entries --  
11 three entries.

12 MS. HAVLIN: Yes, they all have  
13 CCNs drawn, but I do not know the nature of  
14 those reports unless I were to look them up.

15 MR. WOODSON: There's also one  
16 that has a CCN report dated June 25th, driving  
17 under the influence. Is a call number of call  
18 notation often made for driving under the  
19 influence infractions?

20 MS. HAVLIN: A CCN number? Yes,  
21 if the driver was arrested. That would be  
22 probably the main reason why a CCN would be

1 drawn.

2 MR. WOODSON: I see.

3 MS. HAVLIN: But I can't say that  
4 that was the case in this particular incident.

5 MR. WOODSON: Well, but for moving  
6 violations of this nature, for moving  
7 violations that you've seen for which there's  
8 a call entry, what is the -- isn't it true  
9 that the call entry is because the DUI  
10 infraction occurred in the vicinity of an  
11 address or at an address?

12 MS. HAVLIN: Yes, it could have  
13 been in front of -- that could have been where  
14 the officer stopped the vehicle, pulled the  
15 vehicle over. That would be the event  
16 address.

17 MR. WOODSON: I see.

18 MS. HAVLIN: When an officer  
19 initiates police action, that also goes into  
20 this database. So when an officer initiates  
21 an event and notifies the dispatcher, that  
22 goes into this database as well as when a

1 citizen calls the dispatcher.

2 MR. WOODSON: Okay. Just one more  
3 of these, just one more --

4 MS. HAVLIN: Yes, sir.

5 MEMBER SILVERSTEIN: -- invitation  
6 to an area. And maybe I'll make it two. On  
7 page 2 we have a date of 10/30/11, traffic  
8 complaint at 1322. There's no CCN number, but  
9 what is a traffic complaint?

10 MS. HAVLIN: A traffic complaint  
11 could be something like cars blocking an alley  
12 or cars idling in the throughway or parking  
13 someone in.

14 MR. WOODSON: Yes, yes.

15 MS. HAVLIN: Yes.

16 MR. WOODSON: Yes, I'm sorry. I  
17 asked you that once before.

18 MS. HAVLIN: That's okay.

19 MR. WOODSON: All right. And it  
20 also says that this is at 1322. That's what  
21 time?

22 MS. HAVLIN: 1:22 p.m. If there's

1 no -- this was queried for just all calls. It  
2 wasn't filtered by club hours, non-club hours.  
3 That's why you're getting calls in the  
4 daytime.

5 MR. WOODSON: I see. Would it  
6 surprise that the 30th of October of 2011 is  
7 a Sunday afternoon?

8 MS. HAVLIN: No, it would not  
9 surprise me necessarily.

10 MR. WOODSON: Madam Chair, I could  
11 go on with this, but I don't think it's  
12 necessary to do so. I don't have any  
13 additional questions.

14 CHAIRPERSON MILLER: Thank you. I  
15 just want to make sure I understood you right.  
16 Did you say that for each of these calls there  
17 are dispatcher notes?

18 MS. HAVLIN: Yes, there are.

19 CHAIRPERSON MILLER: And you're  
20 familiar with -- are you familiar with the  
21 dispatcher notes for these particular lists of  
22 calls?

1 MS. HAVLIN: For most of them I  
2 am. I have at one time read them. I don't  
3 have them in front of me.

4 CHAIRPERSON MILLER: Okay. And it  
5 was your testimony that; and correct me if I'm  
6 not being accurate, for most of the calls that  
7 involved Mood Lounge they reference Mood  
8 Lounge in the dispatcher records?

9 MS. HAVLIN: I can't give a  
10 percentage, but I do -- that's one way that I  
11 personally confirmed that I had the correct  
12 address is by scanning the dispatcher notes  
13 and making sure at least many of them do say  
14 the name of the establishment that I'm looking  
15 at.

16 CHAIRPERSON MILLER: And do the  
17 dispatcher notes also give more detail as to  
18 the type of crime? For instance, if it's  
19 disorderly conduct or something it will say  
20 what kind of disorderly conduct was involved?

21 MS. HAVLIN: Yes, it's the notes  
22 that the dispatcher is giving to the police

1 officers as they're responding to the scene.

2 CHAIRPERSON MILLER: Okay.

3 MS. HAVLIN: So it does give, you  
4 know, a good deal of information.

5 CHAIRPERSON MILLER: So for  
6 instance if a complaint was initiated by a  
7 neighbor --

8 MS. HAVLIN: Yes.

9 CHAIRPERSON MILLER: -- it would  
10 be what the neighbor told the dispatcher?

11 MS. HAVLIN: Yes.

12 CHAIRPERSON MILLER: Okay. And  
13 when it's a police officer, same thing?

14 MS. HAVLIN: Same thing. What the  
15 officers relaying to the dispatcher, yes.

16 CHAIRPERSON MILLER: Okay. Oh,  
17 and you're familiar with this -- are you  
18 familiar personally with this block that Mood  
19 is on?

20 MS. HAVLIN: Personally?

21 CHAIRPERSON MILLER: Personally.

22 MS. HAVLIN: It's on my commute.

1 That's the extent.

2 CHAIRPERSON MILLER: Okay.

3 MS. HAVLIN: But I have never been  
4 to -- I've never patronized any establishments  
5 on that block. But I drive by regularly,  
6 twice a day at least.

7 CHAIRPERSON MILLER: Because Mr.  
8 Woodson was alluding to I believe the fact  
9 that there may be buildings there without  
10 addresses on them, or whatever, in that area  
11 making it unclear that all of the dispatches  
12 that might list this address really refer to  
13 an incident at -- or whatever violation at  
14 that property right here where Mood Lounge is.  
15 Do you have any knowledge about that --

16 MS. HAVLIN: No, I don't.

17 CHAIRPERSON MILLER: --  
18 personally?

19 MS. HAVLIN: No.

20 CHAIRPERSON MILLER: Okay. We  
21 give out general instructions in the morning  
22 before we start our proceedings, but for those

1 of you who might not have been here, you are  
2 not allowed to do any recordings at all,  
3 taping by electrical devices. If anybody is  
4 I just want you to know that there are  
5 transcripts that are made from the  
6 proceedings.

7 Okay. Any other Board questions?

8 Okay.

9 PARTICIPANT: Mr. Nophlin.

10 CHAIRPERSON MILLER: Mr. Nophlin?

11 MEMBER NOPHLIN: All right.

12 Please explain; and I maybe over -- probably  
13 didn't hear, specifically what your duties and  
14 responsibilities are.

15 MS. HAVLIN: My title is crime  
16 analyst. I work at the 3rd District Police  
17 Station.

18 MEMBER NOPHLIN: Okay.

19 MS. HAVLIN: My primary  
20 responsibility is to use mapping software to  
21 conduct crime analysis, pattern analysis.  
22 Analysis is used for investigative support.

1 It's used to help deploy both routine patrol  
2 and special units. There is an intelligence  
3 function to the job as well for gang  
4 intelligence and other kinds of functions  
5 along those lines. But I also conduct all  
6 kinds of basis database queries to help answer  
7 citizen complaints, to help prepare people for  
8 press conferences, meetings, briefings, ABRA  
9 hearings.

10 MEMBER NOPHLIN: Thank you. But  
11 now based on the information you present to us  
12 at the Board, as well as participants in here  
13 in the boardroom, the analysis would also  
14 indicate to you if in fact there's a real  
15 problem in certain areas that's documented and  
16 shows that -- for example, the calls that you  
17 receive coming in that's a pattern. Is that  
18 suggestion what you do?

19 MS. HAVLIN: Yes.

20 MEMBER NOPHLIN: And so in this  
21 situation is it normal or abnormal?

22 MS. HAVLIN: For this number of

1 calls?

2 MEMBER NOPHLIN: Yes.

3 MS. HAVLIN: I think that this is  
4 a high number of calls. And am I allowed to  
5 give my -- I don't know -- this is a different  
6 hearing from what I'm accustomed to. I don't  
7 know if I'm allowed to extrapolate or --

8 MR. STERN: If you have an answer  
9 to the question --

10 CHAIRPERSON MILLER: Unless  
11 there's an objection, but you know, it's a  
12 Board question, so, you know --

13 MS. HAVLIN: No, I mean, looking  
14 at these calls, I think if you were to assign  
15 weekdays to them, I think you would find the  
16 majority, probably 70 percent to be weekend  
17 calls late at night. And that's something  
18 that we look at, not only at this location,  
19 but at many clubs as what's the proportion of  
20 calls during the club hours versus other just  
21 incidents that could occur on the sidewalk in  
22 front of the club that aren't related to the

1 club, but carry that address. You know, we do  
2 differentiate, although that's not broken down  
3 in this report.

4 MEMBER NOPHLIN: Now can you go a  
5 step further. What kind of calls would they  
6 be? Emergency calls? Would it be just -- I'm  
7 not sure what category we could suggest it  
8 would be in. Could you give us an idea of  
9 what those calls would be?

10 MS. HAVLIN: You mean for other  
11 calls, or for --

12 MEMBER NOPHLIN: For the specific  
13 numbers of calls you're receiving from this --

14 MS. HAVLIN: Oh, no, I can't -- I  
15 don't know if --

16 MEMBER NOPHLIN: It doesn't say,  
17 for example, 911 or anything like that. It's  
18 just stating that you've received calls?

19 MS. HAVLIN: Oh, well there are  
20 different levels of priority for calls. A  
21 call -- an incident in progress would probably  
22 be given priority 1. Something like a found

1 property or a missing property would not be  
2 given priority 1 call.

3 MEMBER NOPHLIN: Okay. I do  
4 apologize. I didn't see the report that's in  
5 front of me.

6 CHAIRPERSON MILLER: Were there  
7 extra copies? We've only have one and we were  
8 passing it around.

9 MR. STERN: Actually it's -- the  
10 report is already attached to the  
11 investigative report.

12 CHAIRPERSON MILLER: Oh.

13 MR. STERN: But I have extra  
14 copies as well.

15 MEMBER NOPHLIN: Thank you. Thank  
16 you, Madam Chair.

17 CHAIRPERSON MILLER: Thank you.  
18 Okay. Any other Board questions?

19 (No response.)

20 CHAIRPERSON MILLER: Any other  
21 redirect?

22 MR. STERN: No redirect.

1 CHAIRPERSON MILLER: Okay.

2 MR. WOODSON: Madam Chair, just  
3 one more area. I just want to understand more  
4 fully about this disorderly which represents  
5 more than half of these things. I also note  
6 that I don't see one disorderly that results  
7 in a report.

8 MS. HAVLIN: Yes, many times if a  
9 disorderly is an argument, a loud argument or  
10 something like a large group of people  
11 loitering maybe in the middle of street or  
12 something, and the officer can disperse them,  
13 they will not take a report because they've  
14 dispersed the subjects.

15 MR. WOODSON: Could it also be  
16 people loudly talking walking down the street?

17 MS. HAVLIN: It could be.

18 MR. WOODSON: So there's no real  
19 way to know what these disorderlies are?

20 MS. HAVLIN: Not unless I read the  
21 dispatcher notes.

22 MR. WOODSON: But I mean even the

1 dispatcher notes don't really offer any  
2 evidence of what it is. It's just --

3 MS. HAVLIN: Only what the caller  
4 would say.

5 MR. WOODSON: Only what the caller  
6 says?

7 MS. HAVLIN: Yes.

8 MR. WOODSON: I see.

9 CHAIRPERSON MILLER: I just want  
10 to ask one other question. I think you've  
11 probably answered it, but the ones where there  
12 are reports; and there aren't that many  
13 compared to the number of calls, those are --  
14 there are reports because those are the more  
15 serious ones, or because the police went and  
16 something happened, or what?

17 MS. HAVLIN: Not necessarily more  
18 serious, although you see that this -- no,  
19 I'll take that back. Not necessarily more  
20 serious, but calls where when the officer  
21 arrives on the scene there is a victim or in  
22 the case of a traffic complaint, you know, the

1 driving under the influence, it's likely that  
2 there was an arrest. I'm not sure. But that  
3 would be a case for a report. But generally  
4 it's when -- not necessarily more serious, but  
5 when there's a victim on the scene or there's  
6 an arrest being made as opposed to the officer  
7 arrives and the incident is already dispersed,  
8 or an officer decides that -- you know, uses  
9 his discretion and just moves people on their  
10 way in case of like a disorderly conduct.

11 CHAIRPERSON MILLER: I see.

12 MS. HAVLIN: I'm sorry, that's --  
13 I don't think that's necessarily as clear an  
14 answer as you wanted.

15 CHAIRPERSON MILLER: No, that's  
16 fine.

17 MS. HAVLIN: Okay.

18 CHAIRPERSON MILLER: Also could it  
19 be if the officer arrives at the scene and  
20 there's nothing there?

21 MS. HAVLIN: Yes.

22 CHAIRPERSON MILLER: So we don't

1 know that there actually was a violation or an  
2 incident. We just know there was a call  
3 alleging there was one?

4 MS. HAVLIN: Yes.

5 CHAIRPERSON MILLER: Okay.

6 MS. HAVLIN: There could have been  
7 one, you know, prior to the officer arriving.

8 CHAIRPERSON MILLER: Right. Okay.

9 MS. HAVLIN: There is a  
10 disposition field in the CAD database which  
11 tells you whether nothing was found or whether  
12 people were sent on their way, but that's not  
13 included in this report.

14 CHAIRPERSON MILLER: Okay. Thank  
15 you.

16 Okay. Any other Board questions?

17 (No response.)

18 CHAIRPERSON MILLER: No, no other  
19 Board questions. Mr. Woodson, did you have  
20 one more since my question?

21 MR. WOODSON: One more?

22 CHAIRPERSON MILLER: Okay.

1 MR. WOODSON: Have you run a  
2 report on this location since December 30th?

3 MS. HAVLIN: No, I have not. Yes,  
4 just the report through January 2nd.

5 MR. WOODSON: Yes.

6 MS. HAVLIN: Yes.

7 MR. WOODSON: January 2nd?

8 MS. HAVLIN: Yes. I run several  
9 reports on this location and many of them --  
10 you know, every day that I do it, I run it to  
11 the most current that I have access to.

12 MR. WOODSON: So the January 2nd's  
13 two days greater?

14 MS. HAVLIN: Yes. If someone asks  
15 me to run another report on this address, I'll  
16 run it and if it just gives me two extra days,  
17 it gives me two extra days.

18 MR. WOODSON: Oh, I see.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER MOBLEY: Madam Chair?

21 CHAIRPERSON MILLER: Yes.

22 MEMBER MOBLEY: You just said

1 something that triggered a question for me.  
2 You said that for this particular location  
3 you've run many reports?

4 MS. HAVLIN: Yes.

5 MEMBER MOBLEY: Why is that? What  
6 sort of reports are you running and who's  
7 requesting those reports?

8 MS. HAVLIN: Police officers are  
9 requesting them usually in reference to  
10 meetings or in reference to a citizen email.  
11 A citizen might email, say I've called, you  
12 know, the police so many times. What's  
13 happening with this location? And then the  
14 officer will ask me, because I have access to  
15 the database, can you verify that this person  
16 has called X number of times, or can you tell  
17 me how many total complaints there have been  
18 so I can address this complaint to this  
19 citizen?

20 MEMBER MOBLEY: Okay. How often  
21 are you running these reports? You say many.  
22 I mean, I'm just trying to -- is it every week

1 or every month, or what?

2 MS. HAVLIN: I mean, it's upon  
3 request, so I've run these types of reports  
4 for Mood Lounge probably three or four times  
5 in the recent -- probably since October.

6 MEMBER MOBLEY: Okay. Thank you.

7 CHAIRPERSON MILLER: Okay. Thank  
8 you very much.

9 MS. HAVLIN: Okay. Thank you.

10 MR. STERN: I believe there was a  
11 request to call someone out of order, so --

12 CHAIRPERSON MILLER: If you don't  
13 object, we --

14 MS. WILLIFORD: Yes, with the  
15 permission of the Board we would like to call  
16 one of the security persons out of order. We  
17 would like to call Shanti Williams.

18 CHAIRPERSON MILLER: Okay.

19 MS. WILLIFORD: Ms. Williams, if  
20 you can --

21 CHAIRPERSON MILLER: Okay. If you  
22 could stand and raise your right hand, I'll

1 swear you in.

2 MS. WILLIAMS: Okay.

3 CHAIRPERSON MILLER: Do you swear  
4 to tell the truth, the whole truth, nothing  
5 but the truth?

6 MS. WILLIAMS: Absolutely.

7 CHAIRPERSON MILLER: Okay. Thank  
8 you. Have a seat. Be comfortable.

9 MS. WILLIFORD: Good afternoon.

10 MS. WILLIAMS: Good afternoon.

11 MS. WILLIFORD: Can you please  
12 state for the record your name, please?

13 MS. WILLIAMS: Shanti Linnette  
14 Williams.

15 MS. WILLIFORD: And would you  
16 please spell it?

17 MS. WILLIAMS: S-H-A-N-T-I.

18 MS. WILLIFORD: And are you  
19 affiliated with the establishment Mood Lounge?

20 MS. WILLIAMS: Yes.

21 MS. WILLIFORD: And how are you  
22 affiliated with Mood Lounge?

1 MS. WILLIAMS: I do security for  
2 Mood Lounge.

3 MS. WILLIFORD: And how long have  
4 you done security for Mood Lounge?

5 MS. WILLIAMS: Since they opened.

6 MS. WILLIFORD: And when would  
7 that be?

8 MS. WILLIAMS: Last year. I don't  
9 exactly know what month, but --

10 MS. WILLIFORD: Prior to being  
11 employed at Mood Lounge doing security did you  
12 also -- can you please describe briefly your  
13 experience as a security officer?

14 MS. WILLIAMS: I got 19 years  
15 experience.

16 MS. WILLIFORD: You said 19 years  
17 experience?

18 MS. WILLIAMS: Nineteen years;  
19 yes, ma'am.

20 MS. WILLIFORD: And 19 years of  
21 experience working at nightclub  
22 establishments?

1 MS. WILLIAMS: Yes.

2 MS. WILLIFORD: Okay. In addition  
3 to Washington, D.C., are there any other  
4 states that you've worked in as well?

5 MS. WILLIAMS: Yes, I've worked in  
6 -- on South Beach, Miami Beach, Atlanta,  
7 downtown Atlanta, Buckhead, and D.C.

8 MS. WILLIFORD: And in connection  
9 with your 19 years of experience you would say  
10 you have been trained to -- trained as a  
11 security guard and you're comfortable in your  
12 level of training?

13 MS. WILLIAMS: Yes.

14 MS. WILLIFORD: Were you present  
15 on the night of December 29th at Mood Lounge?

16 MS. WILLIAMS: Yes.

17 MS. WILLIFORD: Were you working  
18 as a security person?

19 MS. WILLIAMS: Yes.

20 MS. WILLIFORD: What time did you  
21 arrive at Mood Lounge?

22 MS. WILLIAMS: 9:30 p.m.

1 MS. WILLIFORD: And are you  
2 positioned at a certain place during -- as you  
3 have your role as a security officer?

4 MS. WILLIAMS: How do you mean?  
5 Like --

6 MS. WILLIFORD: Do you have a  
7 specific location that you're supposed to  
8 stand in connection with your duties as a  
9 security officer?

10 MS. WILLIAMS: Yes.

11 MS. WILLIFORD: And where are you  
12 located?

13 MS. WILLIAMS: At the front. At  
14 the entrance.

15 MS. WILLIFORD: I am going to show  
16 you a document which for identification  
17 purposes we've marked as Exhibit A. This has  
18 been provided to Mr. Stern in advance. It's  
19 a diagram.

20 I'm going to ask you to take a  
21 look at that document and let me know if --  
22 and tell me what -- have you seen that

1 document before?

2 MS. WILLIAMS: No.

3 MS. WILLIFORD: Does this document  
4 -- are you familiar with the layout of Mood  
5 Lounge?

6 MS. WILLIAMS: Yes.

7 MS. WILLIFORD: Does this document  
8 -- if you could take a look at this document  
9 and let me know if in your opinion it reflects  
10 the layout of Mood Lounge.

11 MS. WILLIAMS: It does.

12 MS. WILLIFORD: It does? Okay.

13 I'd like to --

14 CHAIRPERSON MILLER: Is there an  
15 objection?

16 MR. STERN: No objection.

17 MS. WILLIFORD: Okay. Well, I'd  
18 like to formally admit this as Respondent's 4.

19 CHAIRPERSON MILLER: Admitted.

20 MS. WILLIFORD: All right.

21 Looking at this document that reflects the  
22 layout of Mood Lounge, there are two

1       rectangles, one labeled first floor, one  
2       labeled second floor. Using this diagram, can  
3       you explain where you stand in connection with  
4       your duties as an officer, where you were  
5       standing on the night of December 30th?

6               MS. WILLIAMS: Just a few steps  
7       away from the front door.

8               MS. WILLIFORD: A few steps away  
9       from the front door?

10              MS. WILLIAMS: In the beginning I  
11       start a few steps away from the front door.

12              MS. WILLIFORD: Okay.

13              MS. WILLIAMS: Most of the time  
14       I'm in the doorway though.

15              MS. WILLIFORD: Okay. Can you  
16       mark on your copy where exactly that would be?

17              May I approach?

18              MEMBER NOPHLIN: Would you speak a  
19       little louder, please, Ms. Williams?

20              MS. WILLIAMS: Yes.

21              MEMBER NOPHLIN: Thank you.

22              MEMBER ALBERTI: Do you have a

1 microphone up there? Can we turn that on,  
2 please?

3 MR. STERN: This?

4 MS. WILLIFORD: I think it is on.

5 MEMBER ALBERTI: There should be a  
6 little green light.

7 MS. WILLIFORD: It is on.

8 MEMBER ALBERTI: Okay.

9 MS. WILLIAMS: Okay.

10 MEMBER ALBERTI: So if you speak  
11 into that mic, it would be helpful. Thank  
12 you.

13 MS. WILLIFORD: I just would like  
14 the record to reflect that in response to the  
15 question of her being able to mark where she  
16 stood, if you -- on the exhibit, Respondent's  
17 Exhibit 4, she marked that she was right on  
18 the center of where the door is at the top of  
19 the first floor.

20 And were you positioned during  
21 that spot during the entire evening?

22 MS. WILLIAMS: For the most part,

1       yes.

2                   MS. WILLIFORD:   And when you say  
3       from the most part, how long -- can you  
4       explain that further?  On what instances were  
5       you not positioned there?

6                   MS. WILLIAMS:   If I wasn't  
7       standing directly there, I was standing in the  
8       doorway with the door open.

9                   MS. WILLIFORD:   Okay.  So you were  
10      in that general vicinity?

11                  MS. WILLIAMS:   Yes.

12                  MS. WILLIFORD:   And you mentioned  
13      you arrived at -- was it 9:00?

14                  MS. WILLIAMS:   9:30.

15                  MS. WILLIFORD:   9:30?  And when  
16      did you leave Mood Lounge?

17                  MS. WILLIAMS:   2:30.

18                  MS. WILLIFORD:   2:30?  Okay.  
19      While you -- so as you are positioned in the  
20      doorway or a little steps behind the door,  
21      what are you able to see?

22                  MS. WILLIAMS:   I can see clearly

1 the outside of the club, as well as the whole  
2 entire first floor.

3 MS. WILLIFORD: So you'd have the  
4 ability to look one way and see everything  
5 that happens outside, as well as indoors?

6 MS. WILLIAMS: Yes.

7 MS. WILLIFORD: And during the  
8 evening of December 29th and the morning of  
9 December 30th did you observe any fight that  
10 took place outside of Mood Lounge?

11 MS. WILLIAMS: No.

12 MS. WILLIFORD: During that  
13 evening did you observe any altercation that  
14 took place outside of Mood Lounge?

15 MS. WILLIAMS: No.

16 MS. WILLIFORD: During that  
17 evening did you observe anyone who was --  
18 anything unusual outside of Mood Lounge?

19 MS. WILLIAMS: No.

20 MS. WILLIFORD: Was there any --  
21 and during the night was there a cause to  
22 close the door in connection with your

1 responsibilities as security?

2 MS. WILLIAMS: Say it -- repeat  
3 that again?

4 MS. WILLIFORD: During that  
5 evening was there any activity outside that  
6 caused you to close the door of Mood Lounge?

7 MS. WILLIAMS: No.

8 MS. WILLIFORD: During that  
9 evening did you observe any individual who was  
10 very loud and caused you to --

11 MR. STERN: Objection. Leading.

12 CHAIRPERSON MILLER: Overruled.

13 MS. WILLIAMS: I mean, I observed  
14 one guy speaking loudly outside. I don't --  
15 I couldn't make out what he was saying. He  
16 could have been yelling at somebody across the  
17 street at the gas station.

18 MS. WILLIFORD: Okay. And can you  
19 explain to me when that occurred?

20 MS. WILLIAMS: What time?

21 MS. WILLIFORD: Yes.

22 MS. WILLIAMS: I would say about

1 12:30 to 12:35.

2 MS. WILLIFORD: Okay. And when  
3 you said that he was speaking loudly, was he  
4 with anyone else?

5 MS. WILLIAMS: No.

6 MS. WILLIFORD: Okay. What was  
7 that person wearing?

8 MS. WILLIAMS: He had on a beige  
9 jacket or either a beige vest, so -- and a  
10 beige hat.

11 MS. WILLIFORD: Yes.

12 MS. WILLIAMS: Yes, it wasn't a  
13 baseball cap, so it was, you know, a hat  
14 similar to one I'm wearing.

15 MS. WILLIFORD: Yes. Was he also  
16 gesturing in any manner?

17 MS. WILLIAMS: Yes, he was waving  
18 his hands around.

19 MS. WILLIFORD: Okay. Now you  
20 mentioned before -- and I just want to  
21 clarify, was there any response that you took  
22 upon seeing him in connection with your duties

1 as security? You described this gentleman  
2 outside as being loud, waving his hands  
3 around.

4 MS. WILLIAMS: Correct.

5 MS. WILLIFORD: Do you know -- do  
6 you have any -- do you know why he was acting  
7 in that manner?

8 MR. STERN: Objection.

9 MS. WILLIAMS: Well -- oh.

10 MR. STERN: She asked her to  
11 comment on his state of mind.

12 MS. WILLIAMS: I don't know his  
13 state of mind.

14 MS. WILLIFORD: Did you hear what  
15 he was stating?

16 MR. STERN: Objection. Asked and  
17 answered. She said she didn't hear him.

18 CHAIRPERSON MILLER: Did you say  
19 you didn't hear what he was saying?

20 MS. WILLIAMS: I couldn't make out  
21 what he was saying, no.

22 CHAIRPERSON MILLER: Okay.

1 MS. WILLIFORD: I'm trying to  
2 understand the events that happened that  
3 night, and I understand that you're describing  
4 this individual who was outside, and I'm  
5 trying to understand if there's anything that  
6 you did in response to viewing that  
7 individual.

8 MS. WILLIAMS: Yes, one of my  
9 coworkers -- I heard some gentlemen talking  
10 loudly over the music, so one of my coworkers  
11 walked down to the tables, as you can see  
12 here.

13 MS. WILLIFORD: Yes.

14 MS. WILLIAMS: You know? And to  
15 defuse whatever loud talking was going on. I  
16 went over, asked the gentlemen was everything  
17 okay? They said yes. What it appeared to  
18 sound -- I heard the Redskins' name involved,  
19 so I assumed they were talking about football.

20 MS. WILLIFORD: Yes.

21 MS. WILLIAMS: Since they were  
22 loud about that conversation inside the club,

1 I asked if they could talk about outside the  
2 club. So one of my coworkers was leading them  
3 to the door. You know, they left on their  
4 own, so --

5 MS. WILLIFORD: Okay.

6 MS. WILLIAMS: -- I watched them  
7 walk out of the door. That same in particular  
8 person who was waving their hands around, I  
9 could not make out what he was saying outside.  
10 I don't know if he was talking to the other  
11 gentleman as well, you know?

12 MS. WILLIFORD: Okay. So, and how  
13 many people, how many individuals did you  
14 observe?

15 MS. WILLIAMS: Three.

16 MS. WILLIFORD: Three individuals?  
17 And so, they were outside and the conversation  
18 continued. It was loud. Did you do anything  
19 in response relating to the other patrons who  
20 were leaving?

21 MS. WILLIAMS: Well, it was cold,  
22 so I -- that -- at that point, like I say, I'm

1 in and out at the door. So I closed the door.  
2 At this point we're getting ready to close  
3 anyway, so I let the other people know inside  
4 that they were -- that we're getting ready to  
5 close. So before letting the DJ know that  
6 we're closing or other security that's in  
7 there closing, I went out the door again and  
8 told this guy to keep his noise level down.

9 MS. WILLIFORD: Yes.

10 MS. WILLIAMS: Because like I say,  
11 I couldn't hear what he was saying, but I  
12 could hear him talking loudly.

13 MS. WILLIFORD: Yes.

14 MS. WILLIAMS: I said keep your  
15 noise level down. Why don't you go ahead and  
16 go home since we're already getting ready to  
17 close.

18 MS. WILLIFORD: Yes.

19 MS. WILLIAMS: They left on their  
20 own, him and the other gentlemen that were out  
21 there.

22 MS. WILLIFORD: Okay. And during

1 the time that you were there at the door did  
2 you notice any individual running in and out  
3 of the front door?

4 MS. WILLIAMS: Nobody could run in  
5 and out of the front door because I was  
6 standing in the doorway, if not right at the  
7 door when it's closed. So you're going to  
8 have to get past me in order to get inside.

9 MS. WILLIFORD: Was there -- on  
10 that night do you have an understanding of  
11 whether there was a reentry policy in place  
12 about once you leave the establishment you  
13 couldn't reenter?

14 MS. WILLIAMS: We don't do ins and  
15 outs.

16 MS. WILLIFORD: Okay. So no one  
17 would be permitted to go out and then come  
18 back in?

19 MS. WILLIAMS: Correct.

20 MS. WILLIFORD: During that  
21 evening did anyone approach you to tell you  
22 that they were injured?

1 MS. WILLIAMS: No.

2 MS. WILLIFORD: Did you see anyone  
3 who appeared to be injured?

4 MS. WILLIAMS: No.

5 MS. WILLIFORD: That evening did  
6 you view -- did you see any blood splatter?

7 MS. WILLIAMS: No.

8 MS. WILLIFORD: Would you have the  
9 ability to see -- standing where you are would  
10 you have the ability to see any blood if it  
11 was in the street?

12 MS. WILLIAMS: Yes.

13 MS. WILLIFORD: Given the lighting  
14 that was there?

15 MS. WILLIAMS: Well, this is a  
16 dark night, so --

17 MS. WILLIFORD: So it was a dark  
18 night. So potentially would you be able to  
19 see that if you weren't consciously looking  
20 for it?

21 MS. WILLIAMS: No.

22 MS. WILLIFORD: Okay. Did you see

1 any blood inside of Mood Lounge?

2 MS. WILLIAMS: No.

3 MS. WILLIFORD: Did anyone either  
4 -- did anyone within Mood Lounge inform you  
5 that a fight had occurred?

6 MS. WILLIAMS: No.

7 MR. WOODSON: Madam Chair?

8 CHAIRPERSON MILLER: Yes.

9 MR. WOODSON: Would the Board  
10 permit me to ask a few direct questions?

11 MR. STERN: I don't have an  
12 objection.

13 CHAIRPERSON MILLER: Go right  
14 ahead.

15 MR. WOODSON: Did there come a  
16 time, Ms. Williams, that you saw  
17 representatives from the Metropolitan --

18 MR. STERN: Objection. This is  
19 leading. I don't have a problem with direct  
20 questions, but leading questions I do.

21 CHAIRPERSON MILLER: We've heard a  
22 lot of leading questions.

1 MR. WOODSON: Did there come a  
2 time when I saw --

3 CHAIRPERSON MILLER: Yes, there  
4 have been a lot of leading questions, but not  
5 to say that there should be. But we're guided  
6 by the Rules of Evidence, so we're --

7 MR. WOODSON: Okay.

8 CHAIRPERSON MILLER: -- being a  
9 loose. But we're giving some of it; at least  
10 I'd say to myself, less weight because we know  
11 that, you know, the question's being fed that  
12 way. So I think it's to your interest if you  
13 don't make it too much of a leading question.

14 MR. WOODSON: Oh, I'm not looking  
15 on leading. I do not wish to have any leading  
16 questions.

17 CHAIRPERSON MILLER: You didn't  
18 finish your question though, did you?

19 MR. STERN: I apologize. I  
20 apologize.

21 CHAIRPERSON MILLER: Okay.

22 MR. STERN: It sounded like he was

1 already --

2 MR. WOODSON: My question was did  
3 there come a time that you saw representatives  
4 of the MPD? That's not leading.

5 MS. WILLIAMS: Yes.

6 MR. WOODSON: And about what time  
7 did you see them?

8 MS. WILLIAMS: It was a little  
9 after 1:00.

10 MR. WOODSON: A little after 1:00?  
11 And how many MPD officers did you see?

12 MS. WILLIAMS: Two.

13 MR. WOODSON: And how did they  
14 arrive?

15 MS. WILLIAMS: Two separate  
16 vehicles.

17 MR. WOODSON: When you saw MPD  
18 arrive, what happened next?

19 MS. WILLIAMS: The gentleman  
20 walked in. I asked him what was --

21 MR. WOODSON: The gentleman? You  
22 mean the police officer?

1 MS. WILLIAMS: The officer, yes.  
2 He walked in. I asked him what was he there  
3 for. He said he got a call, you know? And I  
4 said a call for what? And he explained that  
5 he got a call that an incident happened at  
6 Howard University and that's why he showed up  
7 at Mood Lounge, and asked where was my manager  
8 or boss or the owner. I directed him upstairs  
9 to where she was.

10 MR. WOODSON: And then what  
11 happened?

12 MS. WILLIAMS: The female officer  
13 came in, flashed her flashlight around inside  
14 the club. And I asked her what was she  
15 looking for. And she said, oh, nothing. And  
16 that was the end of that.

17 MR. WOODSON: How long was she  
18 inside?

19 MS. WILLIAMS: They were both  
20 inside for maybe 30 minutes, so about --

21 MR. WOODSON: Did they both -- I'm  
22 sorry.

1 MS. WILLIAMS: -- about 1:35 or  
2 so.

3 MR. WOODSON: Did they leave at  
4 the same time?

5 MS. WILLIAMS: Yes. Well, they  
6 went outside at the same time. They didn't  
7 leave.

8 MR. WOODSON: At the time MPD  
9 arrived was Mood Lounge opened or closed?

10 MS. WILLIAMS: We were closed.

11 MR. WOODSON: At the time the  
12 police officers arrived were there any  
13 individuals within Mood Lounge at all?

14 MS. WILLIAMS: Only staff.

15 MR. WOODSON: And how many staff  
16 were there?

17 MS. WILLIAMS: Well, myself and  
18 four other security, two bartenders, one  
19 busboy, a personal friend of mine, and the  
20 boss.

21 MR. WOODSON: The boss meaning?

22 MS. WILLIAMS: The owner.

1 MR. WOODSON: Meaning Ms. Beyene?

2 MS. WILLIAMS: Yes.

3 MR. WOODSON: Okay. What were the  
4 other staff members doing?

5 MS. WILLIAMS: Well, I know what I  
6 was doing. I was still standing in the  
7 doorway.

8 MR. WOODSON: From your -- from  
9 what you saw, what did you see them doing?

10 MS. WILLIAMS: Cleaning up.

11 MR. WOODSON: Did there also --  
12 other than the two officers who came in, as  
13 you testified, did any other representatives  
14 of MPD enter Mood?

15 MS. WILLIAMS: Not to my  
16 knowledge.

17 MR. WOODSON: Did anyone from MPD  
18 enter Mood while you were at the door?

19 MS. WILLIAMS: Not to my  
20 knowledge.

21 MR. WOODSON: Tell me about --  
22 tell us about security procedures at Mood

1 Lounge that evening.

2 MS. WILLIAMS: Well, I'm in charge  
3 of females, so I pat you down, check your  
4 purse, check your boots, make sure you don't  
5 have anything like paraphernalia of some sort,  
6 weapons of some sort, anything that's harmful  
7 to yourself as well as others. Nicholas was  
8 doing pat down for the gentlemen coming into  
9 the club.

10 MR. WOODSON: Did that -- was that  
11 procedure used for everyone who sought entry?

12 MS. WILLIAMS: Absolutely.

13 MR. WOODSON: Are there any  
14 exceptions to that?

15 MS. WILLIAMS: No.

16 MR. WOODSON: How many people were  
17 in Mood Lounge in your estimation that  
18 evening?

19 MS. WILLIAMS: About 50 to 54.

20 MR. WOODSON: Would you -- in your  
21 experience at Mood Lounge would you consider  
22 that a large crowd?

1 MS. WILLIAMS: Not at all.

2 MR. WOODSON: During the course of  
3 the evening at Mood Lounge while you were on  
4 duty were there any occasions where patrons  
5 scuffled or otherwise engaged a physical  
6 altercation?

7 MS. WILLIAMS: No.

8 MS. WILLIFORD: You've made  
9 mention that several individuals left -- I  
10 think you said three --

11 MS. WILLIAMS: Yes.

12 MS. WILLIFORD: -- left. Would  
13 you recount that once again, what happened?

14 MS. WILLIAMS: We have a lot of  
15 tables. I saw one of my coworkers, Otis, go  
16 down the tables to see if these different --  
17 the gentlemen were talking loudly. When  
18 you're talking over the -- if I can hear you  
19 over the music, then that's talking loudly.  
20 So we try to make sure it's not a argument or  
21 something confrontational. So he went down  
22 there to see if everything was okay.

1           In return, I went over as well to  
2           make sure everything was all right. They said  
3           everything was fine. The three gentlemen left  
4           and left on their own, like I said. And I  
5           closed the doors, because now I'm getting  
6           ready to set up for shutting down the club.

7           MR. WOODSON: The three gentlemen  
8           that left, would you describe them?

9           MS. WILLIAMS: I can only remember  
10          the one that was talking loudly, you know? He  
11          -- like I say, he had on a brown hat similar  
12          to the one I'm wearing and a brown jacket or  
13          a tan vest. The other two guys, all I know is  
14          that they were black guys. I don't know  
15          exactly what they were wearing, you know?  
16          That part I don't know. I can't remember.

17          MR. WOODSON: Did there -- at any  
18          time during your duty at the door was an  
19          individual permitted to reenter Mood Lounge?

20          MS. WILLIAMS: There is no  
21          reentry. Once you leave, you leave. If you  
22          want to reenter, you have to pay again. But

1 since we're already closed, there's no need to  
2 pay again since we're closing.

3 MR. WOODSON: Was there any time  
4 where an individual sought to reenter Mood  
5 Lounge who was bleeding?

6 MR. STERN: Objection.

7 MS. WILLIAMS: No.

8 CHAIRPERSON MILLER: No, I'm  
9 sorry. I'm going to overrule it. I think  
10 that's a reasonable question.

11 MR. WOODSON: Did anyone enter  
12 Mood Lounge who was bleeding?

13 MS. WILLIAMS: No.

14 MR. WOODSON: Let's talk about the  
15 outside for a minute. After the  
16 representatives of MPD arrived, what, as you  
17 saw, transpired outside?

18 MS. WILLIAMS: They were -- they  
19 just -- all I saw was they had their  
20 flashlights flashing at the ground, you know?  
21 Next thing you know, after I go the restroom  
22 and come back, I see police tape around the

1 front of the club.

2 MR. WOODSON: At that time how  
3 many officers did you see?

4 MS. WILLIAMS: Four.

5 MR. WOODSON: Four?

6 MS. WILLIAMS: Yes. Four in  
7 addition to the two that were there.

8 MR. WOODSON: The two that had  
9 come in earlier?

10 MS. WILLIAMS: Right.

11 MR. WOODSON: Okay. Just to be  
12 sure now, after the -- other than the two  
13 officers who had already made entry to Mood,  
14 did any other officers enter Mood?

15 MS. WILLIAMS: I can't remember.

16 MS. WILLIFORD: During your duty.

17 MS. WILLIAMS: They may have. I  
18 can't remember because I -- again, I went to  
19 the restroom at one point, so I don't know who  
20 might have come in on that -- in between that  
21 time.

22 MR. WOODSON: Let me ask -- talk

1 about that for a minute. The entry to Mood,  
2 could you describe the door? Is it -- does it  
3 stay open all night? Does it close  
4 automatically? Could you describe this door?

5 MS. WILLIAMS: It's like a gym --  
6 if ever been a school gym, the doors, if you  
7 push it -- if you're inside the club, if you  
8 push it out, it's going to lock automatically  
9 when it closes. So if you're outside, you  
10 cannot open the door to get inside. Somebody  
11 from the inside has to open it to let you in.

12 MR. WOODSON: Is that the way the  
13 door operates every night?

14 MS. WILLIAMS: Yes.

15 MR. WOODSON: Even when you're on  
16 duty?

17 MS. WILLIAMS: Yes.

18 MR. WOODSON: So the door has to  
19 be affirmatively opened --

20 MS. WILLIAMS: Yes.

21 MR. WOODSON: -- for entry to be  
22 had?

1 MS. WILLIAMS: Absolutely.

2 MR. WOODSON: When you stepped  
3 away from the door to go to the restroom, was  
4 anyone there holding the door open?

5 MS. WILLIAMS: Not -- I don't  
6 know.

7 MR. WOODSON: When you left was  
8 anyone there?

9 MS. WILLIAMS: No.

10 MR. WOODSON: When you came back  
11 was anyone there?

12 MS. WILLIAMS: I can't remember if  
13 somebody was there or not, to be quite honest.

14 MR. WOODSON: Well, that's okay.  
15 We want you to --

16 (Laughter.)

17 CHAIRPERSON MILLER: To be quite  
18 honest.

19 MR. WOODSON: If you can't  
20 remember --

21 MS. WILLIAMS: Right.

22 MS. WILLIFORD: -- you can't

1 remember.

2 MS. WILLIAMS: Yes.

3 MR. WOODSON: At the time MPD was  
4 present outside, if the door -- did you step  
5 away from the door to go to the restroom when  
6 MPD was outside?

7 MS. WILLIAMS: Yes.

8 MR. WOODSON: And when you stepped  
9 away from the door, the door closed?

10 MS. WILLIAMS: Yes.

11 MR. WOODSON: Would it have been  
12 possible for MPD to gain access unless someone  
13 opened the door, absent someone opening the  
14 door?

15 MS. WILLIAMS: Somebody would have  
16 to open the door for them.

17 MR. WOODSON: Let's talk about for  
18 a moment, staying with the door, describe the  
19 view from -- describe this door. Does it have  
20 a window?

21 MS. WILLIAMS: Yes.

22 MR. WOODSON: Is it a double door?

1 I don't know, you described a gym -- kind of  
2 gym affair.

3 MS. WILLIAMS: Yes, it's a door --

4 MR. WOODSON: Is it like two doors  
5 and one opens, or could you describe that?

6 MS. WILLIAMS: There's two doors.  
7 They both can open, but we only allow one to  
8 open.

9 MR. WOODSON: And does each door  
10 have a window?

11 MS. WILLIAMS: Can't remember.

12 MR. WOODSON: Okay.

13 MS. WILLIAMS: I know the door  
14 that I'm usually -- the one that I'm using has  
15 a window.

16 MR. WOODSON: That door has a  
17 window?

18 MS. WILLIAMS: Yes.

19 MR. WOODSON: And what do you see  
20 through that window?

21 MS. WILLIAMS: You can -- you got  
22 a clear view of across the street. You know,

1 if your head's moving like this, you got a  
2 nice view of what's to the left of you as well  
3 as what's to the right of you.

4 MR. WOODSON: So the space from  
5 the door, the front door to the curb of Mood,  
6 what would you estimate that space to be?

7 MS. WILLIAMS: Ten feet.

8 MR. WOODSON: Essentially the  
9 width of a sidewalk?

10 MS. WILLIAMS: Yes.

11 MS. WILLIFORD: Is that fair?

12 MS. WILLIAMS: Yes.

13 MR. WOODSON: And in that sidewalk  
14 space is there anything else? Is there a  
15 planting? Is there a tree?

16 MS. WILLIAMS: There's a -- I  
17 wouldn't say a plant, but -- how can I explain  
18 this? It's a little gate. Like people let  
19 their dogs go in this small little area to use  
20 the bathroom. So it's a small little -- it's  
21 not a plant. It's not a tree.

22 MR. WOODSON: With your

1 permission, Madam Chair, it's something of an  
2 enclosed space where there's other than  
3 sidewalks?

4 MS. WILLIAMS: Right.

5 MR. WOODSON: Okay. And in that  
6 space what is there?

7 MS. WILLIAMS: It's dirt.

8 MR. WOODSON: Is there a tree  
9 there?

10 MS. WILLIAMS: I think so, yes,  
11 but it's not a big, big tree. Small tree.

12 MR. WOODSON: All right. Is there  
13 parking in front of Mood?

14 MS. WILLIAMS: Yes.

15 MR. WOODSON: That night was there  
16 parking -- were there cars parked in front of  
17 Mood?

18 MS. WILLIAMS: Yes.

19 MR. WOODSON: Were there cars  
20 parked in front of Mood at the time MPD  
21 arrived?

22 MS. WILLIAMS: No.

1 MR. WOODSON: At the time MPD  
2 arrived; I think I may have asked this before,  
3 had all the patrons departed?

4 MS. WILLIAMS: Yes.

5 MR. WOODSON: Were there any  
6 patrons remaining outside?

7 MS. WILLIAMS: No.

8 MR. WOODSON: I don't have  
9 anything further on direct at the moment.

10 CHAIRPERSON MILLER: Okay.

11 MR. STERN: Thank you. You said  
12 you were at the doorway or a few steps from  
13 the doorway since 9:30. Is it fair to say  
14 between 9:30 and 1:00 say you did not take a  
15 break for bathroom, cigarette, anything like  
16 that?

17 MS. WILLIAMS: Correct.

18 MR. STERN: Okay. So you were  
19 right in that area the entire time?

20 MS. WILLIAMS: Yes.

21 MR. STERN: Okay. Can you look  
22 out the door from wherever you were at that

1 time?

2 MS. WILLIAMS: Yes.

3 MR. STERN: Okay. So there was no  
4 time when you wouldn't see what was going on  
5 immediately outside?

6 MS. WILLIAMS: Correct.

7 MR. STERN: Okay. Is this a  
8 double door with an entryway, or does the door  
9 we're talking about lead directly outside?

10 MS. WILLIAMS: Leads directly  
11 outside.

12 MR. STERN: Okay. So as people  
13 come during the evening you have to  
14 continually open and close, open and close,  
15 open and close the door?

16 MS. WILLIAMS: Yes, but for me, I  
17 like to stand in the doorway with the door  
18 open already.

19 MR. STERN: Okay.

20 MS. WILLIAMS: So I won't have to  
21 keep opening and closing.

22 MR. STERN: Now am I correct that

1 your usual closing time is 3:00?

2 MS. WILLIAMS: On a Friday and  
3 Saturday night, yes.

4 MR. STERN: Okay. So tonight --  
5 that night you were closing early?

6 MS. WILLIAMS: That night normal  
7 closing time is 12:30.

8 MR. STERN: I see. And you didn't  
9 close earlier for any reason in particular?

10 MS. WILLIAMS: No.

11 MR. STERN: Okay. Now does the  
12 gentleman who pats down the men also stand by  
13 this front door the entire time?

14 MS. WILLIAMS: Yes.

15 MR. STERN: Okay. When the police  
16 arrived did you let them in?

17 MS. WILLIAMS: Well, I wouldn't  
18 say I let them in. They walked in on their  
19 own.

20 MR. STERN: Well, you said you  
21 can't open the door from outside.

22 MS. WILLIAMS: I was already at

1 the door with the door already open when they  
2 pulled up. So they -- when they got out of  
3 their cars, they just walked right past me,  
4 proceed to go inside.

5 MR. STERN: Okay. We're talking  
6 December 30th.

7 MS. WILLIAMS: Yes.

8 MR. STERN: At approximately 1:00,  
9 is that correct?

10 MS. WILLIAMS: A little after  
11 1:00.

12 MR. STERN: And you had already  
13 closed up, is that right? Why would you be  
14 standing outside with the door open?

15 MS. WILLIAMS: Smoking cigarettes.

16 MEMBER SILVERSTEIN: I'm sorry?

17 MS. WILLIAMS: Smoking cigarettes.

18 MR. STERN: Okay. So you had --  
19 you were smoking cigarettes outside at 1:00,  
20 but between 9:30 and 12:00 you didn't take a  
21 cigarette break?

22 MS. WILLIAMS: Not really, no. I

1       didn't take a cigarette break or a bathroom  
2       break.

3                   MR. STERN:   Okay.   Now, did there  
4       come a time after the police arrived that you  
5       saw blood in the street?

6                   MS. WILLIAMS:  I didn't see any  
7       blood in the street.

8                   MR. STERN:   Ever?

9                   MS. WILLIAMS:  Ever.

10                  MR. STERN:   Did you leave through  
11       the front door?

12                  MS. WILLIAMS:  Yes.   Yes.

13                  MR. STERN:   Okay.   It would seem  
14       to me if it was me I would be curious to look  
15       around if the police told me somebody got  
16       stabbed in that location and they had cordoned  
17       off an area.   Did you look around?

18                  MS. WILLIAMS:  No.

19                  MR. STERN:   Okay.   Now I believe  
20       you said that there were gentlemen inside that  
21       were very loud, which is why you asked them to  
22       leave.   Is that right?

1 MS. WILLIAMS: I didn't -- well, I  
2 suggested they should leave.

3 MR. STERN: Okay. And there were  
4 only three of them?

5 MS. WILLIAMS: Right.

6 MR. STERN: Was there anyone else  
7 outdoors when you -- when these gentlemen  
8 left?

9 MS. WILLIAMS: There were people  
10 at the gas station.

11 MR. STERN: Okay. But --

12 MS. WILLIAMS: But not on my side  
13 of the street, no.

14 MR. STERN: Okay. So those were  
15 the only three people who were even outdoors  
16 when you asked them to leave?

17 MS. WILLIAMS: Yes.

18 MR. WOODSON: Okay. Were they  
19 smoking when they were inside?

20 MS. WILLIAMS: No.

21 MR. STERN: Was anyone smoking  
22 marijuana in the club?

1 MS. WILLIAMS: No.

2 MR. STERN: Okay. Was anyone  
3 smoking cigarettes in the club?

4 MS. WILLIAMS: No.

5 MR. STERN: Okay. And you know  
6 that because cigarettes are -- you can't smoke  
7 indoors in the District and you would have had  
8 to have thrown them out if they were?

9 MS. WILLIAMS: Basically.

10 MR. STERN: Okay. Now I believe  
11 you testified on direct that after these three  
12 guys went outside they talked to each other,  
13 maybe animatedly talked to each other for a  
14 little while. You watched that?

15 MS. WILLIAMS: Some of it.

16 MR. STERN: Okay. And then you  
17 went inside and you closed the door?

18 MS. WILLIAMS: Correct.

19 MR. STERN: Okay. But you could  
20 still see outside?

21 MS. WILLIAMS: Yes.

22 MR. STERN: Okay. And they just

1 walked away?

2 MS. WILLIAMS: Yes.

3 MR. STERN: There was no fight?

4 There was no nothing?

5 MS. WILLIAMS: No.

6 MR. STERN: Okay. Do you have a  
7 theory on how the police found two puddles of  
8 blood directly outside of Mood Lounge?

9 MR. WOODSON: I object.

10 MR. STERN: Okay. But you didn't  
11 see anything that would have caused that?

12 MS. WILLIAMS: No.

13 MR. STERN: Okay. I think that's  
14 it then. Thank you.

15 CHAIRPERSON MILLER: Questions?

16 (No response.)

17 CHAIRPERSON MILLER: I guess I'll  
18 start. I want to get clear about the closing.  
19 The incident that we're looking into occurred  
20 on December 30th, correct?

21 MS. WILLIAMS: Correct.

22 CHAIRPERSON MILLER: And that's a

1 Friday?

2 MS. WILLIAMS: That's a Thursday.

3 CHAIRPERSON MILLER: Thursday  
4 night?

5 MS. WILLIAMS: Yes.

6 MEMBER ALBERTI: Thursday night.

7 CHAIRPERSON MILLER: Thursday  
8 night going into -- oh, the 30th?

9 MS. WILLIAMS: Going into Friday.

10 CHAIRPERSON MILLER: Okay. So  
11 that's a night that the establishment closes  
12 early, or is that regular time to close at --

13 MS. WILLIAMS: That's regular time  
14 when we do private parties during the week.  
15 We close at 12:30.

16 CHAIRPERSON MILLER: Was there a  
17 private party going on that night?

18 MS. WILLIAMS: I wouldn't say a --  
19 it was open mic night, so --

20 CHAIRPERSON MILLER: Open mic  
21 night?

22 MS. WILLIAMS: Yes.

1 CHAIRPERSON MILLER: Okay. Yes.

2 MS. WILLIAMS: So to us, as a  
3 lounge, that's a private party. It wasn't  
4 promoted to the point where you have -- it's  
5 open to the public, so to speak.

6 CHAIRPERSON MILLER: It wasn't  
7 open to the public, or it was?

8 MS. WILLIAMS: It wasn't.

9 CHAIRPERSON MILLER: It was not?

10 MS. WILLIAMS: Right.

11 CHAIRPERSON MILLER: Who was -- it  
12 was just a private citizen's party?

13 MS. WILLIAMS: Yes, whoever is  
14 going to be on the mic is whoever they bring  
15 to the establishment, their friends.

16 CHAIRPERSON MILLER: What you mean  
17 whoever's on the mic?

18 MS. WILLIAMS: How could I  
19 explain? Like a karaoke night or some sort.

20 CHAIRPERSON MILLER: Yes.

21 MS. WILLIAMS: But they're asking  
22 their friends to come listen to them. It

1 wasn't like it was promoted to the point where  
2 it's open to the public. Anybody off the  
3 streets can come in, no.

4 CHAIRPERSON MILLER: Right. Okay.  
5 Okay. I didn't know that. So were all the  
6 people who were coming in or not -- if the  
7 door was closed, they had to knock to come in,  
8 correct?

9 MS. WILLIAMS: Right.

10 CHAIRPERSON MILLER: All those --  
11 any of those individuals who did that that  
12 night were friends of the people who --

13 MS. WILLIAMS: Whoever going to  
14 perform, right.

15 CHAIRPERSON MILLER: -- were  
16 sponsoring this open mic?

17 MS. WILLIAMS: Right.

18 CHAIRPERSON MILLER: Supposedly?  
19 Did they have to show anything to get in  
20 that --

21 MS. WILLIAMS: They have to show  
22 proper ID.

1 CHAIRPERSON MILLER: Do they have  
2 to show anything that they were friends, not  
3 general members of the public?

4 MS. WILLIAMS: No, but they  
5 usually -- people drop names. You know, my  
6 friend is going to be on the mic and such --  
7 you know, soon. They drop names of that sort  
8 to inform you that they know who's going to be  
9 here.

10 CHAIRPERSON MILLER: Okay. I  
11 wasn't clear about -- you said you like to  
12 leave the door open so you don't have to keep  
13 opening and closing it. But on December 30th  
14 was it cold outside? I mean, was also the  
15 cold air coming into the establishment if you  
16 left it open?

17 MS. WILLIAMS: Yes. No. No. I  
18 mean, that -- sometimes you -- people can draw  
19 in heat. So I mean, as far as the door is  
20 concerned, it's too far away from other  
21 people. So they're inside. You got a little  
22 hallway or whatever.

1 CHAIRPERSON MILLER: So would you  
2 say half of the time the door was open and  
3 half the -- I'm just --

4 MS. WILLIAMS: Yes.

5 CHAIRPERSON MILLER: I don't want  
6 to put words in your mouth. You know, so part  
7 of the time the door is open, part of the time  
8 it's closed?

9 MS. WILLIAMS: Correct.

10 CHAIRPERSON MILLER: Okay. And  
11 when it's closed is it your job to be looking  
12 out that window in the door?

13 MS. WILLIAMS: Out that window to  
14 see --

15 CHAIRPERSON MILLER: So you're  
16 supposed to be looking at outside?

17 MS. WILLIAMS: Yes.

18 CHAIRPERSON MILLER: Can you hear  
19 outside when the door are closed?

20 MS. WILLIAMS: I mean, I can hear  
21 people talking, but I can't understand what  
22 they're saying.

1 CHAIRPERSON MILLER: Can you --

2 MS. WILLIAMS: I would have to put  
3 my ear up to the window to hear what they're  
4 saying.

5 CHAIRPERSON MILLER: But you can  
6 see if --

7 MS. WILLIAMS: I can see clearly,  
8 yes.

9 CHAIRPERSON MILLER: If there's  
10 any fighting, you can see it?

11 MS. WILLIAMS: Absolutely.

12 CHAIRPERSON MILLER: And it's your  
13 testimony that you were looking out that way  
14 between 9:30 and 1:00 and never saw anything  
15 on the property?

16 MS. WILLIAMS: Never saw anything.

17 CHAIRPERSON MILLER: Does that --  
18 do you conclude that nothing happened, or that  
19 you missed it?

20 MS. WILLIAMS: I obviously must  
21 have missed something. I only went to the  
22 bathroom once that night.

1                   CHAIRPERSON MILLER: But you said  
2 that was after MPD came?

3                   MS. WILLIAMS: But that was after  
4 1:00, yes.

5                   CHAIRPERSON MILLER: What's your  
6 training as a security officer?

7                   MS. WILLIAMS: What is my  
8 training?

9                   CHAIRPERSON MILLER: Yes.

10                  MS. WILLIAMS: Well, I've had  
11 several training classes in -- like I said, in  
12 different states, too. My last training class  
13 was June, and that's with Lux Lounge.

14                  CHAIRPERSON MILLER: And in all  
15 your years of being a security officer at  
16 different places, if something happens outside  
17 the establishment, if someone is hurt, do they  
18 generally come to you for assistance or --

19                  MS. WILLIAMS: Absolutely.

20                  CHAIRPERSON MILLER: And is it  
21 your testimony that didn't happen that night?

22                  MS. WILLIAMS: Say again?

1 CHAIRPERSON MILLER: Is it your  
2 testimony that that didn't happen that night?

3 MS. WILLIAMS: Right.

4 CHAIRPERSON MILLER: To you?  
5 Could they have come to another security  
6 officer at another entrance or --

7 MS. WILLIAMS: No, there's only  
8 one entrance.

9 CHAIRPERSON MILLER: Okay. Any  
10 other questions? Yes, Ms. Mobley?

11 MEMBER MOBLEY: Good afternoon,  
12 Ms. Williams.

13 MS. WILLIAMS: Good afternoon.

14 MEMBER MOBLEY: Is it your  
15 testimony that your coworker, that I assume is  
16 not a security guard, walked down the tables  
17 to defuse --

18 MS. WILLIAMS: That was another  
19 security guard.

20 MEMBER MOBLEY: Okay. Right.

21 MS. WILLIAMS: Yes.

22 MEMBER MOBLEY: Not you, but

1 another security guard, walked down the tables  
2 to defuse loud noises. You heard the word  
3 "Redskins," so you thought they were talking  
4 about a Redskins game or whatever. And you  
5 saw three gentlemen, or he escorted three  
6 gentlemen out of the club?

7 MS. WILLIAMS: Yes. He didn't  
8 escort them all the way out. He escorted them  
9 to the end of those tables. At that point I'm  
10 already at the end of the tables. If you  
11 familiar with the way the club looks --

12 MEMBER MOBLEY: Okay. But I  
13 thought your testimony was that you saw them  
14 walk out, that you observed these three guys  
15 -- because you made a comment that it was  
16 cold. You closed the door. And that these  
17 gentlemen that you -- you were only able to  
18 describe one of the gentlemen, is that  
19 correct?

20 MS. WILLIAMS: Right.

21 MEMBER MOBLEY: And tell me again  
22 what -- how you were able to describe the one

1 gentleman.

2 MS. WILLIAMS: How was I able to  
3 describe --

4 MEMBER MOBLEY: You said there was  
5 -- out of the three gentlemen there was one  
6 gentleman that you were able to describe.

7 MS. WILLIAMS: Well, that's  
8 because he was the one doing all the talking  
9 loudly.

10 MEMBER MOBLEY: And you said he  
11 had on --

12 MS. WILLIAMS: He had on a hat  
13 similar to mine, beige, and a beige -- either  
14 beige coat or one of them beige poofy vests.

15 MEMBER MOBLEY: Right. That's  
16 what I understand. But prior to you giving  
17 that testimony I thought I heard you say that  
18 in the meantime when you were looking out the  
19 door you observed one guy speaking loud  
20 outside, but he was by himself.

21 MS. WILLIAMS: Yes, he was --

22 MEMBER MOBLEY: Can you explain --

1 MS. WILLIAMS: He was standing  
2 directly in the mirror -- I mean, the window  
3 image. You have a small mirror. Okay? Well,  
4 it's like this and that wide. He was standing  
5 directly in front of that window.

6 MEMBER MOBLEY: Okay. I'm trying  
7 to determine when the guy with the beige  
8 hat --

9 MS. WILLIAMS: Yes.

10 MEMBER MOBLEY: -- and the beige  
11 jacket or vest was outside by himself speaking  
12 loudly. You said you couldn't hear what he  
13 was saying, but he was speaking really loud.

14 MS. WILLIAMS: Right.

15 MEMBER MOBLEY: But then I have  
16 testimony -- we have testimony from you saying  
17 that you observed him going out the door with  
18 two more individuals.

19 MS. WILLIAMS: Yes.

20 MEMBER MOBLEY: So where were the  
21 other individuals? I mean --

22 MS. WILLIAMS: Over to the left.

1 They were all on the sidewalk, but the other  
2 two were standing closer to each other and  
3 they were off to the left. So he could have  
4 been talking to them, or anybody across the  
5 street, or anybody to the right of me.

6 MEMBER MOBLEY: Okay. And then  
7 after they did all of this talking, what  
8 happened next, since you were at the door and  
9 you were seeing all of this?

10 MS. WILLIAMS: I stuck my head  
11 out, asked him to keep his noise level down or  
12 either just go ahead and bounce. They left  
13 again with no problem, just like they did when  
14 they were inside. They left on their own.

15 MEMBER MOBLEY: And how did they  
16 leave?

17 MS. WILLIAMS: Well, the two  
18 gentlemen that was to the left walked up that  
19 way and he -- I guess he went to the right.  
20 I'm assuming he went to --

21 MEMBER MOBLEY: So they left by  
22 foot?

1 MS. WILLIAMS: Yes.

2 MEMBER MOBLEY: Okay. All right.

3 No further questions at this time.

4 CHAIRPERSON MILLER: Any other

5 Board questions? Yes, Mr. Alberti?

6 MEMBER ALBERTI: Hi, Ms. Williams.

7 I have some questions sort of about general

8 operating procedures at Mood Lounge. First of

9 all, what's the uniform for security guards?

10 Is there a uniform for security staff?

11 MS. WILLIAMS: Yes, there is a

12 uniform.

13 MEMBER ALBERTI: And what is that

14 uniform?

15 MS. WILLIAMS: All black.

16 MEMBER ALBERTI: All black?

17 MS. WILLIAMS: Black slacks, black

18 shoes, black tie, black jacket.

19 MEMBER ALBERTI: Is there anything

20 that identifies you as a staff member of Mood

21 Lounge --

22 MS. WILLIAMS: Well, we also have

1 a pin.

2 MEMBER ALBERTI: -- other than the  
3 fact that you're wearing black?

4 MS. WILLIAMS: Yes. We have a  
5 Mood Lounge -- we have a pin that we wear on  
6 our uniform.

7 MEMBER ALBERTI: Where is the pin?  
8 Where do you wear the pin?

9 MS. WILLIAMS: If you're working  
10 outside, it's placed right here on your  
11 jacket.

12 MEMBER ALBERTI: Okay. All right.  
13 And if you're not wearing a jacket -- were you  
14 wearing a jacket that night?

15 MS. WILLIAMS: Yes.

16 MEMBER ALBERTI: Were most of the  
17 security staff wearing jackets that night?

18 MS. WILLIAMS: Yes.

19 MEMBER ALBERTI: What kind of  
20 jackets?

21 MS. WILLIAMS: A coat just like  
22 this, but all black. What do they call --

1                   MEMBER ALBERTI: I mean, like a  
2 sports coat for men, or a blazer?

3                   MS. WILLIAMS: Blazers for men.  
4 If you're inside, you're wearing a blazer. If  
5 you're inside with a blazer on, your pin is  
6 going to be on the outside of your blazer.

7                   MEMBER ALBERTI: And the staff was  
8 wearing blazers that night inside?

9                   MS. WILLIAMS: Yes.

10                  MEMBER ALBERTI: Okay. And you  
11 were at the door. Were you wearing a blazer?

12                  MS. WILLIAMS: I was at the door,  
13 so I have all-black trench coat and then my --

14                  MEMBER ALBERTI: Okay.

15                  MS. WILLIAMS: -- pin is on the  
16 outside of my coat.

17                  MEMBER ALBERTI: Okay. All right.  
18 Who does the ID checking when people come in  
19 and how is that done? So sort of describe to  
20 me who does it and how that's done.

21                  MS. WILLIAMS: We have one  
22 gentleman that checks IDs. And he's also --

1 as he's checking the ID, he has a clicker, so  
2 he's clicking however many patrons are coming  
3 in as he's checking the IDs.

4 MEMBER ALBERTI: And where is he  
5 stationed?

6 MS. WILLIAMS: At the door as  
7 well. Well, off to the side. Right by the  
8 front door, but off to the side.

9 MEMBER ALBERTI: Okay. Sort of  
10 opposite the restrooms there or --

11 MS. WILLIAMS: Say again?

12 MEMBER ALBERTI: I mean, right  
13 inside the front doors it says "restroom."  
14 So --

15 MS. WILLIAMS: Well, you got the  
16 doors. And where I'm standing, he'll be off  
17 to the right.

18 MEMBER ALBERTI: Can you sort of  
19 -- can you hold it up and show me?

20 MS. WILLIAMS: Yes, he'll be right  
21 over here in this area.

22 MEMBER ALBERTI: Right over there.

1 And maybe I'm not -- okay. Where it says  
2 "room?"

3 MS. WILLIAMS: Yes.

4 MEMBER ALBERTI: Okay. And that's  
5 the area that they're standing in? Okay. Was  
6 he up front most of the night?

7 MS. WILLIAMS: Yes.

8 MEMBER ALBERTI: Was he up there  
9 until closing?

10 MS. WILLIAMS: Yes.

11 MEMBER ALBERTI: So there are  
12 three of you up front?

13 MS. WILLIAMS: Yes.

14 MEMBER ALBERTI: You, the man  
15 who --

16 MS. WILLIAMS: Does the other  
17 searching.

18 MEMBER ALBERTI: Does the  
19 searching and patting down of gentlemen. And  
20 the man who does the ID checking?

21 MS. WILLIAMS: The checking ID.

22 MEMBER ALBERTI: Okay. What was

1 the entertainment that night?

2 MS. WILLIAMS: It was open mic  
3 night.

4 MEMBER ALBERTI: Okay.

5 MS. WILLIAMS: What that is is  
6 that's when these guys want to be rappers that  
7 -- for that night.

8 MEMBER ALBERTI: I enjoyed the way  
9 you put that, but continue.

10 MS. WILLIAMS: That's basically  
11 what that was, you know, entertaining each  
12 other.

13 MEMBER ALBERTI: Well, I mean, how  
14 many? I mean, how many --

15 MS. WILLIAMS: I remember four  
16 different guys getting on the mic.

17 MEMBER ALBERTI: Getting on the  
18 mic that night?

19 MS. WILLIAMS: Yes.

20 MEMBER ALBERTI: All right. Do  
21 you remember the names of any of them?

22 MS. WILLIAMS: No.

1                   MEMBER ALBERTI: All right. You  
2 have no idea -- they weren't introducing --  
3 you don't recollect the names of any of the  
4 rappers there?

5                   MS. WILLIAMS: No, just upcoming  
6 new artists, I guess.

7                   MEMBER ALBERTI: Okay. Are you  
8 just being kind? No. All right. What time  
9 -- are they accompanied by music, these  
10 rappers?

11                  MS. WILLIAMS: Say again? Are  
12 they -- yes. Yes, yes. You said is it music  
13 involved?

14                  MEMBER ALBERTI: Yes.

15                  MS. WILLIAMS: Yes, yes.

16                  MEMBER ALBERTI: Are they  
17 accompanied by music? And who's playing the  
18 music?

19                  MS. WILLIAMS: A DJ.

20                  MEMBER ALBERTI: A DJ?

21                  MS. WILLIAMS: Yes.

22                  MEMBER ALBERTI: And so, is he

1 coordinating with the rappers?

2 MS. WILLIAMS: He's playing  
3 instrumentals for these gentlemen to --

4 MEMBER ALBERTI: So they could  
5 rap?

6 MS. WILLIAMS: -- to rap --

7 MEMBER ALBERTI: So there's some  
8 coordination? Do these rappers sign up? I  
9 mean, what's the deal?

10 MS. WILLIAMS: I don't know. You  
11 say do they sign up?

12 MEMBER ALBERTI: Yes, I mean, how  
13 do you know who's going to be appearing? How  
14 does the DJ know --

15 MS. WILLIAMS: That's something  
16 they --

17 MEMBER ALBERTI: -- what kind of  
18 music to program for that individual who's on  
19 stage?

20 MS. WILLIAMS: I guess that's  
21 something they communicated with each other.

22 MEMBER ALBERTI: Okay.

1 MS. WILLIAMS: So I don't know how  
2 they do that, but --

3 MEMBER ALBERTI: Okay. What time  
4 did the DJ leave?

5 MS. WILLIAMS: DJ left at like  
6 about 12:00, about 12:30.

7 MEMBER ALBERTI: So what time did  
8 he pack up? What time did he stop playing  
9 music?

10 MS. WILLIAMS: He stopped playing  
11 music at around -- a little after 12:00. I  
12 know it was after 12:15.

13 MEMBER ALBERTI: All right. And  
14 then he packed up?

15 MS. WILLIAMS: Yes.

16 MEMBER ALBERTI: And he left?

17 MS. WILLIAMS: And then he left.

18 MEMBER ALBERTI: By what time?

19 MS. WILLIAMS: He was out of the  
20 building -- nobody was in the building at  
21 12:45.

22 MEMBER ALBERTI: At 12:00 what?

1 MS. WILLIAMS: Forty-five.

2 MEMBER ALBERTI: By 12:45 no one  
3 was in the building. No one was in the  
4 building?

5 MS. WILLIAMS: Other than the  
6 staff.

7 MEMBER ALBERTI: Okay. The staff  
8 was in the building. Okay. What was the  
9 weather like that night? Remember?

10 MS. WILLIAMS: It was a little  
11 cold, you know? But I wear a lot of clothes,  
12 so the weather didn't bother me too much.

13 MEMBER ALBERTI: I recollect the  
14 weather -- that stretch was highs in the high  
15 50s, low 60s --

16 MS. WILLIAMS: I would say --

17 MEMBER ALBERTI: -- and the  
18 evenings were in the 40s.

19 MS. WILLIAMS: I don't remember.

20 MEMBER ALBERTI: Does that sound  
21 possible?

22 MS. WILLIAMS: I would be

1 guessing, sir.

2 MEMBER ALBERTI: Because I  
3 actually just looked up -- the day after that  
4 the high was -- on the 31st the day was -- the  
5 high was 62. So that sort of --

6 MS. WILLIAMS: Yes, I couldn't --

7 MEMBER ALBERTI: My memory that we  
8 had a stretch of really, really good weather  
9 that -- does that help at all?

10 MS. WILLIAMS: No.

11 MEMBER ALBERTI: Okay.

12 MS. WILLIAMS: Because I'm always  
13 wearing -- I'm always bundled up whether it's  
14 hot or cold.

15 MEMBER ALBERTI: Okay. The reason  
16 I ask, what time do you think patrons stopped  
17 coming in?

18 MS. WILLIAMS: Stopped coming in?  
19 I would say about 11:00, a little after 11:00.  
20 It was slow.

21 MEMBER ALBERTI: Who let the  
22 officer in?

1 MS. WILLIAMS: Nobody technically.  
2 He just walked in.

3 MEMBER ALBERTI: All right.

4 MS. WILLIAMS: He walked like past  
5 me.

6 MEMBER ALBERTI: He just walked  
7 in?

8 MS. WILLIAMS: Yes.

9 MEMBER ALBERTI: How could he do  
10 that if the door was closed?

11 MS. WILLIAMS: No, the door was  
12 open. When the first two officers pulled up,  
13 I was standing in the doorway. The door was  
14 open.

15 MEMBER ALBERTI: Oh, okay. So  
16 periodically at the end of the night you were  
17 out there?

18 MS. WILLIAMS: Yes.

19 MEMBER ALBERTI: Pretty often?

20 MS. WILLIAMS: Often.

21 MEMBER ALBERTI: Now did you --  
22 okay. When's the last time you remember of

1 someone coming back into -- well, coming into  
2 -- entering into the restaurant -- into the  
3 bar? When was the last time someone -- when  
4 was the last time a patron entered the lounge?  
5 At what time?

6 MS. WILLIAMS: 11:30 at most.

7 MEMBER ALBERTI: 11:30 at the  
8 latest?

9 MS. WILLIAMS: Yes.

10 MEMBER ALBERTI: Okay. Is it  
11 possible that any of the entertainers left and  
12 came back in the evening?

13 MS. WILLIAMS: No.

14 MEMBER ALBERTI: How does this get  
15 set up? I mean, and maybe you don't know,  
16 because you're not the owner and you -- this  
17 may not be your function at the lounge, but  
18 how does this whole thing get arranged, the  
19 entertainment get arranged?

20 MS. WILLIAMS: How does -- say it  
21 again?

22 MEMBER ALBERTI: How does it get

1 arranged? I mean, who arranges it? Who  
2 requested it?

3 MS. WILLIAMS: I don't know --

4 MEMBER ALBERTI: I mean, who's  
5 idea was it to have open mic and --

6 MS. WILLIAMS: That part, I  
7 don't --

8 MEMBER ALBERTI: -- how do they  
9 let friends know, and how are the people hired  
10 to do this?

11 MS. WILLIAMS: Now, if I answered  
12 that I would be assuming, so --

13 MEMBER ALBERTI: Just go ahead.

14 MS. WILLIAMS: I would assume the  
15 DJ and whoever on the mic, they communicate  
16 this and they probably communicated it with  
17 the club to set up a party so that they can  
18 freestyle on the mic, you know, and invite  
19 their friends. I don't know if there's a --  
20 like a company involved or if they're in the  
21 building, or what, you know? Because I've  
22 worked several kind of parties like that in

1 the past, but again I don't know who --

2 MEMBER ALBERTI: You don't know  
3 who --

4 MS. WILLIAMS: -- books it or how  
5 it's arranged.

6 MEMBER ALBERTI: Okay. Now one  
7 last question. Is there an age restriction at  
8 Mood Lounge?

9 MS. WILLIAMS: Yes, we will only  
10 let in 21 and up.

11 MEMBER ALBERTI: Thank you. All  
12 right. I have no further questions.

13 CHAIRPERSON MILLER: I just want  
14 to ask one more question. Do you say you do  
15 a pat down?

16 MS. WILLIAMS: Say again?

17 CHAIRPERSON MILLER: Do you do a  
18 pat down?

19 MS. WILLIAMS: Yes, ma'am.

20 CHAIRPERSON MILLER: Of every  
21 single person that enters?

22 MS. WILLIAMS: Yes.

1 CHAIRPERSON MILLER: And that's  
2 what you did that night?

3 MS. WILLIAMS: That's what I did  
4 that night.

5 CHAIRPERSON MILLER: Okay. Any  
6 other questions?

7 MEMBER MOBLEY: Yes.

8 CHAIRPERSON MILLER: Yes, Ms.  
9 Mobley?

10 MEMBER MOBLEY: Ms. Williams,  
11 other than -- you said you saw two  
12 Metropolitan Police detectives came in while  
13 you were at the door, and then two more came  
14 later. Is that correct?

15 MS. WILLIAMS: Four more came  
16 later.

17 MEMBER MOBLEY: Oh, four more came  
18 later?

19 MS. WILLIAMS: Yes.

20 MEMBER MOBLEY: How much later?  
21 About what time?

22 MS. WILLIAMS: I would say like

1 1:30.

2 MEMBER MOBLEY: Okay. And what  
3 did they do, do you know? What were they  
4 doing?

5 MS. WILLIAMS: Well, I only saw  
6 them outside.

7 MEMBER MOBLEY: Okay. And what  
8 were they doing outside?

9 MS. WILLIAMS: Just looking around  
10 on the ground.

11 MEMBER MOBLEY: Okay. Did you ask  
12 them what they were doing, why they were  
13 looking around on the ground?

14 MS. WILLIAMS: I only asked the  
15 two that came in.

16 MEMBER MOBLEY: Okay.

17 MS. WILLIAMS: I didn't ask the  
18 other four anything.

19 MEMBER MOBLEY: Okay. So the two  
20 that came in, again, what did you ask --

21 MS. WILLIAMS: I asked them why  
22 were they here.

1 MEMBER MOBLEY: And?

2 MS. WILLIAMS: And the gentleman  
3 officer said that he got -- that he was at  
4 Howard University and somebody got hurt and  
5 that's why he came to Mood Lounge.

6 MEMBER MOBLEY: Okay. And it's my  
7 understanding that you were there until --

8 MS. WILLIAMS: 2:30.

9 MEMBER MOBLEY: 2:30?

10 MS. WILLIAMS: Yes.

11 MEMBER MOBLEY: So during this  
12 time from like 1:00 to 2:30, other than the  
13 four -- the two police officers who came in,  
14 the four police officers outside, did anyone  
15 else come to the establishment?

16 MS. WILLIAMS: Not to my  
17 knowledge, no.

18 MEMBER MOBLEY: Okay. So you  
19 didn't -- you were not aware of ABRA  
20 investigators coming to the establishment?

21 MS. WILLIAMS: No.

22 MEMBER MOBLEY: You never talked

1 or say any of that?

2 MS. WILLIAMS: No.

3 MEMBER MOBLEY: Okay. Thank you.

4 CHAIRPERSON MILLER: Okay. Are  
5 there any other follow-up questions?

6 MR. WOODSON: Not at this time.

7 MR. STERN: I have one or two.

8 CHAIRPERSON MILLER: Okay.

9 MR. STERN: Do you still have the  
10 map that you were given, a map of the place?  
11 Can you make an X where the table where the  
12 three individuals were seated was?

13 MS. WILLIAMS: Okay.

14 MR. STERN: Okay. Now that's  
15 where the VIP section was. Were in the VIP  
16 section?

17 MS. WILLIAMS: Yes.

18 MR. STERN: Okay. I just want to  
19 show the Board where she put it.

20 Where it says -- in the middle  
21 where it says "middle aisle" and "cam," is  
22 there something physically located there?

1 MS. WILLIAMS: Show me.

2 MR. STERN: Where it says "middle  
3 aisle" and "cam" here, is there something  
4 physically located there?

5 MS. WILLIAMS: No.

6 MR. STERN: Okay. So that's --

7 MS. WILLIAMS: That's like a dance  
8 floor. Well -- yes.

9 MR. STERN: A walkway.

10 MS. WILLIAMS: Walkway.

11 MR. STERN: Okay. Thank you. So  
12 they were located directly across from the  
13 bar?

14 MS. WILLIAMS: Correct. At the  
15 end of the bar, but close to the door.

16 MR. STERN: Now my understanding  
17 is that there is a second door in the front of  
18 the establishment.

19 MS. WILLIAMS: Correct.

20 MR. STERN: Is that used for  
21 anything?

22 MS. WILLIAMS: Not unless the

1 second floor is open.

2 MR. STERN: Okay. That night the  
3 second floor was closed?

4 MS. WILLIAMS: Correct.

5 MR. STERN: So that door was  
6 locked?

7 MS. WILLIAMS: Correct.

8 MR. STERN: And just so I'm clear,  
9 when the three gentlemen left, they put up no  
10 resistance whatsoever?

11 MS. WILLIAMS: Right.

12 MR. STERN: Okay. Was there  
13 someone else who was asked to leave that night  
14 who put up some resistance?

15 MS. WILLIAMS: No, we didn't have  
16 any issues for anybody to put up any  
17 resistance.

18 MR. STERN: Okay. Thank you.  
19 That's all I have.

20 CHAIRPERSON MILLER: Okay. Good.  
21 So I think that concludes this witness?

22 MR. STERN: Unless -- I would like

1 to move this into evidence, I guess.

2 MR. WOODSON: I thought we were  
3 going to do it anyway.

4 CHAIRPERSON MILLER: I think it  
5 was moved into evidence.

6 MR. STERN: Oh, yes, you're right.  
7 I'm sorry. I would ask that this copy be put  
8 it in because it has the testimony of the  
9 witness on it.

10 CHAIRPERSON MILLER: With the  
11 markings?

12 MR. STERN: Yes.

13 CHAIRPERSON MILLER: Okay. In  
14 lieu of, or in addition to? I guess instead  
15 of?

16 MR. STERN: Okay. I have --

17 CHAIRPERSON MILLER: Are you  
18 marking this -- are you replacing that, or are  
19 you doing this in addition?

20 MR. STERN: Yes, I guess this  
21 would -- well, in addition.

22 CHAIRPERSON MILLER: Okay.

1 MR. STERN: We can make this --

2 CHAIRPERSON MILLER: Fine, let's  
3 just do it addition.

4 MR. STERN: Government's 3.

5 CHAIRPERSON MILLER: Yes, okay.

6 MR. STERN: I think that's all.

7 CHAIRPERSON MILLER: Okay. Then  
8 you can be excused.

9 MS. WILLIAMS: Okay.

10 CHAIRPERSON MILLER: Thank you  
11 very much.

12 MS. WILLIAMS: Thank you.

13 MR. STERN: Ms. Jenkins has just  
14 come back in. If we can get the witness.

15 CHAIRPERSON MILLER: She's getting  
16 a witness?

17 MR. STERN: Yes.

18 CHAIRPERSON MILLER: Your witness?

19 MR. STERN: He's an investigator.  
20 He's in the back.

21 CHAIRPERSON MILLER: All right.

22 Okay. I think we'll take a five-minute break.

1 (Whereupon, at 4:55 p.m. the  
2 above-entitled matter went off the record and  
3 resumed at 5:09 p.m.)

4 CHAIRPERSON MILLER: Will you  
5 raise your right hand, please? And do you  
6 swear to tell the truth, the whole truth,  
7 nothing but the truth?

8 INVESTIGATOR STEWART: Yes, ma'am.

9 CHAIRPERSON MILLER: Okay. Thank  
10 you.

11 MR. STERN: Good evening. Can you  
12 give us your name and spell your last name for  
13 the court reporter, please?

14 INVESTIGATOR STEWART: Supervisory  
15 Investigator Craig Stewart. Last name is  
16 Stewart, S-T-E-W-A-R-T.

17 MR. STERN: Okay. Investigator  
18 Stewart, are you employed by the Alcohol  
19 Beverage Regulation Administration?

20 INVESTIGATOR STEWART: Yes, sir.

21 MR. STERN: And since you used the  
22 term "investigator," is that your rank?

1                   INVESTIGATOR STEWART: I'm a  
2 supervisory investigator.

3                   MR. STERN: Okay. Were you so  
4 employed on December 30th, 2011?

5                   INVESTIGATOR STEWART: Yes, sir.

6                   MR. STERN: During the early  
7 morning hours?

8                   INVESTIGATOR STEWART: Yes, sir.

9                   MR. STERN: And at that time did  
10 you become familiar with an establishment by  
11 the name of Mood at 1318 9th Street, N.W.?

12                   INVESTIGATOR STEWART: Yes, sir.

13                   MR. STERN: Can you tell me how it  
14 is that you became involved or familiar with  
15 Mood?

16                   INVESTIGATOR STEWART: As the on  
17 duty supervisor I carry the ABRA hotline. I  
18 received a call from Metropolitan Police  
19 Department 3rd District Officer Craig Mayer.  
20 He advised me that there had been a double  
21 stabbing at Mood and that the officer on the  
22 scene indeed had two victims at Howard

1 University Hospital.

2 MR. STERN: Okay. And what did  
3 you do when you were so advised?

4 INVESTIGATOR STEWART: After I got  
5 the information from him, I gathered a team of  
6 investigators and we responded to Mood.

7 MR. STERN: Okay. And how is it  
8 that you got there?

9 INVESTIGATOR STEWART: With ABRA  
10 vehicles.

11 MR. STERN: Okay. So more than  
12 one vehicle?

13 INVESTIGATOR STEWART: Yes, sir.  
14 Two.

15 MR. STERN: Okay. And when you  
16 got there what did you -- how did you assign  
17 responsibilities?

18 INVESTIGATOR STEWART: Well,  
19 immediately upon arriving, we noted the  
20 Metropolitan Police marked vehicles with their  
21 lights on, crime scene tape directly in front  
22 of the entrance and the roadway adjacent to

1 Mood. We walked up to the officers,  
2 introduced ourselves, see if we can get any  
3 information. Couple of the officers on scene  
4 directed us again to the crime scene tape and  
5 blood splatter in the roadway and on the  
6 sidewalk.

7 MR. STERN: Okay. Did you observe  
8 this blood splatter yourself?

9 INVESTIGATOR STEWART: Yes, sir.

10 MR. STERN: Did you take any  
11 photographs of it?

12 INVESTIGATOR STEWART: Yes, sir.

13 MR. STERN: I'm going to show you  
14 -- I'm not going to have them admitted, but  
15 we'll mark now -- they are part of what is  
16 going to be Government's Exhibit No. 1 and  
17 they are in the investigative report. But I'm  
18 going to show you just for identification so  
19 we can identify what they are.

20 I show you three photographs.  
21 Will you take a look at them? And can you  
22 tell me what those photographs are?

1                   INVESTIGATOR STEWART: This  
2 photograph labeled No. 2 is actually a puddle  
3 of blood in the roadway approximately 23 feet  
4 from the entrance to Mood Lounge.

5                   MR. STERN: Okay. And can you  
6 describe where it is in the roadway?

7                   INVESTIGATOR STEWART: The  
8 relationship is directly in front of the  
9 establishment.

10                  MR. STERN: Okay. In terms of the  
11 roadway itself, can you describe where it is  
12 from the curb, from -- you know, where the  
13 blood itself is?

14                  INVESTIGATOR STEWART: I guess  
15 it's in the southbound lane, the travel lane,  
16 approximately 10 feet from the curb.

17                  MR. STERN: Okay. So the  
18 southbound lane would be the one closest to  
19 Mood?

20                  INVESTIGATOR STEWART: Yes, sir.

21                  MR. STERN: Okay. The next -- and  
22 that is -- when you say No. 2, that is the

1 first photograph in Exhibit No. 2?

2 INVESTIGATOR STEWART: Yes, sir.

3 MR. STERN: Okay. Thank you. The  
4 next one?

5 INVESTIGATOR STEWART: This next  
6 photograph again is a photograph of the puddle  
7 of blood as I described it in the previous  
8 picture, except it's taken from a distance to  
9 show relationship to the entrance to Mood  
10 Lounge. You can see the entrance in the  
11 background.

12 MR. STERN: Okay. Thank you. So  
13 it would just be on the parking lane?

14 INVESTIGATOR STEWART: Yes, sir.

15 MR. STERN: And then the third  
16 photograph that you took?

17 INVESTIGATOR STEWART: The third  
18 photograph just shows more blood that's on the  
19 white stripe of the travel lane there.

20 MR. STERN: The parking lane?

21 INVESTIGATOR STEWART: The parking  
22 lane; yes, sir.

1 MR. STERN: Thank you. And all of  
2 those are pictures from Exhibit 2 of the  
3 investigative report, is that right?

4 INVESTIGATOR STEWART: Yes, sir, I  
5 believe so.

6 MR. STERN: Okay. Was there other  
7 blood that you saw at the location?

8 INVESTIGATOR STEWART: Yes, sir.

9 MR. STERN: Okay. And where was  
10 that?

11 INVESTIGATOR STEWART: The  
12 sidewalk directly in front of the entrance to  
13 Mood.

14 MR. STERN: Okay. Did you also  
15 take photographs of the front of Mood?

16 INVESTIGATOR STEWART: The only  
17 picture that I took a photograph of with the  
18 front of Mood was showing the relationship to  
19 the blood.

20 MR. STERN: Okay. I'm going to  
21 show you what is marked as Exhibit No. 10 of  
22 the investigative report and ask if you can

1 identify -- excuse me, the first page of that  
2 exhibit anyway, if you can identify what that  
3 is?

4 INVESTIGATOR STEWART: This is the  
5 front of Mood and it's displaying the MPD  
6 notification placards of closure.

7 MR. STERN: Okay. Can you see, is  
8 there any vegetation in front of Mood by the  
9 street there?

10 INVESTIGATOR STEWART: There's a  
11 big tree.

12 MR. STERN: Okay. And this tree,  
13 the thickness of the tree depicted in this  
14 photograph?

15 INVESTIGATOR STEWART: Yes, sir.

16 MR. STERN: Okay. And does the  
17 tree end right there?

18 INVESTIGATOR STEWART: I'm not --  
19 I don't understand your question.

20 MR. STERN: Well, does the tree  
21 proceed further beyond where the photograph  
22 ends?

1 INVESTIGATOR STEWART: Yes, sir.

2 MR. STERN: About how far?

3 INVESTIGATOR STEWART: How high?

4 How tall is the tree?

5 MR. STERN: Yes.

6 INVESTIGATOR STEWART: I'm not  
7 sure, sir. I didn't pay particular attention  
8 to how tall the tree was.

9 MR. STERN: Okay. Are there  
10 branches and things on the tree?

11 INVESTIGATOR STEWART: Yes, sir;  
12 far as I can remember.

13 MR. STERN: Okay. But there's no  
14 branches in the picture, right?

15 INVESTIGATOR STEWART: No, sir.

16 MR. STERN: Okay. So the branches  
17 start above where the picture starts?

18 INVESTIGATOR STEWART: I believe  
19 so.

20 MR. STERN: Okay. And this also  
21 shows the front door?

22 INVESTIGATOR STEWART: Yes, sir.

1                   MR. STERN:   And where it shows the  
2                   front door, the double door, does it  
3                   accurately depict the size of the windows by  
4                   the front door?

5                   INVESTIGATOR STEWART:   If I could  
6                   take a look again?

7                   Yes, sir.

8                   MR. STERN:   Thank you.   I think I  
9                   asked this, but is this a true and accurate  
10                  representation of what the front of Mood looks  
11                  like?

12                  INVESTIGATOR STEWART:   Yes, sir.

13                  MR. STERN:   Thank you.   Now once  
14                  you arrived there and you saw the splatters of  
15                  blood, is there anything else you did?

16                  INVESTIGATOR STEWART:   Yes, sir.  
17                  Once we got -- we were allowed to enter the  
18                  crime scene, we walked into the main entrance  
19                  to Mood.   There we were greeted by several  
20                  people.   I'm not sure exactly who they were at  
21                  the time.   We asked for Ms. Beyene.   I'm sorry  
22                  if I said her name incorrectly, but Ms.

1 Beyene. They told us that she was upstairs I  
2 think in the office.

3 MR. STERN: Okay. And she is who?

4 INVESTIGATOR STEWART: She is as  
5 far as I know the owner of Mood.

6 MR. STERN: Okay. That's  
7 according to the ABRA records?

8 INVESTIGATOR STEWART: Yes.

9 MR. STERN: And did you go  
10 upstairs?

11 INVESTIGATOR STEWART: Yes, sir.  
12 The team of Investigator Parker, Investigator  
13 Maisel, Investigator Apraku and myself went  
14 upstairs to Ms. Beyene's office.

15 MR. STERN: And can you relate to  
16 us how that conversation ensued?

17 INVESTIGATOR STEWART: Upon  
18 entering the office, there were several people  
19 in the office. I'm not -- I believe a couple  
20 may have been security personnel. I  
21 immediately spoke to Ms. Beyene. I asked her  
22 what had happened here, and she said nothing.

1 I don't know what happened. And I said, well,  
2 there's blood outside, there's a crime scene,  
3 the police are outside, at which point she  
4 says how you know it's blood? Did you test  
5 it? And I could tell that she was irritated.  
6 And I've had several conversations with Ms.  
7 Beyene through various ABRA actions. And I  
8 advised her at that point that you need just  
9 to cooperate first and, you know, that I'm not  
10 here -- all we're trying to do is gather the  
11 facts and we need you to cooperate.

12 MR. STERN: Okay. And what did  
13 you speak about what happened?

14 INVESTIGATOR STEWART: Well again,  
15 she said that she didn't know anything that  
16 happened. So I asked her where was the  
17 surveillance system and the security tapes,  
18 because we'd like to take a look.

19 MR. STERN: Okay. And did she  
20 lead you to those?

21 INVESTIGATOR STEWART: Well, there  
22 was a monitor that was not on approximately I

1       guess five feet from her desk. I asked her  
2       could we turn it on? We turned it on. I  
3       think there were four pictures displayed on it  
4       of the inside of Mood, live feeds. I asked  
5       her where the recording -- the DVR was. She  
6       stated that she didn't know. I believe  
7       Investigator Parker traced the wires.

8                   MR. STERN: I'm sorry, what did  
9       you say? She didn't know? She didn't know  
10      where it was located?

11                   INVESTIGATOR STEWART: Yes.

12                   MR. STERN: Okay.

13                   INVESTIGATOR STEWART: She stated  
14      she did not know where the DVR was.

15                   MR. STERN: Okay.

16                   INVESTIGATOR STEWART: I believe  
17      Investigator Parker traced the wires from the  
18      monitor to a -- to directly under her desk, or  
19      to -- behind her desk, and there was a monitor  
20      on the floor -- I mean, a DVR on the floor.

21                   MR. STERN: Okay. And did you  
22      learn anything else about the taping system?

1                   INVESTIGATOR STEWART: At that  
2 point, no. I asked Investigator Parker to  
3 step outside because we wanted to get  
4 statements from the witnesses, or the victims.  
5 So we were going to split the team up at that  
6 point. Investigator Parker I believe could  
7 handle it from that -- at that point. I went  
8 outside and we explained -- I explained to him  
9 try to get the information off the DVR, or the  
10 video footage off the DVR.

11                   MR. STERN: Okay. So you left  
12 outside?

13                   INVESTIGATOR STEWART: I left and  
14 I took Investigator Maisel with me and we  
15 proceeded to Howard University Hospital.

16                   MR. STERN: Okay. And did you get  
17 to Howard University Hospital?

18                   INVESTIGATOR STEWART: Yes, sir.  
19 We arrived at Howard at approximately 2:15  
20 a.m.

21                   MR. STERN: Okay. And what is it  
22 that you learned there?

1                   INVESTIGATOR STEWART: Upon  
2 entering Howard University Hospital Emergency  
3 Room, I met Ms. Anita -- Detective Anita  
4 Jackson from Metropolitan Police Department.

5                   Ms. Jackson informed me that there  
6 were two stabbing victims that they believed  
7 that got into a fight or altercation within  
8 Mood Lounge. One of them proceeded outside,  
9 was stabbed. The victim came back inside. I  
10 guess got a friend. When they went outside,  
11 there was another victim that was stabbed and  
12 they all got into a personal vehicle and drove  
13 themselves to Howard University Hospital.  
14 When I arrived, they were in surgery and we  
15 did not have a chance to speak with them.

16                  MR. STERN: Okay. Other than that  
17 did you have direct involvement in any of the  
18 other investigations?

19                  INVESTIGATOR STEWART: No, sir.

20                  MR. STERN: Okay. Thank you. No  
21 further questions.

22                  MR. WOODSON: When you visited --

1           how familiar are you with Mood Lounge?

2                       INVESTIGATOR STEWART:   I'd say  
3           very familiar.

4                       MR. WOODSON:   Have you been over  
5           there before?

6                       INVESTIGATOR STEWART:   Yes, sir.

7                       MR. WOODSON:   On how many  
8           occasions would you say you've been there?

9                       INVESTIGATOR STEWART:   Responding  
10          to various complaints, citizens' complaints,  
11          probably approximately 15.

12                      MR. WOODSON:   Fifteen times?   When  
13          was the most recent time prior to the  
14          incident?

15                      INVESTIGATOR STEWART:   Several  
16          months ago, sir.

17                      MR. WOODSON:   Several months prior  
18          to the incident?

19                      INVESTIGATOR STEWART:   Yes, sir.

20                      MR. WOODSON:   How long has been  
21          Mood Lounge been actually open?

22                      INVESTIGATOR STEWART:   I would say

1 a year or so, approximately.

2 MR. WOODSON: And in those 15  
3 occasions when you were there, they were all  
4 at the same time, or in a short period of  
5 time?

6 INVESTIGATOR STEWART: A short  
7 period of time; yes, sir.

8 MR. WOODSON: Was that over the  
9 summer time? The fall?

10 INVESTIGATOR STEWART: Different  
11 seasons.

12 MR. WOODSON: Different seasons?

13 INVESTIGATOR STEWART: Yes, sir.

14 MR. WOODSON: Okay. But you  
15 hadn't been to Mood -- let's see, this was  
16 December, so you hadn't been to Mood since  
17 what, September or October?

18 INVESTIGATOR STEWART: Yes, sir.

19 MR. WOODSON: Have other members  
20 of ABRA been there?

21 INVESTIGATOR STEWART: Yes, sir.

22 MR. WOODSON: Have other members

1 of ABRA been to visit Mood in the time recent  
2 to -- just previous to the incident in  
3 question?

4 INVESTIGATOR STEWART: I believe  
5 so.

6 MR. WOODSON: Were they any number  
7 of occasions? Would that be fair to say?

8 INVESTIGATOR STEWART: Yes, sir.

9 MR. WOODSON: Would you say every  
10 week?

11 INVESTIGATOR STEWART: No, I  
12 wouldn't say every week.

13 MR. WOODSON: How about every  
14 other week?

15 INVESTIGATOR STEWART: There  
16 about.

17 MR. WOODSON: I'm sorry?

18 INVESTIGATOR STEWART: I said  
19 there about every other week probably.

20 MR. WOODSON: There about every  
21 other week?

22 INVESTIGATOR STEWART: Yes, sir.

1 MR. WOODSON: And for what reason?

2 INVESTIGATOR STEWART: Well, we  
3 try to be responsive to citizens' complaints  
4 and I would say citizen complaints come about  
5 every other week for noise or disorderly at  
6 Mood.

7 MR. WOODSON: At Mood? And so,  
8 when you visited with Ms. Moody, Ms. Beyene --  
9 I call her Ms. Moody. I'm sorry. When you  
10 visited with Mimi at Mood Lounge that night  
11 you used the word "uncooperative." Did you  
12 mean to use that word?

13 INVESTIGATOR STEWART: I don't  
14 think I said uncooperative. She appeared very  
15 agitated. I think we -- I advised her to be  
16 uncooperative. I advised her to be  
17 cooperative.

18 MR. WOODSON: Okay. So she wasn't  
19 being uncooperative?

20 INVESTIGATOR STEWART: Right, but  
21 again, because being in the -- having been  
22 visiting the establishment, she's always

1 upbeat and friendly.

2 MR. WOODSON: Yes.

3 INVESTIGATOR STEWART: And she was  
4 clearly agitated. And, you know, she started  
5 -- and she said how do you know it's blood?  
6 And I characterized that as being agitated.  
7 And it was like, you know, what we need from  
8 you is just all the help you could provide.  
9 We don't want to be here and kind of fighting  
10 with you.

11 MR. WOODSON: So but by the time  
12 you all arrived on the scene MPD had been  
13 there?

14 INVESTIGATOR STEWART: Yes, sir.

15 MR. WOODSON: And --

16 INVESTIGATOR STEWART: They were  
17 still there.

18 MR. WOODSON: And they had been  
19 there for some time?

20 INVESTIGATOR STEWART: Well, I  
21 don't know how long.

22 MR. WOODSON: For some period of

1 time?

2 INVESTIGATOR STEWART: Okay. Yes,  
3 sir.

4 MR. WOODSON: Certainly time  
5 enough to establish a crime scene.

6 INVESTIGATOR STEWART: Yes, sir.

7 MR. WOODSON: With respect to the  
8 DVR testimony and not knowing where -- are you  
9 clear that she understood what you were  
10 looking for?

11 INVESTIGATOR STEWART: Yes.

12 MR. WOODSON: How do you know  
13 that?

14 INVESTIGATOR STEWART: Well, she  
15 had a surveillance system in her office and  
16 she even stated that it didn't work, or that  
17 it was broken. And I believe that's when I  
18 told Investigator Parker that I was going to  
19 go to the hospital and to see if you can get  
20 this information off the DVR.

21 MR. WOODSON: I have -- we have  
22 here a photograph labeled No. 3 that seems to

1 be a photograph of a monitor.

2 May I approach?

3 CHAIRPERSON MILLER: You want to  
4 approach the witness?

5 MR. STERN: The witness.

6 CHAIRPERSON MILLER: Any  
7 objection?

8 MR. STERN: Just to advise both  
9 the Board and the Respondent's counsel, the  
10 person who took that photograph will be  
11 testifying immediately after that. If that  
12 assists -- I don't have an objection to him  
13 asking about it, but the actual person to took  
14 the photograph --

15 CHAIRPERSON MILLER: Okay.

16 MR. WOODSON: That will be fine.  
17 It will establish --

18 CHAIRPERSON MILLER: Okay. Great.

19 MR. WOODSON: -- for evidentiary  
20 purposes.

21 CHAIRPERSON MILLER: Okay.

22 MR. WOODSON: Do you recognize

1 this, Investigator Craig?

2 INVESTIGATOR STEWART: Yes, sir.

3 MR. WOODSON: And what is this?

4 INVESTIGATOR STEWART: That is the  
5 monitor that was directly in front of Ms.  
6 Beyene's desk.

7 MR. WOODSON: Does it appear to be  
8 working?

9 INVESTIGATOR STEWART: After  
10 Investigator Parker turned it on; yes, sir.

11 MR. WOODSON: Is this where it was  
12 -- is this how it looked when he turned it  
13 on --

14 INVESTIGATOR STEWART: Yes, sir.

15 MR. WOODSON: -- in your presence?

16 INVESTIGATOR STEWART: Yes, sir.

17 MR. WOODSON: When you were  
18 interacting with MPD during their  
19 investigation of the crime scene, did MPD  
20 state, reveal or otherwise indicate that the  
21 crime scene had extended to the interior of  
22 Mood?

1 INVESTIGATOR STEWART: Not to me,  
2 sir.

3 MR. WOODSON: Did you see any  
4 evidence of a crime scene within Mood?

5 INVESTIGATOR STEWART: It was dark  
6 inside, so I didn't see any -- I mean, it was  
7 barely -- it was just enough light to see the  
8 stairs to go up to --

9 MR. WOODSON: No, I mean  
10 downstairs.

11 INVESTIGATOR STEWART: Yes, it was  
12 dark. It was dark inside.

13 MR. WOODSON: What time did you  
14 actually arrive?

15 INVESTIGATOR STEWART:  
16 Approximately 2:00.

17 MR. WOODSON: At 2:00 in the  
18 morning?

19 INVESTIGATOR STEWART: Yes, sir.

20 MR. WOODSON: Was anyone actually  
21 in Mood at all?

22 INVESTIGATOR STEWART: No patrons.

1 Other -- there was three or four individuals  
2 directly at the front door, so I'm not sure if  
3 they were employees, friends. But they didn't  
4 appear to be patrons.

5 MR. WOODSON: Okay. Well, that's  
6 good, but I mean beyond those that were right  
7 in front, there was no one else that you could  
8 see?

9 INVESTIGATOR STEWART: Not that I  
10 saw, sir.

11 MR. WOODSON: Were the lights on  
12 or off?

13 INVESTIGATOR STEWART: Off.

14 MR. WOODSON: When -- you  
15 testified you then visited Howard University.

16 INVESTIGATOR STEWART: Yes, sir.

17 MR. WOODSON: And you had a  
18 conversation with another MPD officer about --  
19 let me see if I understand that. Your -- the  
20 testimony you had with the MPD officer at  
21 Howard was what that officer was told by  
22 someone else as to what happened?

1                   INVESTIGATOR STEWART:  Apparently  
2                   Detective Jackson, is what I believed, had  
3                   spoken with the victims just prior to them  
4                   going into surgery.

5                   MR. WOODSON:  Okay.  And Detective  
6                   Jackson is the individual you spoke with  
7                   directly?

8                   INVESTIGATOR STEWART:  Yes.

9                   MR. WOODSON:  Okay.  And he's --

10                  INVESTIGATOR STEWART:  She.

11                  MR. WOODSON:  And he related what  
12                  the victims said about what happened?

13                  INVESTIGATOR STEWART:  She.

14                  Ms. --

15                  MR. WOODSON:  Oh, I'm sorry.  She.

16                  INVESTIGATOR STEWART:  --

17                  Detective Anita Jackson.

18                  MR. WOODSON:  Excuse me.

19                  INVESTIGATOR STEWART:  Yes.

20                  MR. WOODSON:  And she related what  
21                  the victims said or alleged happened?

22                  INVESTIGATOR STEWART:  Yes, sir.

1 MR. WOODSON: Was there any  
2 indication from MPD's establishment of a crime  
3 scene beyond -- other than the street aspect  
4 of the crime scene? Was there any indication  
5 that a crime scene -- or was there any  
6 indication that that testimony was consistent  
7 with the interior of Mood?

8 INVESTIGATOR STEWART: Well again,  
9 I didn't see anything in the interior that  
10 suggested that a crime had occurred inside.

11 MR. WOODSON: Did you look?

12 INVESTIGATOR STEWART: No, sir.

13 MR. WOODSON: Did you ask to look?

14 INVESTIGATOR STEWART: No, sir.

15 MR. WOODSON: Just so I'm clear,  
16 again, what you're doing is giving testimony  
17 that is consistent with the case report that  
18 was prepared by ABRA?

19 INVESTIGATOR STEWART: Yes, sir.

20 MR. WOODSON: Did you prepare this  
21 case report?

22 INVESTIGATOR STEWART: No, sir.

1 MR. WOODSON: Who did?

2 INVESTIGATOR STEWART:

3 Investigator Parker.

4 MR. WOODSON: I'm sorry?

5 INVESTIGATOR STEWART:

6 Investigator Vincent Parker.

7 MR. WOODSON: Did -- and who is  
8 that approved it?

9 INVESTIGATOR STEWART: I would  
10 believe the chief of enforcement.

11 MR. WOODSON: I don't -- I see two  
12 signatures on it, yours and Investigator  
13 Parker's. Did you contribute to the  
14 preparation of this report?

15 INVESTIGATOR STEWART: Only the  
16 timeline regarding our arrival and my  
17 conversation with Detective Jackson at Howard  
18 University.

19 MR. WOODSON: And so, this report  
20 by Investigator Parker is a report prepared  
21 based on your testimony about testimony given  
22 to you by the MPD officer at Howard who

1 related what someone else said, the victim?

2 MR. STERN: Objection. It's a  
3 mis-characterization.

4 MR. WOODSON: Okay. I'll --

5 CHAIRPERSON MILLER: So is the  
6 question -- do you -- he can answer the  
7 question. Do you want to answer the question?

8 INVESTIGATOR STEWART: Well, I  
9 wasn't given testimony at the hospital.

10 MR. WOODSON: Okay. Let me  
11 rephrase that, Madam Chair.

12 This is not testimony. This is --  
13 these are facts recounted to you by you to Mr.  
14 Parker. And the facts that you are -- you  
15 recounted to Mr. Parker are allegations of  
16 fact from the police officer at Howard, and  
17 those facts were alleged to have occurred  
18 based on commentary from the victims. So we  
19 have four people involved in this.

20 MR. STERN: Objection. He  
21 testified about what he saw while he was at  
22 the establishment, who he spoke to while he

1 was at the establishment. The only testimony  
2 that has to do -- from another individual is  
3 the testimony from the police officer to him.  
4 And we've already had the police officer here  
5 to testify to the same thing. This is --

6 CHAIRPERSON MILLER: Mr. Woodson,  
7 are you asking about his testimony today, or  
8 are you asking about the report?

9 MR. WOODSON: Well, I'm asking --  
10 the preparation of this report --

11 CHAIRPERSON MILLER: You're asking  
12 about the report?

13 MR. WOODSON: Yes, and the  
14 preparation of this report. And the report  
15 offers -- if it is offered into evidence, it  
16 is offered into evidence for the truth of its  
17 assertions. And these assertions in the  
18 report have -- this is the last thing in a  
19 chain of four conversations about the same  
20 thing.

21 MR. STERN: First of all, it  
22 hasn't been offered yet.

1 CHAIRPERSON MILLER: Okay.

2 MR. STERN: So maybe we can have  
3 this argument when it is offered.

4 CHAIRPERSON MILLER: But it sounds  
5 to me, Mr. Woodson, that you're characterizing  
6 this report instead of asking Mr. Stewart a  
7 question.

8 MR. WOODSON: Okay. Then I'll  
9 withdraw the comment and ask --

10 CHAIRPERSON MILLER: Okay.

11 MR. WOODSON: Madam Chair, with  
12 your permission Ms. Williford would like to  
13 ask a couple of questions.

14 CHAIRPERSON MILLER: Okay. A  
15 couple?

16 MS. WILLIFORD: Very quick.

17 CHAIRPERSON MILLER: Okay.

18 MS. WILLIFORD: A few to get to  
19 the last point.

20 Investigator Stewart, you  
21 testified when you went to Howard University  
22 Hospital you spoke with Detective Jackson,

1 correct?

2 INVESTIGATOR STEWART: Yes.

3 MS. WILLIFORD: And during that  
4 conversation she related to you there were two  
5 stab wound victims, one of which went in and  
6 out of Mood Lounge, correct?

7 INVESTIGATOR STEWART: Yes.

8 MS. WILLIFORD: And did she relay  
9 to you that she witnessed firsthand the  
10 stabbings?

11 INVESTIGATOR STEWART: No.

12 MS. WILLIFORD: Did she relate to  
13 you how she determined -- how she received  
14 that information that there were two stabbings  
15 within -- at Mood Lounge?

16 INVESTIGATOR STEWART: I believe  
17 as a detective she's on call, and she got a  
18 call reporting that victims had arrived at  
19 Howard University Hospital. And she told me  
20 that -- I believe that she spoke with -- had  
21 spoken with the victim in the -- or at least  
22 one of the victims, and that's what they told

1 her.

2 MS. WILLIFORD: Okay. So she is  
3 relaying to you information that she received  
4 from a third party?

5 MR. STERN: I'm going to object  
6 again. You know, we had Officer Jackson here.  
7 She testified about how she got that  
8 information. That's already in the record.  
9 Asking him how she got the information doesn't  
10 lead us any closer.

11 CHAIRPERSON MILLER: Well, I  
12 believe he answered the question. He said  
13 that Ms. Jackson told him.

14 MS. WILLIFORD: Okay. So the next  
15 follow-up question is was there any  
16 independent follow up with the victim who was  
17 identified as making that statement to  
18 corroborate what was actually said?

19 INVESTIGATOR STEWART: I haven't  
20 spoken with the victim. I believe  
21 Investigator Parker has.

22 MS. WILLIFORD: So Investigator

1 Parker, to your knowledge, has spoken with the  
2 person who made that statement to Investigator  
3 -- to Detective Jackson?

4 INVESTIGATOR STEWART: Again, I  
5 don't want to say yes or no, but I believe  
6 that's what happened.

7 MS. WILLIFORD: Okay. I just have  
8 one question that's very relevant. Do you  
9 know -- do you recall from your conversation  
10 with Detective Jackson her identifying the  
11 person who said that there was two stabbing  
12 victims within Mood Lounge?

13 INVESTIGATOR STEWART: Repeat the  
14 Mr. Stern again?

15 MS. WILLIFORD: Did Detective  
16 Jackson inform you during your conversation at  
17 Howard University Hospital who precisely told  
18 her the information that she related to you?

19 INVESTIGATOR STEWART: It was my  
20 understanding that the victim did.

21 MS. WILLIFORD: Which --

22 INVESTIGATOR STEWART: Again, I

1 don't --

2 MS. WILLIFORD: Did she identify  
3 the name of the victim?

4 INVESTIGATOR STEWART: No, not at  
5 the time.

6 MS. WILLIFORD: Did she describe  
7 the victim?

8 INVESTIGATOR STEWART: No.

9 MS. WILLIFORD: Did you ask?

10 INVESTIGATOR STEWART: No.

11 MR. STERN: Again --

12 MS. WILLIFORD: It's in this  
13 report, and that's all I have.

14 CHAIRPERSON MILLER: Okay.

15 MR. STERN: Nothing further from  
16 us.

17 CHAIRPERSON MILLER: Okay. Any  
18 Board questions? Yes?

19 MEMBER NOPHLIN: I hate to --  
20 investigator, I hate to repeat this, but the  
21 -- I'm not quite understanding your  
22 relationship with the investigation. The

1 original investigator went to see the -- went  
2 to respond to the problem, and then you came  
3 on the scene to follow up?

4 INVESTIGATOR STEWART: No, we all  
5 arrived at the same time.

6 MEMBER NOPHLIN: Same time?

7 INVESTIGATOR STEWART: Yes, sir.

8 MEMBER NOPHLIN: So when you wrote  
9 the report, it was written by -- not by you,  
10 but by Mr. Parker, right?

11 INVESTIGATOR STEWART: That's  
12 correct. I did not write the report; no, sir.

13 MEMBER NOPHLIN: You did not write  
14 the report?

15 INVESTIGATOR STEWART: No, sir.

16 MEMBER NOPHLIN: But you saw the  
17 report and I guess you concurred with the  
18 report --

19 INVESTIGATOR STEWART: Yes, sir.

20 MEMBER NOPHLIN: -- that was  
21 written?

22 INVESTIGATOR STEWART: My portion;

1       yes, sir.

2                       MEMBER NOPHLIN:   Your portion?  
3       The two victims that were in the hospital,  
4       nobody talked with them?

5                       INVESTIGATOR STEWART:   We were not  
6       allowed to speak with them.

7                       MEMBER NOPHLIN:   You're not  
8       allowed?

9                       INVESTIGATOR STEWART:   That's  
10       correct.  Well, we weren't at -- on that  
11       occasion.  Again, normally if we'll stay in  
12       surgery or intensive care, we don't have  
13       access to them.  Only family members or  
14       detectives.

15                      MEMBER NOPHLIN:   Have you had an  
16       opportunity to review the report by the police  
17       department?

18                      INVESTIGATOR STEWART:   No, sir.

19                      MEMBER NOPHLIN:   Oh, you're not --  
20       you don't get that opportunity?

21                      INVESTIGATOR STEWART:   We get -- I  
22       believe Investigator Parker might have been

1 privy to it. I did not read --

2 MEMBER NOPHLIN: So you haven't  
3 had a chance to read that report?

4 INVESTIGATOR STEWART: No, sir.

5 MEMBER NOPHLIN: Okay. Thank you.  
6 Thank you, Madam Chair.

7 MEMBER ALBERTI: I guess I'm --  
8 maybe I'm going to go over old ground, but for  
9 just a moment. You were asked if you had --  
10 Investigator Stewart, you were asked if you  
11 were familiar with Mood Lounge. You said you  
12 were and you had been there in response to  
13 complaints of disorderly conduct.

14 INVESTIGATOR STEWART: And noise.

15 MEMBER ALBERTI: Can you elaborate  
16 a little bit more about that?

17 INVESTIGATOR STEWART: Well, I  
18 believe the citizens in the area have access  
19 to the ABRA hotline phone number.

20 MEMBER ALBERTI: Yes.

21 INVESTIGATOR STEWART: The  
22 supervisory investigator carries that phone at

1 night and we respond to all the complaints as  
2 they come in. We talk to the citizens, and if  
3 we have someone available, we'll go to  
4 whatever establishment they may be complaining  
5 about. On numerous occasions we've had  
6 citizens complaints and we've responded to the  
7 area -- to Mood; I'm sorry.

8 MEMBER ALBERTI: Okay. With  
9 respect to complaints about disorderly  
10 conduct, what's the nature of the complaints,  
11 or is it so varied that you can't really  
12 summarize it?

13 INVESTIGATOR STEWART: I can  
14 summarize it as patrons loitering out front,  
15 loud upon leaving the establishment, car  
16 horns, music.

17 MEMBER ALBERTI: Okay. And is  
18 this a particular time of the night?

19 INVESTIGATOR STEWART: Late -- or  
20 early morning around 2:00 or closing time.

21 MEMBER ALBERTI: Okay.

22 INVESTIGATOR STEWART: Or just

1 before let out.

2 MEMBER ALBERTI: Do you remember  
3 the weather that night? I know it's an odd  
4 question, but --

5 INVESTIGATOR STEWART: No, sir.

6 MEMBER ALBERTI: Okay.

7 INVESTIGATOR STEWART: I believe  
8 it -- I know it was not raining.

9 MEMBER ALBERTI: Okay.

10 INVESTIGATOR STEWART: If that  
11 helps.

12 MEMBER ALBERTI: Okay. You don't  
13 know whether it was colder than usual, warmer  
14 than usual? You don't remember?

15 INVESTIGATOR STEWART: No, sir, I  
16 can't recall.

17 MEMBER ALBERTI: Okay. So you  
18 entered the establishment. When you got there  
19 the doors were shut?

20 INVESTIGATOR STEWART: Yes, sir.

21 MEMBER ALBERTI: How did you get  
22 in?

1                   INVESTIGATOR STEWART: The door  
2 was ajar. It wasn't closed. It wasn't  
3 locked.

4                   MEMBER ALBERTI: It was ajar?

5                   INVESTIGATOR STEWART: It was  
6 ajar; yes, sir.

7                   MEMBER ALBERTI: Okay. Did you  
8 encounter anyone when you first came in?

9                   INVESTIGATOR STEWART: Upon  
10 entering, yes, I did. Again, there was  
11 several people standing, I'd say two or three.

12                   MEMBER ALBERTI: How were they  
13 dressed?

14                   INVESTIGATOR STEWART: Casual.  
15 They -- again, I didn't pay particular  
16 attention. It appeared that they worked  
17 there. They didn't --

18                   MEMBER ALBERTI: Did they appear  
19 -- are you familiar with this place?

20                   INVESTIGATOR STEWART: Yes.

21                   MEMBER ALBERTI: Are you familiar  
22 with the security staff?

1 INVESTIGATOR STEWART: Yes.

2 MEMBER ALBERTI: Do you have an  
3 impression of how the security staff dresses

4 INVESTIGATOR STEWART: Dark  
5 jackets. Dark pants, dark jackets.

6 MEMBER ALBERTI: Okay. Were these  
7 people dressed like security staff?

8 INVESTIGATOR STEWART: No, I  
9 believe they had coats on.

10 MEMBER ALBERTI: Okay.

11 INVESTIGATOR STEWART: It was like  
12 they were leaving, like --

13 MEMBER ALBERTI: Okay. What was  
14 your interaction with them, if any?

15 INVESTIGATOR STEWART: Again, to  
16 tell you I've been there on numerous  
17 occasions. I'm probably recognized by face by  
18 the staff, especially at the door. They -- I  
19 think they knew who I was and they -- I think  
20 even one of them before I even asked where Ms.  
21 Beyene was, it was like Mimi's upstairs.

22 MEMBER ALBERTI: Okay. So they

1 directed you upstairs?

2 INVESTIGATOR STEWART: Yes, sir.

3 MEMBER ALBERTI: One of the things  
4 that you didn't -- we haven't heard from you  
5 was you talked to Ms. Beyene about the  
6 monitors and the security cameras like, but  
7 there's mention in the report of the fact that  
8 she was bartending all night. Now did she  
9 tell you this?

10 INVESTIGATOR STEWART: I believe I  
11 saw it in the report, or Investigator Parker  
12 may have mentioned that she said she bartended  
13 all night.

14 MEMBER ALBERTI: Okay. But you  
15 don't remember --

16 INVESTIGATOR STEWART: No, sir.

17 MEMBER ALBERTI: -- whether that  
18 was said or not? Okay. Other than what  
19 you've already offered, do you have anything  
20 you'd like to tell us about the level of  
21 cooperation, or anything you found unusual  
22 that evening?

1                   INVESTIGATOR STEWART:  Yes, I  
2                   would.  All my visits to Mood, there's always  
3                   security out front, directly out in the front  
4                   door and directly inside.  So there was  
5                   someone usually taking money or having a guest  
6                   list directly outside.  And directly upon  
7                   entering there was somebody who would pat  
8                   patrons down.

9                   MEMBER ALBERTI:  So you're telling  
10                  me that the usual practices, you've seen it.  
11                  And you've been there how many times?

12                  INVESTIGATOR STEWART:  At least I  
13                  would say 15, sir.

14                  MEMBER ALBERTI:  Fifteen?  All  
15                  right.  Weekday nights?

16                  INVESTIGATOR STEWART:  Any night  
17                  they were open.

18                  MEMBER ALBERTI:  All right.  All  
19                  right.  Big crowd?  Small crowds?

20                  INVESTIGATOR STEWART:  Average  
21                  crowd.  Not too big.

22                  MEMBER ALBERTI:  No, I mean

1           anytime.  You've seen both?

2                         INVESTIGATOR STEWART:  Oh, I've  
3           seen both; yes, sir.

4                         MEMBER ALBERTI:  All right.  Small  
5           crowds they have some -- you're saying --  
6           you're telling -- it's your experience that  
7           there's someone out front?

8                         INVESTIGATOR STEWART:  Yes.

9                         MEMBER ALBERTI:  All right.  And  
10          someone directly inside?

11                        INVESTIGATOR STEWART:  Yes, sir.

12                        MEMBER ALBERTI:  Inside the doors?  
13          All right.  Thank you for that testimony.

14                        INVESTIGATOR STEWART:  Okay.

15                        CHAIRPERSON MILLER:  I just want  
16          to follow up.  Mr. Stewart, were you implying  
17          that you always saw inside and outside  
18          security?  Was it different that night?

19                        INVESTIGATOR STEWART:  Well, and  
20          if -- the reason, with -- Detective Jackson,  
21          upon -- I guess we had a meeting that  
22          following week.  I guess MPD had determined

1 that they were going to do a 96-hour closure.  
2 The normal practice is that representatives  
3 from the OAG, representatives from  
4 Metropolitan Police Department and ABRA staff  
5 get together and discuss, I guess, what  
6 actions are going to be taken.

7 And what again got my attention  
8 was that according to -- again at this meeting  
9 it was stated that a altercation had occurred  
10 inside and that they put the patrons out and  
11 closed the door, which to me -- and then  
12 apparently someone was stabbed directly out  
13 front, which to me is not the usual practice  
14 because there's always someone outside. And  
15 no one could find anyone that saw anything  
16 that happened outside, which again, peaked my  
17 curiosity as to, well, there's always someone  
18 there. Well, how can no one not see? And  
19 that's where I was going with that.

20 CHAIRPERSON MILLER: So first of  
21 all, you got there late, after closing, right?

22 INVESTIGATOR STEWART: Late, yes.

1                   CHAIRPERSON MILLER: So it sounds  
2 like you're saying you think that security  
3 wasn't outside. Is that what you're saying?  
4 Because when -- they always have been and when  
5 they've been, they could see everything. Is  
6 that it?

7                   INVESTIGATOR STEWART: Well, what  
8 I'm trying to characterize is that at the time  
9 when this allegedly happened at 1:15, the  
10 establishment was open and normal practice  
11 would be that there would be a security person  
12 outside. So if a person had got stabbed or  
13 someone was fighting outside directly in front  
14 within this confines of the -- where the blood  
15 -- relationship to the blood to the front door  
16 to where the security staff sits or stands,  
17 they would have seen something happen.

18                   CHAIRPERSON MILLER: Okay. I  
19 think you also said that you concur with the  
20 part of the report that's based on your  
21 statements, or something to that effect, that  
22 you don't -- you're not exactly concurring to

1 the whole report, which you're not I guess  
2 familiar with firsthand. Is that right?

3 INVESTIGATOR STEWART: That's  
4 correct.

5 CHAIRPERSON MILLER: What part of  
6 the report is the part of the report that you  
7 can attest to?

8 INVESTIGATOR STEWART: I direct  
9 your attention to page 1 where it says  
10 "details."

11 CHAIRPERSON MILLER: Yes.

12 INVESTIGATOR STEWART: Again, it  
13 says that I received the call. Well, it says  
14 Investigator Stewart received the call from  
15 Officer Mayer. Again, these are notes and  
16 information that I provided toward the report.

17 Again, you turn to page 2, the  
18 first paragraph after the 251 information,  
19 which shows the approximate arrival time of  
20 the ABRA investigators.

21 CHAIRPERSON MILLER: Yes.

22 INVESTIGATOR STEWART: The blood

1 on the sidewalk.

2 CHAIRPERSON MILLER: Okay.

3 INVESTIGATOR STEWART: The brief  
4 meeting that I had with Ms. Beyene in her  
5 office and the discussion is about the  
6 surveillance cameras.

7 Then you go to page 3 toward the  
8 bottom where it says approximately 2:15  
9 Investigators Stewart and Maisel went to  
10 Howard University. And that's the portion of  
11 the report that I contributed to.

12 CHAIRPERSON MILLER: Okay. Thank  
13 you. And is it correct that you testified  
14 that you didn't see a failure to cooperate on  
15 behalf of the owner? You just saw agitation  
16 and you just suggested that she cooperate?

17 INVESTIGATOR STEWART: Yes, I --  
18 again, I believe I interceded and I believe  
19 there was another gentleman in the room that  
20 stated that it wasn't blood, it was cranberry  
21 juice outside. And I -- at that point I was  
22 just like, look, we're going to need

1 everyone's cooperation. Don't tell me about  
2 cranberry juice. Don't tell -- the police are  
3 here. There's blood outside. That's  
4 indisputable. Let's just go ahead and get  
5 this investigation taken care of. And that's  
6 what we went --

7 CHAIRPERSON MILLER: So you heard  
8 firsthand the cranberry juice remark?

9 INVESTIGATOR STEWART: I did.

10 CHAIRPERSON MILLER: And who made  
11 that?

12 INVESTIGATOR STEWART: It was a  
13 gentleman behind me in the office. I believe  
14 it was security.

15 CHAIRPERSON MILLER: It was  
16 security?

17 INVESTIGATOR STEWART: Yes, sir.

18 CHAIRPERSON MILLER: Okay.

19 INVESTIGATOR STEWART: Yes, ma'am.  
20 I'm sorry.

21 CHAIRPERSON MILLER: When the  
22 security person -- I don't see the quote

1 exactly, though I'm hearing it. When the  
2 security person made that remark, was that in  
3 jest or was that in belief that that -- or do  
4 you know?

5 INVESTIGATOR STEWART: I can't  
6 speak to his intentions on why he said it, but  
7 I believed firmly that he wanted us to believe  
8 that it was cranberry juice.

9 CHAIRPERSON MILLER: Okay.

10 INVESTIGATOR STEWART: Whether it  
11 was in jest or not, he didn't -- you know,  
12 there was no laughing about it.

13 CHAIRPERSON MILLER: And what's  
14 next door to Mood, you know?

15 INVESTIGATOR STEWART: I want to  
16 say at the corner just before the alley is a  
17 art gallery. I'm not sure of the  
18 establishment that's -- if there's something  
19 there in between the art gallery to the south  
20 of Mood and what's -- I believe there's a  
21 space in between, but I've never seen any  
22 activity there.

1 CHAIRPERSON MILLER: So where  
2 there are buildings there, are they businesses  
3 that are closed in the evening?

4 INVESTIGATOR STEWART: I haven't  
5 seen -- only -- I've seen the art gallery in  
6 operation where they had entertainment for --  
7 where they've had catered events.

8 CHAIRPERSON MILLER: Okay. And to  
9 your knowledge the allegation that the  
10 altercation began inside the establishment,  
11 that supposedly came from one of the victims?

12 INVESTIGATOR STEWART: Yes.

13 CHAIRPERSON MILLER: To Ms.  
14 Jackson to --

15 INVESTIGATOR STEWART: Yes.

16 CHAIRPERSON MILLER: Okay. All  
17 right. I have no other questions. Ms.  
18 Mobley?

19 MEMBER MOBLEY: Yes. Investigator  
20 Stewart, when you went to the office and you  
21 spoke to the owner and you think the other  
22 gentleman was a security officer and you

1       advised them that there was -- you had gotten  
2       a report that there was an altercation outside  
3       and there was blood, was there any expressed  
4       interest from either one of these parties to  
5       go down and see what it was that you were  
6       speaking of?

7                   INVESTIGATOR STEWART: Well, the  
8       way Ms. Beyene's office is set up, to paint a  
9       picture for you, if I -- if this was her desk,  
10      there's a window exactly this distance where  
11      she could look right out front --

12                   MEMBER MOBLEY: All right.

13                   INVESTIGATOR STEWART: -- and see  
14      the police and the crime scene tapes.

15                   MEMBER MOBLEY: Yes.

16                   INVESTIGATOR STEWART: She didn't  
17      -- they didn't express that they wanted  
18      further information.

19                   MEMBER MOBLEY: So you're saying  
20      that the owner of this establishment showed no  
21      expression of going down to see --

22                   INVESTIGATOR STEWART: She didn't

1 relay that to me.

2 MEMBER MOBLEY: -- to see what had  
3 happened?

4 INVESTIGATOR STEWART: When I was  
5 there, no, she did not relay that to me.

6 MEMBER MOBLEY: Okay. All right.  
7 Thank you.

8 MEMBER ALBERTI: I have a quick  
9 question.

10 CHAIRPERSON MILLER: Yes, Mr.  
11 Alberti?

12 MEMBER ALBERTI: Investigator  
13 Stewart, you may not be able to answer these  
14 questions because I don't know how familiar  
15 you are with the establishment and how much  
16 time you spent there in your investigations,  
17 but when you're standing inside that front  
18 door, how good of a view do you have of the  
19 street? There's two windows, one on each  
20 door.

21 INVESTIGATOR STEWART: I don't  
22 think you can see out of the windows.

1 MEMBER ALBERTI: Pardon?

2 INVESTIGATOR STEWART: I don't  
3 believe from inside you could see -- on the  
4 first level you can see out of the windows.  
5 Maybe from the office that you can probably  
6 see out the windows.

7 MEMBER ALBERTI: No, at the first  
8 floor, right there by the front door. I'm  
9 talking about the person stationed in front of  
10 the front door. What kind of a view would  
11 they have?

12 INVESTIGATOR STEWART: If he's  
13 standing outside in front -- at the front  
14 door?

15 MEMBER ALBERTI: No, inside of the  
16 front door.

17 INVESTIGATOR STEWART: I mean, if  
18 the door was open, he'd -- he would have --

19 MEMBER ALBERTI: What about if the  
20 door was closed?

21 INVESTIGATOR STEWART: I don't  
22 believe he could see outside.

1                   MEMBER ALBERTI: Okay. Even  
2                   though there's two narrow windows on the door?

3                   INVESTIGATOR STEWART: Again, I  
4                   don't recall ever being able to see out of  
5                   that glass that was there.

6                   MEMBER ALBERTI: Okay. Okay. Do  
7                   you think they could hear any commotions  
8                   outside through that?

9                   INVESTIGATOR STEWART: If music  
10                  was playing, probably not.

11                  MEMBER ALBERTI: Okay. Now I'm  
12                  just asking for your impression. So if music  
13                  was playing inside and the doors were closed  
14                  and a patron came up and they didn't see them,  
15                  how would they know that they were there? Any  
16                  idea?

17                  INVESTIGATOR STEWART: Well,  
18                  that's what -- that's why I was saying that  
19                  someone's always outside the door.

20                  MEMBER ALBERTI: Okay. I got you.  
21                  All right. Thank you.

22                  CHAIRPERSON MILLER: Any other

1 questions? Yes, Mr. Brooks?

2 MEMBER BROOKS: Thank you, Madam  
3 Chair.

4 Mr. Stewart, do you have any  
5 information or any suspicion that the  
6 stabbings occurred inside rather than outside?

7 INVESTIGATOR STEWART: I do not,  
8 sir.

9 MEMBER BROOKS: Far as you know  
10 the stabbings occurred outside?

11 INVESTIGATOR STEWART: Yes.  
12 Again, we try not to impede the investigation  
13 of the detectives. We go where they allow us  
14 to go. And they told us -- they directed us  
15 around the blood to come up the sidewalk to  
16 walk inside the door, and that's what we did.

17 MEMBER BROOKS: Thank you, Madam  
18 Chair.

19 CHAIRPERSON MILLER: Any other --  
20 oh, yes, Mr. Nophlin?

21 MEMBER NOPHLIN: Investigator  
22 Stewart, so did you see any blood by the chair

1 or just outside?

2 INVESTIGATOR STEWART: On the  
3 sidewalk I saw blood. I didn't see a chair.

4 MEMBER NOPHLIN: You didn't see  
5 any blood inside?

6 INVESTIGATOR STEWART: No, sir.

7 MEMBER NOPHLIN: And do you know  
8 if -- I mean, how did you know it was blood?  
9 I hate to ask you that.

10 INVESTIGATOR STEWART: I've bled  
11 before.

12 (Laughter.)

13 INVESTIGATOR STEWART: And I was a  
14 police officer for 16 years and I seen --

15 MEMBER NOPHLIN: And it was fresh?  
16 I mean --

17 INVESTIGATOR STEWART: Oh,  
18 absolutely. It was to the point when we got  
19 there that; that picture that you saw, some of  
20 the blood was coagulating.

21 MEMBER NOPHLIN: Okay. Thank you.  
22 Thank you, Madam Chair.

1                   CHAIRPERSON MILLER: Thank you. I  
2                   have one for a follow-up question. I don't  
3                   know if it's really for you or if it's even  
4                   addressed already in the report, you know,  
5                   based on your experience does it ever occur  
6                   that a stabbing could have occurred inside but  
7                   by the time the bleeding gets going it might  
8                   not, you know -- you might not find it falling  
9                   until you're outside?

10                  INVESTIGATOR STEWART: Based on my  
11                  professional experience, or ABRA experience,  
12                  or --

13                  CHAIRPERSON MILLER: Any -- well,  
14                  I --

15                  INVESTIGATOR STEWART: Well, in my  
16                  professional experience, yes, I've seen a  
17                  stabbing where there's very little blood and  
18                  it takes crime scene a lot of pictures and a  
19                  lot of research, or I guess investigating, to  
20                  actually start to find those droplets and to  
21                  where it gets to be severe. So, yes. I'm not  
22                  saying that it could, but it -- I mean, it

1 possibly could have been stabbed inside  
2 directly at the front door. Again, we didn't  
3 look and --

4 CHAIRPERSON MILLER: Okay. But  
5 the evidence that you're aware of there isn't  
6 any blood on the inside?

7 INVESTIGATOR STEWART: That's  
8 correct.

9 CHAIRPERSON MILLER: Is that  
10 correct? Okay. Yes, Mr. Silverstein?

11 MEMBER SILVERSTEIN: Investigator,  
12 thank you for your report. How would you  
13 describe the level of cooperation that you  
14 received from the moment that you got there to  
15 now?

16 INVESTIGATOR STEWART: They  
17 cooperated. They cooperated. Again, you  
18 know, I tried to put myself in her shoes at  
19 the time and I believe that she was agitated  
20 because something had happened to her  
21 establishment. And again, once we kind of  
22 told -- explained what we needed, I believe

1 she cooperated. And even thereafter, I know  
2 we were trying to seek someone to work the  
3 video surveillance. Ms. Beyene actually  
4 called me and told me that the person was  
5 available. And she tried to drop off the  
6 information here.

7 MEMBER SILVERSTEIN: And --

8 INVESTIGATOR STEWART: And  
9 actually I believe it was a day that we were  
10 closed she came to the building.

11 MEMBER SILVERSTEIN: And based on  
12 your experience with Mood Lounge in its  
13 totality, would you describe this as a good  
14 place, a troubled place, a place -- how would  
15 you describe the operations and their dealings  
16 with their neighbors?

17 INVESTIGATOR STEWART: Well, I  
18 can't speak to the dealings with their  
19 neighbors, because I've never seen them  
20 interact with their neighbors. Every time  
21 I've ever went it's been orderly inside.  
22 Again, there's been a few straggling patrons

1 that were loud outside, but I've never seen in  
2 my time there -- I believe when she first  
3 opened we went there. They had a substantial  
4 crowd inside. Never saw any fights. Never  
5 saw -- security was -- there was adequate  
6 security inside the establishment. And again,  
7 the reason that we went -- that we have been  
8 going so much is that we're responding to  
9 citizen complaints of noise, and residents.

10 MEMBER SILVERSTEIN: Thank you.

11 Thank you, Madam Chair.

12 CHAIRPERSON MILLER: Okay. Any  
13 other Board questions?

14 (No response.)

15 CHAIRPERSON MILLER: Okay.

16 MR. STERN: I have just one  
17 question on follow up.

18 CHAIRPERSON MILLER: Okay.

19 MR. STERN: And if I asked this, I  
20 apologize, but how far from the front door in  
21 feet would you estimate the blood on the  
22 sidewalk was?

1 INVESTIGATOR STEWART: Two, three  
2 feet.

3 MR. STERN: Thank you. And when I  
4 say "was," was from the front door.

5 INVESTIGATOR STEWART: From the  
6 front door; yes, sir.

7 MR. STERN: Okay. Thank you.

8 CHAIRPERSON MILLER: Any further  
9 questions?

10 MR. WOODSON: Just a couple. With  
11 regard t your remarks about the security being  
12 inside and outside --

13 INVESTIGATOR STEWART: Yes, sir.

14 MR. WOODSON: -- you did remark  
15 that you arrived on the scene at 2:00 p.m. --  
16 or 2:00 a.m.?

17 INVESTIGATOR STEWART: 2:00 a.m.

18 MR. WOODSON: That was well past  
19 closing?

20 INVESTIGATOR STEWART: I don't  
21 know what time they closed that night.

22 MR. WOODSON: Were they closed

1 when you arrived?

2 INVESTIGATOR STEWART: They were  
3 closed when I arrived; yes, sir.

4 MR. WOODSON: Was it unusual that  
5 the security wasn't outside after they were  
6 closed?

7 INVESTIGATOR STEWART: And again,  
8 based on my experience going to Mood Lounge,  
9 as long as Ms. Beyene is in that building,  
10 there's somebody at the front door. I've  
11 never, ever -- I've been there after closing.  
12 I've been there as she was leaving the  
13 establishment and there were security  
14 personnel at the front door.

15 MR. WOODSON: Were security  
16 personnel -- were there police there all the  
17 time also?

18 INVESTIGATOR STEWART: No.

19 MR. WOODSON: Okay. In this  
20 occasion there were police --

21 INVESTIGATOR STEWART: When I  
22 arrived.

1 MR. WOODSON: -- around?

2 INVESTIGATOR STEWART: Yes, sir.

3 MR. WOODSON: All right. With  
4 regard to the windows that are clearly visible  
5 on the door; I want to be sure, your testimony  
6 is that you cannot see through these windows?

7 INVESTIGATOR STEWART: I believe  
8 Mr. Alberti asked me could I see from inside  
9 out those windows and I don't recall ever  
10 being able to see from the inside out.

11 MR. WOODSON: Do you happen to  
12 know if you can see from the outside in?

13 INVESTIGATOR STEWART: I don't  
14 believe so. Not to my recollection, sir.

15 MR. WOODSON: Have you actually  
16 looked?

17 INVESTIGATOR STEWART: Again, not  
18 to my -- it's never been a focus of mine.

19 MR. WOODSON: All right. That's  
20 fine.

21 CHAIRPERSON MILLER: Okay. Thank  
22 you very much.

1 INVESTIGATOR STEWART: Thank you.

2 CHAIRPERSON MILLER: Does that  
3 conclude the Government's witnesses?

4 MR. STERN: No, there's one more  
5 witness, who will be the last witness.

6 CHAIRPERSON MILLER: Okay. Are  
7 you ready to call your --

8 MR. STERN: He's being called in  
9 right now.

10 CHAIRPERSON MILLER: Oh, good.  
11 Okay.

12 Good evening. Do you swear to  
13 tell the truth, the whole truth, nothing but  
14 the truth?

15 INVESTIGATOR PARKER: I do.

16 CHAIRPERSON MILLER: Okay.

17 MR. STERN: Good evening,  
18 investigator. Could you give us your name and  
19 spell your last name for the court reporter?

20 INVESTIGATOR PARKER: My name is  
21 ABRA Investigator Vincent Parker. Last name  
22 is P-A-R-K-E-R.

1 MR. STERN: Okay. And,  
2 Investigator Parker, are you employed?

3 INVESTIGATOR PARKER: Yes, sir, I  
4 am.

5 MR. STERN: And how are you  
6 employed?

7 INVESTIGATOR PARKER: I'm a ABRA  
8 investigator.

9 MR. STERN: Okay. And were you so  
10 employed on December 30th in the early morning  
11 hours?

12 INVESTIGATOR PARKER: Yes, sir.

13 MR. STERN: Of 2011?

14 INVESTIGATOR PARKER: Yes, sir.

15 MR. STERN: At that time did you  
16 come to be acquainted with the establishment  
17 by the name of Mood, which is located at 1318  
18 9th Street?

19 INVESTIGATOR PARKER: Yes, sir.

20 MR. STERN: Can you tell me how it  
21 is that you became involved with Mood?

22 INVESTIGATOR PARKER: On December

1 30th, 2011 at approximately 1:45 a.m.,  
2 Supervisory Investigator Craig Stewart  
3 received a call on the ABRA hotline requesting  
4 service from MPD. At approximately 2:00 a.m.,  
5 or approximately 1:45, after receiving the  
6 call, he directed myself as well as other  
7 investigators to respond to the establishment.

8 MR. STERN: Okay. And did you  
9 respond?

10 INVESTIGATOR PARKER: Yes, sir.

11 MR. STERN: And what time did you  
12 get there?

13 INVESTIGATOR PARKER:  
14 Approximately 2:00 a.m.

15 MR. STERN: Okay. And what is it  
16 you did once you got there?

17 INVESTIGATOR PARKER: Once  
18 arriving at Mood, Supervisor Stewart was  
19 already on the scene with Investigator Maisel.  
20 I arrived on the scene with Investigator  
21 Apraku, training investigator. Once arriving  
22 at the establishment I observed a crime scene

1 blocking the immediate area in front of Mood  
2 on 9th Street, N.W. The crime scene tape was  
3 up. There were officers outside the  
4 establishment as well as police vehicles with  
5 their service lights on, as well as, like I  
6 said, officers standing on the street.

7 MR. STERN: Okay. And what did  
8 you do once you got there?

9 INVESTIGATOR PARKER: First thing  
10 I did was made contact with Supervisor Stewart  
11 and then requested permission to enter the  
12 crime scene from the officer, the official who  
13 was on scene. I forgot the name of the  
14 official. The official gave myself permission  
15 to join Investigator -- Supervisory  
16 Investigator Stewart on scene, which time I  
17 did. Had a brief conversation with Supervisor  
18 Stewart and then entered the establishment.

19 MR. STERN: Okay. And what --  
20 where did you go when you -- well, first did  
21 you notice anything about the scene when you  
22 got there?

1                   INVESTIGATOR PARKER: Supervisor  
2                   Stewart informed me that there was blood  
3                   splatters on the street or -- and/or sidewalk  
4                   in front of Mood. I asked him did he get  
5                   photographs of it? He said photographs were  
6                   taken. I'm unsure if he or Maisel took the  
7                   photographs, but we had photographs from ABRA  
8                   personnel of the blood splatter on the  
9                   sidewalk in front of Mood.

10                  MR. STERN: Okay. What did you do  
11                  once you were inside?

12                  INVESTIGATOR PARKER: Soon as I  
13                  went inside we proceeded to the second floor  
14                  of the establishment where the office is.  
15                  It's a small office. It was the four  
16                  investigators I mentioned: Maisel; Apraku,  
17                  who was in training; Maisel's also in  
18                  training; myself and Stewart.

19                  In the office we spoke to Ms.  
20                  Beyene, who I know to be the owner of Mood.  
21                  There was also other staff in the office.

22                  MR. STERN: Okay. And what

1 happened in that conversation?

2 INVESTIGATOR PARKER: First thing  
3 Supervisor Stewart I guess initiated the  
4 conversation with Ms. Beyene and asked what  
5 happened, what was going on. Something to the  
6 effect of do you know anything about this  
7 stabbing incident? Ms. Beyene's initial  
8 response was I don't know anything about a  
9 stabbing. I didn't see a stabbing. I don't  
10 have any additional information about a  
11 stabbing.

12 MR. STERN: Okay. Was there any  
13 other conversation that occurred at that time?

14 INVESTIGATOR PARKER: One  
15 statement made by Ms. Beyene was that -- well,  
16 the conversation between Stewart, myself and  
17 Ms. Beyene as well as staff was trying to  
18 identify that there was a stabbing that  
19 occurred. And during the course of the  
20 conversation it was mentioned to Ms. Beyene  
21 that there was blood outside Mood on the  
22 sidewalk and a statement was made by Ms.

1 Beyene it could be cranberry juice, or  
2 something to that effect.

3 MR. STERN: Okay. And what  
4 happened after -- I mean, did she provide any  
5 substantive information about what had  
6 happened that night?

7 INVESTIGATOR PARKER: No, she  
8 didn't. She said that she was inside. She  
9 didn't have any information to add. She  
10 didn't witness any incidents, which could have  
11 preceded any stabbing. She didn't have any  
12 information.

13 MR. STERN: Okay. Did you speak  
14 with her then about any other evidence?

15 INVESTIGATOR PARKER: So after  
16 that we moved our attention immediately to  
17 attempting to locate surveillance footage. We  
18 knew that would be a key in this type of  
19 incident. So initially we asked where was the  
20 surveillance footage? How do we -- how could  
21 we get our hands on the surveillance footage,  
22 or see it?

1                   Ms. Beyene's initial statement was  
2                   that the surveillance camera system was  
3                   inoperable, it wasn't working, and she didn't  
4                   know how to retrieve the footage. So from  
5                   that point I proceeded in a line of  
6                   questioning about how to get the footage, what  
7                   we needed to do or who we needed to talk to,  
8                   as well as attempting to manipulate the system  
9                   myself.

10                  MR. STERN: Okay. And what did  
11                  you observe when you were attempting to  
12                  manipulate the system?

13                  INVESTIGATOR PARKER: During the  
14                  course of this conversation Ms. Beyene called  
15                  a gentleman who she identified as her video  
16                  technician. I'll back up a little bit. Mr.  
17                  Deckly, I believe, or Beckly. Mr. Deckly had  
18                  -- and Ms. Beyene had a speaker phone  
19                  conversation in the room where --

20                  MR. STERN: So you were able to  
21                  hear that?

22                  INVESTIGATOR PARKER: Yes, I was

1 able to hear that.

2 MR. STERN: What was it that was  
3 said in that conversation?

4 INVESTIGATOR PARKER: She asked  
5 him how do you get the surveillance footage?  
6 Can -- asked him could he get the surveillance  
7 footage. It was, like I said, 2:00 a.m. and  
8 he didn't say that he was coming to do it, so  
9 I said -- I interjected and said tell him to  
10 direct me how to pull up the surveillance  
11 footage.

12 MR. STERN: Okay. And what  
13 happened at that point?

14 INVESTIGATOR PARKER: He attempted  
15 to direct me through some steps in the  
16 surveillance system, being going through  
17 different menu settings and date settings in  
18 an attempt to find the surveillance footage  
19 from that night. The attempts with Deckly's  
20 direction, I was unable to pull up any  
21 surveillance footage. I included screen shots  
22 throughout my process of trying to get the

1 surveillance footage which show the things  
2 that I was seeing as I was following the  
3 directions from Mr. Deckly.

4 MR. STERN: Right. And we'll get  
5 to that in a second, but to continue on with  
6 the surveillance footage, were there any  
7 discussions about providing the footage at  
8 another time?

9 INVESTIGATOR PARKER: Well, at the  
10 end of my conversation or Ms. Beyene and I's  
11 conversation with Mr. Deckly he stated that he  
12 would come to Mood at 5:00 p.m. on the same  
13 day. So that was at 2:00 a.m. He said he  
14 would arrive at approximately 5:00 that day  
15 and would attempt to download the surveillance  
16 footage that I requested.

17 MR. STERN: Okay. And what did  
18 you find? What happened with regard to that?

19 INVESTIGATOR PARKER: I'm unsure  
20 if he went there, but I called him on December  
21 30th that night. He said he would call me  
22 back, and I haven't heard from him since.

1 MR. STERN: Okay. As far as you  
2 know was the footage ever dropped off?

3 INVESTIGATOR PARKER: On January  
4 3rd, I believe is the date, Ms. Beyene met me  
5 here in this room and provided me with  
6 surveillance footage. At that time Ms. Beyene  
7 advised me that that footage was from October  
8 23rd, 2011, which Ms. Beyene stated was the  
9 last date that the surveillance system had  
10 recorded data. And she -- Ms. Beyene provided  
11 a reason for that and stated that it was  
12 because there was a incident of some sort  
13 around that date involving MPD officers coming  
14 to her establishment and attempting to  
15 retrieve footage. Ms. Beyene stated that the  
16 system never restarted recording after that  
17 date.

18 MR. STERN: Tell me, after you had  
19 this discussion with Ms. Beyene about the  
20 surveillance footage what next steps did you  
21 take in your investigation?

22 INVESTIGATOR PARKER: Well, after

1 the initial conversation on December 30th with  
2 Ms. Beyene and Mr. Deckly, I believe is his  
3 name, on the phone, I ended the conversation  
4 with Mr. Deckly by engaging telephone numbers  
5 and then I continued to manipulate the  
6 surveillance camera system. The system was  
7 pretty basic and easy to understand for me  
8 since I've seen some similar in the past. So  
9 I was looking for the footage from the night  
10 that just -- earlier in the night that I was  
11 there currently.

12 MR. STERN: Okay. Did you end up  
13 interviewing anyone else that evening?

14 INVESTIGATOR PARKER: I  
15 interviewed Mr. Bond, the head of security at  
16 Mood.

17 MR. STERN: And can you tell me  
18 how that conversation went?

19 INVESTIGATOR PARKER: Mr. Bond  
20 stated that he was on duty at the  
21 establishment on the night of this incident.  
22 He stated that there were two other security

1 guards on duty with him. He stated that at  
2 approximately 12:40 a.m. he observed patrons  
3 smoking in the establishment. He said that he  
4 approached the group and asked them to leave  
5 the establishment. Mr. Bond stated that a  
6 brief commotion ensued as he was asking this  
7 party of patrons to leave for violating the  
8 rules. He said -- shall I go on?

9 MR. STERN: Sure.

10 INVESTIGATOR PARKER: He said that  
11 he got the party of patrons to eventually  
12 leave the establishment, like I said, after a  
13 brief commotion, as he described it. Once  
14 outside, Mr. Bond stated that he observed a  
15 male on 9th Street or in front of Mood  
16 screaming obscenities and threats. Mr. Bond  
17 described this person as unstable or crazy.  
18 Mr. Bond stated that he shut the door to Mood  
19 to ensure that patrons would be safe. It was  
20 not clear to me during my interview with Mr.  
21 Bond whether all the patrons got out before he  
22 shut the door or if he held some back inside.

1 MR. STERN: Okay. Well did Mr.  
2 Bond relate to you any discussion with a group  
3 of very loud football fans inside?

4 INVESTIGATOR PARKER: I don't  
5 remember football fans being mentioned, sir.

6 MR. STERN: Okay. Were there  
7 other very loud patrons that he mentioned?

8 INVESTIGATOR PARKER: I don't  
9 remember any specific loud patrons described.

10 MR. STERN: Okay. Did he mention  
11 or did he indicate in any way how many people  
12 were in the group that he eventually did take  
13 outside?

14 INVESTIGATOR PARKER: No, sir.

15 MR. STERN: Did he elaborate to  
16 you what sort of commotion had occurred  
17 inside?

18 INVESTIGATOR PARKER: No, sir, it  
19 wasn't clear whether the commotion -- what was  
20 the severity of the commotion.

21 MR. STERN: Okay. What did he say  
22 happened to the gentleman who he said was

1 crazy when he closed the door?

2 INVESTIGATOR PARKER: He said he  
3 didn't see or hear anything else until MPD  
4 arrived and came to Mood and advised that  
5 someone had been stabbed.

6 MR. STERN: Okay. Did he say  
7 anything about looking outside the window?

8 INVESTIGATOR PARKER: No, sir.

9 MR. STERN: Did he ask any of the  
10 other security guards to look outside the  
11 window?

12 INVESTIGATOR PARKER: No, sir.

13 MR. STERN: Okay.

14 INVESTIGATOR PARKER: But he  
15 didn't mention that to me.

16 MR. STERN: Okay. Did Mr. Bond  
17 give you any indication of what the  
18 establishment's policy is regarding the age of  
19 patrons, or the age of people who are allowed  
20 to enter the establishment?

21 INVESTIGATOR PARKER: Yes, sir, he  
22 said that patrons were required to be 21 years

1 of age.

2 MR. STERN: Okay. And are you  
3 aware that one of the victim's names was  
4 Marquis King?

5 INVESTIGATOR PARKER: Yes, I am.

6 MR. STERN: Were you able through  
7 looking at the records determine how old Mr.  
8 King was?

9 INVESTIGATOR PARKER: There was  
10 some discrepancy in his age, but it was  
11 determined by MPD that he was under 21.

12 MR. STERN: Okay. Now did you  
13 obtain a security plan from the establishment?

14 INVESTIGATOR PARKER: The security  
15 plan for Mood was on file with ABRA.

16 MR. STERN: Okay. Now based on  
17 your understanding of -- well, did you get  
18 information from other sources about what  
19 happened that evening?

20 INVESTIGATOR PARKER: I also spoke  
21 to the victim, Jason Thomas.

22 MR. STERN: Okay. And what did

1 Mr. Thomas tell you?

2 INVESTIGATOR PARKER: Mr. Thomas  
3 stated that he was standing outside of Mood at  
4 approximately -- I believe his time was  
5 approximately 12:50 a.m. He stated the he was  
6 standing outside directly in front and a  
7 altercation occurred between two groups which  
8 are unknown to him. Mr. Thomas stated that he  
9 was standing in the middle of the two groups.  
10 The two groups had a brief fight. Mr. Thomas  
11 stated that the fight ended and he continued  
12 to stand outside.

13 Mr. Thomas stated that  
14 approximately 20 minutes later two friends of  
15 his came out of Mood and they stated that one  
16 of them, Mr. King, had been stabbed. Mr.  
17 Thomas stated that once he saw Mr. King was  
18 stabbed, then he looked at himself and -- or  
19 someone pointed out to him that he had also  
20 been stabbed in his back. And he ascertained  
21 that he was stabbed 20 minutes --  
22 approximately 20 minutes prior to him noticing

1 that he was stabbed.

2 MR. STERN: Did Mr. Thomas mention  
3 to you if he knew where Mr. King had been  
4 stabbed?

5 INVESTIGATOR PARKER: He stated  
6 that he was unsure. He didn't know.

7 MR. STERN: But he saw Mr. King  
8 coming out with the wound?

9 INVESTIGATOR PARKER: Yes, he did.

10 MR. STERN: Okay. Now according  
11 to the security plan is there -- well, did --  
12 can you -- did you ask for whether or not an  
13 incident report had been done by the  
14 establishment?

15 INVESTIGATOR PARKER: I did  
16 request a incident report. Ms. Beyene stated  
17 that she didn't have any information about a  
18 incident. She didn't observe any incident, so  
19 therefore a incident report was not completed.

20 MR. STERN: And did you find out  
21 any information about whether or not the  
22 police were called?

1 INVESTIGATOR PARKER: I did not.

2 MR. STERN: Okay.

3 INVESTIGATOR PARKER: Well, the  
4 officer stated that they arrived at the scene  
5 as a result of the victim at the hospital, but  
6 there wasn't any information I had about  
7 whether they were called that night by anyone  
8 else.

9 MR. STERN: Were there other parts  
10 of the investigation that you performed?

11 INVESTIGATOR PARKER: I just -- in  
12 my investigative report I included a lot of  
13 facts regarding MPD actions at the  
14 establishment. Chief Lanier issued a 96-hour  
15 closure at the establishment. I had  
16 information regarding those letters which were  
17 attached to the report as exhibits.

18 MR. STERN: And those -- the facts  
19 about what MPD did, is that usual for you to  
20 put into an investigative report?

21 INVESTIGATOR PARKER: Yes, sir.

22 MR. STERN: And did you receive

1           them, that information directly from MPD?

2                       INVESTIGATOR PARKER:  Yes, sir, I  
3           did.

4                       MR. STERN:  Thank you.  Now in  
5           your report there were a number of exhibits  
6           attached.  I'd like you to identify them for  
7           me, if you can.

8                       INVESTIGATOR PARKER:  Yes, sir.

9                       MR. STERN:  I'm going to give you  
10          a photocopy of your report with all the  
11          exhibits attached.  The first one marked at  
12          the top is marked No. 1.  Can you tell me what  
13          that document is?

14                      INVESTIGATOR PARKER:  Exhibit No.  
15          1 is the incident-based event report from the  
16          Metropolitan Police Department known as a PD-  
17          251 report.

18                      MR. STERN:  Okay.  And is that  
19          something you obtained in the course of your  
20          employment with ABRA?

21                      INVESTIGATOR PARKER:  Yes, sir.

22                      MR. STERN:  And does that -- is

1       that a report that is normal and usual to be  
2       put into the investigative file in this case?

3                   INVESTIGATOR PARKER:  Yes, sir.

4                   MR. STERN:  And did you receive  
5       that directly from the Metropolitan Police  
6       Department?

7                   INVESTIGATOR PARKER:  Yes, sir.

8                   MR. STERN:  Thank you.  I have to  
9       say we've discussed Exhibit No. 2, so we can  
10      skip over that.

11                   Exhibit 3, on the first page, can  
12      you tell me what that is?

13                   INVESTIGATOR PARKER:  Exhibit 3 is  
14      the surveillance video camera display screen.

15                   MR. STERN:  And what does that  
16      depict?

17                   INVESTIGATOR PARKER:  This depicts  
18      live feeds coming in from 7 of the 16  
19      surveillance camera slots on the DVR system.  
20      These are the pictures -- if this was a video  
21      -- these are live feeds of what was going on  
22      at the exact time.

1 MR. STERN: Okay. And how did you  
2 get this picture?

3 INVESTIGATOR PARKER: I looked at  
4 the DVR system and took the picture.

5 MR. STERN: Okay. Was this  
6 already on the screen when you walked in?

7 INVESTIGATOR PARKER: When we went  
8 into the office, I think the screen may have  
9 been off. I'm unsure. It's like a TV screen.  
10 There's a button to turn it on.

11 MR. STERN: There are 16? You said  
12 that there are seven that are operational?

13 INVESTIGATOR PARKER: Yes, sir.

14 MR. STERN: Does that imply that  
15 the other nine are non-operational?

16 INVESTIGATOR PARKER: Well, the  
17 other nine say video aux.

18 MR. STERN: Okay. Are you  
19 familiar with that term, what it means?

20 INVESTIGATOR PARKER: Well, the  
21 other nine were not displaying a live feed  
22 like the seven were.

1 MR. STERN: Okay. There's a time  
2 stamp on the bottom right of that. Is that  
3 the accurate time that this was taken?

4 INVESTIGATOR PARKER:  
5 Approximately, yes.

6 MR. STERN: Okay. Thank you.  
7 Looking at Exhibit No. 4, can you tell me what  
8 that is?

9 INVESTIGATOR PARKER: I believe  
10 Exhibit 4 is the video log list.

11 MR. STERN: Okay. Can you tell me  
12 -- do you know what that is?

13 INVESTIGATOR PARKER: I've seen  
14 something similar to this at other  
15 establishments, and basically what this screen  
16 normally shows is what surveillance dates or  
17 -- is -- are available on the system.

18 MR. STERN: Okay. And is this a  
19 picture that was taken that evening that you  
20 went to the establishment?

21 INVESTIGATOR PARKER: Yes, sir.

22 MR. STERN: And what does that

1 screen indicate to you about the availability  
2 of surveillance tapes?

3 INVESTIGATOR PARKER: My  
4 understanding of this screen is that  
5 surveillance footage is available from October  
6 13th, 2011 at 5:20 to October 23rd, 2011 at  
7 9:29.

8 MR. STERN: Okay. Nothing  
9 available for December 30th then, is that  
10 correct?

11 INVESTIGATOR PARKER: Right.

12 MR. STERN: Okay. I'd like you to  
13 look at Exhibit No. 5 and tell me what that  
14 depicts.

15 INVESTIGATOR PARKER: In the -- on  
16 the home screen of the surveillance system  
17 there was a button for system status. I  
18 clicked that button with the mouse and this  
19 was the screen that popped up, which lists the  
20 information displayed in Exhibit 5.

21 MR. STERN: And that's a accurate  
22 depiction of what you saw on the screen that

1 evening?

2 INVESTIGATOR PARKER: Yes, sir, it  
3 is.

4 MR. STERN: And what does that  
5 mean to you?

6 INVESTIGATOR PARKER: This  
7 screen's meaning is not as clear as the  
8 previous screens' meaning to me just because  
9 I'm unsure how this system describes IP port,  
10 DNS, IRIB, HDD1 and the percentage used. This  
11 was the screen I took a picture of when I  
12 checked the status and -- on it.

13 MR. STERN: Okay. Looking at  
14 Exhibit 6, can you tell me what that is?

15 INVESTIGATOR PARKER: Exhibit No.  
16 6 is Mood's security manual.

17 MR. STERN: Okay. And this is  
18 obtained from ABRA records?

19 INVESTIGATOR PARKER: Yes, sir.

20 MR. STERN: And this is a accurate  
21 copy of the manual, the security manual that  
22 is in ABRA's records?

1 INVESTIGATOR PARKER: Yes, sir.

2 MR. STERN: And which was in  
3 effect on September -- or excuse me, December  
4 30th, 2011?

5 INVESTIGATOR PARKER: Yes, sir.

6 MR. STERN: Okay. Thank you.  
7 Looking at Exhibit 7, can you tell me what  
8 that depicts?

9 INVESTIGATOR PARKER: Exhibit 7 is  
10 a regulatory inspection conducted at Mood on  
11 the night of this incident, the night of my  
12 visit.

13 MR. STERN: Okay. And this was  
14 included in the report --

15 INVESTIGATOR PARKER: Yes.

16 MR. STERN: -- for what purpose?

17 INVESTIGATOR PARKER: It's our  
18 procedure to conduct a regulatory inspection  
19 when visiting an establishment regarding an  
20 incident.

21 MR. STERN: But there was nothing  
22 untoward about that inspection?

1                   INVESTIGATOR PARKER: No, all  
2 licenses were in compliance.

3                   MR. STERN: Okay. Exhibit No. 8,  
4 can you tell me what that is?

5                   INVESTIGATOR PARKER: Exhibit No.  
6 8 is the request for revocation of license  
7 from Chief Lanier to Director Fred Moosally of  
8 ABRA.

9                   MR. STERN: Okay. And is that a  
10 record that is kept in the normal course of  
11 proceedings in the file for the investigation  
12 of this establishment?

13                   INVESTIGATOR PARKER: Yes, sir.

14                   MR. STERN: And thank you. Can  
15 you tell me what Exhibit No. 9 is?

16                   INVESTIGATOR PARKER: Exhibit No.  
17 9 is a notice of closure from the Metropolitan  
18 Police Department to Ms. Beyene on behalf --  
19 at Mood Lounge, regarding Mood Lounge.

20                   MR. STERN: Okay. And again is  
21 that a record that is kept in the normal  
22 course of procedure in the investigative file

1 of this case?

2 INVESTIGATOR PARKER: Yes, sir.

3 MR. STERN: Thank you. Exhibit  
4 No. 10 we spoke to, but do you recognize what  
5 Exhibit No. 10 is?

6 INVESTIGATOR PARKER: Yes, sir.  
7 Exhibit 10 is the front of Mood to include  
8 notice of closure placards from the  
9 Metropolitan Police Department for the 96-hour  
10 closure which was issued to this  
11 establishment.

12 MR. STERN: Okay. Thank you. Is  
13 that a fair and accurate depiction of what the  
14 front of Mood looks like on the night in  
15 question?

16 INVESTIGATOR PARKER: Yes, sir.

17 MR. STERN: Thank you. Can you --  
18 the second page of Exhibit 10, can you tell me  
19 what that is?

20 INVESTIGATOR PARKER: That's a  
21 close up of the notice of closure from the  
22 Metropolitan Police Department stating that at

1 6:00 p.m. on December 30th, 2011 the  
2 establishment was closed.

3 MR. STERN: Okay. And that's a  
4 fair and accurate description of what that  
5 notice of closure looked like?

6 INVESTIGATOR PARKER: Yes, sir.

7 MR. STERN: Okay. Exhibit 11  
8 we've already -- I've already had discussed,  
9 but did you receive this from the Metropolitan  
10 Police Department?

11 INVESTIGATOR PARKER: Another  
12 investigator received it and forwarded it to  
13 me.

14 MR. STERN: Okay. And would this  
15 be something that be normally kept in the  
16 investigative file?

17 INVESTIGATOR PARKER: Yes, sir.

18 MR. STERN: Official record?

19 INVESTIGATOR PARKER: Yes, sir.

20 MR. STERN: Thank you. I would  
21 move the admission now of Government's Exhibit  
22 No. 1 to include all the exhibits as well as

1 the investigative report.

2 CHAIRPERSON MILLER: And what is  
3 Exhibit No. 1 called?

4 MR. STERN: It is the  
5 investigative report.

6 CHAIRPERSON MILLER: The  
7 investigative report?

8 MR. STERN: And we can call it  
9 Government's 1.

10 CHAIRPERSON MILLER: Okay. Any  
11 objection?

12 MR. STERN: I will hand it up to  
13 the --

14 CHAIRPERSON MILLER: They'll be  
15 admitted. Do you have any cross, Mr. Woodson?

16 MR. WOODSON: Ms. Williford will  
17 take up the cross.

18 MR. STERN: I didn't say I was  
19 done.

20 CHAIRPERSON MILLER: Oh, you're  
21 not done?

22 MR. STERN: I have one or two

1 questions.

2 CHAIRPERSON MILLER: Oh, I'm  
3 sorry. Okay.

4 MR. STERN: I was just moving that  
5 for admission now.

6 CHAIRPERSON MILLER: Okay.

7 MR. STERN: Now there's been some  
8 questions raised by the Board about  
9 cooperation. Did you get any impression about  
10 the cooperation of the establishment?

11 INVESTIGATOR PARKER: Initially  
12 when we went into the establishment, I  
13 wouldn't say that the establishment was  
14 uncooperative. The establishment complied  
15 with all of our requests. There was -- I have  
16 to choose the words wisely. There was -- Ms.  
17 Beyene was not happy to see us.

18 MR. STERN: Okay. Can you tell me  
19 whether or not in your view of their security  
20 plan that you feel in this case they complied  
21 with the security plan?

22 INVESTIGATOR PARKER: Excuse me,

1 sir?

2 MR. STERN: Can you tell me  
3 whether or not from your review of their  
4 security plan that you feel whether -- can you  
5 tell us whether or not you feel that they  
6 complied with the security plan on this  
7 evening?

8 INVESTIGATOR PARKER: Well,  
9 there's a section of the security plan which  
10 states; and I'll read, "Mood will have in  
11 place a closed-circuit TV, CCTV, system with  
12 the capacity to broadcast an image on a  
13 monitor or toggle to view different images on  
14 four screens simultaneously. The system has  
15 the capability to save images to a hard drive  
16 that can be reproduced onto a CD."

17 In this case that was not done.  
18 And also according to Ms. Beyene's statement  
19 the system was inoperable.

20 MR. STERN: Okay. What about --  
21 or excuse me. Can you tell us what the --  
22 whether or not you feel that they enforced

1 their security plan regarding the -- did they  
2 have a -- I'm sorry. Scratch that.

3 Did the security plan have a  
4 requirement or a dictate about what the  
5 establishment should do in the event of an  
6 altercation?

7 INVESTIGATOR PARKER: Yes,  
8 altercations were addressed at various places  
9 throughout the security plan. I've  
10 highlighted some of the excerpts from the  
11 security plan.

12 MR. STERN: And you -- can you  
13 tell us what those were and whether you think  
14 they complied with those provisions?

15 INVESTIGATOR PARKER: The first  
16 thing under page 3 of the report, the  
17 investigative report, the first thing is "if  
18 a fight occurs, security personnel are to  
19 separate and pacify the situation."

20 MR. STERN: And what in your  
21 investigation did you find happened here?

22 INVESTIGATOR PARKER: Well, the

1 investigation was unclear about if and where  
2 or when a fight occurred at the establishment.  
3 The surveillance footage would have helped  
4 determine that, but without the surveillance  
5 footage it was unclear by my account if and  
6 where or when a fight occurred.

7 MR. STERN: If the Board credits  
8 the testimony regarding an altercation  
9 occurring inside the establishment, which I  
10 believe you testified was also the testimony  
11 of the chief of security, do you think that  
12 they -- the subsequent events that the  
13 establishment took complied with this?

14 MS. WILLIFORD: I'd object to  
15 speculation.

16 CHAIRPERSON MILLER: Yes, I --

17 MR. STERN: That's his only job.

18 CHAIRPERSON MILLER: What?

19 MR. STERN: His job is to  
20 determine whether or not the different  
21 establishments comply with their security  
22 plans. The previous person that they put on

1 used to have that job, but this is his job  
2 right now and I think that he is just as  
3 capable of testimony applying to that as the  
4 prior witness that Respondent put on.

5 MS. WILLIFORD: I'd like to  
6 respond briefly then. If that is what he's  
7 getting at, then it was asked and answered,  
8 because he asked that question and the  
9 response was in the investigation is unclear  
10 if, where or when a fight occurred. So if  
11 that's what he's getting --

12 MR. STERN: And then I qualified  
13 that question with a new fact --

14 CHAIRPERSON MILLER: Yes, could  
15 you --

16 MR. STERN: -- and I said if in  
17 fact the credits the testimony that there was  
18 an altercation inside.

19 CHAIRPERSON MILLER: Testimony --

20 MR. STERN: He said he just  
21 doesn't know whether it happened inside or  
22 not, whether there was an altercation inside

1 or not. That's what Ms. Williford just  
2 quoted. And I said if the Board credits that  
3 there was an altercation inside, do you think  
4 that then the actions that the establishment  
5 took met the requirements of their security  
6 plan?

7 CHAIRPERSON MILLER: Okay. If you  
8 could just be a little bit more specific as to  
9 credits what -- where that information came  
10 from that an altercation would have occurred  
11 inside.

12 MR. STERN: I'd be happy to go  
13 back over it.

14 I believe you said --

15 CHAIRPERSON MILLER: I want you to  
16 testify to it.

17 MR. STERN: -- that your testimony  
18 was that Mr. Bond said there was an  
19 altercation inside.

20 MS. WILLIFORD: Object. That's a  
21 mis-characterization of what the testimony  
22 was.

1 MR. STERN: Okay. What did Mr.  
2 Bond say had occurred inside?

3 INVESTIGATOR PARKER: Mr. Bond  
4 stated that he approached a group of patrons  
5 who were smoking inside, asked them to leave  
6 the establishment. Mr. Bond stated that a  
7 commotion ensued in the process of getting  
8 that group or groups out of the establishment.

9 MR. STERN: Okay. Now were you  
10 aware that one of the witnesses at the  
11 hospital stated that he was hit in the eye  
12 inside?

13 INVESTIGATOR PARKER: That  
14 information was given to Metropolitan Police  
15 Department. I didn't speak to that witness.

16 MR. STERN: Okay. But you're  
17 aware that that information was given to them?

18 INVESTIGATOR PARKER: Yes, sir.

19 MR. STERN: If the Board credits  
20 that information, do you think what the  
21 establishment did was pursuant to their  
22 security plan?

1                   INVESTIGATOR PARKER:  If the  
2                   commotion as described by Mr. Bond was in fact  
3                   a fight, the description from Mr. Bond was not  
4                   that the party were separated and escorted out  
5                   going down --

6                   MR. WOODSON:  Chairman Miller,  
7                   there is no factual foundation for that  
8                   speculation at all.

9                   MR. STERN:  Yes, there is.

10                  MR. WOODSON:  No there is not.  
11                  There is no testimony that there was a --  
12                  direct testimony that there was a fight.  
13                  There's no direct testimony about an  
14                  altercation.  If counsel wants to equate a  
15                  commotion arising over smoking a cigarette  
16                  with a fight, then that kind of  
17                  characterization would have been made  
18                  directly.  But to -- this is -- there's no  
19                  foundation for this speculation from the  
20                  witness.

21                  MR. STERN:  You know, Respondent  
22                  can pick and choose what evidence they believe

1 when they argue their case, but there was  
2 evidence, testimony from the officer that she  
3 spoke to a bystander who had come to the  
4 hospital who said he had got punched in the  
5 mouth while he was inside the establishment.

6 Now, that's the testimony. So  
7 there's testimony to support that. There's no  
8 -- this is not any sort of fallacy. I'm not  
9 making up testimony. There's testimony. He  
10 may not choose to believe it, but there's  
11 testimony before the Board.

12 CHAIRPERSON MILLER: Your  
13 question's fairly speculative anyway. You're  
14 saying if something like you're describing  
15 occurred, is that a violation of the  
16 security --

17 MR. STERN: Yes.

18 CHAIRPERSON MILLER: -- contract  
19 or plan, security plan? Okay. So he's not  
20 saying that it did occur, I don't believe.  
21 He's not testifying. He's saying if it  
22 occurred, is that a violation of the security

1 plan?

2 INVESTIGATOR PARKER: To be  
3 honest, my line of questioning with Mr. Bond  
4 was not focused in a matter where I could have  
5 gotten to the exact details of how the parties  
6 were or escorted out. But if there was a  
7 fight inside the establishment, it's my belief  
8 that Mr. Bond' description to me, albeit I  
9 didn't question him specifically about the  
10 incident, did not describe him separating the  
11 parties.

12 MR. STERN: Okay. Did you have  
13 any other issues with how the establishment  
14 followed the dictates of their security plan?

15 INVESTIGATOR PARKER: From my  
16 experience, with the surveillance footage  
17 there would have been nothing else I needed  
18 from them. But minus that surveillance  
19 footage -- which is the key, as far as I'm  
20 concerned in the security plan because that  
21 doesn't rely on statements from staff or  
22 statements from victims or MPD officers.

1 That's clear-cut evidence of what happened.  
2 And without that, that was a big hole and that  
3 was a major concern of mind.

4 MR. STERN: Thank you. No other  
5 questions.

6 MS. WILLIFORD: Investigator  
7 Vincent, you refer that you reviewed the  
8 security plan and you referenced a passage on  
9 page 11 of that security plan that says, "Mood  
10 will have in place a system with the capacity  
11 to broadcast an image on a monitor and toggle  
12 between different views." Is that correct?

13 INVESTIGATOR PARKER: Yes.

14 MS. WILLIFORD: Now during your  
15 testimony you also identified as an exhibit to  
16 -- as an attachment and exhibit to your  
17 investigative report No. -- I believe it's  
18 attachment No. 6. Oh, I'm sorry. Wait. I'm  
19 sorry, attachment No. 3. My apologies.  
20 Attachment No. 3 to the incident report.

21 INVESTIGATOR PARKER: Yes.

22 MS. WILLIFORD: Now is this a

1 picture of the system that you're referring  
2 to?

3 INVESTIGATOR PARKER: That is a  
4 picture of the display screen, yes.

5 MS. WILLIFORD: And does that  
6 display screen broadcast images of Mood  
7 Lounge?

8 INVESTIGATOR PARKER: Yes, it  
9 does.

10 MS. WILLIFORD: How many images  
11 are broadcast of Mood Lounge on this image 3?

12 INVESTIGATOR PARKER: There were  
13 seven live video feeds.

14 MS. WILLIFORD: And the night that  
15 you arrived, the morning that you arrived on  
16 December 30th, you saw a screen displaying  
17 images of Mood Lounge that was -- that from  
18 their CCTV system, correct?

19 INVESTIGATOR PARKER: Yes.

20 MS. WILLIFORD: Okay. In  
21 addition, you provided testimony that even  
22 though there was not existing footage being

1 recorded on the night in question, the CCTV  
2 system did have the ability to record,  
3 correct?

4 INVESTIGATOR PARKER: Yes, it did.

5 MS. WILLIFORD: And it in fact did  
6 record incidents up through October 23rd,  
7 correct?

8 INVESTIGATOR PARKER: Yes.

9 MS. WILLIFORD: But according to  
10 your conversations with Ms. Beyene there was  
11 something that happened that prevented it from  
12 recording going forward, correct?

13 INVESTIGATOR PARKER: Yes, on  
14 January 3rd that was the conversation.

15 MS. WILLIFORD: But there was  
16 still an ability at that time for the CCTV  
17 system to record, is that correct?

18 INVESTIGATOR PARKER: Yes.

19 MS. WILLIFORD: Okay. So and  
20 looking -- I want to refer you back to --

21 INVESTIGATOR PARKER: Well, there  
22 was an ability on October 23rd or there was

1 the ability on December 30th?

2 MS. WILLIFORD: On December 30th  
3 did the system have the capacity to record?  
4 Not was it recording. Did it have the  
5 capacity to record?

6 INVESTIGATOR PARKER: That --  
7 capacity meaning?

8 MS. WILLIFORD: Meaning if you  
9 would have pushed a button or do something to  
10 make it -- I mean -- let me go back. You  
11 testified that you tried to take steps to  
12 retrieve the information off of the system,  
13 correct? In connection with doing that, did  
14 you also look to determine what capacity that  
15 it had to record going forward, or what needed  
16 to be done to have it recorded?

17 INVESTIGATOR PARKER: No, ma'am, I  
18 was focused on going backwards for the data I  
19 needed from the -- earlier that night.

20 MS. WILLIFORD: Okay. So what you  
21 were able to identify that night is that night  
22 it was not recording, but you can't reach a

1 conclusion that it didn't have the ability to  
2 record, is that correct?

3 INVESTIGATOR PARKER: I reached a  
4 conclusion that night that there was no  
5 footage after October 23rd, 2011.

6 MS. WILLIFORD: Okay. Thank you.  
7 Now you referenced the CCTV system. Was there  
8 anything else within the security plan that in  
9 your opinion Mood Lounge did not follow on the  
10 night in question?

11 INVESTIGATOR PARKER: The  
12 surveillance footage was the -- in my  
13 understanding of the security plan and the  
14 incidents that happened, as well as Ms.  
15 Beyene's statements, not having the  
16 surveillance camera system recording was the  
17 only violation of the security plan.

18 MS. WILLIFORD: But just to be  
19 clear; and you read this into the record, so  
20 I want to be clear, the system just has to  
21 have the capability to save images to a hard  
22 drive, correct?

1                   INVESTIGATOR PARKER: "That can be  
2 reproduced onto a CD" is how that sentence  
3 concludes.

4                   MS. WILLIFORD: Correct. It just  
5 needs to have the capability to do so? Okay.  
6 Thank you. I'd like to direct your attention  
7 to page 1 of the report. In the summary  
8 section you reach a conclusion. The first  
9 sentence of that reads --

10                   INVESTIGATOR PARKER: I actually  
11 don't have page 1.

12                   MS. WILLIFORD: You don't have  
13 your incident -- your case report before you?

14                   PARTICIPANT: Would you like  
15 another copy?

16                   INVESTIGATOR PARKER: I just need  
17 page 1. I have all the other pages except  
18 page 1.

19                   MS. WILLIFORD: All right. I have  
20 an extra copy. And I think the Board --

21                   INVESTIGATOR PARKER: Thank you,  
22 sir.

1 MS. WILLIFORD: On page 1 of your  
2 case report in the summary section it reads,  
3 quote, "ABRA Investigator Vincent Parker was  
4 able to determine that on Friday, December  
5 30th an assault with a deadly weapon incident  
6 occurred at Mood Lounge located at 1318 9th  
7 Street."

8 To be clear from your testimony,  
9 you reached this determination based on your  
10 discussion with Jason Thomas?

11 INVESTIGATOR PARKER: The initial  
12 determination was based on statements from  
13 Metropolitan Police Department and then to  
14 include statements from Mr. Thomas.

15 MS. WILLIFORD: Okay. So the  
16 initial statements were from Metropolitan  
17 Police Department and their accounts from  
18 whom?

19 INVESTIGATOR PARKER: I guess  
20 Jason Thomas as well as Mr. King. And there  
21 was another witness who I believe MPD had that  
22 I did not know.

1 MS. WILLIFORD: Okay. So there  
2 were statements that were relayed to you that  
3 were from Mr. King?

4 INVESTIGATOR PARKER: I believe  
5 that's the first Complainant. Yes, MPD had  
6 statements from Mr. King, Mr. Thomas, as well  
7 as another witness.

8 MS. WILLIFORD: What second-hand  
9 statements from Mr. King formed the basis of  
10 your conclusion that there was an assault with  
11 a deadly weapon incident inside Mood? At  
12 Mood.

13 INVESTIGATOR PARKER: There wasn't  
14 anything specific from Mr. King. The  
15 statements from MPD were conclusive and I just  
16 accepted those statements as fact.

17 MS. WILLIFORD: When you say they  
18 were "conclusive," conclusive of what?

19 INVESTIGATOR PARKER: To males  
20 were stabbed in front of Mood.

21 MS. WILLIFORD: But MPD didn't  
22 witness those two males stabbed in front of

1 Mood. Are we in agreement on that?

2 INVESTIGATOR PARKER: That's my  
3 understanding.

4 MS. WILLIFORD: Do you -- did you  
5 ask them how they came to that conclusion?

6 INVESTIGATOR PARKER: The MPD  
7 officers stated that -- in the 251 report they  
8 stated that at the hospital they spoke to Mr.  
9 King, as well as Mr. Thomas, who were the two  
10 victims. Well, actually they stated that Mr.  
11 Thomas provided the statement at the hospital  
12 initially. And I think Mr. King was  
13 interviewed subsequently.

14 MS. WILLIFORD: Okay. So can you  
15 identify for me what information was relayed  
16 to you from Mr. King regarding this incident  
17 that served as your basis for reaching the  
18 conclusion that an assault with a deadly  
19 weapon occurred at Mood?

20 INVESTIGATOR PARKER: There was no  
21 information that I gathered directly from Ms.  
22 King. I relied on statements to the

1 Metropolitan Police Department detectives and  
2 officers.

3 MS. WILLIFORD: Okay. And I'm  
4 just trying to understand which statement was  
5 attributed to Mr. King that you received that  
6 formed your basis that there was an assault  
7 within Mood?

8 INVESTIGATOR PARKER: The  
9 information came to me as one account of the  
10 incident, be it from Mr. Thomas, Mr. King, as  
11 well as other witnesses that -- the  
12 investigation was ongoing when I spoke to the  
13 detectives, so there were certain aspects of  
14 the investigation that I guess were somewhat  
15 held back at the time. But they did state  
16 that this event occurred backed by evidence  
17 that they had obtained, and things like that.

18 MS. WILLIFORD: So as you --  
19 acknowledging that there's an ongoing  
20 investigation, as you sit here today there is  
21 no statement that you have been made aware of  
22 by MPD that came directly from Mr. King?

1                   INVESTIGATOR PARKER: Like that I  
2                   can recall a specific statement? During my  
3                   conversations with Detective Jackson and  
4                   officers there were statements made to them  
5                   from Mr. King regarding this incident  
6                   happening at Mood.

7                   MS. WILLIFORD: So you recall  
8                   Detective Jackson specifically stating that  
9                   she spoke with King at the time that you spoke  
10                  with her?

11                  INVESTIGATOR PARKER: Well, the  
12                  conversations with Detective Jackson as well  
13                  as the other MPD officers, like I said, were  
14                  -- they were all combined to state that this  
15                  is the information I have from these people to  
16                  include Thomas, King and the other witness.

17                  MS. WILLIFORD: So right now  
18                  there's nothing that you could point to me  
19                  specifically where it's attributed to King?  
20                  I'm just trying to be clear on that.

21                  INVESTIGATOR PARKER: I don't have  
22                  any specific.

1 MS. WILLIFORD: Okay. So aside  
2 from King was there any statement that was  
3 attributed from -- to come from Mr. Thomas  
4 that you received to form the basis of your  
5 conclusion that this incident occurred at  
6 Mood?

7 INVESTIGATOR PARKER: When I wrote  
8 the summary of the report I did not include  
9 his statements. His statements were  
10 additional information I obtained. I based  
11 the summary on the statements from the MPD  
12 officers as well as the document that they  
13 provided, the PD-251.

14 MS. WILLIFORD: Okay.

15 INVESTIGATOR PARKER: Mr. Thomas'  
16 statements were additional.

17 MS. WILLIFORD: Okay. And a part  
18 of Mr. Thomas' statement that you were made  
19 aware of included him not knowing how he was  
20 stabbed, is that correct?

21 INVESTIGATOR PARKER: Mr. Thomas  
22 stated, as I stated, that a fight broke out.

1 He was in the middle of it. If I may, I  
2 believe he said that he assumed he was -- he  
3 stated that he must have been stabbed during  
4 the altercation. So I guess that was an  
5 assumption that I had.

6 CHAIRPERSON MILLER: Excuse me.

7 He stated to whom?

8 INVESTIGATOR PARKER: He stated to  
9 me.

10 CHAIRPERSON MILLER: To you?

11 INVESTIGATOR PARKER: Yes, ma'am.

12 CHAIRPERSON MILLER: Okay.

13 MS. WILLIFORD: He stated he must  
14 have been stabbed, but he couldn't identify to  
15 you where he was stabbed, is that correct?

16 INVESTIGATOR PARKER: Where in  
17 relation to the club, or where on his body,  
18 or --

19 MS. WILLIFORD: Where in relation  
20 to the club.

21 INVESTIGATOR PARKER: He said in  
22 front of is where he was initially standing.

1 MS. WILLIFORD: Is that within  
2 your report?

3 INVESTIGATOR PARKER: He was  
4 standing outside of the establishment,  
5 correct.

6 MS. WILLIFORD: Okay. When you  
7 spoke with Mr. Thomas did he make any  
8 statement to you regarding his recollection of  
9 that evening?

10 INVESTIGATOR PARKER: Meaning?

11 MS. WILLIFORD: Meaning how much  
12 he was able to recall about the circumstances  
13 of that evening.

14 INVESTIGATOR PARKER: The  
15 information that I provided, when I spoke to  
16 Mr. Thomas, I believe he was in the hospital,  
17 so I didn't -- this was -- this interview here  
18 was very brief.

19 MS. WILLIFORD: Okay. So you have  
20 within your report "he must have been stabbed  
21 during the initial altercation and  
22 approximately 20 minutes prior to that he

1 noticed he was bleeding," did you ask him why  
2 he was not sure?

3 INVESTIGATOR PARKER: Why he was  
4 not sure he was --

5 MS. WILLIFORD: Correct.

6 INVESTIGATOR PARKER: No, I  
7 didn't.

8 MS. WILLIFORD: Did he say to you  
9 why he was unsure about the circumstances of  
10 his stabbing?

11 INVESTIGATOR PARKER: He did not.

12 MS. WILLIFORD: There's a  
13 statement within your report that Mr. Thomas  
14 relayed to you that Mood staff did not witness  
15 a fight. Did he make that comment to you?

16 INVESTIGATOR PARKER: Yes, he did.

17 MS. WILLIFORD: Did he say whether  
18 he advised Mood, anyone employed at Mood of a  
19 fight?

20 INVESTIGATOR PARKER: I did not  
21 ask that question.

22 MS. WILLIFORD: Did he state to

1 you that he advised anyone about -- advise  
2 anyone employed at Mood that he was bleeding?

3 INVESTIGATOR PARKER: I didn't ask  
4 that question.

5 MS. WILLIFORD: Is there a reason  
6 why that question wasn't asked?

7 INVESTIGATOR PARKER: The --

8 MR. STERN: Objection. Is there a  
9 reason --

10 CHAIRPERSON MILLER: Well, I'm  
11 sorry, did you make an objection?

12 MR. STERN: Yes, I'm would object.  
13 Is there a reason why the question wasn't  
14 asked?

15 CHAIRPERSON MILLER: Well, you're  
16 asking why he didn't not ask that question?

17 MS. WILLIFORD: Yes.

18 MR. STERN: Fine.

19 CHAIRPERSON MILLER: Okay. That's  
20 okay.

21 MR. STERN: Did you have a reason  
22 why you didn't ask that question?

1                   INVESTIGATOR PARKER:  Oh, Mr.  
2                   Thomas stated that after he noticed he was  
3                   stabbed he got into his -- got into a personal  
4                   vehicle and went to the hospital.  I didn't  
5                   pursue what happened in between him noticing  
6                   he was stabbed and him getting in the vehicle.

7                   MS. WILLIFORD:  Did he make any  
8                   observation about when -- what time he was  
9                   actually stabbed?

10                  INVESTIGATOR PARKER:  He stated  
11                  that --

12                  MS. WILLIFORD:  He directly to  
13                  you.  Your direct communications with Mr.  
14                  Thomas.

15                  INVESTIGATOR PARKER:  There wasn't  
16                  a time attributed to Mr. Thomas --

17                  MS. WILLIFORD:  Did Mr. Thomas say  
18                  anything about -- he said that there was this  
19                  that happened outside.  Did he say anything  
20                  about any Mood employees being outside while  
21                  this happened?

22                  INVESTIGATOR PARKER:  I asked him

1 the question and he stated that Mood -- that  
2 Mood staff did not witness the fight or the  
3 stabbings because they happened outside on the  
4 sidewalk and in the street.

5 MS. WILLIFORD: And he continues  
6 by saying they were over quickly?

7 INVESTIGATOR PARKER: And they  
8 were over very quickly; yes, ma'am.

9 MS. WILLIFORD: Did you ask Mr.  
10 Thomas whether he was consuming any alcohol  
11 that evening?

12 INVESTIGATOR PARKER: He said he  
13 did not consume alcohol at Mood that night.

14 MS. WILLIFORD: So in your  
15 conversation with Jason Thomas he confirms  
16 that no employees within Mood Lounge witnessed  
17 a fight?

18 MR. STERN: Objection.

19 CHAIRPERSON MILLER: All right.  
20 All right.

21 MR. STERN: I just can't ignore  
22 that.

1 CHAIRPERSON MILLER: Didn't he  
2 testify to that already?

3 MR. STERN: And he just testified,  
4 but --

5 MS. WILLIFORD: Okay. All right.  
6 So one of the bases of your conclusion that  
7 there was an assault with a deadly weapon was  
8 Jason -- your account with Jason Thomas. And  
9 in addition there was a second-hand account  
10 from Detective Jackson relaying her  
11 understanding with Jason Thomas, correct?

12 INVESTIGATOR PARKER: Yes.

13 MS. WILLIFORD: Was there anything  
14 else that supported your basis for a  
15 conclusion?

16 INVESTIGATOR PARKER: The PD-251,  
17 Exhibit 1 of the report.

18 MS. WILLIFORD: Okay. And the 251  
19 that you're referring to is in fact -- that is  
20 the account of the police officer, correct, of  
21 what happened?

22 INVESTIGATOR PARKER: Yes, not

1 Detective Jackson. I believe that's authored  
2 by Officer Mayer.

3 MS. WILLIFORD: Okay. And what  
4 specifically within that 251 caused --  
5 supports your conclusion that there was an  
6 assault at Mood?

7 INVESTIGATOR PARKER: On the 251  
8 report it classifies the incident somewhere  
9 near the top left or somewhere as an ADW. The  
10 narrative of the incident, which is included  
11 on pages 1 and 2 of my report he begins by  
12 stating, "C1 and C2, while standing in front  
13 of the listed location sustained the listed  
14 injuries during an assault by unknown suspects  
15 who used an unknown weapon."

16 MS. WILLIFORD: And so -- and that  
17 statement is a statement that you were  
18 referring in an earlier questioning that you  
19 -- that they reached conclusively, that -- you  
20 made the testimony that it was reached  
21 conclusively?

22 MEMBER ALBERTI: Do you understand

1 the question? I don't understand the  
2 question.

3 MS. WILLIFORD: Okay. I will  
4 rephrase. That statement that there were two  
5 -- "C1 and C2, while standing in front of the  
6 listed location," you do not know who  
7 specifically relayed that information to MPD,  
8 correct?

9 INVESTIGATOR PARKER: Well, during  
10 my conversations with MPD it was determined  
11 that the information the reported was provided  
12 by Mr. Thomas, Mr. King, as well as the other  
13 witness or victim. I'm not sure how he's  
14 described by MPD.

15 MS. WILLIFORD: Mr. Thomas, Mr.  
16 King and who was the other victim that you  
17 just referred to?

18 INVESTIGATOR PARKER: Someone else  
19 or some -- I'm not sure if he was a victim or  
20 a witness according to MPD, but there was a  
21 third person who they spoke to that provided  
22 them the -- part of the information to get

1 their conclusion.

2 MS. WILLIFORD: So as you stand  
3 here today you don't know who that third  
4 person is?

5 INVESTIGATOR PARKER: I do not.

6 MS. WILLIFORD: And you didn't --  
7 so you didn't speak to that person?

8 INVESTIGATOR PARKER: I did not.

9 MS. WILLIFORD: And while we're on  
10 the incident report that you're referencing,  
11 which is attachment 1 to your -- the incident-  
12 based event report, the 251, which is  
13 attachment 1 to your incident report, do you  
14 have that before you?

15 INVESTIGATOR PARKER: I do not.

16 MS. WILLIFORD: Okay. If you can  
17 turn to --

18 INVESTIGATOR PARKER: I do not  
19 have it.

20 MS. WILLIFORD: May I approach?

21 Thank you, sir. On the first page  
22 -- do you have it before you?

1 INVESTIGATOR PARKER: Yes, ma'am.

2 MS. WILLIFORD: So I'm looking at  
3 the first page of attachment 1 and it has a  
4 section that says victim 2/complainant,  
5 reporting person. Do you see that?

6 INVESTIGATOR PARKER: Yes, ma'am.

7 MS. WILLIFORD: Underneath that it  
8 says, No. 1 victim named Marquis King.

9 INVESTIGATOR PARKER: Yes.

10 MS. WILLIFORD: You see that?

11 INVESTIGATOR PARKER: Yes, ma'am.

12 MS. WILLIFORD: If you go over  
13 one, two, three, four slots, it has date of  
14 birth. Do you see that?

15 INVESTIGATOR PARKER: Yes, ma'am.

16 MS. WILLIFORD: What is the date  
17 of birth that's listed under there?

18 INVESTIGATOR PARKER: 12/12/1990.

19 MS. WILLIFORD: If someone was  
20 born 12/12/1990, do you have an understanding  
21 of how old they would be on 12/30/2011?

22 INVESTIGATOR PARKER: Twenty-one

1 years old.

2 CHAIRPERSON MILLER: Ms.  
3 Williford, do you have a lot more questions  
4 down this line?

5 MS. WILLIFORD: I do.

6 CHAIRPERSON MILLER: You do,  
7 because for me when I hear that, it's -- I  
8 think that that speaks for itself, how old  
9 somebody is when they're born in 1990.

10 MS. WILLIFORD: Well --

11 CHAIRPERSON MILLER: I don't know  
12 why this witness has to answer that question.

13 MS. WILLIFORD: There was -- if I  
14 may, there was a distinct reference that he  
15 made to Marquis King being under age, which I  
16 think is significant within here. And I mean,  
17 MPD has a listing of the date of birth that is  
18 right there, so I think it's highly --

19 CHAIRPERSON MILLER: Okay. That's  
20 the point of that question? Okay.

21 MS. WILLIFORD: Yes. Okay. You  
22 mentioned the 251 report, your independent

1 communication with Jason Thomas, as well as  
2 your communication with Detective Jackson. Is  
3 there any other basis on which you -- any  
4 other facts that you base your conclusion of  
5 there being --

6 MEMBER ALBERTI: This has been  
7 asked and answered.

8 CHAIRPERSON MILLER: Okay. Do you  
9 want to speak to that?

10 MEMBER ALBERTI: Ms. Williford, I  
11 believe that this has been asked and answered.  
12 I don't know how many times you've asked him  
13 the basis for his conclusions, and it's always  
14 -- he always gives you the same answer. It  
15 may not be the answer that you like, or you  
16 may want to hammer that point home to us, but  
17 I am surprised that Mr. Stern hasn't objected  
18 because this line of questioning has been  
19 asked and answered over and over.

20 MS. WILLIFORD: With all due  
21 respect, I actually don't think that it's --  
22 this is basically the crux of the case.

1 Everything that he is putting into this report  
2 is taken as fact, and it's important that we  
3 parse that out and figure out what is exactly  
4 the basis of it. And when you get to the core  
5 of it, it is very important for this Board to  
6 understand, the Board to be made --

7 MEMBER ALBERTI: And, I know. And  
8 you have been allowed a lot of leeway in  
9 parsing that out. So I am not the chair, but  
10 I ask, respectfully ask that you tighten up a  
11 little bit. And so, I ask the Chair to be  
12 very mindful and very focused on what your  
13 questions are coming up to see that it doesn't  
14 cover ground that we've already been over.

15 Thank you, Madam Chair.

16 CHAIRPERSON MILLER: Okay. I  
17 think we just -- we need to be -- you need to  
18 be a little focused because we think we've  
19 heard him say that, yes, he's relied on,  
20 except for certain things firsthand, what the  
21 police officers told him. And then you seem  
22 to be picking away at that, that basically he

1       relied on them.  No, he didn't hear it  
2       firsthand.  I mean, I understand.  It seems  
3       like that's your point.

4                   As far as the age, you know, you  
5       could have asked him what did he rely on to  
6       determine the person was 21 years old.  Okay.  
7       You now, I can't tell.  I'm not clairvoyant.  
8       I didn't know why you were asking that  
9       question.  I thought you were picking at a  
10      report.

11                   MS. WILLIFORD:  Okay.

12                   CHAIRPERSON MILLER:  So maybe you  
13      can just be a little focused if you -- you  
14      know, why you might need to be asking certain  
15      questions.

16                   MS. WILLIFORD:  Okay.  I will.

17                   CHAIRPERSON MILLER:  Okay.  Don't  
18      want to limit you, you know, of not getting  
19      evidence that you need.

20                   MS. WILLIFORD:  In your report  
21      there's also reference to blood spots that you  
22      -- that were identified as being outside of

1 Mood Lounge, correct?

2 INVESTIGATOR PARKER: Yes, ma'am.

3 MS. WILLIFORD: In connection with  
4 your investigation were -- was there anything  
5 about the blood that was outside of Mood  
6 Lounge that connected it to the victims within  
7 Howard University?

8 INVESTIGATOR PARKER: I did not  
9 investigate the blood spots. That was  
10 Supervisory Investigator Stewart, as well as  
11 Training Investigator Maisel. I accepted the  
12 information from them. They received the  
13 information regarding the blood spots from MPD  
14 on the scene.

15 MS. WILLIFORD: Board's  
16 indulgence. I want to --

17 CHAIRPERSON MILLER: Okay.

18 MS. WILLIFORD: No further  
19 questions.

20 CHAIRPERSON MILLER: Okay. Thank  
21 you.

22 MS. WILLIFORD: Sure.

1 CHAIRPERSON MILLER: Are there  
2 Board questions?

3 MEMBER ALBERTI: I have a few.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER ALBERTI: Thank you, Madam  
6 Chair.

7 And I am going to be very short  
8 here, Investigator Parker. Did you see the  
9 blood stains on the street?

10 INVESTIGATOR PARKER: I glanced at  
11 them; yes, sir. I didn't get a close look at  
12 them, but I did see where they were.

13 MEMBER ALBERTI: And did you  
14 observe the blood splatters on the sidewalk?

15 INVESTIGATOR PARKER: I recall --  
16 I don't recall the specific location, but I  
17 saw the blood splatter. Like I said, I relied  
18 on Stewart -- Supervisor Stewart for --

19 MEMBER ALBERTI: So you don't  
20 really have an assessment of how close they  
21 were to the lounge?

22 INVESTIGATOR PARKER: I don't,

1 sir, that I can present, no. No, sir.

2 MEMBER ALBERTI: Were they on the  
3 sidewalk?

4 INVESTIGATOR PARKER: I remember  
5 them on the sidewalk. I also remember them in  
6 the white street line.

7 MEMBER ALBERTI: Okay.

8 INVESTIGATOR PARKER: So I guess  
9 that could have been some --

10 MEMBER ALBERTI: But do you  
11 remember them on the sidewalk? Yes or no? It  
12 doesn't matter. If you don't remember,  
13 that's. fine.

14 INVESTIGATOR PARKER: I don't  
15 remember the specific location. I don't want  
16 to say yes or no.

17 MEMBER ALBERTI: Okay. Fine. Did  
18 you determine the number of cameras that were  
19 installed, whether they -- both operable and  
20 inoperable that evening?

21 INVESTIGATOR PARKER: There were  
22 seven surveillance cameras which I would say

1 were at the establishment when I was there.

2 MEMBER ALBERTI: Only seven?

3 There weren't additional inoperable cameras?

4 Or you don't know?

5 INVESTIGATOR PARKER: I only

6 reviewed the cameras from the video monitor

7 system, which is -- it displayed seven. I did

8 not walk around the establishment to count the

9 ones that were inside the establishment.

10 MEMBER ALBERTI: Okay. Thank you.

11 Thank you. Let's go back to the age. Did you

12 state in your testimony that this -- Mr. King,

13 I guess it is, was under 21?

14 INVESTIGATOR PARKER: I stated

15 that according to Metropolitan Police

16 Department there was a discrepancy with his

17 age. I'm unsure of the details of that

18 discrepancy, but it was determined by MPD that

19 he was under 21 years of age.

20 MEMBER ALBERTI: Okay. So that is

21 the information that's been relayed to you?

22 INVESTIGATOR PARKER: Yes.

1                   MEMBER ALBERTI: Thank you. Now  
2 you actually spoke with Mr. Thomas?

3                   INVESTIGATOR PARKER: Yes, sir.

4                   MEMBER ALBERTI: Was he in the  
5 hospital then?

6                   INVESTIGATOR PARKER: Yes, he was.

7                   MEMBER ALBERTI: Okay. What was  
8 his condition at that point in terms of being  
9 able to answer questions?

10                  INVESTIGATOR PARKER: He -- I've  
11 had previous contact with Mr. Thomas, who I  
12 know. He was definitely not himself.

13                  MEMBER ALBERTI: Okay. Do you  
14 think he understood your questions and was  
15 able to answer them?

16                  INVESTIGATOR PARKER: Yes, he  
17 understood what I was saying. He was able to  
18 answer the question.

19                  MEMBER ALBERTI: I want to know  
20 the nature of that conversation. In here you  
21 state that Mr. Thomas stated that he must have  
22 been stabbed during the initial altercation

1 between two unknown groups approximately 20  
2 minutes prior to him noticing he was bleeding.  
3 All right? Okay. You also say that Mr.  
4 Thomas stated that approximately 20 minutes  
5 later -- all right. Mr. Thomas said he was  
6 not involved in the altercation, but he was  
7 standing in the middle of two parties during  
8 the fight. Mr. Thomas stated that  
9 approximately 20 minutes later he was informed  
10 that Mr. King had been stabbed by an unknown  
11 person. Did he say what he did during that 20  
12 minutes?

13 INVESTIGATOR PARKER: I think Mr.  
14 Thomas' statement was -- implied that he  
15 stayed outside of the establishment.

16 MEMBER ALBERTI: That he stayed  
17 outside?

18 INVESTIGATOR PARKER: Yes, sir.

19 MEMBER ALBERTI: Okay. All right.  
20 Okay. Now Mr. Thomas' reference to the fact  
21 that Mood staff did not witness the fight, all  
22 right, was that in response to a question you

1 asked?

2 INVESTIGATOR PARKER: I did ask  
3 the question; yes, sir.

4 MEMBER ALBERTI: And what did you  
5 ask him?

6 INVESTIGATOR PARKER: I said where  
7 was security when the fight happened? He said  
8 they did not observe the fight or the  
9 stabbing.

10 MEMBER ALBERTI: Oh, but he never  
11 answered where security was?

12 INVESTIGATOR PARKER: No, he said  
13 that they did not observe it.

14 MEMBER ALBERTI: But he didn't  
15 tell you where security was, is that correct?

16 INVESTIGATOR PARKER: No, sir.  
17 And the question could have been phrased of  
18 was security there or in that context, but the  
19 question was asked of security during the  
20 course of this incident.

21 MEMBER ALBERTI: Right. But you  
22 recollect he never told you that he knew where

1 security was?

2 INVESTIGATOR PARKER: He -- I  
3 believe he said the door was closed. May I  
4 please --

5 MEMBER ALBERTI: Sure. If you  
6 have additional notes that are not -- you  
7 don't have -- this is not in your report.  
8 That's why I'm asking.

9 INVESTIGATOR PARKER: Oh, yes, he  
10 didn't say where security was at all. I asked  
11 him what did security do or something to that  
12 effect, and he stated that Mood staff didn't  
13 know anything about the fight or the stabbing.

14 MEMBER ALBERTI: Okay. So that  
15 was -- okay. That was his conjecture? All  
16 right. Thank you. I have no further  
17 questions.

18 CHAIRPERSON MILLER: Any questions  
19 down here?

20 (No response.)

21 CHAIRPERSON MILLER: Okay. Mr.  
22 Parker, did you say you know Mr. Thomas?

1                   INVESTIGATOR PARKER: In a  
2 professional capacity. He's a club promoter  
3 that I've seen at ABC establishments around  
4 the city.

5                   CHAIRPERSON MILLER: And you saw  
6 him at the hospital, is that right?

7                   INVESTIGATOR PARKER: No, I had a  
8 phone --

9                   CHAIRPERSON MILLER: Where did  
10 you --

11                  INVESTIGATOR PARKER: --  
12 conversation with him. He was in the  
13 hospital.

14                  CHAIRPERSON MILLER: When was  
15 that?

16                  INVESTIGATOR PARKER: I was --

17                  CHAIRPERSON MILLER: When was that  
18 conversation?

19                  INVESTIGATOR PARKER: That was on  
20 January 3rd, 2012 at 10:40 a.m.

21                  CHAIRPERSON MILLER: Okay. So he  
22 was recovering in the hospital at the time.

1 And was he on medication?

2 INVESTIGATOR PARKER: I believe he  
3 was on medication. I'm unsure.

4 CHAIRPERSON MILLER: And when you  
5 said he wasn't himself, what do you mean?

6 INVESTIGATOR PARKER: He -- I made  
7 the determination about medication because of  
8 the way his voice sounded. He sounded groggy.

9 CHAIRPERSON MILLER: And have you  
10 had any conversation with him since?

11 INVESTIGATOR PARKER: I spoke to  
12 him briefly today.

13 CHAIRPERSON MILLER: And --

14 INVESTIGATOR PARKER: Asked him  
15 was he okay.

16 CHAIRPERSON MILLER: Okay. Did  
17 you talk to him about the incident anymore?

18 INVESTIGATOR PARKER: No, I just  
19 asked him how he was feeling, if he was okay.

20 CHAIRPERSON MILLER: How is he?

21 INVESTIGATOR PARKER: I think he  
22 said he's getting better.

1                   CHAIRPERSON MILLER: Okay. With  
2 request to the -- with respect to the question  
3 regarding age, do you think that there was a  
4 mistake in the report that opposing counsel  
5 was referring to?

6                   INVESTIGATOR PARKER: In the PD-  
7 251?

8                   CHAIRPERSON MILLER: Where it had  
9 the date of birth.

10                  INVESTIGATOR PARKER: I will  
11 prefer not to make a determination of where  
12 the mistake occurred because this is a MPD  
13 report as opposed to a ABRA report, but I know  
14 that the initial statements we received from  
15 MPD was that there was confusion or some time  
16 of conflict and what his real age was. But it  
17 was determined that he was a minor, or under  
18 21 years of age.

19                  CHAIRPERSON MILLER: Okay. And  
20 with respect to the cameras, there were seven  
21 cameras or video equipment that weren't  
22 operating that night. Was that it?

1                   INVESTIGATOR PARKER:  There were  
2                   seven live video feeds on the display screen;  
3                   nine which were -- which stated video lost.  
4                   I did not go around the establishment to see  
5                   if they had 16 total.  I was just focused on  
6                   obtaining the footage from that night as  
7                   opposed to seeing where the cameras were  
8                   located.

9                   CHAIRPERSON MILLER:  But there was  
10                  no footage obtained, correct?

11                  INVESTIGATOR PARKER:  No.

12                  CHAIRPERSON MILLER:  Because they  
13                  were all not turned on, or they were all  
14                  broken in some way, or what?

15                  INVESTIGATOR PARKER:  There is two  
16                  components to the surveillance camera system,  
17                  the video surveillance live feed screen, as  
18                  well as the DVR, which is the recording  
19                  apparatus.  Whether the screen which displays  
20                  the footage is on or not, if the DVR is  
21                  operable, it will still be recording in most  
22                  cases.  So the screen, it was off initially

1 when we arrived at the establishment. It was  
2 later turned on, like I said, like a  
3 television. But that didn't have an effect on  
4 what was recording on the DVR system. Nothing  
5 from the night of this incident was recording  
6 on the DVR system.

7 CHAIRPERSON MILLER: But in order  
8 for it to have been working all it would have  
9 had -- all that would have had to have been  
10 done is turn it on, right? Or no?

11 INVESTIGATOR PARKER: No, ma'am.

12 CHAIRPERSON MILLER: I mean, the  
13 equipment -- was the equipment operable or --

14 INVESTIGATOR PARKER: It was my  
15 determination as well as statements from Ms.  
16 Beyene that the system itself was inoperable  
17 as far as recording video footage from that  
18 night.

19 CHAIRPERSON MILLER: Okay. And I  
20 have just one other question, and that's it.  
21 I think you said there were three security  
22 guards there when you got there?

1                   INVESTIGATOR PARKER: Well, when  
2 we got there, I didn't identify the three  
3 security guards. I believe three was the  
4 statement from Mr. Bond.

5                   CHAIRPERSON MILLER: Okay. Okay.  
6 And that's in the report?

7                   INVESTIGATOR PARKER: I believe  
8 so. Yes, sir. Yes, ma'am.

9                   CHAIRPERSON MILLER: Okay. I  
10 don't have any other questions. Board  
11 members?

12                  MEMBER ALBERTI: Just one follow  
13 up --

14                  CHAIRPERSON MILLER: Yes.

15                  MEMBER ALBERTI: -- to follow up  
16 on the Chair's question about the operability  
17 of the camera system. So you actually -- you  
18 did have a conversation; it's not in your  
19 report, I don't think, with Ms. Beyene about  
20 whether or not the system was operable?

21                  INVESTIGATOR PARKER: Ms. Beyene  
22 made the statement during my initial

1 conversation -- Ms. Beyene made the statement  
2 that the surveillance cameras were inoperable.

3 MEMBER ALBERTI: Okay. So that  
4 was -- okay. Thank you.

5 MR. STERN: I just have one or two  
6 questions. investigator --

7 CHAIRPERSON MILLER: Okay. Wait,  
8 wait. Do you have a -- wait, wait. I'm  
9 sorry. Ms. Mobley --

10 MR. STERN: Oh, I'm sorry. Didn't  
11 realize. Go ahead and ask --

12 MEMBER MOBLEY: I'm sorry. I have  
13 questions, maybe three or four questions.

14 Very quickly, when you arrived at  
15 Mood Lounge how did you enter the front door?  
16 Was it locked?

17 INVESTIGATOR PARKER: I don't  
18 recall if the door was locked or unlocked.

19 MEMBER MOBLEY: How did you gain  
20 entrance?

21 INVESTIGATOR PARKER: I initially  
22 gained entrance to the crime scene by

1        requesting MPD approval to enter the crime  
2        scene. Once on the crime scene I spoke  
3        briefly to Supervisor Stewart and then I  
4        recall the investigative team entering the  
5        establishment. I'm unsure if the door was  
6        locked.

7                    MEMBER MOBLEY: Okay. Was there a  
8        guard stationed there?

9                    INVESTIGATOR PARKER: Inside the  
10       door I do remember there being staff of Mood.  
11       I don't remember anyone being outside.

12                   MEMBER MOBLEY: Okay. And when  
13       you entered was it light or dark inside of  
14       Mood Lounge?

15                   INVESTIGATOR PARKER: The doorways  
16       is pretty dark. Soon as you walk into the  
17       foyer area, I guess it would be fined as, it's  
18       quite dark. And soon as we went in the door,  
19       we made a sharp right to go up the stairs,  
20       which are also dark, to the second floor.

21                   MEMBER MOBLEY: Okay. So when you  
22       went upstairs and you talked with the owner

1 and you questioned her about the monitor, and  
2 she did provided you a conversation or set up  
3 a conversation between you and Mr. Deckly?

4 INVESTIGATOR PARKER: Yes. Yes,  
5 ma'am.

6 MEMBER MOBLEY: Okay. On Exhibit  
7 3, out of the 16 camera monitors, 7 are  
8 working? This, what we're looking at?

9 INVESTIGATOR PARKER: Yes, ma'am.

10 MEMBER MOBLEY: Okay.

11 INVESTIGATOR PARKER: Seven are  
12 displaying a live feed.

13 MEMBER MOBLEY: Seven? And I'm  
14 just -- out of curiosity, the seven that are  
15 working, did you take note of what they were  
16 actually filmed?

17 INVESTIGATOR PARKER: I observed a  
18 couple of them were at the bar. I did not do  
19 a detailed summary of what each camera was  
20 recording, because at the time I was just  
21 focused on trying to obtain the footage and  
22 get my hands on it. I haven't been back to

1 Mood since to do any subsequent checks of the  
2 surveillance camera system.

3 MEMBER MOBLEY: Okay. And then on  
4 Exhibit 5, again, troubleshooter is Mr.  
5 Deckly? We're talking about system status?

6 INVESTIGATOR PARKER: Yes, ma'am.

7 MEMBER MOBLEY: Okay. It says  
8 here that the IP port was disconnected. Did  
9 you let Mr. Deckly know that? Because it's my  
10 understanding that if the IP port is  
11 disconnected you're not going to have a feed  
12 for the DVR.

13 INVESTIGATOR PARKER: That was  
14 part of my conversation with Mr. Deckly, as  
15 well as other things, including the video log  
16 screen. I stated he would tell me what to do.  
17 I would do it and then tell what the screen  
18 said.

19 MEMBER MOBLEY: Okay. All right.  
20 Very good. That's all my questions.

21 CHAIRPERSON MILLER: Okay.

22 MR. STERN: Yes, thank you.

1 Investigator, I want to bring your mind back  
2 to January 3rd, 2012. Don't look at your  
3 report. It's not in there. 2012, on the  
4 morning. Were you in attendance at a meeting  
5 with MPD, ABRA, myself and both the  
6 investigators and the head of ABRA?

7 INVESTIGATOR PARKER: Yes, sir, I  
8 was.

9 MR. STERN: Was there a discussion  
10 during that meeting regarding the age of the  
11 Mr. King?

12 INVESTIGATOR PARKER: Yes, sir,  
13 there was.

14 MR. STERN: Okay. Do you recall  
15 -- thinking more of that, do you recall what  
16 MPD said about the age of the Respondent?

17 INVESTIGATOR PARKER: I recall  
18 that's where I gathered the information that  
19 MPD expressed that there was a discrepancy  
20 with the -- with Mr. King's age and they  
21 confirmed, or concluded; excuse me, that he  
22 was under 21.

1 MR. STERN: Do you know whether or  
2 not there was a specific -- in that discussion  
3 a specific reference to the 251 and that the  
4 age in there was incorrect?

5 INVESTIGATOR PARKER: Officer  
6 Mayer I believe stated that that date was  
7 incorrect, but Detective Jackson provided  
8 other dates of birth for Mr. King.

9 MR. STERN: Right, and not the  
10 date that's in the 251?

11 INVESTIGATOR PARKER: Yes, sir.

12 MR. STERN: Thank you. That's all  
13 I have.

14 CHAIRPERSON MILLER: Okay.

15 MR. STERN: Oh, actually, I'm  
16 sorry. I do have just one other thing.

17 You were asked a lot of things  
18 about what made you conclude there was an  
19 assault at Mood?

20 INVESTIGATOR PARKER: Yes, sir.

21 MR. STERN: You mentioned the  
22 blood. Did the blood have anything to do with

1       whether or not you thought there might an  
2       assault?

3                   INVESTIGATOR PARKER:  There was  
4       blood outside and that was, I'm sure, part of  
5       the determination for MPD as well as ABRA.

6                   MR. STERN:  Thank you.

7                   CHAIRPERSON MILLER:  Okay.  Mr.  
8       Nophlin?

9                   MEMBER NOPHLIN:  Thank you, Madam  
10      Chair.  Just one quick question.

11                   Investigator Parker, you didn't  
12      see any blood inside?

13                   INVESTIGATOR PARKER:  No, sir.

14                   MEMBER NOPHLIN:  At all?  And the  
15      second part of the question is how cooperative  
16      was the Licensee?

17                   INVESTIGATOR PARKER:  The Licensee  
18      I would classify as being cooperative.  Like  
19      I previously stated, she wasn't happy to see  
20      us under these circumstances on this night,  
21      but there wasn't anything that I would  
22      classify as being uncooperative.

1                   MEMBER NOPHLIN: Thank you.

2                   That's all I have.

3                   CHAIRPERSON MILLER: I know it's  
4                   getting late, so that's my excuse, but could  
5                   you just refresh my memory as to where the  
6                   information came from that somebody alleged  
7                   that the altercation took place inside? Was  
8                   it Ms. Jackson's conversation with one of the  
9                   victims? Are you aware of what I'm even  
10                  asking?

11                  INVESTIGATOR PARKER: Please say  
12                  it again?

13                  CHAIRPERSON MILLER: Unless I'm  
14                  mistaken, I thought that there was an  
15                  allegation that an altercation took place  
16                  inside and then a group of so many went  
17                  outside. And I'm asking do you know where  
18                  that allegation came from, if you're even  
19                  familiar with that allegation?

20                  INVESTIGATOR PARKER: I had  
21                  information from Mr. Bond. He classified it  
22                  as a commotion as he was trying to escort

1 people out. There were statements. MPD had  
2 other witnesses I believe that gave additional  
3 information about things that occurred inside,  
4 but the only information that I had regarding  
5 inside directly was from Mr. Bond who stated  
6 that a commotion occurred as he was trying to  
7 escort people out.

8 CHAIRPERSON MILLER: Okay. Thank  
9 you. Okay. Other questions?

10 (No response.)

11 CHAIRPERSON MILLER: Any other  
12 questions?

13 MR. STERN: No.

14 CHAIRPERSON MILLER: Okay. Then I  
15 guess you can be excused, Mr. Parker. All  
16 right? Thank you very much.

17 MR. WOODSON: May I --

18 CHAIRPERSON MILLER: I'm sorry,  
19 did you have a question?

20 MR. WOODSON: Yes, can I ask one  
21 question?

22 CHAIRPERSON MILLER: Okay.

1 MR. WOODSON: Investigator, is  
2 there a difference in your experience between  
3 a commotion and an altercation?

4 INVESTIGATOR PARKER: It's -- I  
5 guess I've seen them used interchangeable.  
6 I've seen them used very differently,  
7 depending on the person presenting how they  
8 see it in their mind.

9 MR. WOODSON: In this circumstance  
10 is there a difference between a commotion and  
11 an altercation?

12 INVESTIGATOR PARKER: The incident  
13 that was described by Mr. Bond in my report,  
14 he used "commotion." I'm not sure how you're  
15 using "altercation," or if it's comparable.

16 MR. WOODSON: In that discussion  
17 with Mr. Bond, do you believe -- is it your  
18 view that the description of a commotion was  
19 consistent with his description of the  
20 circumstances?

21 INVESTIGATOR PARKER: The  
22 circumstances being?

1 MR. WOODSON: People were smoking  
2 and they were escorted out.

3 INVESTIGATOR PARKER: That would  
4 be -- are you -- you're asking if I think that  
5 was a commotion?

6 MR. WOODSON: If you believe that  
7 his characterization of that as a commotion  
8 was consistent with the facts.

9 INVESTIGATOR PARKER: And what are  
10 the facts we're referring --

11 MR. WOODSON: That he was --  
12 people were escorted out because they were  
13 smoking.

14 INVESTIGATOR PARKER: Do I believe  
15 what he was saying to be true? Is that what  
16 you're asking?

17 MR. WOODSON: Okay.

18 CHAIRPERSON MILLER: I don't  
19 understand. You're trying to say that  
20 whatever happened in there, that he described,  
21 would you consider commotion --

22 MEMBER ALBERTI: But he didn't --

1 CHAIRPERSON MILLER: -- correct  
2 word to describe it, but --

3 MEMBER ALBERTI: But he didn't  
4 describe it. He just said people were  
5 escorted out.

6 CHAIRPERSON MILLER: Well, I don't  
7 know if Mr. Woodson --

8 MEMBER ALBERTI: He did not --

9 CHAIRPERSON MILLER: -- described  
10 it the same way.

11 MEMBER ALBERTI: Well, if I  
12 understand Investigator Parker, Investigator  
13 Parker never testified that Mr. Bond described  
14 the interaction other than to say it was a  
15 confusion.

16 CHAIRPERSON MILLER: Commotion.

17 MEMBER ALBERTI: Commotion. I'm  
18 sorry. Commotion. And if I understand it,  
19 that's the testimony of Mr. Parker. Mr.  
20 Parker never testified that Mr. Bond described  
21 the interaction in any more detail. So there  
22 are no facts --

1 CHAIRPERSON MILLER: Did you  
2 testify --

3 MEMBER ALBERTI: -- as I  
4 understand it.

5 CHAIRPERSON MILLER: Did you  
6 testify --

7 INVESTIGATOR PARKER: No, the only  
8 thing -- the description I had was commotion.

9 CHAIRPERSON MILLER: He just said  
10 what happened was a commotion?

11 INVESTIGATOR PARKER: Right.

12 MR. WOODSON: Nothing further.

13 CHAIRPERSON MILLER: Okay.

14 MR. STERN: Nothing.

15 CHAIRPERSON MILLER: Thank you  
16 very much.

17 MR. STERN: Thank you.

18 CHAIRPERSON MILLER: Have a good  
19 evening.

20 MR. STERN: And that is it.

21 CHAIRPERSON MILLER: That is it?

22 MR. STERN: Yes.

1 CHAIRPERSON MILLER: It's over?

2 MR. STERN: The District will  
3 submit.

4 CHAIRPERSON MILLER: That's it for  
5 the District's case?

6 MR. STERN: Yes.

7 CHAIRPERSON MILLER: Okay. Mr.  
8 Woodson, what do we have ahead of us?

9 MS. WILLIFORD: We have one  
10 witness left, the owner, Mimi Beyene.

11 CHAIRPERSON MILLER: Okay. We're  
12 going to take a five-minute recess, everyone,  
13 and then we'll come back with that.

14 We're off the record now.

15 (Whereupon, at 7:16 p.m. the  
16 above-entitled matter went off the record and  
17 resumed at 7:28 p.m.)

18 CHAIRPERSON MILLER: Okay. We're  
19 back on the record.

20 Good evening. Do you swear to  
21 tell the truth, the whole truth, nothing but  
22 the truth?

1 MS. BEYENE: Yes.

2 CHAIRPERSON MILLER: Okay. Thank  
3 you. Mr. Woodson, you're on.

4 MR. WOODSON: Thank you. It's  
5 been a long day. Could you please state your  
6 name for the record and spell both your first  
7 and last name?

8 MS. BEYENE: First name, Abeba, A-  
9 B-E-B-A. Last name Beyene, B-E-Y-E-N-E.

10 MR. WOODSON: Ms. Beyene, are you  
11 the owner of an establishment known as Mood  
12 Lounge?

13 MS. BEYENE: Yes.

14 MR. WOODSON: How long have you  
15 owned Mood Lounge?

16 MS. BEYENE: Since December 7th, I  
17 signed the lease, 2010.

18 MR. WOODSON: What type of license  
19 do you have?

20 MS. BEYENE: Tavern.

21 MR. WOODSON: A tavern license?  
22 Does your tavern license permit entertainment?

1 MS. BEYENE: Yes.

2 MEMBER NOPHLIN: Excuse me. Would  
3 you talk in the mic, please?

4 MS. BEYENE: Yes.

5 MEMBER NOPHLIN: Thank you very  
6 much.

7 MEMBER ALBERTI: Can you make sure  
8 the mic is on? Tap it once.

9 MS. BEYENE: Green, right?

10 MEMBER ALBERTI: Green, yes.  
11 Bright green?

12 MS. BEYENE: Yes. Yes, it's  
13 green. Thank you.

14 MEMBER ALBERTI: All right. I'm  
15 sorry.

16 MR. WOODSON: Tell us about Mood  
17 Lounge. What is the business like, the  
18 establishment like?

19 MS. BEYENE: It is --

20 MR. WOODSON: How large is the  
21 establishment? Was is its capacity?

22 MS. BEYENE: The capacity is 300

1 and 150 first floor, 150 for second floor.

2 But we normally use the first floor 80 percent  
3 of the time.

4 MR. WOODSON: What are your hours  
5 of operation?

6 MS. BEYENE: Weekdays 5:00 p.m. to  
7 2:00 a.m. Weekends, 5:00 p.m. to 3:00 a.m.

8 MR. WOODSON: What days are you  
9 actually open?

10 MS. BEYENE: Ninety-nine percent  
11 of the time Friday and Saturday. I can say 90  
12 percent of the time.

13 MR. WOODSON: How many employees  
14 do you have?

15 MS. BEYENE: I have -- I can count  
16 the part time employees as well?

17 MR. WOODSON: Well, why don't we  
18 start with full-time employees?

19 MS. BEYENE: I have 4 bartenders,  
20 1 manager and I have 10 securities.

21 MR. WOODSON: And you say --

22 MS. BEYENE: And bar -- we call

1       them bar back. They cleaning. Two cleaning  
2       staff.

3                   MR. WOODSON: You have two of  
4       them?

5                   MS. BEYENE: Yes.

6                   MR. WOODSON: Okay. Do you have  
7       that number of employees operating in Mood  
8       when -- each night that it is open?

9                   MS. BEYENE: Not necessarily.

10                  MR. WOODSON: Explain, please.

11                  MS. BEYENE: So it depends on what  
12       kind of event I have. If I have -- if I'm  
13       expecting, you know, more people, a good  
14       crowd, meaning number-wise, I schedule more.  
15       But most of the time it would be four  
16       bartenders and also about eight security  
17       staff.

18                  MR. WOODSON: Did you say eight?

19                  MS. BEYENE: Yes.

20                  MR. WOODSON: The security staff  
21       you have, did you hire all of them yourself?

22                  MS. BEYENE: Between me and my --

1 the ex-general manager.

2 MR. WOODSON: Okay. Has your  
3 staff been with you for any length of time?  
4 I mean, do you have high turnover, or do you  
5 have consistently the same staff?

6 MS. BEYENE: Consistently the  
7 same, because most of them I work with them.  
8 I work with them in the past in other  
9 establishment.

10 MR. WOODSON: Your security staff,  
11 when Mood is open on Friday and Saturday,  
12 where do these eight people -- what -- tell me  
13 about their work.

14 MS. BEYENE: Security?

15 MR. WOODSON: You say you have  
16 eight. You usually have eight.

17 MS. BEYENE: Security? The  
18 security?

19 MR. WOODSON: Yes.

20 MS. BEYENE: The days -- the  
21 nights I open first floor, I will always have  
22 two securities, at least two securities by the

1 door. And I don't really put them -- give  
2 them -- assign them where to be. Most of the  
3 time the minute that they arrive, they will  
4 have a few minutes meeting with the security  
5 manager and he will assign them who to --  
6 who's going to be where.

7 MR. WOODSON: Who is your security  
8 manager?

9 MS. BEYENE: Otis Bond.

10 MR. WOODSON: How long has he been  
11 with you?

12 MS. BEYENE: Since the day I  
13 opened.

14 MR. WOODSON: Since -- I'm sorry?

15 MS. BEYENE: Since the day the  
16 established opened.

17 MR. WOODSON: Okay. So tell us  
18 about the events at Mood. What kinds of  
19 events do you have?

20 MS. BEYENE: Different type of  
21 events. I do -- we do private parties. We do  
22 pre-weddings. We do Ethiopian night. We do

1 West African night. We do different type of  
2 night. Hispanic night. Depends on what day  
3 of the week.

4 MR. WOODSON: And what is your  
5 policy for admittance? Do you have an age  
6 limitation?

7 MS. BEYENE: Yes, no one is  
8 allowed under 21. You have to be 21.

9 MR. WOODSON: The security that  
10 you have, you said you had two at the door.  
11 What do they do?

12 MS. BEYENE: I normally have a  
13 female and a male security searching. And I  
14 will always have a cashier. And at the door  
15 I have a cashier and I also have another  
16 security. His job is just to check ID, all  
17 times check ID. And the minute after he check  
18 ID, he will pass it to the other people so  
19 they will get searched.

20 MR. WOODSON: All right. During  
21 the times -- during your closing period, do  
22 you have security stationed outside and inside

1 at the time Mood is closing normally?

2 MS. BEYENE: Yes.

3 MR. WOODSON: How long does it  
4 take for your establishment -- how long does  
5 it take for your patrons to leave Mood once  
6 you have reached closing time?

7 MS. BEYENE: That depends. When  
8 we have -- the night we have valet parking,  
9 valet people providing parking, they take too  
10 long. So the security staff has to stay  
11 outside longer because they bring the cars  
12 from the parking lot they park. That takes  
13 too long. So the security has to stay outside  
14 until all those people cleared up. And they  
15 go in, inside. But some days I don't bring  
16 valet.

17 MR. WOODSON: Sometimes you don't  
18 what?

19 MS. BEYENE: Some nights -- for  
20 example, the night of December 30th there was  
21 no valet available.

22 MR. WOODSON: Let's talk about the

1 night of December 30th.

2 MS. BEYENE: Yes.

3 MR. WOODSON: What time did you  
4 arrive at Mood? Well, let me ask this: how  
5 does Mood open? Who is it that opens Mood  
6 every night?

7 MS. BEYENE: I do.

8 MR. WOODSON: You do? You  
9 personally do?

10 MS. BEYENE: Yes.

11 MR. WOODSON: Does anyone else  
12 have the ability to open Mood physically?

13 MS. BEYENE: No, because there is  
14 a security code and nobody knows but me.

15 MR. WOODSON: And --

16 MS. BEYENE: And I always carry --  
17 I'm the only one who has a key for the  
18 establishment.

19 MR. WOODSON: So the corollary --  
20 that would also be true that you are the only  
21 one who can close Mood?

22 MS. BEYENE: Absolutely.

1 MR. WOODSON: And do you in fact  
2 close Mood personally every night that you're  
3 open?

4 MS. BEYENE: Every single night  
5 since we opened that.

6 MR. WOODSON: Okay. On the night  
7 of -- on the evening of December 29th over to  
8 December 30th, were you at Mood?

9 MS. BEYENE: Yes.

10 MR. WOODSON: What time did you  
11 arrive? That was a Thursday to a Friday,  
12 right?

13 MS. BEYENE: Yes.

14 MR. WOODSON: What time did you  
15 arrive on Thursday?

16 MS. BEYENE: I believe about  
17 around 9:00.

18 MR. WOODSON: And when you  
19 arrived, did you arrive alone? Were you with  
20 staff? How did that happen?

21 MS. BEYENE: The thing is when I  
22 arrive at Mood, if it's during the day or

1 night time, I always have somebody with me.

2 So one of the bartender were there. He drove  
3 by himself, but we met at the door to open the  
4 place. I open the place, but he has to be --  
5 somebody has to be with me. I just need --

6 MR. WOODSON: I didn't hear what  
7 you said.

8 MS. BEYENE: I don't -- when I  
9 open Mood, all the -- during the day or night  
10 time, I always have somebody with me.

11 MR. WOODSON: I see. Now when you  
12 opened Mood on the night of the 30th, did you  
13 -- was there a particular fee of operation  
14 that night for the lounge? Was it a regular  
15 club night?

16 MS. BEYENE: No. No.

17 MR. WOODSON: What was it?

18 MS. BEYENE: It was actually a  
19 friend of mine -- I can't say a friend of  
20 mine. He's one of my regular customer who has  
21 been a customer of Mood, even before that the  
22 places I've been working at. He's a good

1 customer of mine. He asked me to do a karaoke  
2 open mic night for a couple of hours. He  
3 actually asked me for a couple of hours. He  
4 has a few artists who wants to perform. So he  
5 did the invitation. He did the -- he is the  
6 one who did the invitation, invite. I allow  
7 that. I allow that.

8 I think he -- I don't know how he  
9 brought those people together, but I believe,  
10 from my understanding, the people who were in  
11 that lounge are all of them -- either they're  
12 related to one another, either they're friend  
13 or they came to see those young men perform.  
14 It was not just a regular Friday or Saturday  
15 night.

16 MR. WOODSON: Had you ever had a  
17 karaoke night before that?

18 MS. BEYENE: I have.

19 MR. WOODSON: Was it operated the  
20 same way?

21 MS. BEYENE: Pretty much.

22 MR. WOODSON: Did any of those

1 occasions -- were those occasions all -- did  
2 all of those occasions take place without  
3 incident?

4 MS. BEYENE: Yes. Nothing. Yes,  
5 most of the time nothing happens there.

6 MR. WOODSON: The night of the  
7 29th what would you say were the number of  
8 people who were in Mood that evening?

9 MS. BEYENE: According to the  
10 clicker, 53. I'm not sure if they count the  
11 DJ. Some people count the DJ. Some people  
12 don't. Fifty-three to fifty-four. But the  
13 actual clicker, it says 53 people.

14 MR. WOODSON: Do you use that  
15 device every night you're open?

16 MS. BEYENE: Yes.

17 MR. WOODSON: What is the purpose  
18 of using that device?

19 MS. BEYENE: It has couple of  
20 reason. If it's a night where like we're  
21 charging at the door, the cashier who collect  
22 the money and the clicker person who clicks

1 the amount of people who came in, to be able  
2 to balance the amount of the money.

3 Another reason for -- I remember  
4 back when I open, when business was good; I  
5 don't know what you call them, they're not  
6 fire -- fire marshal came in and they said  
7 what's your capacity? I explained to the  
8 gentleman. He wants to see a clicker. So  
9 according to that clicker, I believe, he  
10 compare how many people are in there. And  
11 ever since then he advise me to use the  
12 clicker. So ever since then every night I  
13 open, somebody's a clicker man. It has to be  
14 every --

15 MR. WOODSON: So that I understand  
16 it, the clicker serves two functions. One, it  
17 helps you balance your financials?

18 MS. BEYENE: Yes.

19 MR. WOODSON: The financial effect  
20 of the evening. And also it serves to ensure  
21 safety --

22 MS. BEYENE: Safety.

1 MR. WOODSON: -- with the proper  
2 number of people in the building?

3 MS. BEYENE: Yes.

4 MR. WOODSON: Let me speak about  
5 your licenses for a minute. In addition to  
6 the ABRA license, what other licenses do you  
7 have?

8 MS. BEYENE: I have a restaurant  
9 license. I can serve food. I also have -- I  
10 don't know if you're familiar with hookah,  
11 hookah license. Yes.

12 MR. WOODSON: Yes.

13 MS. BEYENE: I have those two.

14 MR. WOODSON: Okay. And have all  
15 of your licenses been in order since you've  
16 opened Mood?

17 MS. BEYENE: Yes.

18 MR. WOODSON: Are they in order --

19 MS. BEYENE: No, I'm sorry. I'm  
20 sorry. The hookah license -- the restaurant  
21 license and ABRA license, I -- when I bought  
22 the business it came with it. But the hookah,

1 I applied later, later, a few month ago to get  
2 that license.

3 MR. WOODSON: Have your licenses  
4 been in good standing since you've operated  
5 Mood?

6 MS. BEYENE: I believe so, yes.

7 MR. WOODSON: With the exception  
8 of course of this circumstance which brings us  
9 here tonight, all of your licenses have been  
10 operative and in good standing?

11 MS. BEYENE: Yes.

12 MR. WOODSON: The operation of  
13 your bar and your security inside, on that  
14 night of the 29th and the 30th were you  
15 resident in your office the entire night, or  
16 did you move about in the establishment?

17 MS. BEYENE: I never stay in my  
18 office. I go -- I'm everywhere. I go at the  
19 door. I go up front. I go outside regardless  
20 of how cold or hot it is. I always check  
21 outside. I always go back to the bar and see  
22 not only what the bartenders are doing -- me

1 being a -- I've been a bartender for 13 years  
2 before this, so if anybody's standing around  
3 waiting for a drink, if the bar busy, I help  
4 out at the bar. Anything that needs to be  
5 done, I do. I'm always aware of my  
6 environment. If anything is happening. I  
7 check the DJ area. I'm everywhere basically.

8 MR. WOODSON: On the night of the  
9 29th and the 30th, did you -- was that the  
10 same situation then? Were you everywhere  
11 again?

12 MS. BEYENE: All the time. All  
13 the time.

14 MR. WOODSON: On the night of the  
15 29th and the 30th, did you work the bar?

16 MS. BEYENE: I probably been to  
17 the bar three, four, five times, yes. Go in  
18 and out and in and out.

19 MR. WOODSON: So during the period  
20 of -- what time did you actually open that  
21 night?

22 MS. BEYENE: 10:00.

1 MR. WOODSON: At 10:00?

2 MS. BEYENE: Yes.

3 MR. WOODSON: Do you recall what  
4 time you closed?

5 MS. BEYENE: When I turn the light  
6 and -- the light on, it will be around 12 --  
7 12:20, 12:30.

8 MR. WOODSON: During the -- that's  
9 about -- that's two, two-and-a-half hours.

10 MS. BEYENE: Yes.

11 MR. WOODSON: During that two or  
12 two-and-a-half hours time did you have  
13 occasion to see or know of any altercations or  
14 altercations taking place within Mood?

15 MS. BEYENE: No, the matter of  
16 fact, I remember I was behind the bar, that --  
17 Shanti Williams, when she testify about three  
18 gentlemen, I'm the one who saw one of the guys  
19 smoking and told the security manager, you  
20 know, to keep -- you know, I'm the one who  
21 send him. I didn't go there to send him, but  
22 I looked at him. I'm -- I was behind the bar.

1 We looked at each other. I always -- I told  
2 them, like I always do. If I see something,  
3 either smoking or anything, I always address  
4 to my securities. And with my eye contact I  
5 told him to go there.

6 It wasn't altercation. I saw one  
7 of the gentlemen. The way it's set up, I can  
8 see and it was like -- just like there, where  
9 the young man's over there. He was right  
10 across from me. There is a projector and he  
11 was in front of the projector smoking. There  
12 were three of them. So I am the one who told  
13 him to go that way.

14 MR. WOODSON: Okay. When you had  
15 the eye contact with your security people,  
16 they knew what you meant in your eye contact?

17 MS. BEYENE: All the time. Most  
18 of the time I walk around with a radio. If I  
19 don't have a radio -- especially when it's not  
20 that many people, if I don't have a radio in  
21 my hand, they do. If I am looking at you and  
22 I'm addressing an area, you better go there

1 because I'm looking at something.

2 MR. WOODSON: Do they realize that  
3 or understand that from experience in working  
4 with you?

5 MS. BEYENE: Yes. Yes. Yes.  
6 Yes.

7 MR. WOODSON: Okay. When you had  
8 the -- when you looked -- asked your security  
9 to, or instructed your security to take action  
10 with respect to the people smoking, what did  
11 they do?

12 MS. BEYENE: Normally if you're  
13 smoking by any means in the establishment you  
14 have to be escort out. That's just the rule.  
15 Nobody's allowed to smoke. So did I saw when  
16 he escort them out? No. But that's the  
17 understanding I have from him, he escort three  
18 gentlemen out or one gentlemen. But there are  
19 three of them, but one of them was the only  
20 one I saw smoking. And at that time I didn't  
21 stand there to watch what happened.

22 Almost the same time I walk

1       towards -- I'm inside the bar right now,  
2       towards where the light switch is at, because  
3       it's almost time to close. I turn the light  
4       on. When I -- before closing time, maybe 15  
5       minutes to 30 minutes, I always turn the light  
6       on. So I went there and I turned the light on  
7       and within a few minutes I stop the music.  
8       But I didn't see him escort them out.

9                   MR. WOODSON: Okay. Let's talk  
10       about that for a moment. When you turn the  
11       light on, is that your normal procedure?

12                   MS. BEYENE: Turning the light on?

13                   MR. WOODSON: Yes, ma'am.

14                   MS. BEYENE: Yes, I'm the one who  
15       do that.

16                   MR. WOODSON: Why do you do that?

17                   MS. BEYENE: Because I'm always  
18       watching, either looking at my time. I'm very  
19       paranoid when I'm at Mood. I do -- I have to  
20       do things the right way because I'm always --  
21       I always get visitors from ABRA or MPD,  
22       sometimes two, three times a night. So I

1 don't want to make any mistakes. If -- when  
2 I turn the -- I always turn the light on on  
3 time and turn the music on on time. That's  
4 something I program myself to do.

5 MR. WOODSON: Okay. And so on the  
6 night of the 29th to the 30th you turned the  
7 lights on. Then what happened?

8 MS. BEYENE: I turned the light on  
9 right after. Actually before I even went to  
10 turn the light on, I pass the two bartenders  
11 that who was working. Only two bartenders  
12 worked that night. One with this end, the  
13 other one in this end. I let them know it's  
14 time to close.

15 MR. WOODSON: Yes.

16 MS. BEYENE: When I say it's time  
17 to close, no more serving, taking glasses  
18 from. If there is any glass at the bar,  
19 they're going to be collecting those glasses.

20 MR. WOODSON: Okay.

21 MS. BEYENE: So when I said it's  
22 off -- you know, it's time to close, it's time

1 to close. And right after that I went ahead  
2 and turn all the light on.

3 MR. WOODSON: Let me ask about the  
4 serving. You serve in containers. Does it  
5 happen occasionally that a glass or a glass  
6 container will break?

7 MS. BEYENE: Yes, all the time.

8 MR. WOODSON: All the time?

9 MS. BEYENE: All the time.

10 MR. WOODSON: And do you take  
11 steps to clean them up properly?

12 MS. BEYENE: Yes.

13 MR. WOODSON: Again focusing back  
14 on the night of the 29th to the 30th, when did  
15 you first become aware that the Metropolitan  
16 Police Department was on the scene?

17 MS. BEYENE: I think about 1:30.  
18 Okay. This -- I have to say this. Around  
19 1:30, my -- where I sit at in my office, my  
20 camera is right in front of me. There's 7 --  
21 actually normally it's 8 -- it's 16. The  
22 screen holds sixteen. Eight of my cameras

1 always visible. That's how I monitor. When  
2 I'm in the office I monitor the floor or the  
3 bartenders. So from one of the camera --  
4 that's why when the investigator testify, it  
5 was blank. It is never been blank. Those  
6 cameras always I see everything what happen.

7 One of the officer, I can see him  
8 come up with Shanti. It was from the stairs.  
9 One of the camera is focusing the stairs. I  
10 can see him come up. And that's when -- and  
11 he came in. Actually before he even got to  
12 the office, I got up. And I have one of --  
13 not security, one of the bartender in that  
14 room with me. And I got up. There is a  
15 police. So police officer came and said --

16 MR. WOODSON: Well, just a second.  
17 I'm just -- right now I'm just trying to get  
18 a sense of when you first saw MPD.

19 MS. BEYENE: When I was in my  
20 office he was coming upstairs.

21 MR. WOODSON: He was coming  
22 upstairs?

1 MS. BEYENE: Yes.

2 MR. WOODSON: Was Mood Lounge  
3 closed at that time?

4 MS. BEYENE: Yes, way before that,  
5 because first, for me to go to -- to go get  
6 money from my -- the register, everybody has  
7 to be cleared. It can't be any customer or  
8 anybody in the -- for my own safety. There  
9 was nobody beside my employees.

10 This young man named Nick, which  
11 is a friend of one of my security, and another  
12 guy; he's also a friend of a securities, in  
13 the establishment when I take out the money  
14 from the two registers. I got my report and  
15 come -- I came upstairs to my office with one  
16 of the bartender.

17 MR. WOODSON: Okay. So --

18 MS. BEYENE: I was in the --

19 MR. WOODSON: Go ahead.

20 MS. BEYENE: I was in that office  
21 counting money, which I do normally, counting  
22 money, balance things out when I saw the

1 security came upstairs -- I mean, the police  
2 officer, one police officer.

3 MR. WOODSON: Okay. During the  
4 time -- let me go back to the close again, to  
5 this closing. Were you actually downstairs  
6 when the last customers left Mood?

7 MS. BEYENE: Yes.

8 MR. WOODSON: And when the last  
9 customers left Mood, was the front door closed  
10 and locked?

11 MS. BEYENE: It was locked. Prior  
12 to that, the security people were mentioning  
13 that there was a guy who was being loud  
14 outside. I remember being outside myself and  
15 -- not outside, but looking at those two  
16 windows. They show you everything. You can  
17 see the gas station. You can see this side.  
18 You can see that side. You can see everything  
19 from those two windows. Looking outside and  
20 seeing that gentleman one of the security was  
21 describing. At that time the street was  
22 clearing, clearing out. But the door, my door

1 was shut.

2 MR. WOODSON: Your door was -- now  
3 when you say you were looking out of the  
4 windows, are these the two windows of the  
5 front door of Mood?

6 MS. BEYENE: Yes.

7 MR. WOODSON: And you can see  
8 through this window?

9 MS. BEYENE: I can see pretty much  
10 everything. I can see from the gas station,  
11 the church, from -- yes, the two windows show  
12 you everything.

13 MR. WOODSON: Have you always been  
14 able to see through the windows --

15 MS. BEYENE: I do that a lot.

16 MR. WOODSON: I'm sorry?

17 MS. BEYENE: I do that a lot.

18 MR. WOODSON: Okay. So let's go  
19 back to the point of closure of Mood. You  
20 said -- you were testifying that there was  
21 someone outside being loud?

22 MS. BEYENE: Yes, there's always

1 somebody, you know? But, yes, I remember  
2 seeing him, and because my concern is the  
3 neighbors, because every time they hear any  
4 noise, they will call ABRA or, you know,  
5 police. It's very common in that  
6 establishment and we get visitors three, four  
7 times a night. So when I -- I remember him,  
8 he's being very loud. So right after I went  
9 back in. When I went to my office I called  
10 one of the patrol officer in that area. And  
11 I called him and I said, Mr. Jeff -- I explain  
12 to him there's a guy who's being loud outside.  
13 Are you around this area? He said I'm a block  
14 away. I said can you please check that out  
15 for me?

16 MR. WOODSON: Did you take -- did  
17 you do anything else past that? That is,  
18 after you made the call to -- it was a call to  
19 an MPD police officer?

20 MS. BEYENE: MPD police officer  
21 who patrols that area.

22 MR. WOODSON: All right. Did your

1 security do anything?

2 MS. BEYENE: Yes.

3 MR. WOODSON: What did they do?

4 MS. BEYENE: Just like Shanti, the  
5 way she testified, she -- you know, she told  
6 him you're being too loud. You need to go.  
7 And eventually he left. I don't know if it  
8 was after the police arrived, that this police  
9 officer that I called arrived, or before. I'm  
10 not sure.

11 MR. WOODSON: Okay. Can you tell  
12 me about the time frame? What time did you  
13 close and what time did this circumstance with  
14 the loud person take place?

15 MS. BEYENE: To clear the place  
16 out when it's 15 to 53 people, it doesn't  
17 really take that long. I might -- I can say  
18 about 12:50 -- 12:45, 12:50.

19 MR. WOODSON: And you closed at  
20 what time?

21 MS. BEYENE: 12:30 when I turned  
22 the light on and the music --

1 MR. WOODSON: 12:30 when you  
2 turned the light on?

3 MS. BEYENE: Yes.

4 MR. WOODSON: After you instructed  
5 -- your security took steps and you called the  
6 police, the police officer, did you go back  
7 into Mood? That is, did you return to the  
8 main body of the building of the club? Did  
9 you go upstairs? What did you do?

10 MS. BEYENE: I went upstairs.

11 MR. WOODSON: To your office?

12 MS. BEYENE: Yes.

13 MR. WOODSON: Is that after you  
14 had --

15 MS. BEYENE: Actually when I made  
16 the phone call, I was upstairs.

17 MR. WOODSON: You were upstairs?

18 MS. BEYENE: Yes.

19 MR. WOODSON: Okay. So you were  
20 upstairs doing your tally for the night?

21 MS. BEYENE: Yes.

22 MR. WOODSON: Okay. When the

1 police officers came to Mood, what did they  
2 say to you?

3 MS. BEYENE: They said there was a  
4 double stabbing happens down the street from  
5 Mood. They didn't say in front of Mood. He  
6 specifically told me down the street from  
7 Mood. The victims -- but the victims said  
8 they left from the lounge. I was just in  
9 shock. I can't --

10 MR. WOODSON: When the police  
11 officers -- by the way, who was -- do you know  
12 the name of the police officer?

13 MS. BEYENE: I see all of -- I  
14 mean, I see him. He comes there all the time,  
15 but I don't --

16 MR. WOODSON: Did he testify  
17 today?

18 MS. BEYENE: No, his partner did.

19 MR. WOODSON: His partner?

20 MS. BEYENE: Yes, the --

21 MR. WOODSON: The policewoman?

22 MS. BEYENE: -- policewomen did,

1       yes.

2                   MR. WOODSON:   Okay.   And how long  
3       did the police officer stay with you within  
4       your office?

5                   MS. BEYENE:   Not long.   He said  
6       they were taken to --

7                   MR. WOODSON:   "They" meaning whom?

8                   MS. BEYENE:   Actually, he said to  
9       me; and I remember this very clearly, he said  
10      to me they were taken by ambulance to Howard  
11      University Hospital, two of the victims from  
12      down the street from Mood.   But they said they  
13      left from here.   Was there any fight happens  
14      during the night?   I said no.   And we both,  
15      me, the officer and also one of my bartender,  
16      we came downstairs.

17                   The male officer, he didn't stay  
18      there after he spoke to me.   He left.   He went  
19      out.   But the lady officer, she has a  
20      flashlight and looking for something.   And I  
21      was curious what she was looking for, but it  
22      took her a good, good 30 minutes looking and

1 looking and looking. At that time I have  
2 securities, I have bartenders around that  
3 area. So I went back to the office. That's  
4 when the ABRA investigator came in.

5 MR. WOODSON: Yes.

6 MS. BEYENE: Actually, when I was  
7 downstairs I asked my securities did you see  
8 anything, because the police officer asked me  
9 was there a fight inside? I said did you guys  
10 see anything that I didn't see? And everybody  
11 was just in shock.

12 MR. WOODSON: When you down --  
13 when the police officer was downstairs looking  
14 about, is that the same period of time when  
15 ABRA's investigators arrived?

16 MS. BEYENE: Yes, the female  
17 police officer was downstairs doing --  
18 searching with a flashlight when ABRA  
19 investigator came to the office.

20 MR. WOODSON: We had extensive  
21 testimony about the ABRA investigators' visit  
22 with you, and you heard that testimony.

1 MS. BEYENE: Yes.

2 MR. WOODSON: Do you have anything  
3 you'd like to add to this testimony about  
4 visiting with you in your office?

5 MS. BEYENE: Okay. Yes, please,  
6 if I may. The camera screen, I don't know  
7 what they see, but what I see and what's  
8 always been is a camera exactly according to  
9 what you look at in that picture. There is 16  
10 squares and 8 of them -- for a long time 8 of  
11 them always been working. One of them, maybe  
12 a week, a week-and-a-half ago, stopped, which  
13 is the one I monitor my securities, the door  
14 securities. And then I find out somebody  
15 broke the lenses, because it's very -- from  
16 outside it's very low. You can -- anybody can  
17 break it.

18 So the seven cameras which is --  
19 which are visible on that screen from -- every  
20 single license that system was installed,  
21 eight of them was working. Working, meaning  
22 -- the recording, I find out later it wasn't

1 recording. But it's always -- I monitor -- if  
2 I'm at -- if I'm in my office, I monitor my  
3 bartenders. Sometimes I make it even bigger  
4 to see exactly what they doing. Those -- when  
5 they came in in my office, it was four of  
6 them, and also one of the bartender was there.  
7 He referred him as security. He's never been  
8 a security. He was a bartender. It's  
9 shocking to me, because it's always been  
10 there.

11 Even before that. Every time ABRA  
12 -- the ABRA investigator visit me, which is  
13 all the time, they been to my office. They've  
14 seen that. Beside Mr. Vince, Mr. Stewart, I  
15 mean, I can tell you each and every one of  
16 them been to my office and seen that camera  
17 all the time. The same screen that these four  
18 investigator came in and saw. And there was  
19 no blank. It was not off. It was visible.

20 MR. WOODSON: Let me ask you, are  
21 you -- is it your testimony that the video  
22 monitor screen was always on?

1 MS. BEYENE: Always on.

2 MR. WOODSON: So is it your  
3 testimony that the ABRA investigator did not  
4 ask you to turn it on?

5 MS. BEYENE: No, it's on. The  
6 ABRA investigator -- first of all, when they  
7 ask me did you know how to work on the  
8 cameras? No, because I've tried it before.  
9 I've tried it. Around couple of month ago  
10 before a friend of -- two friends got in a  
11 fight and I -- that happened to be my friends  
12 as well. I know them. They are from my  
13 country. They got in a fight. One of them  
14 wanted to file a police report on his own  
15 friend.

16 So one of the investigator from  
17 police report -- from police department, she  
18 contacted me. And she came in my office, meet  
19 her or -- so one of my sister try to figure  
20 out so she can see exactly what happened. We  
21 played with it. She played with it. I play  
22 with it. My sister help to be able to get

1       that -- what happened. Between me and the  
2       detective, we decided we're not -- I'm not  
3       expert. She's not expert. My sister doesn't  
4       know nothing about it.

5                 So we called Mr. Eugene, who I  
6       don't know his last name. Mr. Eugene, we set  
7       up a meeting so he can be able -- we can be  
8       able to review the tape what happened. Later  
9       on I believe the case was dropped. She never  
10      follow up with it. She never came back or  
11      anything, so we left it alone.

12                At that time, when the  
13      investigator came in there, I never said the  
14      camera -- I never said; I'm under oath, my  
15      camera doesn't work, because I'm looking at my  
16      camera. I'm looking at my clientele over my  
17      camera when I'm in my office. I'm looking --  
18      I'm checking the bartenders if they stealing  
19      from me or not. I'm doing everything when I  
20      am in my office. If I'm in my office, I'm  
21      watching my camera. There is no way I can  
22      open my mouth and say my camera is not

1 workable. He determined that because I told  
2 him I don't know how it works. I don't know  
3 how, because I tried it before. It never  
4 worked for me.

5 So Mr. Eugene is older man. I  
6 said if you want me to call the guy who  
7 install that camera? And I feel bad because  
8 calling him at 2:00 -- almost 2:00 -- past  
9 2:00 a.m., but I picked up. I put it on  
10 speaker and I called Mr. Eugene. I say, Mr.  
11 Eugene, are you up? I'm sorry to bother you,  
12 but I have ABRA investigators want to review  
13 the tape. Can you help me?

14 So he directed Mr. Vince --  
15 actually Mr. Vince took the phone from me and  
16 start talking to Mr. Eugene. He took it off  
17 the speaker and they were talking. At that  
18 time I ask Mr. Stewart, Mr. Vince, all of  
19 them. I'm sick. I was sick. And I have a  
20 Theraflu package in my hand. I say can I go  
21 downstairs and take my medicine?

22 MR. WOODSON: Well, let me --

1 MS. BEYENE: And I came down.  
2 That's when I left that office.

3 MR. WOODSON: Okay. Why don't we  
4 just -- why don't we go now to your further  
5 interaction with ABRA and MPD when you left  
6 your office? What time did ABRA and -- what  
7 time did the ABRA investigators actually leave  
8 Mood?

9 MS. BEYENE: Okay.

10 MR. WOODSON: Do you recall?

11 MS. BEYENE: Mr. Stewart, after I  
12 left that office and I came downstairs and I  
13 took my medicine, by the time I did that, you  
14 know, Theraflu, Mr. Vince -- and there was --  
15 and I believe the other investigator, not Mr.  
16 Stewart. I don't know if the lady  
17 investigator was there. They came in. And I  
18 think he make me sign a paper. That happen at  
19 the bar.

20 And he told me the recording of  
21 the video stop October 23rd. There's no  
22 footage record for that particular night. I

1       said okay. He said I can't see any -- he said  
2       he can't see anything. So he already talk to  
3       the camera -- my camera guy and set up a  
4       meeting. He didn't tell me what time the  
5       meeting was.

6                       Even the following day Mr. Stewart  
7       came into the lounge, which the lounge wasn't  
8       open. We happened to -- three of us, we  
9       happened to be there. Mr. Stewart knock the  
10      door and came in and he said what happened to  
11      your camera man? He didn't call us and we had  
12      a -- we set up a meeting with him at 5:00  
13      today and he never showed up. I said I was  
14      not aware of that. Let's call him.

15                      I picked up. I put him on  
16      speaker. I said, Mr. Eugene, you had a  
17      meeting with the ABRA investigators 5:00  
18      today? He said no. He said they're here and  
19      telling me you already -- you set up a meeting  
20      with them and you never show you, you never  
21      called them. Mr. Stewart said let me have the  
22      phone and he took the phone from the speaker

1 and they discuss further about that situation.

2 I wasn't aware of that.

3 MR. WOODSON: All right. Great  
4 detail.

5 MS. BEYENE: I'm sorry.

6 MR. WOODSON: I'm trying to -- I  
7 think we need to move things along a little  
8 more crisply.

9 MS. BEYENE: Okay. Sorry.

10 MR. WOODSON: Did there come a  
11 time while MPD was on the scene that you went  
12 outside of Mood to look at the crime scene?  
13 Did you actually go out to look at it?

14 MS. BEYENE: Yes, they told me I  
15 can't go, I can't look at that, because they  
16 put the yellow tape. They yellow tape is  
17 not --

18 MR. WOODSON: That's okay. They  
19 said you can't go out?

20 MS. BEYENE: No. Yes, actually  
21 the lady -- it was four cars. The lady police  
22 officer, she --

1 MR. WOODSON: So you couldn't go  
2 out?

3 MS. BEYENE: -- told me I can go  
4 this way, but not that way.

5 MR. WOODSON: Okay. That's fine.  
6 Let's talk about the events that occurred  
7 since the closure of Mood by -- the closure of  
8 Mood the following night by the MPD's 96-hour  
9 closing order. What steps have you taken to  
10 improve security operations at Mood? You  
11 heard testimony from an earlier witness about  
12 additional training --

13 MS. BEYENE: Yes.

14 MR. WOODSON: -- and about  
15 additional cameras and review. Did all of  
16 that occur because you requested it?

17 MS. BEYENE: Yes.

18 MR. WOODSON: Did you ask for this  
19 help?

20 MS. BEYENE: Yes.

21 MR. WOODSON: And how long did it  
22 take you to ask for this help? When did you

1 ask for it?

2 MS. BEYENE: The camera, the fact  
3 that the camera was not recording --

4 MR. WOODSON: But when -- listen  
5 to the question I'm asking you.

6 MS. BEYENE: Yes.

7 MR. WOODSON: When did you make  
8 the outreach, when did you make the call, when  
9 did you make the effort to get help?

10 MS. BEYENE: Immediately.

11 MR. WOODSON: You mean the next  
12 day?

13 MS. BEYENE: Yes.

14 MR. WOODSON: Okay. And what has  
15 happened as a result of that?

16 MS. BEYENE: In what terms?

17 MR. WOODSON: What has happened?  
18 Maybe I don't need to review that. We've  
19 already had testimony about what has taken  
20 place by the security consultant.

21 The security consultant has  
22 additional work to do?

1 MS. BEYENE: Yes.

2 MR. WOODSON: Have you arranged  
3 for that work to be completed?

4 MS. BEYENE: Yes.

5 MR. WOODSON: I'm talking about  
6 the training.

7 MS. BEYENE: Yes, the -- Saturday  
8 morning.

9 MR. WOODSON: Okay. Have you --  
10 do you now have all of the cameras on the --  
11 all of the cameras at Mood working?

12 MS. BEYENE: Yes, actually I add  
13 -- it's 16 of them working. There's no blind  
14 spots, basically.

15 MR. WOODSON: When you sit at your  
16 desk now and look at the video monitor do you  
17 see every screen operative?

18 MS. BEYENE: Each and every one of  
19 them, yes.

20 MR. WOODSON: Does that include a  
21 screen or screens that show the exterior of  
22 Mood in the front?

1 MS. BEYENE: In the front and the  
2 back.

3 MR. WOODSON: The front -- you  
4 mean the back in the alley?

5 MS. BEYENE: The alley.

6 MR. WOODSON: Okay. Let me ask  
7 one other question. Does operating Mood in a  
8 safe manner matter to you?

9 MS. BEYENE: Of course. Of  
10 course. Absolutely.

11 MR. WOODSON: Is that a  
12 requirement, simply a legal requirement or is  
13 that your desire as a business owner? Or is  
14 it both?

15 MS. BEYENE: Not only is a  
16 requirement. Yes, it's also my desire. I  
17 want everybody to be safe.

18 MR. WOODSON: And so just so I can  
19 have this stated clearly on the record, on the  
20 night of December 29th to 30th you were not  
21 aware of a stabbing outside of Mood prior to  
22 MPD's visit with you?

1 MS. BEYENE: No. No.

2 MR. WOODSON: Is that true?

3 MS. BEYENE: Absolutely true.

4 MR. WOODSON: Counselor?

5 MR. STERN: Thank you. I have a  
6 couple of questions about areas I just didn't  
7 understand fully. You said you called a  
8 police officer that evening, an Officer Jeff?

9 MS. BEYENE: Yes, Jeff Ramsey.

10 MR. STERN: Okay.

11 MS. BEYENE: Yes.

12 MR. STERN: Did you call him on  
13 his private number?

14 MS. BEYENE: The number -- he's  
15 always patrolling that area almost every night  
16 and he gave me a number if he -- if I needed  
17 him to call me. I don't know if it's --

18 MR. STERN: And when you spoke to  
19 him -- have you spoken to him since?

20 MS. BEYENE: I spoke to him that  
21 night. He came in.

22 MR. STERN: Okay. Have you spoken

1 to him since?

2 MS. BEYENE: I think he send me a  
3 -- or not.

4 MR. STERN: Okay.

5 MS. BEYENE: Actually, yes. Yes,  
6 I have.

7 MR. STERN: Okay.

8 MS. BEYENE: Yes, I have. Can't  
9 remember the date, but, yes, I have. I spoke  
10 to him once.

11 MR. STERN: He said at that time  
12 -- or you said that he said that he was a  
13 block away, is that right?

14 MS. BEYENE: Yes.

15 MR. STERN: Now you called him  
16 almost immediately after you saw the gentleman  
17 outside jumping around, is that what you said?

18 MS. BEYENE: Yes, I do that. I do  
19 that --

20 MR. STERN: Okay.

21 MS. BEYENE: -- if I see anything.

22 MR. STERN: And I think you said

1 that you weren't sure whether it was before or  
2 after the police came.

3 MS. BEYENE: No, no, no. I'm 100  
4 percent sure it was way before the --

5 MR. STERN: Okay. So it had to  
6 be --

7 MS. BEYENE: Yes.

8 MR. STERN: I thought so as well.

9 MS. BEYENE: Yes.

10 MR. STERN: So he's only a block  
11 away?

12 MS. BEYENE: Yes.

13 MR. STERN: Did he come  
14 immediately?

15 MS. BEYENE: No, my -- this is not  
16 the first time I've done that. My -- what I  
17 asked him was is a guy -- there's another  
18 homeless guy who does that all the time, too.  
19 He's been loud outside. He knows. He's very  
20 much aware of the problem that the neighbors  
21 have. The neighbors forget -- somebody be  
22 loud, they will call on me for --

1 MR. STERN: I don't mean to  
2 interrupt you, but I --

3 MS. BEYENE: Yes.

4 MR. STERN: -- asked a specific  
5 question and I'm hoping --

6 MS. BEYENE: Yes, I'm trying to  
7 explain to the Board.

8 MR. STERN: Well, the question was  
9 he was a block away. Did he come immediately?

10 MS. BEYENE: He didn't get inside,  
11 but I'm sure he came and checked the area,  
12 because he --

13 MR. STERN: Do you know that for  
14 some -- in some way?

15 MS. BEYENE: He told me so.

16 MR. STERN: Okay.

17 MS. BEYENE: He told me so. So  
18 that person that he saw jump -- that you saw  
19 jumping around, he checked and that person was  
20 gone, there was no fight there, there was  
21 nobody stabbed there. Was that person who was  
22 outside a homeless person? Is that what you

1 were saying?

2 MS. BEYENE: No. No, he wasn't.

3 MR. STERN: Was he a customer?

4 MS. BEYENE: Actually I saw him  
5 inside, yes.

6 MR. STERN: Okay. Since you saw  
7 the three gentlemen sitting at the table  
8 across from the bar --

9 MS. BEYENE: Standing.

10 MR. STERN: -- was he one of those  
11 three gentlemen?

12 MS. BEYENE: Yes. Yes.

13 MR. STERN: Okay. Did you see the  
14 other two gentlemen outside?

15 MS. BEYENE: Yes. No, no, no, no.  
16 I only saw him.

17 MR. STERN: Okay.

18 MS. BEYENE: I only saw him. But  
19 I remember. If I see them, I remember them.

20 MR. STERN: Okay. About how far  
21 from where you were at the bar to where these  
22 people were seated was it?

1 MS. BEYENE: Just like that way.

2 MR. STERN: Twenty feet would you  
3 say?

4 MS. BEYENE: Yes.

5 MR. STERN: Okay.

6 MS. BEYENE: But the reason why I  
7 can see them clearly, because they are behind  
8 the projector. The projector is --

9 MR. STERN: Right. Now are they  
10 closer to the door or closer to the bar?

11 MS. BEYENE: The way it's set up  
12 it's about approximately the same distance.

13 MR. STERN: Okay.

14 MS. BEYENE: From here --

15 MR. STERN: Could you hear them  
16 yelling and screaming?

17 MS. BEYENE: Yes. They were not  
18 like yelling and screaming, but my focus was  
19 seeing the guy smoking and I -- the minute I  
20 saw a smoke, I send Otis.

21 MR. STERN: But only one of them  
22 was smoking?

1 MS. BEYENE: One of them was  
2 smoking.

3 MR. STERN: And generally if I'm  
4 smoking a cigarette, I could walk outside and  
5 finish the cigarette and then -- or put it out  
6 and then come back in. Is that --

7 MS. BEYENE: Not necessarily. It  
8 depends on what day. Some days I do not allow  
9 any in and out because when you do that,  
10 people happen to hang outside. When I have  
11 crowd outside hanging out, that's another  
12 problem.

13 MR. STERN: But this was almost  
14 closing time already?

15 MS. BEYENE: Yes, there's nobody  
16 coming in. If he leaves, he leaves.

17 MR. STERN: Okay. Now so you  
18 heard them yelling and screaming?

19 MS. BEYENE: Outside? Yes, I saw  
20 it my own eyes.

21 MR. STERN: So it's not accurate  
22 that no one in the place was smoking, is that

1 right? I don't mean to ask that as a double  
2 negative --

3 MS. BEYENE: No, that's fine.

4 MR. STERN: -- but it's just not  
5 true that no one was smoking, right?

6 MS. BEYENE: Beside the one I saw?

7 MR. STERN: No, including the one  
8 you saw.

9 MS. BEYENE: Can you ask me again,  
10 please?

11 MR. STERN: It's not a trick  
12 question. You just --

13 MS. BEYENE: English is not my  
14 first language --

15 MR. STERN: I understand. I  
16 understand.

17 MS. BEYENE: -- so I don't really  
18 understand everything clearly.

19 MR. STERN: I don't mean to make  
20 fun. You could see someone smoking in the  
21 bar?

22 MS. BEYENE: He wasn't at the bar.

1 MR. STERN: Okay. You can see --

2 MS. BEYENE: Yes, okay. Okay. I  
3 see.

4 MR. STERN: I'm talking to the  
5 establishment.

6 MS. BEYENE: I see.

7 MR. STERN: You could see someone  
8 smoking in the establishment?

9 MS. BEYENE: Yes.

10 MR. STERN: The door is no further  
11 away. Do you know of any reason why someone  
12 standing at the door couldn't see him smoking?

13 MS. BEYENE: I have to show the  
14 way that -- how it's designed.

15 MR. STERN: Well, fortunately we  
16 have a diagram.

17 MS. BEYENE: It might be -- it  
18 might not, because the way it is, I have to  
19 explain the way that the lounge is.

20 MR. STERN: Okay. Well, if he  
21 was --

22 MS. BEYENE: If a security by the

1 door, they might see the smoke, but they  
2 cannot see the people because the way the set  
3 up is it's a little bit end.

4 MR. STERN: But they would at  
5 least see the smoke, especially if he's behind  
6 a projector?

7 MS. BEYENE: The people, the  
8 security at the door?

9 MR. STERN: The person who's  
10 standing -- anyone who's standing at the front  
11 door.

12 MS. BEYENE: Probably not.

13 MR. STERN: Oh, you don't think  
14 they'd see it?

15 MS. BEYENE: Probably not.

16 MR. STERN: Even if their  
17 attention was drawn that way because he was  
18 being very loud?

19 MS. BEYENE: No, no, no. Not  
20 their attention. The security on the other  
21 side.

22 MR. STERN: I'm talking about the

1 security at the front door. If their  
2 attention was drawn to the area where these  
3 gentlemen were seated, wouldn't they --

4 MR. WOODSON: I object to this.

5 MS. BEYENE: I think --

6 MR. WOODSON: That wasn't the  
7 testimony. The testimony was that --

8 CHAIRPERSON MILLER: Whose  
9 testimony?

10 MR. WOODSON: The testimony from  
11 the witness --

12 CHAIRPERSON MILLER: This witness?  
13 Okay.

14 MR. WOODSON: -- was that she saw  
15 a gentlemen standing along the other side of  
16 the bar smoking a cigarette; not being loud,  
17 not being boisterous, but smoking a cigarette  
18 and ordered her security to have him removed.

19 MR. STERN: That's fine. Then I  
20 misunderstood. I apologize.

21 Is that what your testimony was,  
22 that this gentleman was standing on the other

1 side of the bar?

2 MS. BEYENE: Yes, across from the  
3 bar.

4 MR. STERN: Okay. Did you notice  
5 three gentlemen seated at a table?

6 MS. BEYENE: They weren't sitting.  
7 There were three of them standing. One of  
8 them was smoking.

9 MR. STERN: Okay. But they were  
10 standing at the table?

11 MS. BEYENE: Not at the table.

12 MR. STERN: I'll tell you what --  
13 I'm sorry. We can really make this easier.

14 MS. BEYENE: It's like a stage.

15 MR. STERN: Okay. Can you please  
16 make an X where you were standing, or where  
17 you were located, if you will? Where you  
18 were. No, not where they were. Where you  
19 were.

20 MS. BEYENE: Okay. Right.

21 MR. STERN: Okay. Now can you  
22 make an X where they were? Tell you what, put

1 a B where they were. That would be easier.

2 Okay. And they were up in that  
3 VIP area, a little bit elevated?

4 MS. BEYENE: Yes, just like a  
5 little bit -- yes.

6 MR. STERN: Okay. Now are you  
7 saying that the way from the bar across here  
8 is the same distance from the door to here?

9 MS. BEYENE: No, I think the door  
10 is a little further down.

11 MR. STERN: Okay. Well, is this  
12 an accurate picture of what the place looks  
13 like?

14 MS. BEYENE: Yes.

15 MR. STERN: Okay.

16 MR. WOODSON: Well, let's just say  
17 it's an accurate rendition, but it's not to  
18 scale.

19 MS. BEYENE: Let me -- can I  
20 explain this thing?

21 MR. STERN: Yes.

22 MS. BEYENE: This is some kind of

1 stage thing where there is a sitting area.  
2 This is where the projector is. You have to  
3 take two steps to be on the top of this, a  
4 little bit. So to get to the door, you pass  
5 one restroom, two restroom and also electric  
6 room. It has two doors. You pass that to get  
7 to the door.

8 MR. STERN: Okay.

9 MS. BEYENE: They only put the  
10 restroom here, but there is one restroom, two  
11 restroom and also where the -- a closet.

12 MR. STERN: Okay. But actually my  
13 question was about distance.

14 MS. BEYENE: Yes.

15 MR. STERN: Is the distance --

16 MS. WILLIFORD: For the purpose of  
17 the record --

18 MR. STERN: She's made Xs.

19 CHAIRPERSON MILLER: Could I just  
20 ask for a clarification? Who made this  
21 diagram.

22 MR. STERN: The Respondent made

1 it. I don't know.

2 CHAIRPERSON MILLER: This is  
3 Respondent's imitation of the inside of Mood  
4 Lounge?

5 MR. WOODSON: Yes.

6 MR. STERN: What I was asking  
7 about was distance in terms of hearing, not  
8 even seeing. Hearing distance between -- is  
9 the bar closer to here or is the door closer  
10 to here?

11 MS. BEYENE: Oh, the bar is way  
12 closer to where they stand at, the gentlemen.

13 CHAIRPERSON MILLER: Could you say  
14 what you mean by "hear" so that the Board can  
15 follow?

16 MR. STERN: Okay. Where you  
17 marked -- I'm sorry. Let's -- is the bar  
18 closer to where you marked the B where you say  
19 that the individuals were standing?

20 MS. BEYENE: Yes.

21 MR. STERN: Or is the door closer  
22 to where the individuals were?

1 MS. BEYENE: No, this is door  
2 closer.

3 MR. STERN: Okay. Now if I'm  
4 standing at the door -- first of all, can you  
5 mark with a P where the projector was?

6 MS. BEYENE: Yes, okay.  
7 Projector.

8 MR. STERN: Okay. So the  
9 projector, from what you say, is directly  
10 behind the individuals who you saw standing  
11 from across the bar and smoking?

12 MS. BEYENE: Yes.

13 MR. STERN: Could you tell what  
14 they were smoking?

15 MS. BEYENE: Cigarettes.

16 MR. STERN: Okay.

17 MS. BEYENE: It's only one --

18 MR. STERN: Did you smell  
19 marijuana that evening?

20 MS. BEYENE: No.

21 MR. STERN: Okay. Now I think you  
22 said that the people standing were standing

1 directly behind the projector. So the light  
2 would be shining on them?

3 MS. BEYENE: Yes.

4 MR. STERN: Okay. Would that  
5 light highlight them equally well to the  
6 people at the door as the people at the bar?

7 MS. BEYENE: Can you repeat that?  
8 I'm sorry, sir.

9 MR. STERN: Would the light that  
10 is --

11 MS. BEYENE: Yes.

12 MR. STERN: -- shining right  
13 behind them and highlighting them that let you  
14 see the smoke come up --

15 MS. BEYENE: Yes.

16 MR. STERN: -- would that be  
17 equally --

18 MS. BEYENE: Visible?

19 MR. STERN: -- visible?

20 MS. BEYENE: No.

21 MR. STERN: Okay. Why not?

22 MS. BEYENE: Because the way it is

1       there is a wall. Okay. This is how the  
2       tables are. There is a wall at the end of the  
3       tables where you cannot -- people cannot be  
4       able to see them if you are standing by the  
5       door because there is a wall. You can see the  
6       smoke coming because they're right here. If  
7       you noticing -- I mean, if you be able to pay  
8       attention, you can be able to see because  
9       they're right here.

10                   MR. STERN: Is --

11                   MS. BEYENE: There is a wall right  
12       here.

13                   MR. STERN: You heard the  
14       testimony of your security guard, right?

15                   MS. BEYENE: Yes.

16                   MR. STERN: Do you believe the  
17       people you saw smoking were the people that  
18       she heard making loud noise?

19                   MS. BEYENE: Is a possibility.

20                   MR. STERN: Might be somebody  
21       else?

22                   MS. BEYENE: The reason why it has

1 to be the same people because the gentleman  
2 that I saw the smoke and the way she describe  
3 the hat, she describe the jacket, that's the  
4 same guy who was making noise outside.

5 MR. STERN: Okay. Now you said  
6 something about the -- being able to see out  
7 the door. From the picture it looks as though  
8 the door is, oh, maybe -- the window; excuse  
9 me, is about three inches, four inches. Is  
10 that correct?

11 MS. BEYENE: It's long and --

12 MR. STERN: Thin window?

13 MS. BEYENE: Yes, thin window.

14 MR. STERN: How close would you  
15 have to get into the window to be able to see  
16 peripherally from both -- to both sides?

17 MS. BEYENE: Normally do this and  
18 get a little close to the door.

19 MR. STERN: You have to be almost  
20 on the door, right?

21 MS. BEYENE: Yes, you have to be  
22 close to the door.

1 MR. STERN: Okay. In fact, when  
2 you looked outside to see this guy, you got  
3 right up onto the window, right?

4 MS. BEYENE: I can see him. I  
5 mean, if I stand a little further, I can still  
6 see him because the window is not that tiny.  
7 You can be able to see a lot.

8 MR. STERN: Okay. If you're  
9 inside looking out, in a dark room looking out  
10 onto the street, don't you have to shield your  
11 eyes to be able to see out the front door?

12 MS. BEYENE: Not necessarily.

13 MR. STERN: Okay. Now --

14 MS. BEYENE: There's several  
15 windows. We're talking about this -- the one  
16 in the main door.

17 MR. STERN: Right, but I'm talking  
18 about seeing from side to side, not seeing up  
19 or down. It only goes from side to side about  
20 three to four inches we said, right?

21 MS. BEYENE: There's two in the  
22 big door. There's a huge one by the small

1 door. But also in the middle a huge glass.  
2 You can see the whole 9th Street.

3 MR. STERN: Okay. Right. But I'm  
4 talking about if you're standing at the front  
5 door looking out that way only.

6 MS. BEYENE: Oh, those small ones?

7 MR. STERN: Right.

8 MS. BEYENE: Yes.

9 MR. STERN: It would be very hard  
10 to see to the side --

11 MS. BEYENE: Not -- it's not hard.  
12 I can -- that's something I do every -- all  
13 the time.

14 MR. STERN: Okay.

15 MS. BEYENE: You can see the whole  
16 street.

17 MR. STERN: Now you said that the  
18 recorder was broken about a week, is that  
19 right?

20 MS. BEYENE: Not the recorder,  
21 sir.

22 MR. STERN: You're right. You

1       said that the camera that led outside was  
2       broken for about week.

3               MS. BEYENE:   Maybe a little bit  
4       over a week.

5               MR. STERN:    Okay.

6               MS. BEYENE:    Yes.

7               MR. STERN:    Is there a reason why  
8       you didn't have it fixed?

9               MS. BEYENE:    It's very hard to --  
10       you know, to bring -- I only know one camera  
11       man, I mean, unfortunately.  It's always  
12       appointments, appointments, appointments.  
13       But, yes, it is -- I take the responsibility  
14       for that.  I call them several times to come  
15       and fix.  One time actually he came and look  
16       at it.  He says somebody broke the lens.

17               MR. STERN:    Is that one time  
18       within the week that you say it was broken?

19               MS. BEYENE:    Yes.

20               MR. STERN:    Okay.

21               MS. BEYENE:    Yes.  Yes.

22               MR. STERN:    I'm sorry.  You can

1 continue.

2 MS. BEYENE: Yes. And he came in.  
3 He said you lens was broken. So even if you  
4 replace that lens, because of the distance,  
5 the height, it can happen again. So we might  
6 have to move the camera to top or change it to  
7 another camera he described to me.

8 MR. STERN: Now that evening your  
9 license provided that you were allowed to stay  
10 open until 2:00.

11 MS. BEYENE: Yes, because it's  
12 weekday.

13 MR. STERN: Okay. And I thought I  
14 heard you say that you decided to close at  
15 12:30 because you were paranoid you wouldn't  
16 close on time?

17 MS. BEYENE: No, every night I  
18 open, I always have -- you know, I close  
19 except Friday and Saturdays. Friday and  
20 Saturdays we charge at the door and we have to  
21 close a certain time. If I have a private  
22 thing going on, which I do every now and then

1 -- I had a Christmas party there; the people  
2 only were there for an hour, I determine, I  
3 personally determine what time to close.

4 MR. STERN: I understand that, but  
5 on this occasion you had 50 people inside,  
6 right?

7 MS. BEYENE: Yes, 53.

8 MR. STERN: By your count, 50  
9 people. And you could keep the bar open until  
10 2:00 and sell them drinks.

11 MS. BEYENE: They're not doing  
12 anything. The bartenders are standing like  
13 this, all of them. Nobody's drinking  
14 anything. They're not selling any drinks.

15 MR. STERN: Okay. So the closing  
16 early had nothing to do with people smoking?

17 MS. BEYENE: No, not really.

18 MR. STERN: Okay. And you didn't  
19 say that to the police officer?

20 MS. BEYENE: No. No.

21 MR. STERN: Okay.

22 MS. BEYENE: Smoking happens.

1 Smoking --

2 MR. STERN: Now Ms. Williams was  
3 located at the front door, is that right?

4 MS. BEYENE: Yes.

5 MR. STERN: And she was assigned  
6 there the entire night?

7 MS. BEYENE: Yes.

8 MR. STERN: Okay. And as far as  
9 you know, whenever you saw her she was right  
10 at the door or inside the door, right?

11 MS. BEYENE: Yes.

12 MR. STERN: Okay. If there was  
13 someone who was stabbed two feet in front of  
14 your door, two to three feet in front of your  
15 door and spilled blood there, if Ms. Williams  
16 was there, she would have had to have seen  
17 that, right?

18 MS. BEYENE: She didn't.

19 MR. STERN: Well, she was there  
20 the entire night, right? That was --

21 MS. BEYENE: Yes.

22 CHAIRPERSON MILLER: -- her

1 testimony and your testimony.

2 MS. BEYENE: Yes. She's not the  
3 only one. Yes.

4 MR. STERN: Okay. So if there was  
5 blood dropped there two feet in front of your  
6 door, she had to have seen it.

7 MS. BEYENE: It's not two feet  
8 from the door. They didn't even circle -- I  
9 remember the -- they didn't even circle --

10 MR. STERN: You told us you didn't  
11 even see where the blood was. You weren't  
12 allowed to go outside.

13 MS. BEYENE: I can tell you which  
14 area the yellow tapes the circle at. Isn't  
15 that where the blood is supposed to be?

16 MR. STERN: I don't know.

17 MS. BEYENE: I don't either.

18 MR. STERN: But you didn't see it?

19 MS. BEYENE: No.

20 MR. STERN: Okay. But there was  
21 testimony -- you were here. There was  
22 testimony that there were blood droplets two

1 to three feet in front of your door.

2 MS. BEYENE: Sir, if it's two to  
3 three feet, two to three feet is where the  
4 tree is.

5 MR. STERN: Two to three feet.

6 MS. BEYENE: Two to -- actually  
7 two to three feet is where the awning is stop.  
8 It's four feet from the door.

9 MR. STERN: Yes, so it's within  
10 the awning.

11 MS. BEYENE: I came out. When I  
12 left the building, when I came outside several  
13 times, not in that area. There was no blood  
14 two to three feet from the door.

15 MR. STERN: Okay. You stated that  
16 there was a really good view from the front  
17 door, right?

18 MS. BEYENE: Yes.

19 MR. STERN: Okay. And you could  
20 see all around to the sides, and the front,  
21 and everything like that?

22 MS. BEYENE: Yes. Yes.

1 MR. STERN: So if the blood was  
2 five feet from the front door, somewhere else  
3 on the sidewalk, somebody would have had to  
4 have seen that, right?

5 MS. BEYENE: Probably.

6 MR. STERN: Okay. Thank you.  
7 That's all I have.

8 CHAIRPERSON MILLER: Board  
9 questions? Mr. Alberti?

10 MEMBER ALBERTI: I'm going to  
11 start with the easy questions. Mr. Woodson  
12 asked you what you've done to the camera  
13 security system since this incident. So what  
14 have you done to the camera security system  
15 since this incident?

16 MS. BEYENE: We installed almost 6  
17 -- actually 16 cameras, so there is no blind  
18 spot in the inside or outside.

19 MEMBER ALBERTI: So how many new  
20 cameras have you bought?

21 MS. BEYENE: Four. There was 12  
22 already in.

1 MEMBER ALBERTI: Twelve already  
2 in?

3 MS. BEYENE: Yes.

4 MEMBER ALBERTI: But you only have  
5 eight operable?

6 MS. BEYENE: Seven at that time.

7 MEMBER ALBERTI: I know, but you  
8 only ever had eight operable was my question.

9 MS. BEYENE: Yes, sir.

10 MEMBER ALBERTI: Okay. Why didn't  
11 you have the additional four operable?

12 MS. BEYENE: It was never -- at  
13 the beginning -- this is a new camera system,  
14 the one which in that place right now. When  
15 I purchased the business, previously they have  
16 12 cameras. And we got robbed. And at that  
17 robbery they took the DVR, they took all of  
18 the cameras out and everything. So we  
19 installed a brand new system, a brand new  
20 camera and everything. But eight of them --  
21 he only install eight of them properly.

22 MEMBER ALBERTI: So you bought 12

1 cameras and you only installed 8 of them? You  
2 said they stole cameras, everything, and you  
3 bought a whole new system after the robbery,  
4 right? Is that what you just told me?

5 MS. BEYENE: Yes, sir.

6 MEMBER ALBERTI: So you bought a  
7 whole new system and they installed 12 cameras  
8 and only made 8 operable? Is that what --

9 MS. BEYENE: Yes, the --

10 MEMBER ALBERTI: Is that what I'm  
11 hearing you tell me?

12 MS. BEYENE: The screen --

13 MEMBER ALBERTI: Just yes or no.  
14 Is that what you're hearing me -- is that what  
15 you're telling me? Yes or no?

16 MS. BEYENE: Can you repeat, sir,  
17 please? Sorry.

18 MEMBER ALBERTI: We're at the  
19 point where you said you agree you told me  
20 that you had bought -- after you had a robbery  
21 and you bought a whole new camera system.  
22 Right?

1 MS. BEYENE: Yes, sir.

2 MEMBER ALBERTI: You said you had  
3 12 cameras, so I have to assume you bought 12  
4 cameras when you bought that new system,  
5 right?

6 MS. BEYENE: I think with the  
7 system only eight comes with it.

8 MEMBER ALBERTI: All right.

9 MS. BEYENE: With the system.

10 MEMBER ALBERTI: How did you end  
11 up with 12 cameras?

12 MS. BEYENE: Because when the  
13 robbery happened some of the camera were taken  
14 out. There was four left, which was, you  
15 know, functional. We can be able to connect  
16 it with this system. Four. So the other  
17 additional four camera, I just purchase  
18 another --

19 MEMBER ALBERTI: Okay. So you  
20 bought an additional four?

21 MS. BEYENE: Yes.

22 MEMBER ALBERTI: And you only had

1 eight? But you didn't -- so you didn't have  
2 12 before this -- when this incident occurred,  
3 you only had eight cameras?

4 MS. BEYENE: Eight, it comes with  
5 the system. It's working. Eight of them were  
6 working.

7 MEMBER ALBERTI: No. No, that's  
8 not my question.

9 MS. BEYENE: I'm sorry.

10 MEMBER ALBERTI: I just -- look.  
11 Okay. Before this incident occurred, you had  
12 12 cameras, right? This -- the one we're here  
13 for. You had 12 cameras, correct?

14 MS. BEYENE: Yes.

15 MEMBER ALBERTI: All right. Only  
16 eight were operational?

17 MS. BEYENE: Yes.

18 MEMBER ALBERTI: Why were the  
19 other four not operational?

20 MS. BEYENE: He never connected  
21 them.

22 MEMBER ALBERTI: Why not?

1 MS. BEYENE: I'm not really sure.  
2 He never connected them.

3 MEMBER ALBERTI: Who is "he?"

4 MS. BEYENE: The camera man, the  
5 person, Mr. Eugene, who connected the camera  
6 system.

7 MEMBER ALBERTI: He works for you?

8 MS. BEYENE: No.

9 MEMBER ALBERTI: Who does he work  
10 for?

11 MS. BEYENE: He has a full-time  
12 job somewhere.

13 MEMBER ALBERTI: Do you pay him?

14 MS. BEYENE: I pay him when he  
15 does a part-time --

16 MEMBER ALBERTI: Okay. So he's  
17 providing a service to you, he doesn't connect  
18 all the cameras and -- so you didn't want the  
19 other four connected? Is that your --

20 MS. BEYENE: I do, sir. Believe  
21 me, I do. He's very difficult to, one, not  
22 only to get in touch --

1 MEMBER ALBERTI: Okay.

2 MS. BEYENE: He just takes his  
3 time to do anything and everything.

4 MEMBER ALBERTI: Thank you. Thank  
5 you. All right. All right. So have you  
6 bought a new DVD since this incident, or you  
7 still have the same DVD you had before this  
8 incident occurred.

9 MS. BEYENE: No, the DVDs, it  
10 comes with it.

11 MEMBER ALBERTI: No, no.

12 MS. BEYENE: And it's built in.

13 MEMBER ALBERTI: No the DVD, the  
14 DVR system that you're using now, is it the  
15 same one you had before the system -- this  
16 incident occurred?

17 MS. BEYENE: Yes.

18 MEMBER ALBERTI: Okay.

19 MS. BEYENE: Yes.

20 MEMBER ALBERTI: Okay. Okay. You  
21 have had other karaoke nights, correct, you  
22 said?

1 MS. BEYENE: Yes.

2 MEMBER ALBERTI: Who was -- I  
3 mean, in this instance you had a friend who  
4 came to you and said to you I want to do a  
5 karaoke night. Was that the same sort of --  
6 how did the other karaoke nights come about?  
7 Was it your idea or someone else's idea?

8 MS. BEYENE: It's actually a band.  
9 A band approach me. They have a small band  
10 and they have different performers.

11 MEMBER ALBERTI: And so they  
12 approached you and they wanted to do a karaoke  
13 night?

14 MS. BEYENE: Yes, they always call  
15 in ask you to do events.

16 MEMBER ALBERTI: Okay. I'm going  
17 to be all over the place here. I'll get  
18 around to other questions.

19 You have a hookah license?

20 MS. BEYENE: Yes.

21 MEMBER ALBERTI: And what's that  
22 allow you to do?

1 MS. BEYENE: Which I don't really  
2 use it, but it's smoke hookah.

3 MEMBER ALBERTI: Yes, but then you  
4 smoke what in the hookah?

5 MS. BEYENE: What do you call it?  
6 I've never --

7 MEMBER ALBERTI: Tobacco, right?  
8 Smoke tobacco in hookah, right?

9 MS. BEYENE: There's some flavored  
10 thing. I never smoke it. I don't even know  
11 what it is, but it's --

12 MEMBER ALBERTI: Well --

13 MS. BEYENE: It smells --

14 MR. STERN: There are hookah  
15 pellets.

16 MEMBER ALBERTI: They're tobacco.  
17 They're tobacco. They're tobacco.

18 MR. STERN: There are these little  
19 pellets they sell.

20 MEMBER ALBERTI: I'm just trying  
21 to understand whether you're allowed to smoke  
22 -- and I don't know whether you're allowed to

1 smoke tobacco in it in a place that's licensed  
2 to have a hookah.

3 MR. STERN: That I don't know.

4 MEMBER ALBERTI: Because I -- and  
5 I don't know about that. That's why I was  
6 sort of curious about that. Because I was  
7 curious. I f you have people smoking  
8 cigarettes and they're being thrown out in a  
9 place that's licensed to have a hookah, it  
10 seemed kind of odd to me, but maybe I don't  
11 understand a hookah license.

12 Okay. You called Mr. Jeff, Mr.  
13 Jeff Robinson, police officer?

14 MS. BEYENE: Ramirez. I can't  
15 pronounce his --

16 MEMBER ALBERTI: Okay. Mr. Jeff?

17 MS. BEYENE: Yes.

18 MEMBER ALBERTI: Was he on duty,  
19 do you know?

20 MS. BEYENE: Yes.

21 MEMBER ALBERTI: He was on duty?

22 MS. BEYENE: Yes.

1                   MEMBER ALBERTI:  And you spoke to  
2                   him after this incident?

3                   MS. BEYENE:  Yes.

4                   MEMBER ALBERTI:  And did you tell  
5                   him what was going on?

6                   MS. BEYENE:  Yes.

7                   MEMBER ALBERTI:  And did you ask  
8                   him to speak to the other officers?

9                   MS. BEYENE:  No, actually he call  
10                  me and ask me are you okay?  I heard, you  
11                  know, what happened.  I said I'm not -- of  
12                  course I'm not okay.  And I didn't ask him if  
13                  he spoke to another officers.

14                  MEMBER ALBERTI:  Did you ask him  
15                  to speak to other officers?  I mean he's a  
16                  witness to what you claim happened there.  Did  
17                  you ask him to speak to --

18                  MR. STERN:  If I may, I have to  
19                  actually interrupt you because I have some  
20                  knowledge of what happened in this case.  It  
21                  has nothing to do with her.  Mr. Ramirez was  
22                  notified that there was a subpoena served by

1 the Respondent to appear today. He called me  
2 last evening to say that he had child care  
3 issues and he had never actually been served.  
4 So he --

5 MEMBER ALBERTI: Okay.

6 MR. STERN: I encouraged him to  
7 come up. I even offered to make staff  
8 available to watch his little girl while he  
9 was here, but he never showed up.

10 MEMBER ALBERTI: Okay. Okay. So,  
11 okay. I'm going to go now to your friend.  
12 Who is your friend who suggested doing this?  
13 What was his name?

14 MS. BEYENE: Nick.

15 MEMBER ALBERTI: Nick?

16 MS. BEYENE: Yes.

17 MEMBER ALBERTI: What's his last  
18 name?

19 MS. BEYENE: I don't know his last  
20 name.

21 MEMBER ALBERTI: And was he there  
22 that night?

1 MS. BEYENE: Yes.

2 MEMBER ALBERTI: Okay. What was  
3 his arrangement? Was there a cover charge  
4 that night?

5 MS. BEYENE: No.

6 MEMBER ALBERTI: No?

7 MS. BEYENE: No.

8 MEMBER ALBERTI: Were any -- was  
9 Nick paid for inviting guests to your  
10 establishment?

11 MS. BEYENE: No.

12 MEMBER ALBERTI: How were the --  
13 were the patrons aware that you were going to  
14 be closing at 12:30?

15 MS. BEYENE: I'm sure he told  
16 them.

17 MEMBER ALBERTI: You don't know  
18 then?

19 MS. BEYENE: No.

20 MEMBER ALBERTI: Because, you know  
21 -- so people started showing up about what  
22 time?

1 MS. BEYENE: 10:15, 10:20.

2 MEMBER ALBERTI: What time did the  
3 DJ start?

4 MS. BEYENE: 10:00.

5 MEMBER ALBERTI: 10:00? Okay.  
6 What time did he quit?

7 MS. BEYENE: Around 12:30.

8 MEMBER ALBERTI: Around 12:30?  
9 Who paid the DJ?

10 MS. BEYENE: He did.

11 MEMBER ALBERTI: Nick paid the DJ?

12 MS. BEYENE: Yes.

13 MEMBER ALBERTI: Okay. But Nick  
14 received no money from you for this event?

15 MS. BEYENE: No.

16 MEMBER ALBERTI: Isn't that an  
17 unusual arrangement?

18 MS. BEYENE: Not really.

19 MEMBER ALBERTI: Why not?

20 MS. BEYENE: Because I've done --  
21 not karaoke. I've done Christmas parties. I  
22 don't charge --

1 MEMBER ALBERTI: Okay.

2 MS. BEYENE: -- any -- I've done  
3 several parties.

4 MEMBER ALBERTI: Did Nick tell you  
5 who was going to be performing that night?

6 MS. BEYENE: No.

7 MEMBER ALBERTI: Did you ask?

8 MS. BEYENE: He said a local  
9 artist. I did ask.

10 MEMBER ALBERTI: But you didn't  
11 ask the name of the local artist?

12 MS. BEYENE: No, sir.

13 MEMBER ALBERTI: How many artists  
14 were there that night performing?

15 MS. BEYENE: I'm not sure because  
16 when it comes to open mic, from my  
17 experience --

18 MEMBER ALBERTI: No, how many  
19 people -- you were there all night. How many  
20 artists performed that night?

21 MS. BEYENE: I believe I've seen  
22 four of them. They take the -- you know, the

1 mic from one another. I've seen four.

2 MEMBER ALBERTI: So, okay. So he  
3 said local artists, he meant plural?

4 MS. BEYENE: Yes.

5 MEMBER ALBERTI: Okay. Oh, so  
6 they were going back and forth? There were  
7 four of them going back and forth?

8 What time did you see the  
9 gentleman outside in relationship to when you  
10 closed?

11 MS. BEYENE: After. After the  
12 place is closed.

13 MEMBER ALBERTI: How much after?

14 MS. BEYENE: I can say 20 minutes  
15 after.

16 MEMBER ALBERTI: About 20 minutes  
17 after you closed --

18 MS. BEYENE: Probably.

19 MEMBER ALBERTI: -- you saw the  
20 gentleman out there?

21 MS. BEYENE: Not -- I'm not  
22 exactly sure, but I assume around that time.

1 MEMBER ALBERTI: And you closed --  
2 and this was -- so this was 20 minutes? And  
3 you closed at 12:00, 12:30?

4 MS. BEYENE: Yes.

5 MEMBER ALBERTI: That's correct?

6 MS. BEYENE: Turn the light on at  
7 12:30.

8 MEMBER ALBERTI: I have no further  
9 questions for her.

10 CHAIRPERSON MILLER: Okay. I have  
11 some. Would you like to go? Anybody?

12 MEMBER MOBLEY: I'll let you go  
13 first, Madam Chair.

14 CHAIRPERSON MILLER: Okay. We've  
15 heard references to an individual smoking  
16 inside your restaurant, being a part of a  
17 group of three.

18 MS. BEYENE: Yes.

19 CHAIRPERSON MILLER: And that  
20 that's not allowed inside, so you indicated to  
21 the security to escort the person out, right?  
22 Did all three get escorted out, or do you

1 know?

2 MS. BEYENE: I'm not sure.

3 CHAIRPERSON MILLER: You don't

4 know?

5 MS. BEYENE: I'm not sure.

6 CHAIRPERSON MILLER: You just told  
7 your security to take care of the smoker?

8 MS. BEYENE: Yes.

9 CHAIRPERSON MILLER: Okay. And  
10 then I thought I heard you say that you heard  
11 a person being loud outside?

12 MS. BEYENE: Yes.

13 CHAIRPERSON MILLER: Where were  
14 you? Were you in your office, or were you  
15 downstairs?

16 MS. BEYENE: No, actually I was  
17 downstairs.

18 CHAIRPERSON MILLER: Downstairs?

19 MS. BEYENE: Yes.

20 CHAIRPERSON MILLER: Inside?

21 MS. BEYENE: Yes.

22 CHAIRPERSON MILLER: Okay.

1 MS. BEYENE: Inside.

2 CHAIRPERSON MILLER: And then did  
3 you look through the doorway to see?

4 MS. BEYENE: The window.

5 CHAIRPERSON MILLER: I mean -- the  
6 window on the door?

7 MS. BEYENE: Yes, ma'am.

8 CHAIRPERSON MILLER: Okay. That  
9 narrow window? Okay. Did you notice if that  
10 -- did you say -- testify that that person who  
11 was being loud that you saw outside was the  
12 same person who had been smoking inside?

13 MS. BEYENE: Yes, ma'am.

14 CHAIRPERSON MILLER: And do you  
15 recall whether -- when you looked out the  
16 window whether that person was with the other  
17 two with whom he had been inside?

18 MS. BEYENE: No.

19 CHAIRPERSON MILLER: He was not?

20 MS. BEYENE: From what I've seen,  
21 it's only him that I'm looking at. He does --  
22 he goes back and forth. He does his hand. He

1 wave his hand. But it was just him.

2 CHAIRPERSON MILLER: Okay.

3 MS. BEYENE: That I'm looking at  
4 just him. I remember exactly what he looks  
5 like, what he had on and everything.

6 CHAIRPERSON MILLER: And this was  
7 -- is this for the time frame?

8 MS. BEYENE: Yes.

9 CHAIRPERSON MILLER: What time did  
10 you say you closed, around 12:30?

11 MS. BEYENE: Around 12:30.

12 CHAIRPERSON MILLER: Okay. And  
13 when -- you said you thought you saw him 20  
14 minutes later?

15 MS. BEYENE: Yes, I can say 15, 20  
16 minutes.

17 CHAIRPERSON MILLER: Okay. You  
18 weren't necessarily looking at your watch?

19 MS. BEYENE: No, ma'am.

20 CHAIRPERSON MILLER: Okay. And  
21 then your -- the action you took about the  
22 loud noise outside from this gentleman was to

1 phone the police officer?

2 MS. BEYENE: No, I of course -- at  
3 first I let my securities to handle that.

4 CHAIRPERSON MILLER: You asked  
5 your security to handle it?

6 MS. BEYENE: Of course.

7 CHAIRPERSON MILLER: What did they  
8 do?

9 MS. BEYENE: One of them -- I  
10 remember the female security went outside to  
11 talk to him.

12 CHAIRPERSON MILLER: The one that  
13 was here today, or just --

14 MS. BEYENE: The one who testify,  
15 yes.

16 CHAIRPERSON MILLER: She went out  
17 to talk to him?

18 MS. BEYENE: Yes.

19 CHAIRPERSON MILLER: Okay.

20 MS. BEYENE: And by the time I got  
21 to my office, that's when I made a phone call  
22 to Mr. Jeff. I just -- because he always out

1 front. He's always by the gas station.

2 CHAIRPERSON MILLER: Was that man  
3 still outside making noise when you called the  
4 police officer?

5 MS. BEYENE: I left that door and  
6 I went upstairs. And when I called, I can't  
7 see him. I can't see him. Even if from -- if  
8 I look out from the window, I can't still see  
9 him because there is -- on the top there is --

10 CHAIRPERSON MILLER: Can you hear?

11 MS. BEYENE: The window is closed.  
12 I can't really hear him.

13 CHAIRPERSON MILLER: And what time  
14 would you estimate that you called the police  
15 officer?

16 MS. BEYENE: Maybe after 10, 15  
17 minutes after I saw him.

18 CHAIRPERSON MILLER: So was that  
19 around 1:00 in the morning?

20 MS. BEYENE: Around that time.

21 CHAIRPERSON MILLER: Or  
22 thereafter?

1 MS. BEYENE: Around that -- yes,  
2 around 12:00. Yes, around that time. Around  
3 that time.

4 CHAIRPERSON MILLER: And I know we  
5 don't have a police officer here, so -- but he  
6 did come later that evening. Is that what you  
7 said?

8 MS. BEYENE: Actually, he came  
9 even after the police officers left from the  
10 area, yes.

11 CHAIRPERSON MILLER: Okay. After  
12 they identified the crime scene and all or  
13 that?

14 MS. BEYENE: And all that stuff.  
15 After even took out the tapes. And he came  
16 because he always stationed across from me by  
17 the gas station. And he came. He walked in.

18 CHAIRPERSON MILLER: Okay. I  
19 don't know if you have any knowledge about  
20 this, but is that person who was smoking who  
21 then was loud, is he one of the victims, or do  
22 you know?

1 MS. BEYENE: I have no idea.

2 CHAIRPERSON MILLER: Or one -- you  
3 don't know if he was involved in any -- in  
4 this incident?

5 MS. BEYENE: No, nobody told me.

6 CHAIRPERSON MILLER: Okay.

7 MS. BEYENE: No.

8 CHAIRPERSON MILLER: Let me just  
9 understand about the number of cameras.

10 MS. BEYENE: Yes, ma'am.

11 CHAIRPERSON MILLER: Okay. I  
12 understand at one point had 12 and only 8 were  
13 working at that time. Is there a requirement  
14 to have a certain number of cameras working  
15 under your security plan?

16 MS. BEYENE: I believe four.

17 CHAIRPERSON MILLER: So if you had  
18 eight working, you weren't in violation of  
19 your security plan?

20 MS. BEYENE: I believe so, but  
21 there are areas that is not -- those camera,  
22 I'm not satisfied with the eight that I have

1 because there are areas that I cannot be able  
2 to see. One of them will be the alley.

3 CHAIRPERSON MILLER: So you would  
4 have 12 in order to have better security, not  
5 to comply with your --

6 MS. BEYENE: No.

7 CHAIRPERSON MILLER: -- security  
8 plan?

9 MS. BEYENE: Yes, ma'am.

10 CHAIRPERSON MILLER: As it's  
11 written right now?

12 MS. BEYENE: Yes, ma'am.

13 CHAIRPERSON MILLER: It's being  
14 updated, your security plan, is that right?

15 MS. BEYENE: Yes, ma'am.

16 CHAIRPERSON MILLER: Is it going  
17 to call for more cameras, do you know?

18 MS. BEYENE: Sixteen. Right now,  
19 16 are working perfectly.

20 CHAIRPERSON MILLER: Okay. And 16  
21 you believe is adequate?

22 MS. BEYENE: Yes, ma'am. I'm

1       sorry, ma'am, I don't --

2                   CHAIRPERSON MILLER:   Sixteen you  
3       think is enough cameras for --

4                   MS. BEYENE:   I can see everything.

5                   CHAIRPERSON MILLER:   Okay.

6                   MS. BEYENE:   From the front of the  
7       street, the whole street, from the back alley,  
8       inside and everything.  If it's recommended  
9       more, I will add more.

10                  CHAIRPERSON MILLER:   And the night  
11       of this incident there was a private party.  
12       Would you characterize it as a private party  
13       at the establishment?

14                  MS. BEYENE:   Yes.    Yes.

15                  CHAIRPERSON MILLER:   Okay.  It was  
16       some -- oh, I just want to clarity on your  
17       closing at 12:30.

18                  MS. BEYENE:   Yes.

19                  CHAIRPERSON MILLER:   Is that  
20       something that you told the people ahead of  
21       time who were giving the party?

22                  MS. BEYENE:   The guy who was doing

1 the party, yes.

2 CHAIRPERSON MILLER: It wasn't  
3 a --

4 MS. BEYENE: Well, actually no.  
5 Actually, it was for two hours. For two hours  
6 to bring a local artist to perform for their  
7 friends and colleagues. That was -- it was  
8 two hours.

9 CHAIRPERSON MILLER: Do you have  
10 contracts when you have private parties?

11 MS. BEYENE: Some I do, some I  
12 don't.

13 CHAIRPERSON MILLER: Did you for  
14 this one?

15 MS. BEYENE: No, when it's one-  
16 time thing, sometimes I do, sometimes I don't.

17 CHAIRPERSON MILLER: Is there any  
18 type of screening that you do to determine  
19 whether certain musicians or entertainment  
20 could be in your establishment?

21 MS. BEYENE: Well, I can't say I  
22 screen everybody who's -- you know, who's

1 doing a party there, but sometimes when I --  
2 before I book the party, especially when there  
3 is a contract, if it's a band, I check the  
4 reputation of the band. If it's any type --  
5 I've canceled several parties that my general  
6 manager booked because of the history of the  
7 crowd or the history of the band or the  
8 history of the entertainment type. I've done  
9 that before.

10 CHAIRPERSON MILLER: Did you do  
11 that the night of the incident?

12 MS. BEYENE: No. The reason might  
13 be this guy -- I can't say he's a friend of  
14 mine, Nick, but I know him for several years.  
15 I can say about 14 years I known him. He's  
16 been my customer. I know his friends. I know  
17 the people he -- you know, he comes to the  
18 lounge with -- in my establishment or the  
19 establishment that I work in the past. So I  
20 pretty much know what he does. You know, he's  
21 a hard-working man. I never really questioned  
22 or did any screen, but I just took --

1 CHAIRPERSON MILLER: Well, how was  
2 the band that night? Did it do anything that  
3 contributed to noise in your establishment?

4 MS. BEYENE: But it wasn't a band.

5 CHAIRPERSON MILLER: Oh, okay.

6 MS. BEYENE: It was a --

7 CHAIRPERSON MILLER: It was a DJ?

8 MS. BEYENE: Yes, a DJ.

9 Individuals singing.

10 CHAIRPERSON MILLER: Open mic?

11 MS. BEYENE: It was no -- open  
12 mic; yes, ma'am.

13 CHAIRPERSON MILLER: Does that  
14 have some -- make some kind of difference on  
15 the conduct of the patrons in your  
16 establishment? You know, I'm saying like if  
17 you have certain types of entertainment --

18 MS. BEYENE: Yes, ma'am.

19 CHAIRPERSON MILLER: -- can that  
20 impact the conduct of your patrons? Can it  
21 make them, you know, noisier or rowdier, or --

22 MS. BEYENE: It's hard to

1 determine that.

2 CHAIRPERSON MILLER: Well, when  
3 you check a reputation of a band, what do you  
4 check for?

5 MS. BEYENE: I remember recently  
6 there was a band for -- I -- my general  
7 manager booked for December 17. And I find  
8 out -- you know, I ask where they played?  
9 Where do they play regularly? And the places  
10 they mentioned were even that -- you know, by  
11 asking other people in other venues that they  
12 play at, it doesn't -- it brings not a good  
13 crowd, if I can say that. So I happen to, you  
14 know, cancel it because I can't afford to  
15 have --

16 CHAIRPERSON MILLER: Well, what  
17 kind of crowd did this DJ bring?

18 MS. BEYENE: Always create fights  
19 from -- one of the place they played before  
20 was Lux Lounge. And I asked -- I used to work  
21 there as well. I asked one of, you know, the  
22 manager who did that what kind of crowd they

1 bring in. He pretty much warned me don't ever  
2 bring those people. There will be too many  
3 fights. They will bring you problem.

4 CHAIRPERSON MILLER: Okay. What  
5 kind of crowd was in your establishment the  
6 night of this incident? How would you  
7 characterize them?

8 MS. BEYENE: Believe it or not,  
9 the majority of the people, I recognized them  
10 and --

11 CHAIRPERSON MILLER: Okay.

12 MS. BEYENE: -- I know -- I can  
13 say I know the majority of them from other  
14 venues. And it's just a familiar face.

15 CHAIRPERSON MILLER: Did you know  
16 the one that was noisy?

17 MS. BEYENE: Never see him before.

18 CHAIRPERSON MILLER: Okay. One  
19 question about the security that you usually  
20 employ. You were here for all the witnesses,  
21 so you heard what everybody said. And it's my  
22 recollection, I think it was Mr. Stewart who

1       said there were always -- he comes by your  
2       place regularly and there always two outside  
3       in the front and two inside in the front.  
4       That's what I thought he said.

5                   MS. BEYENE:   Yes, I remember him  
6       saying that.

7                   CHAIRPERSON MILLER:   Okay.

8                   MS. BEYENE:   I don't recall Mr.  
9       Stewart being at Mood Lounge ever after the  
10      place was closed.  I don't recall that at all.  
11      Because every time we see investigator come  
12      in, the first thing they ask is me, the owner.

13                   CHAIRPERSON MILLER:   Okay.  I  
14      think he -- let's say he was referring to in  
15      general what -- before closing.

16                   MS. BEYENE:   Yes.

17                   CHAIRPERSON MILLER:   So that night  
18      did you have two security out front and two  
19      outside and two inside?

20                   MS. BEYENE:   Every night when we  
21      let security out, when we let customers out,  
22      security has to be present at the door to make

1       sure everybody's going their way, everybody --  
2       everything is fine at the door. That's the  
3       security job. They start -- a couple of them  
4       will stand outside. A few of them from inside  
5       will let people out slowly, slowly, slowly.  
6       They make sure that surrounding area is clear  
7       before they come in.

8                   CHAIRPERSON MILLER: From what I  
9       heard your security officer testify; and you  
10      can correct me if I'm wrong, that there were  
11      not always two security officers out front.  
12      She was either inside or outside, inside or  
13      outside, or the door was open. That's what I  
14      thought she said, that, you know -- can  
15      correct me if I'm wrong.

16                   MS. BEYENE: I'm not sure what she  
17      said.

18                   CHAIRPERSON MILLER: So, well,  
19      would it be -- it would be contrary to your  
20      general policy if you didn't have two outside  
21      during --

22                   MS. BEYENE: It depends. Some

1 days I only have one. Let's say when I do  
2 happy hour during the day, when I have older  
3 mature crowd, I only have one security at the  
4 door.

5 CHAIRPERSON MILLER: How about at  
6 12:00 at night?

7 MS. BEYENE: Most of the time I  
8 put -- I always have two securities by the  
9 door. Sometimes when it's cold, they come in,  
10 they go out, they come in, they go out. But  
11 they have to be at the door all times.

12 CHAIRPERSON MILLER: And have your  
13 security employees ever not performed their  
14 security operations the way they're supposed  
15 to?

16 MS. BEYENE: In front of me they  
17 do, because --

18 CHAIRPERSON MILLER: But they're  
19 not always in front of you.

20 MS. BEYENE: I -- if I'm not  
21 watching them either through the camera or  
22 looking at them, I can't tell you. Btu most

1 of the security who works for me, they used to  
2 work with me. So I know their reputation. I  
3 know their experience. That's how actually I  
4 hire them. That's what -- you know, most of  
5 them. I can say all of them. We work  
6 together for several years in the night life.

7 CHAIRPERSON MILLER: Okay. Have  
8 you ever fired any of your security?

9 MS. BEYENE: One.

10 CHAIRPERSON MILLER: And what was  
11 -- for what?

12 MS. BEYENE: Most of the time he's  
13 -- he doesn't do anything. He just talk to  
14 ladies.

15 CHAIRPERSON MILLER: Okay.

16 MS. BEYENE: I caught him several  
17 times.

18 CHAIRPERSON MILLER: Okay. I  
19 think that's all my questions. Ms. Mobley?  
20 Thank you.

21 MEMBER MOBLEY: Thank you, Madam  
22 Chair. I have several questions and I'm going

1 to try to be quick.

2 First of all, I heard you -- your  
3 testimony was that you have employed 4  
4 bartenders, 1 manager, 10 security guards and  
5 2 people to clean up. Is that correct?

6 MS. BEYENE: That night?

7 MEMBER MOBLEY: No, in terms of  
8 number of employees for your establishment.

9 MS. BEYENE: Yes, but for full  
10 time.

11 MEMBER MOBLEY: And then you say  
12 that you have some part-time employees?

13 MS. BEYENE: Yes, ma'am.

14 MEMBER MOBLEY: How many and what  
15 are their titles?

16 MS. BEYENE: Part-time bartenders.

17 MEMBER MOBLEY: How many?

18 MS. BEYENE: I have about six of  
19 them.

20 MEMBER MOBLEY: Okay. Anyone  
21 else?

22 MS. BEYENE: I have the cleaning

1 staff. I have part-time and one extra that I  
2 bring every now and then when I expect a busy  
3 night.

4 MEMBER MOBLEY: Okay. Well we  
5 were talking about Mr. Deckly, Eugene?

6 MS. BEYENE: Yes.

7 MEMBER MOBLEY: You said that he  
8 had a full-time job, but you -- in the same  
9 breath you say something about part-time. Is  
10 he also one of your part-time employees?

11 MS. BEYENE: No.

12 MEMBER MOBLEY: In terms of doing  
13 your work? So he's not -- he's just simply on  
14 contract?

15 MS. BEYENE: He's a employee that  
16 when I have electric problems -- you know,  
17 he's electrician as well.

18 MEMBER MOBLEY: Is he on your  
19 payroll part time?

20 MS. BEYENE: No, ma'am.

21 MEMBER MOBLEY: He -- only by  
22 contract?

1 MS. BEYENE: Yes, ma'am.

2 MEMBER MOBLEY: Okay. Thank you.

3 Around those same lines, you indicated that  
4 you go over there, that you always check  
5 everything outside, you're all over the place,  
6 you're always aware of your environment. Is  
7 that correct?

8 MS. BEYENE: Yes, ma'am.

9 MEMBER MOBLEY: How would you  
10 characterize your management style in terms of  
11 your working with your security team and  
12 bartenders?

13 MS. BEYENE: I think I'm excellent  
14 and I know exactly what to do in this  
15 business. I've been not only a bartender for  
16 13 years, I also worked as a manager, bar  
17 manager for several nightclubs.

18 MEMBER MOBLEY: Okay. Do you have  
19 a policy, because I also heard your testimony  
20 to say that you have a good relationship with  
21 your security folks.

22 MS. BEYENE: Yes. Yes, ma'am.

1                   MEMBER MOBLEY: That many of them  
2 you've known for a long while and you've  
3 worked other places together. Is that  
4 correct?

5                   MS. BEYENE: Yes, ma'am.

6                   MEMBER MOBLEY: Okay. Do you have  
7 a policy whereby if any of your security  
8 people hear or see something out of the  
9 ordinary, since you're so on top of your  
10 environment, that they need to come and tell  
11 you, alert you?

12                  MS. BEYENE: They do. They do.

13                  MEMBER MOBLEY: Okay. So when  
14 your security, your head of security, Mr.  
15 Bond, saw the commotion and he was escorting  
16 three people out, then based on your testimony  
17 he came and told you that, made you aware of  
18 that?

19                  MS. BEYENE: Actually, I'm the one  
20 who told him that.

21                  MEMBER MOBLEY: Okay. Mr. Bond  
22 didn't see that?

1 MS. BEYENE: No.

2 MEMBER MOBLEY: Okay. Where was  
3 Mr. Bond in the establishment?

4 MS. BEYENE: The other end of the  
5 seats. They're in the middle at the other  
6 end. I'm right across from them. I'm behind  
7 the bar.

8 MEMBER MOBLEY: Okay.

9 MS. BEYENE: This way is where the  
10 outside is.

11 MEMBER MOBLEY: Okay.

12 MS. BEYENE: He's on the other  
13 side. And I can look at him walk towards  
14 them. When he get to them --

15 MEMBER MOBLEY: Okay.

16 MS. BEYENE: -- when I know that  
17 he's going to take care of them, I went to --  
18 I went on the other side.

19 MEMBER MOBLEY: Okay. Did the  
20 three people that were involved with the  
21 smoking -- I think we had earlier testimony to  
22 say that they were in the VIP area.

1 MS. BEYENE: It's not VIP.

2 It's --

3 MEMBER MOBLEY: That side of the  
4 room?

5 MS. BEYENE: It is.

6 MEMBER MOBLEY: Which is not too  
7 far from the restrooms.

8 MS. BEYENE: There's a seat.

9 MEMBER MOBLEY: Right, it's not  
10 too far from the restroom?

11 MS. BEYENE: Yes.

12 MEMBER MOBLEY: Which is not too  
13 far from the front door, is that correct?

14 MS. BEYENE: Yes, there is a  
15 bathroom wall.

16 MEMBER MOBLEY: Okay.

17 MS. BEYENE: You know, if you are  
18 by the door --

19 MEMBER MOBLEY: Okay.

20 MS. BEYENE: -- for you to be able  
21 to see the person who's sitting, it's  
22 impossible. Because that wall, the bathroom

1 wall, it will cover you, because the seat, it  
2 goes a little bit in.

3 MEMBER MOBLEY: Okay. So is your  
4 testimony that the security guards who are up  
5 front can't see in that area?

6 MS. BEYENE: Is no way they can  
7 see the people.

8 MEMBER MOBLEY: Okay.

9 MS. BEYENE: There is no way.

10 MEMBER MOBLEY: So at the front I  
11 heard you and your security guard, Ms.  
12 Williams, say that you have three people at  
13 the front at all times, a woman -- a security  
14 guard female to pat down woman?

15 MS. BEYENE: Yes.

16 MEMBER MOBLEY: A gentleman to pat  
17 down men?

18 MS. BEYENE: Yes.

19 MEMBER MOBLEY: Is that correct?

20 MS. BEYENE: Yes.

21 MEMBER MOBLEY: And then you said  
22 you had a clicker.

1 MS. BEYENE: Clicker.

2 MEMBER MOBLEY: Because of the  
3 fire, you want to make sure you had the --

4 MS. BEYENE: Yes.

5 MEMBER MOBLEY: -- you didn't go  
6 over your fire limit, is that correct?

7 MS. BEYENE: Yes.

8 MEMBER MOBLEY: The clicker, would  
9 that person do anything else other than click  
10 and make sure that they --

11 MS. BEYENE: He check ID. That  
12 night he check ID.

13 MEMBER MOBLEY: He checked ID as  
14 well?

15 MS. BEYENE: Yes, ma'am.

16 MEMBER MOBLEY: Okay. And he or  
17 she always checks the ID?

18 MS. BEYENE: Not always.

19 MEMBER MOBLEY: Okay.

20 MS. BEYENE: Not always.

21 MEMBER MOBLEY: Is that person on  
22 the outside of the establishment or on the

1       inside?

2                   MS. BEYENE:    It depends.

3                   MEMBER MOBLEY:   Okay.

4                   MS. BEYENE:    Some days they -- we  
5       set up the -- some days we set up the sitting  
6       area.  If we have -- let's say we're charging.

7                   MEMBER MOBLEY:   Yes.

8                   MS. BEYENE:    We set the chair, the  
9       table and the chair right behind the door.

10                  MEMBER MOBLEY:   Okay.

11                  MS. BEYENE:    That clicker guy is  
12       going to stand right there.

13                  MEMBER MOBLEY:   Okay.

14                  MS. BEYENE:    That means you have a  
15       person who's check an ID, another individual  
16       who's going to check the ID.

17                  MEMBER MOBLEY:   Okay.  Just a  
18       couple more questions and I'll be finished.

19                  You said you had this new -- you  
20       had a new camera system installed.  When was  
21       that?  Approximately the month and --

22                  MS. BEYENE:    The new -- the

1 screen, the one I have?

2 MEMBER MOBLEY: No, I thought I  
3 heard you say that you had --

4 MS. BEYENE: Oh, the four new  
5 additional cameras?

6 MEMBER MOBLEY: Yes.

7 MS. BEYENE: Last week.

8 MEMBER MOBLEY: Just last week?

9 MS. BEYENE: The additional? Yes.

10 MEMBER MOBLEY: Okay. I know you  
11 got -- you had four additional cameras  
12 installed.

13 MS. BEYENE: Yes, ma'am.

14 MEMBER MOBLEY: Prior to that when  
15 did you have your cameras -- I thought I heard  
16 you say you had something else installed prior  
17 to that?

18 MS. BEYENE: Okay. Let me, if I  
19 can --

20 MEMBER MOBLEY: I'm sorry, but  
21 I --

22 MS. BEYENE: There is 16 --

1 MEMBER MOBLEY: Right.

2 MS. BEYENE: -- the screen is for  
3 16 cameras on the TV, on that, I think.

4 MEMBER MOBLEY: Right, I  
5 understood that.

6 MS. BEYENE: Seven of them -- for  
7 a long time eight of them were working.

8 MEMBER MOBLEY: Right.

9 MS. BEYENE: One of them from the  
10 door, they broke it --

11 MEMBER MOBLEY: Right.

12 MS. BEYENE: -- and --

13 MEMBER MOBLEY: Right.

14 MS. BEYENE: So it makes it seven.

15 MEMBER MOBLEY: Okay.

16 MS. BEYENE: So total it was  
17 supposed to be 12.

18 MEMBER MOBLEY: Right.

19 MS. BEYENE: Okay. So we only had  
20 seven until that incident.

21 MEMBER MOBLEY: Okay.

22 MS. BEYENE: The rest of them were

1 installed last week.

2 MEMBER MOBLEY: Okay.

3 MS. BEYENE: Took them about two,  
4 three days --

5 MEMBER MOBLEY: Okay.

6 MS. BEYENE: -- to finish the job.

7 MEMBER MOBLEY: Okay. My last  
8 question, because I heard you say that the MPD  
9 and ABRA always are in your establishment, is  
10 that correct?

11 MS. BEYENE: Yes.

12 MEMBER MOBLEY: According to your  
13 testimony.

14 MS. BEYENE: Yes.

15 MEMBER MOBLEY: And did you say  
16 that you were paranoid about making sure  
17 everything's right? Is that correct?

18 MS. BEYENE: Yes.

19 MEMBER MOBLEY: So I guess my  
20 question is if you know that MPD and ABRA's  
21 always going to be in your establishment and  
22 you're paranoid because you want to make sure

1 everything is right -- you know, you said you  
2 want to make sure everything is right,  
3 especially as it relates to public safety,  
4 then I guess my question is what was it that  
5 allowed you to not have your -- adhere to the  
6 security plan, your own security plan that  
7 says that you would have operable cameras?

8 MS. BEYENE: From my  
9 understanding, those seven cameras are  
10 working. Working, recording, everything, from  
11 my understanding, until Mr. Vince came in,  
12 talked with the camera man and said stop  
13 recording. October 30th, or October 23rd,  
14 whatever that date is, my understanding is my  
15 camera is functioning perfectly.

16 MEMBER MOBLEY: Right.

17 MS. BEYENE: I don't know how  
18 to --

19 MEMBER MOBLEY: Okay. Part of  
20 your security plan also called for you to be  
21 able to have that DVR -- so we could have the  
22 -- so ABRA and MPD could have the footage. So

1 you were not paranoid or concerned that that  
2 was not operating? Especially since you had  
3 been robbed before, wouldn't you want to have  
4 that captured on tape if that was to occur  
5 again?

6 MS. BEYENE: Until that day those  
7 -- I did not know my camera was not recording.

8 MEMBER MOBLEY: You're talking  
9 about the DVR, where it wasn't connected?

10 MS. BEYENE: No, it's built in  
11 the --

12 MEMBER MOBLEY: The footage.

13 MS. BEYENE: It's built in.

14 CHAIRPERSON MILLER: Built in?

15 MS. BEYENE: It's a built-in DVR.

16 CHAIRPERSON MILLER: Can I

17 interpose a question here --

18 MEMBER MOBLEY: Yes, please.

19 CHAIRPERSON MILLER: -- because I  
20 think there's a -- you're missing -- I think  
21 -- are you saying that --

22 MEMBER MOBLEY: Because I heard

1 the DVR was under the desk.

2 CHAIRPERSON MILLER: -- you would  
3 look at the monitor --

4 MS. BEYENE: Yes.

5 CHAIRPERSON MILLER: -- and it was  
6 working, correct?

7 MS. BEYENE: Yes, it is, ma'am.

8 CHAIRPERSON MILLER: You could see  
9 for eight cameras?

10 MS. BEYENE: Yes.

11 CHAIRPERSON MILLER: You didn't --  
12 is it -- are you saying that you didn't know  
13 it wasn't recording?

14 MS. BEYENE: Absolutely not.

15 CHAIRPERSON MILLER: Until the  
16 night of the incident?

17 MS. BEYENE: Until he came and  
18 told me after he spoke to the -- Mr. Eugene  
19 and Mr. Eugene direct him how to retrieve the  
20 cameras. And he find out and they find out  
21 together is that it stops -- stopped recording  
22 23rd or the 30th of October. I have the exact

1 date. Until then I did not know.

2 CHAIRPERSON MILLER: Did something  
3 happen on that date, or it just stopped  
4 working?

5 MS. BEYENE: I don't know if I  
6 explained this, but if I may, I can explain  
7 this to you. A few month ago two of -- two  
8 friends, people that I know from my country,  
9 they got in a fight. One of them did a police  
10 report. The investigator came to review the  
11 tape, just like Mr. Vince came to review the  
12 tape.

13 So in the office it was me and I  
14 believe Investigator Harris from MPD. Me the  
15 investigator and also my sister try to figure  
16 out how to retrieve that video because she  
17 needs the footage.

18 CHAIRPERSON MILLER: Right.

19 MS. BEYENE: We play with it. And  
20 after that we couldn't be able to get that  
21 footage that she's looking for. We set up a  
22 meeting with her and my camera guy so for her

1 to be able to get that footage, what happened,  
2 who punch what and how that started, because  
3 one of them, I think, she sue his friend.  
4 Until that day -- after that, I believe that's  
5 the day it stopped recording.

6 CHAIRPERSON MILLER: So my  
7 question, it wasn't broken? Is it just that  
8 you did something and you didn't know you did  
9 something?

10 MS. BEYENE: I'm assuming because  
11 of the -- we were doing a whole bunch of  
12 things. I -- she played with it and I played  
13 with it --

14 CHAIRPERSON MILLER: Okay.

15 MS. BEYENE: -- trying to figure  
16 out. We went back and forth. I believe  
17 whatever we did that particular day it stopped  
18 from recording.

19 CHAIRPERSON MILLER: Okay. Is  
20 that clear for you?

21 MEMBER MOBLEY: Yes. I'm sorry,  
22 just -- Madam Chair --

1 CHAIRPERSON MILLER: Yes?

2 MEMBER MOBLEY: -- I just have to  
3 add just one question, because I thought I  
4 just heard you say that the DVR is part of the  
5 camera, it's connected with -- what did you  
6 say?

7 MS. BEYENE: It's built in.

8 MEMBER MOBLEY: It's built into  
9 the camera?

10 MS. BEYENE: That's -- yes.

11 MEMBER MOBLEY: Okay. Because we  
12 have testimony from Investigator Stewart to  
13 say that when he was in your office he asked  
14 about the tapes and the system. The monitor  
15 was not on at the time and he had to get  
16 behind your desk and he traced the lines and  
17 found the DVR on the floor underneath your  
18 desk or behind your desk. That was his  
19 testimony.

20 MS. BEYENE: That's not true.  
21 There is no DVR.

22 MEMBER MOBLEY: Okay. I'm just

1 saying that's his testimony.

2 MS. BEYENE: There is no DVR.

3 MEMBER MOBLEY: Okay.

4 MS. BEYENE: And behind in my desk  
5 I only have the micro computer --

6 MEMBER MOBLEY: Yes.

7 MS. BEYENE: The micro computer.

8 And connected to the actual -- the monitor and  
9 the computer. That's the only thing I have  
10 there.

11 MEMBER MOBLEY: Okay.

12 MS. BEYENE: I don't have anything  
13 else.

14 MEMBER MOBLEY: Thank you, Madam  
15 Chair.

16 CHAIRPERSON MILLER: I just want  
17 to ask one more follow-up on someone, but you  
18 know we've had a lot of testimony today, so I  
19 thought that someone said that -- well, you  
20 said that you observed a person smoking in  
21 your establishment and that's why you asked  
22 security to take them out.

1 MS. BEYENE: Yes, I told --

2 CHAIRPERSON MILLER: Correct?

3 Okay. Some people make mention to a, quote,  
4 "commotion." Did you hear -- do you know what  
5 that means? Did you hear or observe a  
6 commotion, or just someone smoking?

7 MS. BEYENE: I saw someone smoking  
8 and I -- you know, it's basically eye contact  
9 where -- for him where to go. And he caught  
10 the guy smoking. Commotion, I didn't see  
11 anything. I didn't even see him escorting  
12 those people or that individual by himself or  
13 all three out of the building. I did not see  
14 that.

15 CHAIRPERSON MILLER: Okay. And  
16 you didn't hear any commotion?

17 MS. BEYENE: No, ma'am.

18 CHAIRPERSON MILLER: Okay.

19 MS. BEYENE: No.

20 CHAIRPERSON MILLER: Any -- yes,  
21 Mr. Nophlin?

22 MEMBER NOPHLIN: I ask you what

1 kind of relationship you have with your ANCs?

2 MS. BEYENE: I don't -- it's not a  
3 -- can I say it's not a good relationship?  
4 I've been to at the beginning regular  
5 meetings, me and my general manager. We go  
6 there, you know, introduce our self. We were  
7 never welcome, not -- I can be able to explain  
8 things, you know, what take -- what took place  
9 in the meetings and things like that. We were  
10 never welcome to the point -- excuse me.

11 CHAIRPERSON MILLER: You can take  
12 a break.

13 MS. BEYENE: I didn't mean to do  
14 this. I'm sorry.

15 CHAIRPERSON MILLER: That's okay.  
16 Take as much time as you need.

17 MS. BEYENE: They're just horrible  
18 to me. I'm sorry. They're vocal. They don't  
19 hide their feelings. I remember my first  
20 meeting, one of the lady got up and she said  
21 I make sure you lose your investment. I  
22 didn't say anything. If my property value go

1 down because you moved in this area, I make  
2 sure you lose your investment.

3 From the beginning I attend the  
4 ANC meeting to the end, the subject is Mood  
5 Lounge. There is nothing other than Mood  
6 Lounge.

7 Some of them -- I remember one guy  
8 said it's where hookers go. Remember, I went  
9 to the meeting with one of my lawyer. Not  
10 them. Another lawyer. And she ask him what  
11 do you mean by hooker? They always cut all  
12 the way here. He said, sir, I wear skirt that  
13 short. Is that -- I'm so sorry.

14 MEMBER NOPHLIN: If you feel  
15 comfortable not discussing it, it's better you  
16 don't do so. I don't want to make you more  
17 upset. And we can certainly --

18 MS. BEYENE: It's been hell. It's  
19 been -- they do everything. They leave  
20 messages on my answering machine leave out of  
21 this area. They -- it's so many things. They  
22 call the police the minute I enter the

1 building, even if there is no business. I can  
2 tell you since you guys shut me down, every  
3 day I go there, police will visit me. And we  
4 get -- we got complaint from the neighbors.  
5 There is no music. There is nobody there but  
6 me -- or I always take one person with me.

7           Yesterday I just pass by by  
8 myself. These four police officers with four  
9 police car park. And I got out of the car.  
10 I said, officer, are you looking for anything?  
11 Said somebody called and complain that there  
12 is a noise coming from this lounge. Is nobody  
13 in the building. I'm the only one with a key.

14           From the day I moved in to that  
15 building until today, I get harassed. They  
16 come in. They videotape when the customers go  
17 in and out. And one of them -- actually, one  
18 of -- he was here today, he told me -- he was  
19 a little bit intoxicated. He said you know we  
20 have a chat room where, you know, every night  
21 you open we take turns to call ABRA and MPD.  
22 Every day the door open, the minute I walk in

1       until I walk out I'm scared and paranoid  
2       because it just -- it's been hell.

3               And I stop going to the meeting  
4       because they're very abusive verbally and  
5       they're not even -- I will have a meeting with  
6       my employees Sundays. And if they see us at  
7       the door, are you open? No, we just finish a  
8       meeting. Remember one they was husband and  
9       wife. Can you come in and see the place?  
10       We're just doing a meeting. No, no, no. I'm  
11       going to let ANC know you're open.

12               Even if we open, I have a right to  
13       open because of the -- all these things, I  
14       don't even open. I only open two days so I  
15       can pay the bills. I can open Monday to  
16       Sunday, but every day I open -- everybody who  
17       works there, they go through hell. I can't  
18       tell you.

19               Some of them, they don't even live  
20       nearby, they live in O Street, a block away.

21       They live in O street. They call the police  
22       every day because of noise. There is no way

1 you can hear anything over there. I'm sorry.

2 MEMBER NOPHLIN: Let me say this:  
3 I think that -- I'm sorry I asked the question  
4 in a way because it made you upset, but I'm  
5 glad I heard you say what you did say.

6 Madam Chair?

7 CHAIRPERSON MILLER: Yes?

8 MEMBER NOPHLIN: I think the Board  
9 needs to meet and talk about this issue.

10 CHAIRPERSON MILLER: I agree.

11 MEMBER NOPHLIN: Not tonight, but  
12 certainly in the future.

13 CHAIRPERSON MILLER: Oh, the ANC  
14 issue?

15 MEMBER NOPHLIN: Yes.

16 CHAIRPERSON MILLER: Oh, the ANC  
17 issue? Yes. Okay. I don't think there --  
18 are there anymore Board questions?

19 (No response.)

20 CHAIRPERSON MILLER: No? And will  
21 you be doing closing arguments?

22 MR. STERN: I have questions on

1 redirect.

2 CHAIRPERSON MILLER: Oh, redirect?

3 You may need a break then.

4 MR. WOODSON: Madam Chair?

5 CHAIRPERSON MILLER: But it's up  
6 to you.

7 MR. WOODSON: Given what has  
8 happened, we will not take anymore redirect.

9 CHAIRPERSON MILLER: Okay.

10 MR. STERN: I actually just want  
11 to ask one question of the witness if she  
12 feels she can answer.

13 MS. BEYENE: No.

14 MR. STERN: And it won't be on  
15 this area.

16 CHAIRPERSON MILLER: This is the  
17 last question?

18 MR. STERN: Yes.

19 CHAIRPERSON MILLER: Okay.

20 MR. STERN: The pictures we got  
21 show that there's a status page that actually  
22 says 10/23 was the last recording date.

1 MS. BEYENE: Yes.

2 MR. STERN: You never looked at it  
3 between then and now?

4 MS. BEYENE: No. No, sir.

5 MR. STERN: Thank you.

6 CHAIRPERSON MILLER: Okay.

7 MS. BEYENE: I just -- I feel it  
8 works when I see the screen.

9 CHAIRPERSON MILLER: Yes.

10 MS. BEYENE: I'm sorry.

11 CHAIRPERSON MILLER: No, it's been  
12 a long day. I think that you can be excused  
13 at this point.

14 MS. BEYENE: Thank you.

15 CHAIRPERSON MILLER: Thank you.

16 Okay. Now we are at closing, are  
17 we not?

18 MR. STERN: There is one other  
19 thing. I wanted to --

20 CHAIRPERSON MILLER: Okay.

21 MR. STERN: -- put this into  
22 evidence. It is the final version with her

1 markings.

2 CHAIRPERSON MILLER: It's the same  
3 exhibit number, is that correct?

4 MR. STERN: Exhibit G-4 --

5 CHAIRPERSON MILLER: Okay.

6 MR. STERN: -- I think is the  
7 correct one we're at.

8 CHAIRPERSON MILLER: Okay. So  
9 it's now 9:30 and what's left are closings,  
10 and I hope they're not going to be too long  
11 because it's been a long day for everybody.  
12 Five minutes?

13 MR. WOODSON: Five minutes.

14 MR. STERN: I'll do if they do.

15 CHAIRPERSON MILLER: Okay.

16 MR. WOODSON: Yes.

17 MR. STERN: Would you like me to  
18 proceed?

19 CHAIRPERSON MILLER: Yes, and I  
20 think it's important you do have your closing  
21 arguments, but it's been a long day. I think  
22 -- I hope you're going to basically highlight,

1 you know, your main points and the evidence  
2 that the Board's -- to help us.

3 MR. STERN: I will do my best.

4 CHAIRPERSON MILLER: Okay.

5 MR. STERN: It has been a long day  
6 and we have heard a lot of conflicting  
7 evidence, and the Board has to decide how to  
8 determine what is more accurate in the  
9 conflicting evidence. the Board has to look  
10 at credibility, and credibility naturally  
11 assumes the question of what both -- who has  
12 more interest in fabricating a story, who --  
13 and whether that story as it compares to facts  
14 that we absolutely are sure about or that  
15 everyone testified to makes sense.

16 In this case we spent an  
17 inordinate amount of time, it seems to me, on  
18 questioning witnesses about whether or not  
19 this event occurred at Mood; or in front of  
20 Mood, better yet. It is simply unfathomable  
21 to the Government that there can be an  
22 argument that it occurred there. The police

1 appear and there are two large puddles of  
2 blood. There is additional blood by the front  
3 door.

4 If it doesn't happen there, how  
5 does that get there? It's not like the police  
6 brought the blood with them. Okay? Not only  
7 is the blood all there, but the two victims  
8 report that it occurred there. What reason  
9 would they have to say that it occurred there  
10 unless it did? And how do we know the blood  
11 did -- besides from the police officers, also  
12 the ABRA investigators saw the blood there  
13 when they showed up. One of them testified  
14 that the blood was three feet in front of the  
15 front door.

16 Even the Respondent testified  
17 eventually that anyone who was bleeding right  
18 there had to be seen from the front door. Had  
19 to be. She eventually testified to that. So  
20 either no one is at the front door; which is  
21 incredible because the investigators came in  
22 and said there's always somebody at the front

1 door and every witness that the Respondent put  
2 on said there was somebody at the front door,  
3 or in fact they must have known it occurred  
4 and they covered it up, they tried to avoid  
5 the situation by saying we don't know what  
6 happened inside, we didn't see anything,  
7 etcetera.

8 How do we know that is likely?

9 Well, we look at the evidence again. We look  
10 at the fact that they have a license that  
11 allows them to stay open until 2:00 in the  
12 morning. All they had to do at that point was  
13 sell alcohol and make money. Here's a woman  
14 who came in very emotional that she can't  
15 hardly pay her bills and can only stay open a  
16 couple nights a week and she has 50 people, 50  
17 people who have been competing with each other  
18 about dancing and music and things like that,  
19 and she closes an hour-and-a-half before her  
20 closing time when all she had to do was sell  
21 alcohol to them, continue to sell alcohol.  
22 I suggest to the Board that the reason she

1 closed at 12:30 is because -- or excuse me.

2 First of all, I have to say that  
3 the evidence is contradictory about whether  
4 she closed at 12:30 additionally. If you will  
5 remember, the officer came in and the officer  
6 testified that when she arrived she saw  
7 patrons leaving. Yes, by 1:15 or 1:30 when  
8 the officer arrived there -- she was closed  
9 already, but she also testified that the  
10 cleaning people had looked like they had just  
11 started. So it didn't look as though she had  
12 been closed for an hour. It looked like she  
13 had been closed for a lot shorter period of  
14 time. And I suggest that that makes sense if  
15 you realize that they must have seen what  
16 happened immediately outside and then closed  
17 the establishment and told everybody to go  
18 home. It just fits.

19 Now, we look at the testimony of  
20 the security guard. She doesn't see anybody  
21 smoking inside at all. She says she's the one  
22 who told Bond that they were making too much

1 noise -- Mr. Bond, excuse me -- that they were  
2 making too much noise and he should go over  
3 and break it up. She says she watched him go  
4 over there and talk to the guys. If they were  
5 smoking, she had to have seen it.

6 Also, if the Board looks at where  
7 she drew those people, it is completely  
8 contradictory -- well, it is very  
9 contradictory, not completely contradictory to  
10 where the Respondent drew those people. They  
11 both said they were on the other side of the  
12 room from the bar, but where the security  
13 guard placed them was at the corner where the  
14 seating of the VIP section starts. And that  
15 makes sense. If she could hear them, if she  
16 could see the guy go over there to escort  
17 them, she could see them leaving, all three of  
18 them, then that must have -- there's more --  
19 it makes more sense that they were seated in  
20 that area than that they were seated across --  
21 directly across from the bar where the  
22 Respondent says they were smoking.

1                   Now, it seems to me that there is  
2 but little doubt that these events occurred at  
3 Mood. There is but little doubt that some  
4 sort of fight occurred inside. Why do we know  
5 that as well? Because the officer saw  
6 somebody with a bloody lip and asked him where  
7 did that occur? And he said inside Mood in a  
8 fight. Someone hit me with their elbow.  
9 Well, he has no reason to say that. He could  
10 have placed them outside where everybody else  
11 was placed, unless it actually did occur  
12 inside. So we know that something occurred  
13 inside Mood. We know because of where the  
14 blood is that the security people at Mood, if  
15 they're at the front door where they always  
16 are and where they testified they were, must  
17 have seen the stabbing.

18                   So what do we have? We have an  
19 establishment who's very concerned about their  
20 license. No question about it. And they know  
21 something major has happened and their  
22 immediate reaction; which is -- the Board sees

1 all the time; it's not unusual, stonewall it.

2 Just don't say anything. I didn't see  
3 anything. They can't get me in trouble.

4           Unfortunately, I didn't see  
5 anything, they can't get me in trouble, doesn't  
6 align with the facts. And that's why this is  
7 a dangerous place and that's why they pose an  
8 imminent threat to the public, because if they  
9 are not going to cooperate with MPD, if  
10 they're not going to cooperate with ABRA by  
11 not -- by hiding what occurs, if they're going  
12 to harbor fugitives who commit serious bodily  
13 injury to civilians, they are dangerous. It's  
14 simple as that.

15           Now, what do we do now with Mood?  
16 The Government's at somewhat of a disadvantage  
17 because Mood comes in here, like all the  
18 respondents come in here, and say, oh, but I  
19 look I did 1,000 things. But we don't have  
20 any way to verify that they did. We don't have any  
21 way to verify that they didn't. They could  
22 testify to anything. They testified to

1 anything on several different accounts.

2 So I think that what the Board has  
3 to do in the interest of security for the  
4 public is to hold this over for a show cause  
5 hearing and have the establishment remain  
6 closed. And at the time of the show cause  
7 hearing the Board can decide whether -- by  
8 then ABRA will have had a chance to go out  
9 there, do a further investigation, decide  
10 whether the place has really reformed and  
11 really instituted new procedures. They can  
12 submit their updated security plan, which even  
13 they admit isn't done yet. They can complete  
14 all the training, which even they admit wasn't  
15 done yet. And then the Board can feel much  
16 more secure in allowing them to reopen if that  
17 is appropriate. Thank you.

18 CHAIRPERSON MILLER: Thank you.

19 Mr. Woodson?

20 MR. WOODSON: Ms. Williford will  
21 deliver the closing argument.

22 MS. WILLIFORD: The burden is on

1 the Office of the Attorney General to show  
2 that the operations of Mood Lounge presented  
3 an imminent danger to the health and safety of  
4 the public. We just heard from him that it  
5 presented an imminent danger because there is  
6 some huge cover-up conspiracy that went on  
7 among Mood Lounge to somehow prevent ABRA and  
8 MPD officers from finding out what happened  
9 and to cover up what actually happened.

10 We have been here for 10 hours  
11 hearing lots of evidence of opinions of what  
12 happened, accounts of various things that  
13 happened. Simply because someone says they  
14 did not see anything, making the assumption  
15 that they're somehow lying is not a cover up.  
16 And if you look closely at the evidence that  
17 was actually put before you today, setting  
18 aside first of all the night of the 29th  
19 through the 30th, from all accounts that we  
20 have regarding the establishment it is shown  
21 to be an upstanding establishment.

22 We have MPD Officer Wilcox who

1 says she's familiar with Mood Lounge. She  
2 hasn't observed any potential disturbances in  
3 the past. You have the direct testimony of  
4 Investigator Stewart who said he is very  
5 familiar with Mood Lounge, frequented it 15  
6 times, all security was directly out front and  
7 directly inside, and every single time it was  
8 an orderly establishment. You also have  
9 references to the investigative report about  
10 there being no previous violent acts. There  
11 is nothing outside of this incident in  
12 particular that they are pointing to that  
13 actually identifies this as a threat to the  
14 public safety.

15 Now coming to the evidence at  
16 hand, which is the night of the December 29th  
17 to 30th that we have been talking about for so  
18 long.

19 There are three key pieces of  
20 information that keep surfacing that basically  
21 connect this stabbing, that lay the foundation  
22 for what happened in connection with this

1       stabbing. The first is the recollection of  
2       Jason Thomas. He is one of the victims who  
3       was involved. And what have we heard so far  
4       regarding that testimony of Jason Thomas? We  
5       haven't heard from directly, but we have heard  
6       that the investigator talked to him. He's  
7       saying he was stabbed outside of Mood Lounge.  
8       He doesn't know how it happened and he wasn't  
9       even sure kind of when it happened, maybe 20  
10      minutes before. And he even says by his own  
11      recollection to the investigator that no Mood  
12      employee saw it and it happened quickly.

13                The MPD report also recollects  
14      that due to the nature and severity of both C1  
15      and C2's injuries they were unable to provide  
16      a detailed statement as to what led to their  
17      being assaulted. The MPD report also states  
18      that they were standing in front of the listed  
19      establishment, but there was no confirmation  
20      regarding that.

21                Last but not least, Investigator  
22      Craig said that when he spoke with Jason

1 Thomas directly -- that he knows him  
2 personally and he was not himself. He says he  
3 believes that he was on medication. So the  
4 accounts even that we have from the victim  
5 itself, there is some concern regarding what  
6 actually happened and the knowledge that came  
7 from that.

8 Two, we also have the recollection  
9 of a Mr. Griffin, and I believe that is the  
10 individual who transported the -- who  
11 allegedly transported the victims to Howard  
12 University Hospital. According to Detective  
13 Jackson, who was the only person that spoke  
14 with Mr. Griffin, he had a bloody chin that he  
15 received from Mood Lounge, and also he  
16 described a Marquis King as having guts  
17 falling out and him running in and out of Mood  
18 Lounge. That was the testimony that Detective  
19 Jackson said Mr. Griffin said. There was no  
20 one else who Mr. Griffin spoke to or relayed  
21 that information to. No testimony that we  
22 heard before today.

1                   But what we did hear consistently  
2                   through everyone who was on the stand is that  
3                   there was no blood that was actually found  
4                   within Mood that would corroborate someone  
5                   who's running into Mood Lounge with a spleen  
6                   hanging out of him, somehow no blood being at  
7                   Mood Lounge during that point.

8                   And also we have witness testimony  
9                   from Mood employees saying that there was  
10                  nothing that happened. And we have an officer  
11                  confirming that there was no crime scene  
12                  within Mood Lounge itself.

13                  So if in fact we were to believe  
14                  Mr. Griffin's account, we would have to  
15                  believe that somehow there was an individual  
16                  running inside of Mood Lounge with guts  
17                  hanging out, but somehow no blood ended up  
18                  within Mood Lounge. Something to question.

19                  And also we have the blood inside  
20                  of -- we have the blood puddle outside of  
21                  Mood. We have those things.

22                  So as we sit here today -- and I

1 know I have been having a problem trying to  
2 wrap my hands around what actually happened  
3 that night. And we've been sitting here for  
4 10 hours, and we have been looking at the  
5 facts and talking to people in preparation for  
6 this for days. And I can honestly tell you  
7 that I don't think anyone sitting here can  
8 actually say what happened that night.

9           And to -- we can opine about what  
10 we think may happen one way or another, that  
11 perhaps this is a cover-up, that perhaps it  
12 happened outside, but one thing that you have  
13 to ask yourself is from the totality of the  
14 circumstances is there enough information that  
15 you have heard tonight and today for you to  
16 conclude that Mood Lounge is an imminent  
17 threat?

18           Taken into all those facts, is  
19 there some sort of nexus between this stabbing  
20 and something that Mood failed to do? Can you  
21 make that connection that somehow connects  
22 Mood Lounge to this activity happening, which

1 is ultimately what Mr. Stern is calling the  
2 nexus of imminent threat? And I submit to you  
3 that that nexus doesn't exist, not based on  
4 the facts that we've seen today.

5 The key things that have been  
6 brought up was was there something that Mood  
7 Lounge employees saw and they failed to do?  
8 The one evidence that we have from the key  
9 witness is that they didn't say anything.

10 And also whether having the CCTV  
11 recordings, if they were actually recording,  
12 would've this have prevented this incident?  
13 And I submit to you that it wouldn't. It  
14 couldn't.

15 Notwithstanding all of this, Mimi  
16 did take it -- the owner of Mood Lounge did  
17 take it upon itself that when this happened to  
18 go out and get help in the area of training,  
19 to make sure that she was doing everything  
20 possible to help ensure that her staff was  
21 adequately trained and that something like  
22 this -- perhaps steps can be taken to try to

1 see if there can be things that were  
2 prevented. And so she hired the Alcohol  
3 Beverage Consultants, LLC to do this extensive  
4 training, which; we have heard testimony from  
5 him, is the best in the world.

6 In light of all of this that has  
7 happened right now, and listening to all the  
8 testimony you have before you today, I ask you  
9 to think what is the nexus between Mood  
10 Lounge's actions and the imminent threat  
11 that's being presented? Is Mood Lounge a  
12 threat? And I submit, respectfully submit to  
13 you that there has not been evidence that's  
14 been submitted to establish that.

15 We respectfully ask that you  
16 permit Mood Lounge to reopen and consider a  
17 probationary period where parameters are set  
18 where ABRA investigators perhaps come in and  
19 test and see that these procedures that have  
20 been put in place in connection with the  
21 training are actually happening, and then  
22 perhaps reconvening at a later time to

1 determine it. But we respectfully request  
2 that this Board allow Mood Lounge to reopen.  
3 Thank you.

4 CHAIRPERSON MILLER: Thank you.  
5 Okay. I believe at this point then the Board  
6 is going to recess and take under  
7 consideration with counsel the requests of the  
8 parties as to how to proceed on this.

9 So you all can take a little break  
10 while we do that. I don't know how long it's  
11 going to take us.

12 Okay. I'm going to read our open  
13 meetings script and closed meetings, which  
14 addresses that.

15 As Chairperson of the Alcoholic  
16 Beverage Control Board for the District of  
17 Columbia and in accordance with Section 405 of  
18 the Open Meetings Amendment Act of 2010, I  
19 move that the ABC Board hold a closed meeting  
20 for the purpose of seeking legal advice from  
21 our counsel on this issue and deliberating on  
22 -- considering the arguments and evidence made

1 in Case No. 12-251-00001. Is there a second?

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: All those in  
4 favor, say aye? Aye.

5 MEMBER ALBERTI: Aye.

6 MEMBER BROOKS: Aye.

7 MEMBER MOBLEY: Aye.

8 MEMBER NOPHLIN: Aye.

9 MEMBER SILVERSTEIN: Aye.

10 CHAIRPERSON MILLER: All those  
11 opposed?

12 (No response.)

13 CHAIRPERSON MILLER: All those  
14 abstaining?

15 (No response.)

16 CHAIRPERSON MILLER: And the  
17 motion passes to do that by a vote of 6-0.

18 So we're going off the record now  
19 and we'll be back when we decide how to  
20 proceed.

21 (Whereupon, at 9:50 p.m. the  
22 above-entitled matter went off the record and

1 resumed at 11:45 p.m.)

2 CHAIRPERSON MILLER: We're back on  
3 the record.

4 The Board has considered evidence  
5 in the record and the testimony that we heard  
6 today for 10 hours very carefully. And I want  
7 to state offhand that this Board has long  
8 recognized that bar and club owners have the  
9 responsibility for ensuring the safety of  
10 their customers and for themselves. And we  
11 also have to consider that in considering the  
12 evidence in this case that we see a nexus  
13 between the actions or the inactions of the  
14 establishment and the consequences that  
15 occurred with respect to the incident that's  
16 at issue in this case.

17 So after considering the testimony  
18 and the evidence in the case, the Board has  
19 determined to lift the suspension of the  
20 Respondent's license effective at the end of  
21 this proceeding, whether that be January 13th  
22 or January 14th, 2012, and finding that no

1 imminent hazard is posed by the establishment  
2 to the public at this time.

3           However, in this type of hearing  
4 the Board also has the authority to impose  
5 restrictions on the operations of the  
6 establishment if we find that there is a need  
7 to do so. And in considering the evidence in  
8 this case, the Board has determined that there  
9 are some problems with security and operating  
10 procedures of the establishment that call for  
11 imposing some restrictions on the operations.  
12 And therefore, the Board is imposing the  
13 following conditions to be met within 30 days  
14 as follows:

15           (1) The Licensee may not use any  
16 outside promoters in any aspect of its  
17 business.

18           (2) The Licensee shall undertake  
19 such security training for security personnel  
20 and managers and alcohol awareness training  
21 for all employees. New employees will be  
22 trained within 30 days of their hire and

1 refresher courses will be offered annually to  
2 all employee. The owner shall receive both  
3 security and alcohol awareness training.

4 (3) Licensee shall submit within  
5 30 days an updated security plan that meets  
6 the Board's satisfaction to include the  
7 following items: (a) how the establishment  
8 will handle assaults, fights, or verbal  
9 altercations that occur on or near the  
10 premises; (b) the establishment's process for  
11 notifying MPD; (c) a detailed description of  
12 the establishment's newly installed camera  
13 security system regarding operability,  
14 coverage and location of cameras. This  
15 includes a requirement that video footage be  
16 recorded for 30 days and is made available  
17 within 48 hours to law enforcement and ABRA  
18 investigators; (d) address outside security  
19 procedures; (e) address patrol ejection  
20 protocol; (f) that there shall be no patrons  
21 under the age of 21; (g) that procedures for  
22 not knowingly cleaning up the crime scene.

1 MEMBER ALBERTI: For knowingly.

2 CHAIRPERSON MILLER: I'm sorry,  
3 that's not correct.

4 MEMBER ALBERTI: For knowingly.

5 CHAIRPERSON MILLER: Procedures  
6 for cleaning up a suspected crime scene, but  
7 not -- which should be not cleaning it up, but  
8 you can address that for handling it when  
9 there's a crime scene on your premises and on  
10 your property. (h) creation and maintenance  
11 of a security log.

12 MEMBER ALBERTI: I think on (g)  
13 we're really meaning procedures for securing  
14 crime scene evidence. Is that correct?

15 CHAIRPERSON MILLER: Yes, that  
16 you're aware of or suspect before MPD comes on  
17 the scene.

18 (4) Within 30 days an ABRA  
19 investigator will conduct a walk-through of  
20 the Respondent's security camera system and  
21 his or her assessment and evaluation of the  
22 system will be reviewed and approved by the

1 Board.

2 (5) The Respondent will return in  
3 45 days for a summary suspension status  
4 hearing to demonstrate progress or completion  
5 of the items enumerated above.

6 And finally, (6) the Board will  
7 forward investigative report No. 12-251-00001  
8 to OAG for further enforcement action.

9 Is there anything that Board  
10 members need to add or correct?

11 MEMBER ALBERTI: I think we need a  
12 motion on the last item. Well, I think we  
13 need a motion of this whole thing.

14 CHAIRPERSON MILLER: Right.

15 MEMBER ALBERTI: Is that your --

16 CHAIRPERSON MILLER: Yes, I would  
17 move that the Board adopt the conditions that  
18 I just read as restrictions upon the Licensee.

19 MEMBER ALBERTI: That'll be a  
20 separate motion.

21 MEMBER BROOKS: Okay. Through  
22 No. 5, not including the forwarding of the

1 report for the show cause. Is that clear to  
2 everyone?

3 MEMBER ALBERTI: Yes.

4 CHAIRPERSON MILLER: Okay. Do I  
5 have a second?

6 MEMBER ALBERTI: Second.

7 CHAIRPERSON MILLER: All those in  
8 favor, say aye? Aye.

9 MEMBER ALBERTI: Aye.

10 MEMBER BROOKS: Aye.

11 MEMBER MOBLEY: Aye.

12 MEMBER NOPHLIN: Aye.

13 CHAIRPERSON MILLER: All those  
14 opposed?

15 MEMBER SILVERSTEIN: Aye. Nay.

16 CHAIRPERSON MILLER: All those  
17 abstaining?

18 (No response.)

19 CHAIRPERSON MILLER: Then the vote  
20 is 5 to 1 to 0, and the motion passes.

21 MEMBER ALBERTI: And then No. 6  
22 with a motion.

1 CHAIRPERSON MILLER: Okay. As a  
2 separate motion, that would be that the Board  
3 forward investigative report No. 12-251-00001  
4 to OAG for further enforcement action.

5 MEMBER ALBERTI: I'll second the  
6 motion.

7 CHAIRPERSON MILLER: Okay. All  
8 those in favor, say aye? Aye.

9 MEMBER ALBERTI: Aye.

10 MEMBER BROOKS: Aye.

11 MEMBER MOBLEY: Aye.

12 MEMBER NOPHLIN: Aye.

13 MEMBER SILVERSTEIN: Aye.

14 CHAIRPERSON MILLER: All those  
15 opposed?

16 (No response.)

17 CHAIRPERSON MILLER: All those  
18 abstaining?

19 (No response.)

20 CHAIRPERSON MILLER: Then the vote  
21 is 6-0-0. And I think that concludes our  
22 business.

1 MR. WOODSON: Madam Chair, would  
2 the Board --

3 CHAIRPERSON MILLER: Yes, I'm  
4 sorry. Do you have a question about --

5 MR. WOODSON: Yes, it's not a  
6 question to the Board about anything you've  
7 decided, but in my effort to write really fast  
8 I missed some things and I don't want to miss  
9 anything.

10 CHAIRPERSON MILLER: Exactly.  
11 Okay. We'll get you this in writing --

12 MEMBER ALBERTI: We're at your  
13 service.

14 MR. WOODSON: Okay.

15 CHAIRPERSON MILLER: -- tonight,  
16 if you want to wait.

17 MR. WOODSON: All right. Thank  
18 you.

19 CHAIRPERSON MILLER: Yes.

20 MR. WOODSON: Splendid.

21 CHAIRPERSON MILLER: So that it's  
22 clear, yes.

1 MR. WOODSON: Thank you.

2 CHAIRPERSON MILLER: Okay.

3 MR. WOODSON: Not tonight?

4 CHAIRPERSON MILLER: Tonight.

5 MS. JENKINS: You don't have to  
6 wait. I can email it to you.

7 MR. WOODSON: Email will do.

8 (Laughter.)

9 CHAIRPERSON MILLER: Okay.

10 MEMBER ALBERTI: You said that too  
11 quickly.

12 CHAIRPERSON MILLER: Are we  
13 finished? I think this hearing is adjourned.

14 (Whereupon, the hearing was  
15 concluded at 11:52 p.m.)

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