

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

b----->>  
IN THE MATTER OF: :  
: :  
Mahogany, LLC t/a The Tap :  
& Parlour Bohemian Caverns : Summary  
2001 11th Street, NW : Suspension  
Retailer CT - ANC-1B : Status  
License No. 74895 : Hearing  
Case #12-251-00380 :  
: :  
(Update from Licensee on :  
Compliance with Board Order :  
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January 30, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 2000 14th Street, N.W., Suite 400S Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT:

WALTER ADAMS, OAG

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

(9:45 a.m.)

CHAIRPERSON MILLER: Good morning, everybody. I would like to welcome you to the regularly scheduled meeting of the District of Columbia Alcoholic Beverage Control Board.

Today is January 30, 2013. My name is Ruthanne Miller. I'm the Chairperson. Joining me to my far right is Mr. Donald Brooks and to my immediate right is Mr. Nick Alberti and to my immediate left is Mr. Mike Silverstein.

The Board has four Members in attendance of the conduct of business today with three constituting a quorum.

Copies of today's hearing calendar and agenda are available at the receptionist desk. Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

1                   If you have any electronic  
2 devices, pagers, cell phones or such, please,  
3 make certain that they are turned off to avoid  
4 any interruption of the proceedings.

5                   Please note when you come forward,  
6 take a seat at the table and you will find a  
7 piece of paper there. Please, sign-in, that  
8 is to ensure that we get the correct spelling  
9 of your name for the record.

10                  The Open Meetings Act requires  
11 that the public hearing on each case be open  
12 to the public. The Board may, consistent with  
13 Section 405(b) of the Open Meetings Amendment  
14 Act enter a closed meeting during or after the  
15 public hearing on a case to consult with an  
16 attorney to obtain legal advice, discuss  
17 settlement agreement or deliberate upon a  
18 decision in an adjudication proceeding.

19                  Okay. We will now turn to the  
20 first case on the morning calendar. And that  
21 is Case No. 12-251-00380, Bohemian Caverns  
22 located at 2001 11th Street, N.W., License No.

1 74895 in ANC-1B.

2 Would the parties introduce  
3 themselves for the record, please?

4 MR. ADAMS: Good morning, Madam  
5 Chair and Members of the Board, Walter Adams  
6 for the District.

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

9 MR. BROWN: Good morning, Omrao  
10 Brown, one of the owners of Bohemian Caverns.

11 CHAIRPERSON MILLER: Okay. This  
12 is a Status Hearing to get an update, since  
13 the suspension order was lifted. Since the  
14 suspension was lifted and we issued an order.

15 There were a few outstanding  
16 issues. One, I believe, involving a security  
17 camera system, sexual assault training, plan  
18 for remote access of security camera system  
19 and I think there was going to be a walk-  
20 through.

21 Perhaps, Mr. Kline, you can --

22 MR. KLINE: Yes.

1                   CHAIRPERSON MILLER:  -- tell me if  
2 I'm missing anything or add to that.

3                   MR. KLINE:  I would be happy to  
4 address that.

5                   CHAIRPERSON MILLER:  Okay.

6                   MR. KLINE:  There were six  
7 conditions in Part 2 of the order.  
8 Unfortunately, because of the holidays and the  
9 Inauguration, it seems things didn't move as  
10 smoothly as they should have.

11                   We understand that the ABRA  
12 Investigator did not get out there until last  
13 evening, so I don't know that you have a  
14 report.  I haven't seen a report.  But I mean,  
15 we certainly have been and remain available  
16 for that to be done.

17                   Number two is a formal security  
18 training for all staff.  That has been done.  
19 The security staff has been trained.  The  
20 individual who was here last time who is the  
21 director of security conducted the training,  
22 he is the private separate security firm that

1 runs training for them.

2 And he had also completed the HOST  
3 Security Training some time ago, which I  
4 believe the Board is familiar with, which is  
5 run by Robert Smith, a retired San Diego  
6 Police Officer. So he has trained the staff.

7 CHAIRPERSON MILLER: What is the  
8 name of the person you are referring to?

9 MR. BROWN: Traven Smith.

10 MR. KLINE: Traven Smith.

11 CHAIRPERSON MILLER: Okay.

12 MR. KLINE: With respect to Items  
13 3, 4 and 5, there seems to be some confusion  
14 about those items. I was in touch with  
15 Assistant Chief Burke and apparently there is  
16 -- there are not educational materials that  
17 have been developed. There has been talk of  
18 it, at this point, but it hasn't been done by  
19 MPD.

20 In addition, there is no training  
21 program provided by MPD. There is a poster  
22 that has been posted, I have a photo of it if

1 you want to see it, which simply says  
2 "Arrested, taking sexual advantage of a woman  
3 without her consent doesn't make you a 'real  
4 man' it makes you a rapist."

5 Not exactly what we want hanging  
6 in our jazz club, but that's what the order  
7 says and it is posted, at this point.

8 CHAIRPERSON MILLER: The order  
9 doesn't say hang a poster, right?

10 MR. KLINE: Well, No. 5 says post  
11 the establishment's educational materials from  
12 MPD on how to prevent sexual assaults. It is  
13 our belief in talking to ABRA that there was  
14 an understanding that there were such  
15 materials available to post.

16 The only thing that we were able  
17 to discover was this poster. And in an effort  
18 to try to comply with the Board's order, we  
19 went ahead and posted it. Although, we don't  
20 think that that is what the Board intended.

21 In addition to that, because there  
22 was no or there is no, at this point, sexual

1 assault training offered by MPD, although it  
2 is apparently supposed to be developed, we  
3 were in contact with Robert Smith who runs  
4 HOST Security Training. And he has  
5 incorporated a module into his security  
6 training which includes sexual assault  
7 prevention.

8 I have copies of his training  
9 outline, which I'm happy to make available to  
10 the Board.

11 CHAIRPERSON MILLER: Okay.

12 MR. KLINE: He is due back in town  
13 February 21st, at which time Bohemian Caverns  
14 has made arrangements for him to do that  
15 training, unless the Board wants us to go in  
16 a different direction. The order specifically  
17 referenced MPD training. It apparently  
18 doesn't exist at this point.

19 We wanted to do what we could in  
20 good faith to try to comply with what the  
21 Board directed and that was the best we could  
22 come up with, but we certainly remain open if

1 the Board has a different opinion and wants us  
2 to go in a different direction.

3 As an aside, I note that -- and  
4 this was kind of a surprise to me, I did talk  
5 to Robert Smith and he told me that at one  
6 point he had offered to ABRA to make the  
7 sexual assault prevention training free and  
8 offer it through ABRA free to licensees, which  
9 I thought was a pretty generous offer, but  
10 tells me that that offer was rejected, which  
11 kind of surprised me in the absence of  
12 something else.

13 I don't know why we wouldn't take  
14 advantage of that. I have sat through about  
15 half of his security training and found it to  
16 be quite engaging and quite good. I haven't  
17 sat through the sexual assault prevention  
18 portion, because it didn't exist at the time  
19 I sat through the program.

20 But in terms of a training  
21 program, it's something that is not where  
22 people are going to sit in the classroom and

1 just go to sleep. I think what he presents  
2 overall is very, very good. But I just pass  
3 that on to the Board for its information,  
4 because I don't know if the Board was aware  
5 that that offer had been out there.

6 The last item was submit a plan to  
7 add remote access capability to its system.  
8 The remote access capability exists. There is  
9 an issue with the network. We are not --  
10 we're still trying to figure out what it is.  
11 We're not exactly sure whether it's a firewall  
12 issue, but we are getting the network people  
13 out there to fix that.

14 In the meantime, until that is  
15 fixed, Mr. Brown has been on the premises at  
16 closing time, because we certainly do not want  
17 to take any chances unless and until that is--  
18 you know, how concerned the Board was as we  
19 were about the incident that occurred after  
20 the closing hours.

21 So that is a concern to the  
22 licensee and we certainly will follow-up and

1 close the loop on that.

2 We have confirmed that the  
3 capability is there, but we just need to fix  
4 the other piece, which is access to the  
5 network.

6 I would be happy to entertain,  
7 obviously, any questions the Board might have  
8 regarding those six points.

9 CHAIRPERSON MILLER: This remote  
10 aspect, have you been working on it since  
11 you've been here?

12 MR. BROWN: Yes. So the existing  
13 system that we have is an Intellex DVMS, if  
14 it's -- if that's relevant information. So  
15 the function does exist without coordinating  
16 both my IT guys and our security guys in the  
17 building at the same time. We were unable to  
18 get it to work actually.

19 It does -- it is not as up to date  
20 as some of the newer systems, so I won't be  
21 able to see it on my phone. It requires a  
22 client software to be installed on a PC,

1 external, so it still does have remote access.

2 We do have a quote and our looking  
3 at potentially, you know, at some time in the  
4 future moving towards an even more updated  
5 system that would allow a Smartphone. But the  
6 capability does exist and we are working  
7 towards that.

8 CHAIRPERSON MILLER: Because that  
9 sounded like a very good thing, very good  
10 thing. When do you think you will be able to  
11 get that accomplished?

12 MR. BROWN: Hopefully, if  
13 everything works, later this week.

14 CHAIRPERSON MILLER: Oh, great.  
15 Okay. Mr. Adams?

16 MR. ADAMS: The District has --  
17 based upon, I guess, my -- this is -- Michael  
18 Stern handled the Summary Suspension in this  
19 case. Based upon what we are seeing, we are  
20 hearing today, there is no objections.  
21 Obviously, it is the District's intent that  
22 the establishment continues the steps that it

1 has started to take and, you know, hopes that  
2 it continues to work with the Board and with  
3 ABRA to make sure that it is in compliance  
4 with any agreement that was made during the  
5 Summary Suspension proceedings.

6 But at this point, we have nothing  
7 further to add.

8 CHAIRPERSON MILLER: Do you have  
9 an opinion or any knowledge about the sexual  
10 assault training that is done by Mr. Smith?

11 MR. ADAMS: Myself, I do not. I'm  
12 not sure if Mr. Stern has more information  
13 regarding the sexual assault training. I  
14 assume that based upon what -- his report, I  
15 don't think that there is any reason to  
16 necessarily doubt what the respondent has  
17 stated so far.

18 In dealing with MPD sometimes,  
19 they don't always have these things already  
20 set up. However, I believe that if -- I mean,  
21 if the Board has any further questions or  
22 needs any further questions, I believe that I

1 can make sure that Mr. Stern gets back to you  
2 on that immediately regarding that question  
3 about that.

4 CHAIRPERSON MILLER: Okay. Mr.  
5 Kline, did you say you have materials?

6 MR. KLINE: Yes, I have the  
7 nightclub security consultant's outline, which  
8 I think the Board might be interested in which  
9 references the sexual assault prevention  
10 training.

11 CHAIRPERSON MILLER: I think that  
12 would be helpful. Okay. Great. I understand  
13 Chief Jackson is here and can give a report  
14 about the walk-through last night. Is that  
15 right?

16 MR. ADAMS: The Board's  
17 indulgence. I'm trying to get Chief Jackson.

18 CHAIRPERSON MILLER: Thank you.  
19 Good morning, Mr. Jackson.

20 MR. JACKSON: Good morning.

21 CHAIRPERSON MILLER: Do you want  
22 to introduce yourself for the record, please?

1 MR. JACKSON: Johnnie Jackson,  
2 Jr., Chief of Enforcement with ABRA.

3 CHAIRPERSON MILLER: Okay. We  
4 understand there is not a final report yet in  
5 this case from enforcement, but there was a  
6 walk-through last night and you may be able to  
7 give us a little bit of information about  
8 that?

9 MR. JACKSON: I spoke to  
10 Investigator Abyie Ghenene this morning. He  
11 had actually went out last night. I guess  
12 there was, just like Mr. Kline said, a little  
13 confusion about when they were supposed to be  
14 doing the walk-through and things of that  
15 nature, but they did get out last night. And  
16 I guess he met with the ABC manager.

17 He did look at the camera system.  
18 Yes, I think there were four cameras that he  
19 looked at. They appeared to be in compliance  
20 with Board order.

21 CHAIRPERSON MILLER: Okay. Are  
22 there Board questions? Yes, Mr. Alberti?

1                   MEMBER ALBERTI: I have. Chief  
2 Jackson, just you talked about the cameras.  
3 Do you know if the investigator looked at the  
4 capabilities of the recording system?

5                   MR. JACKSON: Yes. When I spoke  
6 to him, the video, it could play back the  
7 video. So when he said that they were  
8 compliant, he -- that issue was addressed.

9                   MEMBER ALBERTI: Okay. So the  
10 system was compliant --

11                  MR. JACKSON: Correct.

12                  MEMBER ALBERTI: -- with the Board  
13 Order? Okay. Thank you for that. I have  
14 some questions of the licensee.

15                  CHAIRPERSON MILLER: Okay.

16                  MEMBER ALBERTI: So, Mr. Brown, I  
17 guess from what I'm hearing, we have a  
18 commitment from you to make sure that the  
19 remote access happens --

20                  MR. BROWN: Absolutely.

21                  MEMBER ALBERTI: -- in a timely  
22 fashion? Okay. I'm trying to understand,

1 you're not going to be able to see it on your  
2 phone, but you will be able to see it where?

3 MR. BROWN: On a PC and other  
4 computer. But the software that is required  
5 to interact with the system that we have needs  
6 to be installed on a computer.

7 MEMBER ALBERTI: And so the PC  
8 would be where?

9 MR. BROWN: Any PC. But, I mean,  
10 I have --

11 MEMBER ALBERTI: Oh, any PC --

12 MR. BROWN: -- obviously, at my  
13 house.

14 MEMBER ALBERTI: -- would be able  
15 to log-in?

16 MR. BROWN: Correct. As long as  
17 the software is installed on that PC.

18 MEMBER ALBERTI: Okay.

19 MR. BROWN: But outside --

20 MEMBER ALBERTI: So where do you  
21 plan to have remote -- I mean --

22 MR. BROWN: I mean at my house.

1                   MEMBER ALBERTI:  Again, it has to  
2                   be --

3                   MR. BROWN:  Sure.

4                   MEMBER ALBERTI:  Okay.  Wait.  It  
5                   has to be --

6                   MR. BROWN:  A laptop.

7                   MEMBER ALBERTI:  So what is your  
8                   plan?

9                   MR. BROWN:  Well, my initial plan  
10                  it is PC-based only and I'm a MAC guy, so I'm  
11                  going to be installing Windows on my MAC  
12                  laptop so that wherever my laptop is --

13                  MEMBER ALBERTI:  But you haven't  
14                  done that yet?

15                  MR. BROWN:  No, no.

16                  MEMBER ALBERTI:  And so will you  
17                  be able to do that if you are not at home?

18                  MR. BROWN:  Anywhere the laptop is  
19                  it should be fine.  As long as it has Internet  
20                  access.

21                  MEMBER ALBERTI:  Okay.  So your  
22                  plan is to monitor from your laptop?

1 MR. BROWN: Correct.

2 MEMBER ALBERTI: Okay. And how  
3 soon do you think you will have that done?

4 MR. BROWN: In reality, it might  
5 be five minutes away once I get the right guys  
6 to talk to each other and stop fingerpointing.  
7 But you know, I would imagine -- well, I have  
8 got a guy coming out tomorrow, the IT guys are  
9 hopefully coming out this week if not  
10 hopefully next week.

11 MEMBER ALBERTI: And that includes  
12 making sure that you will be able to view it  
13 on your laptop?

14 MR. BROWN: Correct.

15 MEMBER ALBERTI: Okay. Thank you  
16 for that. Your schedule for the Robert Smith  
17 training?

18 MR. KLINE: February 21st and 22nd.

19 MEMBER ALBERTI: Okay. I'm  
20 guessing that Mr. Smith will have some  
21 materials that go along with that?

22 MR. KLINE: Yes.

1                   MEMBER ALBERTI: Will you post  
2 those some place where the employees -- and  
3 I'm not talking about public area, but some  
4 place where employees will have access to the  
5 materials --

6                   MR. BROWN: Yes.

7                   MEMBER ALBERTI: -- for that  
8 training? The MPD materials that we talked  
9 about --

10                  MR. KLINE: To the extent that  
11 they are postable, we will talk to him about  
12 that.

13                  MEMBER ALBERTI: Okay.

14                  MR. KLINE: I mean it seems to me,  
15 I mean, obviously, if he has got a booklet of  
16 materials to post that on the wall doesn't  
17 make a lot of sense.

18                  MEMBER ALBERTI: I understand.

19                  MR. KLINE: But why don't I  
20 suggest that we get with Robert and find out  
21 what there is and by letter I'll communicate  
22 with the Board how we are going to address

1 that piece.

2 MEMBER ALBERTI: Okay. I would  
3 appreciate that. And just for your curiosity,  
4 Mr. Kline, the Board was aware of the offer  
5 made by Mr. Smith.

6 MR. KLINE: Okay. Good.

7 CHAIRPERSON MILLER: Okay. Other  
8 questions? I understand. With respect to the  
9 six conditions that the Board had put in the  
10 order to be addressed within 30 days:

11 (1) The licensee has cooperated  
12 with ABRA and investigation to check the  
13 camera system. And a report will be  
14 forthcoming from ABRA. So that's not the  
15 licensee's responsibility.

16 (2) You have done formal security  
17 training for all the staff, that's what you  
18 represented.

19 Okay. Then (3), (4) and (5) deal  
20 with the sexual assault prevention training.  
21 And testimony has been that MPD doesn't have  
22 the training, doesn't have the materials and

1       instead you would have the training done by  
2       Robert Smith, February 21 and 22nd.

3                   And with respect to posting  
4       materials or whatever, I think that -- well,  
5       let me get to it. I'll just go to six.

6                   And (6) is the remote access  
7       capability, which you have represented will be  
8       in place pretty soon, the end of the week or  
9       shortly thereafter.

10                   So what I would suggest and other  
11       Board Members should feel free to comment, if  
12       you think otherwise, or add to it, that we  
13       could get one more report from you that all  
14       these things have been done when that happens,  
15       that the remote is in place, that the training  
16       has been completed and an explanation as to  
17       whether materials from the training are  
18       postable or what could be made available at  
19       the site, so that their accessible to  
20       employees.

21                   Anything else? Does that sound --

22                   MR. KLINE: Could I just clarify

1 one point?

2 CHAIRPERSON MILLER: Okay. Yes.

3 MR. KLINE: I realized it right  
4 now.

5 CHAIRPERSON MILLER: Okay.

6 MR. KLINE: The order says obtain  
7 sexual assault prevention training for all  
8 employees. I presume we are talking about  
9 security staff, not -- I mean, we don't need  
10 the busboy trained. We are talking about  
11 security staff, correct?

12 CHAIRPERSON MILLER: I think we  
13 meant all.

14 MEMBER ALBERTI: All.

15 MR. KLINE: Is that right?

16 CHAIRPERSON MILLER: Yes.

17 MR. KLINE: Okay. Because I mean  
18 I want to make sure that we are, you know,  
19 doing what the Board is directing us to do.  
20 Okay. And certainly in terms of reviewing  
21 materials, that we will do with all staff.  
22 And we will get materials from Mr. Smith and

1 review them with everyone.

2 But the actual training, which is  
3 time intensive and also at some expense to the  
4 licensee, the security staff is what we are  
5 talking about.

6 CHAIRPERSON MILLER: Can you just  
7 describe for the record what the staff  
8 consists of? You know, how many security, how  
9 many busboys, how many wait staff are we  
10 talking about?

11 MR. BROWN: The security  
12 fluctuates slightly as well as our staff, but  
13 we are roughly 25 employees outside of  
14 security. Security is somewhere between eight  
15 and 10 or as many as 12 guys.

16 CHAIRPERSON MILLER: 12 what?

17 MR. BROWN: We don't use them all  
18 all the time.

19 CHAIRPERSON MILLER: Security.

20 MR. BROWN: But during the  
21 holidays they expand.

22 CHAIRPERSON MILLER: Okay. Got

1 it. And the rest are wait staff and things  
2 like that?

3 MR. BROWN: Wait staff, yes,  
4 right, servers, busboys, etcetera.

5 CHAIRPERSON MILLER: Okay. All  
6 right. Okay. So we would expect a letter  
7 from you sometime after the --

8 MR. KLINE: Sure.

9 CHAIRPERSON MILLER: -- 22nd of  
10 February.

11 MR. KLINE: After the -- sure.

12 CHAIRPERSON MILLER: After the  
13 training.

14 MR. BROWN: Sure.

15 MR. KLINE: Absolutely.

16 CHAIRPERSON MILLER: Yes. Do you  
17 want a report earlier?

18 MEMBER ALBERTI: No, I'm just a  
19 little confused on that.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER ALBERTI: So are we still  
22 in agreement that all staff will be trained?

1 CHAIRPERSON MILLER: Yes, that's  
2 what -- unless --

3 MEMBER ALBERTI: Okay.

4 MR. KLINE: All?

5 CHAIRPERSON MILLER: -- the Board  
6 wants to change --

7 MEMBER ALBERTI: That all staff  
8 will be trained. I mean, I wasn't sure where  
9 we were with the kind of questioning.

10 MR. KLINE: I thought we were  
11 saying all security staff would be trained.

12 MEMBER ALBERTI: No.

13 CHAIRPERSON MILLER: No. It says  
14 all employees. I don't --

15 MEMBER ALBERTI: Okay. Can I ask  
16 a couple of questions?

17 CHAIRPERSON MILLER: Yes. Okay.

18 MEMBER ALBERTI: First of all,  
19 this incident happened because of a manager,  
20 right?

21 MR. BROWN: Correct.

22 MR. KLINE: Correct.

1                   MEMBER ALBERTI:  And he wasn't a  
2 security staff.

3                   MR. BROWN:  Correct.

4                   MEMBER ALBERTI:  All right.  So  
5 you may see where I'm going here.

6                   MR. BROWN:  Sure.

7                   MEMBER ALBERTI:  It's not just  
8 security that is of concern here.

9                   MR. BROWN:  Understood.

10                  MEMBER ALBERTI:  And I don't know  
11 how -- you know, I certainly would want wait  
12 staff servers who were interacting with the  
13 customers to be educated.  So I don't know  
14 where to draw the line and, at this point,  
15 unless I hear otherwise, we'll have to let it  
16 stand at all -- I think we should let it stand  
17 at all staff.

18                  MR. BROWN:  Okay.

19                  MR. KLINE:  Would the Board  
20 consider all security staff and all managers?  
21 I mean, keeping in mind the expense and time  
22 commitment on the part of the licensee.  I

1 mean, we are -- I mean, we want to do,  
2 obviously, what the Board requires and that's  
3 why I raised the issue, because I want to hear  
4 what the Board is requiring.

5 At the other extreme, I'm  
6 presuming there wouldn't be any -- the Board  
7 wouldn't expect the busboys to be -- to  
8 undergo such training. I mean, the training  
9 is eight hours and the cost is how much per  
10 person?

11 MR. BROWN: \$70 or \$80 per person.

12 MR. KLINE: \$70 or \$80 per person.

13 And the licensee is paying that, so I mean --

14 MR. BROWN: Let me try to clarify.  
15 One thing you may -- there is -- the sexual  
16 assault prevention training that we have been  
17 able to identify exists within an eight hour  
18 security training program. It is not  
19 specific.

20 The program that we suggested that  
21 we send our head of security as well as some  
22 other specific members, managers and other

1 security staff to is specific to security at  
2 a nightclub.

3 We have not been able to identify  
4 separate sexual assault prevention training.  
5 MPD, if at some point they have the ability to  
6 maybe come out and suggest that they can come  
7 out and provide the training to our employees,  
8 but it doesn't exist yet.

9 Maybe we can find some interim  
10 solution where Robert Smith comes and presents  
11 to all of our employees just the sexual  
12 assault prevention training. Would that be --

13 CHAIRPERSON MILLER: Right.

14 MR. KLINE: You know, I mean, keep  
15 in mind that what the Board ordered doesn't  
16 exist. So we are, you know, doing the best we  
17 can to try to meet the requirements that the--  
18 the spirit of what the Board intended.

19 And I don't think the Board  
20 intended for every employee to take an eight  
21 hour security class. I think the Board's  
22 concern given the incident was sexual assault

1 training.

2 Now, if the MPD develops it and  
3 has the program, then sure we don't have any  
4 problem complying with the strict letter of  
5 the Board's order. But given the only thing  
6 that we have found is much more comprehensive  
7 than that, we are a little concerned about  
8 imposing that upon the licensee and all of its  
9 employees.

10 CHAIRPERSON MILLER: Okay. Let me  
11 just clarify. The eight hours is this whole  
12 thing.

13 MR. BROWN: That's just outlined  
14 here.

15 CHAIRPERSON MILLER: The program  
16 outline 1 through 9, right, the security? The  
17 sexual assault is only No. 6.

18 MR. BROWN: Right.

19 CHAIRPERSON MILLER: Right. Have  
20 you talked to Mr. Smith yet about just doing  
21 No. 6 rather than --

22 MR. BROWN: Yes. He lives in San

1 Diego and comes out here a couple of times --

2 CHAIRPERSON MILLER: Right.

3 MR. BROWN: -- a year. So we have  
4 talked to him specifically about coming to do  
5 some training for our staff. For me, I would  
6 rather him come -- my initial thought, I  
7 didn't realize it was an eight hour course.  
8 He usually does it over two days.

9 But he did speak about the  
10 possibility of having him come and train our  
11 staff directly. He has got -- the training  
12 that he offers has a fixed amount of slots,  
13 etcetera. So we are going to send some people  
14 to it, but we have talked about him coming to  
15 provide some specific training.

16 So with the next step potentially  
17 being all of our employees and it being  
18 specific to sexual assault prevention, that it  
19 doesn't seem like an unlikely possibility.

20 CHAIRPERSON MILLER: Okay. So you  
21 really haven't had a chance to explore that  
22 with him, just that component of the training?

1 MR. BROWN: (No audible answer.)

2 CHAIRPERSON MILLER: Okay. Well,  
3 maybe you should explore that with him and  
4 when you find out exactly the details, I would  
5 suggest that you send the Board a letter, an  
6 update on that and then the Board can look at  
7 that and consider what makes sense. So -

8 MR. KLINE: We will be able to do  
9 that.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER ALBERTI: And that would  
12 happen before, I assume, February 21st, right?

13 MR. KLINE: Sure, yes.

14 MEMBER ALBERTI: The schedule.  
15 But what I would suggest that might be  
16 helpful, and this is to help you out, is that  
17 you send a list of positions and number of  
18 people in each position on your staff.  
19 Without concealing -- we don't need to know  
20 the names, but I would like to know the  
21 positions that you have.

22 MR. BROWN: That exist.

1                   MEMBER ALBERTI: Because you're  
2 saying you don't want to have the busboys  
3 trained. Well, how many are busboys? I don't  
4 know. I want to know what your staff make-up  
5 is, so I have -- but I do want the managers  
6 trained. And some of the wait staff I'm  
7 concerned. So it may be helpful if I see that  
8 list, the number of employees you have at each  
9 position. It might help the Board evaluate  
10 your request.

11                   MR. BROWN: Yes, it's a good  
12 point. To your concern that I'm --  
13 additionally, just so you are aware, we did  
14 hold an all-employees meeting since then and  
15 what has been communicated to our staff, it's  
16 not obviously official training, if anyone  
17 sees anything that either they feel  
18 uncomfortable about or if they are  
19 communicated to by any person in the building,  
20 regardless of whether they work for us or not,  
21 to notify a manager or security personnel  
22 immediately. And then we would deal with the

1 situation.

2 So we have taken some steps at  
3 least to communicate to all.

4 MEMBER ALBERTI: And we appreciate  
5 that. And I have confidence you have.

6 CHAIRPERSON MILLER: Okay.

7 MR. KLINE: And one other thing  
8 for whatever it's worth and I don't put that  
9 much on this, but I just want the Board to be  
10 aware. I mean, we have a Board order and we  
11 have some other issues. There has been no  
12 arrest in the underlying sexual assault case,  
13 for whatever that is worth.

14 CHAIRPERSON MILLER: Okay. Thank  
15 you. So let me ask you if this makes sense,  
16 Mr. Kline. Maybe at least two weeks a head of  
17 this training, if you can identify the  
18 employees, the program, the best program that  
19 you could identify, you know, whether you are  
20 allowed to send somebody just to this one part  
21 and what it would cost or if it has to be only  
22 this is the only program and it's geared to

1 security and then the Board will take a look  
2 at that and see whether or not we want to  
3 differentiate and limit the training in that  
4 case or not.

5 MR. KLINE: Right.

6 CHAIRPERSON MILLER: So we can  
7 then get back to you in time before the time.

8 MR. KLINE: Right. I mean, I'll  
9 talk -- Robert is pretty cooperative and I  
10 will talk to him about perhaps coming up with  
11 a 45 minute or 60 minute program which covers  
12 No. 6 of his outline. It seems to me that  
13 that's probably the simplest approach.

14 CHAIRPERSON MILLER: Right.

15 MR. KLINE: I mean, he already  
16 teaches it as part of a larger course. The  
17 question is coming up with a shortened version  
18 of it.

19 CHAIRPERSON MILLER: Right.  
20 Because, I mean, sexual assault can happen to  
21 anyone. It didn't happen to a manager or  
22 whatever even in this case, so if there is

1 such a course that can educate all the  
2 employees, that's great. But if there isn't,  
3 if this is just way beyond that, let us know.

4 And let us know if full-time and  
5 part-time that's an issue. All right. Okay.  
6 Anything else? Are we clear then?

7 MR. KLINE: Yes.

8 CHAIRPERSON MILLER: All right.

9 MR. KLINE: Thank you very much.

10 CHAIRPERSON MILLER: Okay.

11 Anything else? Thank you very much.

12 (Whereupon, Summary Suspension  
13 (Status) Hearing in the above-entitled matter  
14 was concluded at 10:13 a.m.)

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