

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

4:27 p.m.

CHAIRPERSON MILLER: All right. Let's go then. I'm going to call Case No. 15-251-00007, Chuck & Bill Bison Lounge located at 2718 Georgia Avenue, N.W., License No. 14759, in ANC-1B. This is a Summary Suspension Hearing.

Are the parties of this case here? Would you come forward if you are on this case? It's the Chuck & Bill Bison Lounge case.

MS. ZANIEL: I thought Ms. Jenkins notified them to come.

MS. JENKINS: I'll go get them. I didn't know the Board was ready --

CHAIRPERSON MILLER: Yes.

MS. JENKINS: -- because I thought you were going to discuss this.

MS. ZANIEL: Sorry.

MEMBER JONES: Not your fault.

MS. ZANIEL: I told them to wait until I got the green light. And we may want to make copies of this, Martha, I don't know. Thank you.

1 Good afternoon.

2 MEMBER SHORT: Good afternoon.

3 CHAIRPERSON MILLER: You can identify
4 yourself for the record, if you would like.

5 MS. ZANIEL: Certainly. I'm Maureen
6 Zaniel on behalf of the District of Columbia.

7 CHAIRPERSON MILLER: Okay. Very good.
8 Okay. We are starting with the parties
9 identifying themselves for the record.

10 MS. ZANIEL: He's represented. I'm
11 not sure where she is.

12 CHAIRPERSON MILLER: Oh.

13 MS. ZANIEL: Here she comes.

14 CHAIRPERSON MILLER: Okay. Okay. Are
15 you all ready? Are you ready?

16 MS. ZANIEL: Yes, we're ready now.

17 CHAIRPERSON MILLER: Okay. So why
18 don't we start again with introductions? If you
19 could all introduce yourself for the record?

20 MS. ZANIEL: Sure. And the case has
21 been called?

22 CHAIRPERSON MILLER: Yes.

1 MS. ZANIEL: Sorry. Maureen --

2 CHAIRPERSON MILLER: This is Chuck &
3 Bill Bison Lounge. Okay.

4 MS. ZANIEL: Maureen Zaniel on behalf
5 of the District of Columbia. Good afternoon.

6 MS. ZAPATA: Raenelle Zapata on behalf
7 of the licensee.

8 MEMBER SILVERSTEIN: Please speak up.
9 Please speak a little louder.

10 MS. ZAPATA: I'm sorry. Raenelle
11 Zapata, attorney for the licensee.

12 MEMBER SILVERSTEIN: Thank you, Ms.
13 Zapata.

14 MR. CHARLES GARY: Charles Gary, the
15 owner of the license.

16 MR. TY GARY: Ty Gary, son of the
17 licensee.

18 CHAIRPERSON MILLER: Okay. I started
19 to say this is called a Summary Suspension
20 Hearing. The Board suspended the establishment's
21 license finding there was an imminent danger to
22 the health and safety of the public if it were

1 open, in light of some shootings that occurred at
2 this establishment in and outside the
3 establishment.

4 So this is a Summary Suspension
5 Hearing. Are there any preliminary matters?

6 MS. ZANIEL: Yes.

7 CHAIRPERSON MILLER: Oh, I'm sorry, my
8 mike isn't on. Could you hear me?

9 MS. ZANIEL: Yes.

10 MR. CHARLES GARY: Yes, ma'am.

11 CHAIRPERSON MILLER: Okay. It's on
12 now. Sorry. All right.

13 MS. ZANIEL: Today the parties agree
14 to have this as a day in which we would make an
15 Offer in Compromise and have the Board consider
16 that. If the Offer in Compromise is not accepted
17 or some arrangement other than the need for a
18 hearing, the hearing is currently scheduled for
19 February 12th.

20 CHAIRPERSON MILLER: Correct.

21 MS. ZANIEL: But I believe you do have
22 copies before you of the Offer in Compromise.

1 MS. ZAPATA: We do.

2 CHAIRPERSON MILLER: So we do have
3 copies before us, but we haven't had a chance to
4 look at it at all. So just so you know. Okay?

5 MS. ZANIEL: Well, I mean, would you
6 like to take time to look at it or how would you
7 like to proceed?

8 CHAIRPERSON MILLER: Let's take a
9 look. Well, I think it would be fine if you put
10 it on the record and we will look at it while you
11 are reading it into the record.

12 MS. ZANIEL: Okay.

13 CHAIRPERSON MILLER: And then ask any
14 questions and then I believe the Board would
15 consider it in closed session.

16 MS. ZANIEL: All right. My oral
17 description will sometimes be a paraphrasing.
18 The written word will control.

19 There is an agreement between the
20 parties and this is a compromise recommended to
21 the Board that prior to opening again, the
22 licensee will submit a revised security plan

1 compliant with all D.C. Laws and it will
2 incorporate all of the below matters:

3 The establishment's procedure for
4 preserving a crime scene.

5 And something new that the
6 establishment has not had before will be the
7 establishment of an operational camera system.
8 The security plan will state the number of
9 cameras that will need to be utilized by the
10 establishment, because the notion of the camera
11 system is to ensure that there are no blind spots
12 in the establishment.

13 Along with the security plan will be
14 a diagram of the location of the establishment's
15 floor. Well, you know, the floor plan. And
16 marked will be the location of the cameras, so
17 there can be an assessment of whether, in fact,
18 the cameras will hit all of the spots necessary
19 to cover the establishment's premises.

20 The licensee shall maintain an
21 incident log detailing all violent incidents that
22 occur inside of the establishment. And the plan

1 shall address the establishment's procedure for
2 drafting and maintaining such a log.

3 In the security plan will be the
4 establishment's process for calling 911 and
5 notifying MPD for assistance. And it will also
6 include the licensee's Patron Ejection Protocol.

7 There is more to come about security
8 and how the security will be trained.

9 Another element of the agreement is
10 that the establishment shall purchase and
11 regularly use a security wand at the entrance.

12 The licensee shall have at least one
13 manager on duty at all times that shall be able
14 to fully operate the equipment necessary to view
15 all of the cameras in the establishment.

16 The licensee shall incorporate
17 detailed procedures in its security plan on how
18 security personnel are to handle violent
19 altercations in the establishment, including
20 appropriate methods for detaining and controlling
21 aggressive patrons.

22 The licensee shall provide its

1 employees with training on how to aid an injured
2 or ill patron in the establishment, including
3 calling for medical services from the outside.

4 The licensee shall provide its
5 employees with training on situations where it is
6 necessary to contact MPD immediately, such as a
7 violent incident immediately inside or outside of
8 the establishment or when a patron needs or
9 requests medical attention.

10 I think you have heard twice now about
11 the 911 and contacting the police because it's a
12 point of emphasis for this licensee that that
13 must occur.

14 The licensee shall make all future
15 video recordings of a crime of violence available
16 for review immediately upon request by MPD or
17 upon request by ABRA Investigators and copies
18 will be given to the ABRA Investigators or the
19 MPD within 48 hours of such request.

20 All video footage involving a crime of
21 violence shall be maintained for at least 30
22 days.

1 The licensee shall ensure the
2 completion of a security training for its
3 security staff. The course shall include a
4 training of all security personnel for the
5 establishment that shall cover all of the items
6 addressed in this Offer in Compromise as well as
7 the items contained in the security plan that
8 will be submitted to this Board.

9 The licensee shall immediately call
10 911 for any altercation or other conduct in the
11 establishment which may violate the law.

12 The licensee shall have after 10:00
13 p.m. on weekends and for all special events a
14 minimum of four security personnel on duty and
15 the licensee agrees to ensure that there is at
16 least one security person at all times working
17 for every 50 patrons.

18 At all times at least two security
19 personnel shall be on the floor.

20 In the event there are fewer than 50
21 patrons, this is a rather small place. The
22 Certificate of Occupancy is for 70, by the way.

1 At all times at least two -- in the event there
2 are fewer than 50 patrons during the time,
3 meaning weekends or special events, the licensee
4 shall ensure that there be not less than three
5 security personnel on duty.

6 The security personnel shall wear
7 uniforms identifying them as security.

8 The licensee will stop admitting
9 patrons at least one hour prior to the scheduled
10 closing time.

11 The licensee shall keep and maintain
12 a list of all security personnel employed by the
13 establishment. Such list shall be kept on the
14 premises with the job title or role of each
15 employee listed. The list shall be updated upon
16 the hiring or termination of any security
17 employee and shall be available at the
18 establishment upon request by MPD or ABRA.

19 And last, certainly not least, the
20 licensee shall conduct a complete training for
21 all existing security personnel to include all
22 the procedures described in this OIC and in the

1 revised security plan, which will again be
2 submitted to the Board.

3 That this training shall take place
4 within 30 days from the date of this order should
5 it be accepted.

6 All future employed security personnel
7 shall receive security training at the time of
8 their employment when they are hired and a
9 refresher security training shall be done twice a
10 year.

11 The matter will be referred to the
12 Office of the Attorney General for a Show Cause
13 Hearing.

14 Those are all of the elements in the
15 compromise. And of course, you have the written
16 version in front of you.

17 CHAIRPERSON MILLER: Thank you. Ms.
18 Zapata, is your client agreeable to this Offer in
19 Compromise?

20 MS. ZAPATA: Yes.

21 CHAIRPERSON MILLER: Okay. And do you
22 have any other comments to add?

1 MS. ZAPATA: Yes, I have some comments
2 to add as well.

3 We have discussed, of course, this
4 Offer in Compromise and my client also is in
5 agreement. He is going to make sure the entire
6 staff has security training, even though that is
7 not part of the agreement. And particularly in
8 the area of de-escalating any incident that may
9 or may not -- may occur.

10 As you are well-aware of by the
11 report, this is only the second incident that has
12 occurred outside of the premises. And they both
13 occurred in the last couple of years, which
14 basically is more of an indication of the sign of
15 times.

16 Mr. Gary has been in business in the
17 District of Columbia in the club business for 48
18 years and has been at this location for 25 years.
19 He is very much a part of the community. He has
20 Christmas events every year for the neighborhood.
21 This year he served over -- gave away over 400
22 presents to community children.

1 He was recognized by Harris Heroes on
2 Channel 7 for his commitment to the community.

3 He has give-away turkeys. He does
4 Easter egg events. And basically serves a wide
5 variety of patrons from 21 to 90.

6 As you are aware of, this community is
7 undergoing gentrification and we believe that
8 everyone has a right to have a venue to kick back
9 and have local entertainment, a local watering
10 hole, if you please.

11 It is important for members of the
12 community that have been long-time patrons to
13 have a place to go. And the doors are open to
14 everyone in the neighborhood. He has entered
15 into a voluntary agreement with the ANC last year
16 as a result of an incident that occurred down the
17 street from his establishment.

18 I would ask that the Board consider
19 his long-time commitment to the community at-
20 large as well as his service and providing a
21 venue for local neighborhood -- the local
22 neighborhood people, students at Howard

1 University which for the most part only come
2 there on weekends, but he is committed to
3 ensuring a safe haven for his patrons and wants
4 to make sure that he can do everything in his
5 ability to provide the kind of safe and secure
6 environment that this Board requires and for the
7 safety of the neighborhood.

8 CHAIRPERSON MILLER: Okay. Thank you.

9 MS. ZAPATA: Thank you.

10 CHAIRPERSON MILLER: I have a question
11 for you. We have an investigative report on this
12 case and it cites in the investigative history,
13 No. 2, that there was a homicide in January of
14 2013.

15 MS. ZAPATA: Yes.

16 CHAIRPERSON MILLER: Can you elaborate
17 on what that was about?

18 MS. ZAPATA: That homicide occurred
19 down the street. It was not in or near the
20 premises. And at that time, the ANC requested as
21 part of their ability to ensure a safe
22 environment, a safe neighborhood that he enter

1 into the voluntary agreement, which he did.

2 CHAIRPERSON MILLER: Okay. Thank you.
3 And, Ms. Zaniel, I'm just wondering if you could
4 just very briefly address the nexus between this
5 OIC and the incident that occurred? Meaning,
6 does this OIC address all the problems that
7 caused the danger there and that's why we should
8 accept it?

9 MS. ZANIEL: Sadly, a person lost his
10 life, so it was a big event.

11 CHAIRPERSON MILLER: Right.

12 MS. ZANIEL: And I'm certain the Board
13 wants and needs to be careful. I think it does
14 address the critical things, a few ring
15 significant with me particularly and that is, and
16 I have told Mr. Gary, he was in my office, he has
17 got to rely on the police. That's his protection
18 when something happens.

19 So I think the notion of involving
20 police at the correct time is critical and I
21 think this compromise hits on that.

22 Additionally, for the first time, the

1 place will have cameras. Hopefully that will be
2 an incentive for Mr. Gary to be certain that
3 things are carried out correctly, because it will
4 all be seen and all be visible to this Board and
5 certainly any other significant incident could
6 result in his being closed for all time.

7 So I think those two things are
8 particularly critical.

9 CHAIRPERSON MILLER: Thank you. All
10 right. Now, other questions? Okay. Mr. Jones?

11 MEMBER JONES: Thank you, Madam Chair.
12 I am -- well, I'll just ask you directly.

13 MS. ZANIEL: Before I throw you off
14 your game, can I just say one other thing in
15 response to the question asked to me?

16 MEMBER JONES: You can do anything and
17 it wouldn't throw me off my game, so no problem.

18 MS. ZANIEL: Good. Well, I didn't
19 mean to imply it would, but the other thing that
20 I think is important is, now, my game and lost
21 it.

22 Oh, the non-admittance of a person

1 within an hour of closing. It seems from the
2 work I have done in this arena that many times it
3 is closing time when bad things go down. And if
4 people had had as much as they could in terms of
5 alcoholic beverages, and certainly some times
6 they have had more than they should at the end of
7 an evening, they shouldn't be coming into an
8 establishment for the first time.

9 So I feel like the one hour bar will
10 be significant in keeping people away who are
11 already enjoying drinks elsewhere and come there
12 for whatever purpose and/or if someone should
13 have, and I'm going to use the word beef, a gripe
14 about somebody in the establishment, they know
15 they are there, they are going to look for them,
16 I think the one hour rule will help in preventing
17 such occurrences.

18 CHAIRPERSON MILLER: Where is that in
19 the proposed OIC?

20 MS. ZANIEL: It's paragraph 11.

21 CHAIRPERSON MILLER: Thank you. Okay.

22 MS. ZANIEL: Sorry. Thank you.

1 MEMBER JONES: Oh, not a problem at
2 all.

3 CHAIRPERSON MILLER: Okay. Mr. Jones?

4 MEMBER JONES: So I'm going to do
5 something I very rarely do and that is take a
6 minute to talk about myself.

7 So I graduated from Howard University.
8 I was there for like 10 years, right? Don't ask
9 why. And this location is not foreign to me at
10 all, right? So I know -- I was a young
11 undergrad, "kicked it in the environment, kicked
12 it around there," so I know what's up with this
13 place. And I like it. It's cool. I don't go
14 there any more. I got a little bit too old, but
15 it is what it is.

16 I respect the establishment. I
17 respect what it does on that -- in that
18 environment, that hood. But -- so and I say that
19 to say my statements or concerns that I'm about
20 to raise isn't -- is coming purely from a factual
21 based standpoint.

22 I am looking at this and I see OICs

1 similar to this in the past for other locations.
2 And the thing that always strikes me is it's
3 contingent upon people following something that
4 they should have been following to begin with.

5 So if I'm understanding the case
6 report correctly that we got from our
7 Investigator, it does not appear as if people
8 were doing what they should have been doing in
9 accordance with the security plan that was
10 already a matter of ABRA's record.

11 What faith and I'm not trying to get
12 into the merits of the case and the facts and all
13 of that, but what faith can we take in that is
14 all going to change now? It wasn't like you
15 didn't have a security plan on file already. It
16 wasn't like your personnel shouldn't have been
17 trained in that security plan, but yet and still,
18 it was not followed, according to our
19 Investigator it wasn't followed.

20 If the majority of this is related,
21 this being the OIC, is contingent upon us having
22 faith in the fact that you, as an establishment,

1 you as a licensee, are going to create a culture
2 through training that will prevent situations
3 like this from happening, i.e., will encourage
4 and elicit strict compliance to what it is that
5 you have documented in your security plan,
6 etcetera, and you haven't done it before, how am
7 I, as an individual Board Member, to have faith
8 that this OIC is really going to fix the nexus of
9 the problem?

10 MS. ZAPATA: Well, I take a little
11 issue with what you are saying because in this
12 incident, you can say that possibly the security
13 plan was not followed. However, based on the
14 information and questioning that I had gone
15 through with Mr. Gary and others there, the
16 incident was not seen as volatile as it ended up
17 being when the patrons were inside, when the
18 parties were inside.

19 Now, I think that in any situation
20 when a business person is faced with losing their
21 ability to conduct their business, there is a
22 definite second look at what we need to do to

1 ensure the safety of our patrons. I think
2 because -- I'm going to say Mr. Gary has been in
3 business for 48 years. And if he were not doing
4 what he was supposed to do, then surely there
5 would be some significant other violent incidents
6 that would have been before you.

7 In both of the -- in this situation
8 particularly, the critical incident happened on
9 the exterior of the establishment when the
10 parties thought that everyone had gone about
11 their business. So I can say that Chuck & Bill
12 Bison Lounge does not want to have this
13 atmosphere. It is not going to have customers,
14 an older group of customers that will continue to
15 come there should there be this kind of incident
16 happening.

17 And the basic tenet here is to comply
18 with the law to do the best that can be done. As
19 I said earlier, not only are we having the
20 security people trained, we are trained -- making
21 sure that each staff member goes through security
22 training, so that there is -- there will be more

1 than enough people that know how to handle
2 incidents and to make a call.

3 We are going to err on the side of
4 safety rather than making a judgment call, which
5 I think that's, in this case, what happened that
6 the guys just weren't that serious about anything
7 and they had moved on.

8 So the bottom line is we can only tell
9 you that we are going to do and you can come in
10 and make sure we are in compliance.

11 MEMBER JONES: That's all I have for
12 now.

13 MEMBER SHORT: Madam Chair?

14 CHAIRPERSON MILLER: Yes, Mr. Short?

15 MEMBER SHORT: I guess the question I
16 have, in light of the last homicide associated
17 with this licensee in business was January 19,
18 2013. What changes did they make or what changes
19 were made after that homicide occurred?

20 MS. ZAPATA: Well, that homicide
21 occurred down the street and was not a part of,
22 as I understand it, Bill & -- Chuck & Bill. And

1 at that time, the ANC requested that they enter
2 into a voluntary agreement, which was done.

3 Ms. Zaniel and I have gone over that,
4 because that is in place for another two years.
5 And most of what is in that is incorporated in
6 the document, the Offer in Compromise before you
7 today.

8 MEMBER SHORT: Which leads me to my
9 second question.

10 MS. ZAPATA: Yes, sir.

11 MEMBER SHORT: If all of those things
12 were done, all those things were performed, the
13 settlement agreement, then what didn't occur
14 right on this last situation? This last
15 homicide.

16 MS. ZAPATA: Well, when you say last
17 situation, are you talking about the one that
18 occurred in 2015 or the one --

19 MEMBER SHORT: The one we are here --
20 why we are here today.

21 MS. ZAPATA: Why we are here today.

22 MEMBER SHORT: Okay. I'm referencing

1 the one in 2013. If you look closely, you will
2 see both of those case numbers, besides the year,
3 they are the same. I don't know if that's
4 coincidental or not. But I'll just say this,
5 okay, and so I'm asking what didn't go right with
6 the settlement agreement in '15?

7 MS. ZAPATA: Well, everything that was
8 in the original settlement agreement -- let me
9 just -- if you will bear with me a minute,
10 please?

11 MEMBER SHORT: Yes, take your time.

12 MS. ZAPATA: The paragraph that
13 addressed security in the voluntary agreement
14 states that "The applicant volunteers to have one
15 security staff member routinely walk to either
16 corner to ensure patrons vacate the immediate
17 area safely and expeditiously to prevent
18 loitering."

19 MEMBER SHORT: Stop right there.

20 Okay. Stop right there.

21 MS. ZAPATA: Yes.

22 MEMBER SHORT: They have one security

1 person walk the perimeter, correct? Is that what
2 you are saying?

3 MS. ZAPATA: Walk to either corner.

4 MEMBER SHORT: Walk to either corner?

5 MS. ZAPATA: Yes.

6 MEMBER SHORT: And where did this last
7 -- where did the homicide occur in '15?

8 MS. ZAPATA: It occurred outside of
9 the building. I don't know what the schedule was
10 in terms of having someone walk the perimeter.
11 If you would give me a moment, I can speak to my
12 client.

13 MEMBER SHORT: Please do.

14 MS. ZAPATA: Mr. Gary himself was
15 outside because he had just walked some patrons
16 to their vehicle.

17 MEMBER SHORT: Okay. Thank you very
18 much. And I'll just --

19 MS. ZAPATA: And if I may, when these
20 incidents occur, sometimes you can't prevent
21 them. You may be right next to someone, but if
22 somebody is going to perpetrate violence, they

1 are going to perpetrate violence, I don't care if
2 you have five security people there.

3 I think that right now, we have done
4 the best we could do with the agreement working
5 with Ms. Zaniel to ensure with the cameras inside
6 that we have a detailed time line of what is
7 going on, how it is going on and that will be of
8 great assistance to the police and to ABRA if any
9 other instance should occur.

10 And we intend to try to make sure that
11 it doesn't.

12 MEMBER SHORT: On top of what you
13 said, preferably no more would happen.

14 MS. ZAPATA: Well --

15 MEMBER SHORT: Preferably.

16 MS. ZAPATA: -- it is not something
17 that we are proud of and it certainly is
18 something that we have been working to ensure
19 that we do everything possible for it not to
20 occur ever again.

21 MEMBER SHORT: Thank you. That's all
22 I have, Madam Chair.

1 MS. ZAPATA: Thank you.

2 CHAIRPERSON MILLER: I have a couple,
3 just a couple of questions. I was looking at
4 this Offer in Compromise and it talks about
5 having one manager, at least one manager on duty
6 at all times. This is H-2 or something that
7 should be able to fully operate the equipment
8 necessary to view all cameras in establishment.

9 My question is is that one manager the
10 same manager that is doing everything else in the
11 establishment or is that one manager devoted to
12 the equipment?

13 MS. ZAPATA: Whoever is the manager on
14 duty.

15 MR. CHARLES GARY: Could I speak?

16 MS. ZAPATA: Let me address this.
17 Whoever is the manager on duty.

18 CHAIRPERSON MILLER: Okay.

19 MS. ZAPATA: We intend to train all of
20 the staff because we recognize people get sick.

21 CHAIRPERSON MILLER: Okay.

22 MS. ZAPATA: We need to have a backup

1 person.

2 CHAIRPERSON MILLER: I mean, I just
3 want to know about the manager. There is a
4 manager that is going to manage everything,
5 including equipment. Okay. And I'm sorry, sir,
6 I don't know your name except as Dr. Gary's son.

7 MR. TY GARY: Oh, I'm Ty Gary.

8 CHAIRPERSON MILLER: Okay. So my
9 question is are you involved in managing or being
10 at the establishment as well or just your -- just
11 Dr. Gary?

12 MR. TY GARY: I'm always there.

13 CHAIRPERSON MILLER: You are always
14 there as well?

15 MR. TY GARY: I'm always there. Like
16 because I wasn't there the night of the incident.

17 CHAIRPERSON MILLER: Okay.

18 MR. TY GARY: But I always try to be
19 to support my father.

20 CHAIRPERSON MILLER: Okay.

21 MR. CHARLES GARY: Could I speak for
22 that? I open the bar at 11:00 every day, seven

1 days a week. I'm the owner and we always have a
2 manager on duty. I'm there most of the time. My
3 son tries to relieve me at least two or three
4 times a week. But I'm there every day of the
5 week. I am with a manager.

6 CHAIRPERSON MILLER: 11:00 to what
7 time?

8 MR. CHARLES GARY: Yes. And I have
9 been doing that for every -- I'm there every day,
10 seven days a week with a manager.

11 CHAIRPERSON MILLER: Okay.

12 MR. CHARLES GARY: I'm 82 years of
13 age.

14 MR. TY GARY: Yes.

15 CHAIRPERSON MILLER: Okay. All right.
16 Anything else? Yes, Mr. Rodriguez? Yes, of
17 course.

18 MEMBER RODRIGUEZ: Ms. Zapata, Mr.
19 Gary, I was very, very sad when I saw that body
20 of another human being laying in front of your
21 door. I still haven't fully recovered. That was
22 somebody's brother, somebody's father, somebody's

1 uncle, that was somebody and he died in your
2 establishment, outside your establishment.

3 MS. ZAPATA: Thank you.

4 MEMBER RODRIGUEZ: We can be technical
5 here, but it's connected with your establishment.
6 I also feel very bad for you, too, because, you
7 know, to have that happen in your business when
8 you are trying to run a business and it's, you
9 know, your way of life, it's very sad.

10 And going from sadness now to a more
11 active position, I'm very disturbed about it
12 because I keep wondering could that have been
13 avoided? Now, there was a homicide you say away
14 from the establishment. When you say down the
15 street, what does that mean? How far down the
16 street? Was that connected with the
17 establishment?

18 MR. CHARLES GARY: It was a half a
19 block.

20 MEMBER RODRIGUEZ: Half a block.
21 Okay. So I just wanted to express my concerns
22 about it and that's as far as I'll go right now.

1 MS. ZAPATA: Well, Mr. Rodriguez,
2 believe me, this weighs heavily on the family and
3 on the staff of the establishment. No one wants
4 to be involved in a situation like this. The
5 worth of every individual is well-recognized and
6 taken to heart here.

7 And I think that's why we have worked
8 really hard with the Attorney General's Office in
9 trying to do everything possible. In fact, we
10 suggested some things to go into the agreement,
11 the wand, we worked out the number of security
12 people we needed to have.

13 We had -- my concern with that was
14 it's such a small venue that we would have on
15 slow weekends that there may be 20 or 30 patrons
16 in there, we would have more security people than
17 necessary, but we kept the threshold at three,
18 like we had agreed upon. And we recognize that
19 this is a serious matter and take it as a serious
20 matter to try to ensure that going forward, we
21 have done everything we humanly possible could do
22 to not have this situation occur.

1 Unfortunately, we live in violent
2 times. We live in times where people run people
3 off the road because they honk their horn. We
4 have situations where folks hit people for
5 looking at them the wrong way. It is a very sad
6 situation when you are on a Metro and don't even
7 know what could happen if you look at somebody
8 the wrong way. And it's --

9 CHAIRPERSON MILLER: Okay.

10 MS. ZAPATA: -- a situation where we
11 are -- have worked out what I think is the best
12 possible solution to go forward.

13 MEMBER RODRIGUEZ: All right. Thank
14 you.

15 MEMBER SILVERSTEIN: Madam Chair?

16 CHAIRPERSON MILLER: Yes?

17 MEMBER SILVERSTEIN: I think we have--

18 CHAIRPERSON MILLER: Mr. Jones has his
19 hand up, too.

20 MEMBER SILVERSTEIN: -- gone about as
21 far as we can, at this particular point right
22 now, without getting into an evidentiary hearing,

1 which this is not. And I would suggest that we
2 prepare to discuss our options in the back.

3 CHAIRPERSON MILLER: I would agree,
4 unless there is someone who has a question they
5 need to ask before we go do that. It looks like
6 Mr. Jones might.

7 MEMBER JONES: I do.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER JONES: Thank you, Madam Chair.
10 So I just -- in circling back to the concern that
11 I raised previously, what I'm not totally clear
12 on is is the intent of the security plan
13 modifications and updates referenced in the OIC,
14 is the intent that the security plan will provide
15 us a mechanism to understand where the teeth are
16 in noncompliance?

17 I understand your position is that you
18 really weren't non-compliant and that's for the
19 facts to manifest, if they ever come to light,
20 but in order for me to feel comfortable even
21 considering this OIC, I would need to understand
22 that the terms and conditions of the security

1 plan will have details in terms of the
2 ramifications associated with noncompliance.

3 That is down to the individual. If an
4 individual employee doesn't follow the
5 appropriate training and it is determined that he
6 didn't or she didn't follow, what would be the
7 measures taken to address that, to help create a
8 culture of compliance? This is what I was trying
9 to allude to earlier.

10 Having a security plan that has a
11 bunch of words in it is wonderful, but it doesn't
12 really mean anything. You are not going to
13 change attitudes and culture without there being
14 a mechanism for influencing the attitudes and
15 culture.

16 MS. ZAPATA: I appreciate what you are
17 saying. And we have discussed that and I -- we
18 were discussing just earlier that we intend to
19 put together a little booklet for each employee
20 indicating what the protocols are, so they will
21 have it in their person. It will not just be on-
22 site.

1 And I think that in developing the
2 information that is required under this Offer in
3 Compromise, that we would certainly ask that ABRA
4 review it to ensure that it encompasses the
5 spirit in the letter of the agreement to make
6 sure that we have been comprehensive in our
7 approach and are comprehensive in our training.

8 MEMBER JONES: Okay. So is it my
9 understanding that although not specifically
10 noted, that part of the OIC is inclusive of ABRA
11 and really in its principle, the Board's review
12 and approval of said documents prior to the
13 suspension being lifted?

14 MS. ZAPATA: Well, we have not -- that
15 was not part of the agreement.

16 MEMBER JONES: Understand.

17 MS. ZAPATA: But we certainly have no
18 problems with that because as I said, it is our
19 intention to make sure that we have encompassed
20 the spirit in the letter of this agreement and
21 that we provide the necessary information and
22 training to ensure that nothing like this happens

1 going forward.

2 MEMBER JONES: Fair enough. Thank
3 you, ma'am. Thank you, Madam Chair.

4 CHAIRPERSON MILLER: Okay. I just
5 want to clarify before we go to consider what the
6 proposal is so to make sure I understand it and
7 others do.

8 It says "Prior to opening, the
9 licensee shall submit a revised security plan."
10 And under it, it says "incorporates the
11 following." So all of that is going to be
12 submitted to the Board prior to the Board lifting
13 the suspension.

14 MS. ZAPATA: Right.

15 CHAIRPERSON MILLER: That's what the
16 proposal is, correct?

17 MS. ZANIEL: That's what I believe the
18 words are properly interpreted to mean. That I
19 believe is the plan and I hear Ms. Zapata
20 saying --

21 CHAIRPERSON MILLER: Is it --

22 MS. ZANIEL: -- their willingness to

1 read it that way.

2 CHAIRPERSON MILLER: Okay. And I
3 assume that includes No. 3 even though that's not
4 under No. 1 and detail procedures in the security
5 plan on how security personnel are to handle
6 violence.

7 MS. ZANIEL: That's right.

8 CHAIRPERSON MILLER: Okay.

9 MS. ZANIEL: I mean, this may not be
10 the most --

11 CHAIRPERSON MILLER: Right. I got it.

12 MS. ZANIEL: -- well-organized
13 document, but everything that --

14 CHAIRPERSON MILLER: Everything that
15 goes in the security plan.

16 MS. ZANIEL: -- should be in the
17 security plan.

18 CHAIRPERSON MILLER: Will be there.
19 Okay.

20 MS. ZANIEL: Right.

21 CHAIRPERSON MILLER: And the training?
22 And what's the proposal on the training?

1 MS. ZAPATA: Well, we have found an
2 on-line training course and that was recommended
3 in one of your books in order to get that done,
4 but we can have on-site training as well, if that
5 is the Board's -- if the Board would prefer.

6 CHAIRPERSON MILLER: Okay.

7 MS. ZAPATA: We want to do what is
8 best for our patrons.

9 CHAIRPERSON MILLER: Okay. Thank you.
10 All right. Mr. Jones?

11 MEMBER JONES: So just to clarify, my
12 point of concern related to the wording in Item
13 1, Madam Chair --

14 CHAIRPERSON MILLER: Okay.

15 MEMBER JONES: -- is compliance to
16 this OIC term is met simply by the submission of
17 a security plan. There is no language in here
18 that speaks to whether or not we have to, as a
19 Board, review and approve it. And I have
20 hesitation related to that.

21 CHAIRPERSON MILLER: Yes.

22 MEMBER JONES: Which is the point that

1 I was trying to bring to the table.

2 CHAIRPERSON MILLER: Okay. That's a
3 good point. And what I understand Ms. Zapata to
4 be saying is we will take a look at this and she
5 understand if there are other things that we see,
6 they want to comply with that.

7 MS. ZAPATA: Of course.

8 CHAIRPERSON MILLER: Correct? Okay.

9 MS. ZAPATA: Yes.

10 CHAIRPERSON MILLER: Yes, sir?

11 MR. TY GARY: I just want to -- on
12 behalf of -- because Mr. Rodriguez had stated my
13 father now, we are pretty much hands-on and have
14 been around a lot of our patrons for many years.
15 And my father and I have -- couldn't be any more
16 saddened to see anyone that has come into that
17 establishment on multiple occasions to have or
18 see anything like that, whether it is to the
19 extent, see that happen to any one of our
20 patrons, whether they have been there for the
21 first time or they have been there 400 times.

22 I just wanted to let you know that,

1 because like I said, my father and I have the
2 utmost sympathy for that man's family and anyone
3 that has anything that happens, you know what I
4 mean, in that if it's our neighborhood. And our
5 commitment to what we try to do to make sure that
6 nothing like that ever happens.

7 We see our patrons on a daily basis a
8 lot of times and sometimes we don't. It could be
9 a new customer. We would never ever want to see
10 that, because I still -- I haven't -- I wasn't
11 there that night, but I still see the man's face
12 in my head as we have had this hearing. And my
13 father does as well.

14 So I just wanted to make that point
15 that we have the utmost concern to make sure that
16 nothing happens to any one of my patrons, whether
17 they have been there 100 times or two times.

18 MEMBER SILVERSTEIN: Thank you, Mr.
19 Gary.

20 CHAIRPERSON MILLER: Thank you.

21 MR. TY GARY: Keep that in mind.

22 MEMBER RODRIGUEZ: Thank you.

1 CHAIRPERSON MILLER: I have one last
2 question for you. I mean, I hear you say you
3 would do anything to help your father in the
4 establishment, but you can only work there three
5 days a week. Is that right?

6 MR. TY GARY: I'm a housing inspector
7 for the District of Columbia's --

8 CHAIRPERSON MILLER: Oh.

9 MR. TY GARY: -- Housing Authority.
10 So and I have two children. So I try to put in
11 as much time as I can. If I can do more than
12 three times a week, I definitely do. We have a
13 special event and my father has hospital -- he
14 has issues that he has to take care of and I know
15 that he needs to go get rest, I will definitely--
16 I always try to put in more.

17 But in lieu of that, my wife and I
18 have had conversations on her understanding that
19 I probably should be there a lot more than I
20 normally am. So with her being in willing
21 consideration to let me be out and not be home,
22 those are the types of things that I know moving

1 forward that I have to do now in order to make
2 sure that whatever it takes that nothing like
3 this ever happens again.

4 CHAIRPERSON MILLER: All right. Thank
5 you. Okay. Are we ready to deliberate? I think
6 so. We have heard a lot from you all. Thank
7 you. So I'm going to take a roll call vote for
8 the Board to deliberate this case in closed
9 session.

10 As Chairperson of the Alcoholic
11 Beverage Control Board for the District of
12 Columbia and in accordance with Section 405 of
13 the Open Meetings Amendment Act of 2010, I move
14 that the ABC Board hold a closed meeting for the
15 purpose of seeking legal advice from our counsel
16 on Case No. 15-251-00007, Chuck & Bill Bison
17 Lounge, per Section 405(b)(4) of the Open
18 Meetings Amendment Act of 2010, and deliberating
19 upon this case for the reasons cited in Section
20 405(b)(13) of the Open Meetings Amendment Act of
21 2010.

22 Is there a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks has
3 seconded the motion. I'll now take a roll call
4 vote on the motion before us now that it has been
5 seconded.

6 Mr. Brooks?

7 MEMBER BROOKS: I agree.

8 CHAIRPERSON MILLER: Mr. Rodriguez?

9 MEMBER RODRIGUEZ: I agree.

10 CHAIRPERSON MILLER: Mr. Silverstein?

11 MEMBER SILVERSTEIN: I agree.

12 CHAIRPERSON MILLER: Ms. Miller
13 agrees.

14 Mr. Short?

15 MEMBER SHORT: I agree.

16 CHAIRPERSON MILLER: Mr. Jones?

17 MEMBER JONES: I agree.

18 CHAIRPERSON MILLER: It appears the
19 motion has passed by a 6-0-0 vote. So the ABC
20 Board will now recess this proceeding and hold a
21 closed meeting in the ABC Board conference room.
22 We will return in a little while after we have

1 had a chance to consider this Offer in
2 Compromise.

3 MS. ZAPATA: Thank you.

4 CHAIRPERSON MILLER: We will take a
5 short break. Thank you.

6 MS. ZANIEL: Thank you.

7 (Whereupon, the above-entitled matter
8 went off the record at 5:17 p.m. and resumed at
9 5:28 p.m.)

10 CHAIRPERSON MILLER: Okay. We're back
11 on the record. We had time to consider this
12 Offer in Compromise that was presented to us
13 after having a chance to dialogue with you all.

14 So I'm going to make a motion that I
15 believe represents the consensus of the Board and
16 we will vote on it.

17 And that would be to deny this Offer
18 in Compromise and in doing so, I want to state
19 that there are many good proposals incorporated
20 within this Offer in Compromise, but it doesn't
21 seem to reassure the Board that imminent danger
22 would no longer exist as a result of the

1 conditions that may have contributed to the
2 event, that it just doesn't quite go far enough
3 and we didn't feel that it was appropriate to
4 start playing around with this Offer in
5 Compromise.

6 So I'm going to move that we deny this
7 Offer in Compromise. Do I have a second?

8 MEMBER SILVERSTEIN: Second.

9 CHAIRPERSON MILLER: Does anybody else
10 wish to speak to the motion? Okay.

11 Not hearing from anyone then, all
12 those in favor of denying this Offer in
13 Compromise say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? Then the motion
17 passes 6-0-0. So we will be seeing you all next
18 Wednesday.

19 MS. ZAPATA: If I might?

20 MEMBER ALBERTI: Thursday.

21 CHAIRPERSON MILLER: Yes? Thursday,
22 yes.

1 MEMBER SILVERSTEIN: Thursday.

2 CHAIRPERSON MILLER: Thursday.

3 MS. ZAPATA: If I might ask, you
4 indicated that while it was a good proposal, it
5 did not go far enough? Actually, you indicated
6 that it was a good proposal, but it did not go
7 far enough. And if I could ask for some guidance
8 from the Board as to what you would have
9 considered to go far enough?

10 MEMBER SILVERSTEIN: It would be
11 improper for us to be negotiating with you, at
12 this time. We will discuss our concerns as a
13 Board. I think it is fair to say that these are
14 vague, that Board Member Jones spoke of the lack
15 of teeth. And I think that there is plenty of
16 time for people of good will to work on this
17 between now and next Wednesday or next Thursday.

18 MS. ZAPATA: So in other words, we
19 could modify this and resubmit it to the Board
20 prior to an evidentiary hearing?

21 CHAIRPERSON MILLER: Yes, you could.

22 MEMBER SILVERSTEIN: I think you

1 should be in touch with our legal staff as to how
2 to go about and when and all of those things.
3 They can help you with the arrangements.

4 MS. ZAPATA: Oh, thank you.

5 CHAIRPERSON MILLER: Yes, you could.

6 And I am just going to respond myself just a
7 little bit by saying that one of my concerns,
8 despite all these good proposals Mr. Jones was
9 getting at, you know, how can we be convinced
10 that they would be actually implemented? And so
11 one of my concerns goes to the strength of the
12 management going on inside.

13 You know, you can have a lot of good
14 proposals, but how do we know that they are
15 actually going to be well-supervised and well-
16 implemented?

17 MEMBER SHORT: And well-trained.

18 CHAIRPERSON MILLER: Well-trained,
19 yes.

20 MEMBER SILVERSTEIN: Thank you all.

21 MS. ZAPATA: Okay. Thank you very
22 much.

1 CHAIRPERSON MILLER: Okay.

2 MS. ZAPATA: We will take that under
3 advisement.

4 CHAIRPERSON MILLER: All right. Good
5 luck. Thank you.

6 MS. ZAPATA: Yes.

7 MS. ZANIEL: As I understand, we are
8 currently set for the 12th of February at 10:00 in
9 the morning. Is that correct?

10 MEMBER SILVERSTEIN: Yes.

11 MEMBER RODRIGUEZ: That's correct.

12 MEMBER ALBERTI: Yes.

13 CHAIRPERSON MILLER: Okay. Yes.

14 MEMBER RODRIGUEZ: Is it the 12th?

15 CHAIRPERSON MILLER: At 10:00. The
16 12th at 10:00.

17 MEMBER ALBERTI: Thursday the 12th at
18 10:00.

19 MEMBER JONES: February 12th at 10:00
20 a.m., Eastern Standard Time.

21 MEMBER ALBERTI: Thank you, Mr. Jones.

22 MS. ZAPATA: We will make every effort

1 to strengthen this and give it some real teeth
2 and get back to you --

3 CHAIRPERSON MILLER: Okay.

4 MS. ZAPATA: -- before then. Thank
5 you.

6 CHAIRPERSON MILLER: Okay.

7 MR. CHARLES GARY: Thank you.

8 MEMBER ALBERTI: Let's all not forget
9 that Ms. Zaniel, as the representative of the
10 Government, has a part to play here.

11 MS. ZAPATA: Well, when I say we --

12 MEMBER ALBERTI: I mean, we haven't
13 mentioned her at all in terms of talking with
14 you, but she is there.

15 MS. ZAPATA: We will -- I will be in
16 touch with her as well as the ABRA Counsel.

17 MEMBER ALBERTI: In the interim, the
18 establishment will remain closed?

19 CHAIRPERSON MILLER: Yes.

20 MEMBER RODRIGUEZ: Yes.

21 MEMBER ALBERTI: I just want to make
22 sure that is clear.

1 MS. ZAPATA: Okay.

2 MEMBER ALBERTI: All right. Thank
3 you.

4 CHAIRPERSON MILLER: Thank you.

5 MEMBER RODRIGUEZ: Okay.

6 CHAIRPERSON MILLER: All right. So
7 that concludes the afternoon hearings and we will
8 be back in a little while to do our agendas.
9 Thank you.

10 (Whereupon, the Summary Suspension
11 Hearing in the above-entitled matter was
12 concluded at 5:33 p.m.)

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