

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF:	:	
MDM, LLC	:	
t/a Takoma Station Tavern	:	
6914 4th Street NW	:	Fact Finding
	:	Hearing
Retailer CT	:	
License No. 79370	:	
ANC 4B	:	

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FEBRUARY 11, 2015

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

PRESENT:

RUTHANNE MILLER, Chairperson

DONALD BROOKS, Member

NICK ALBERTI, Member

HECTOR RODRIGUEZ, Member

MIKE SILVERSTEIN, Member

JAMES SHORT, Member

HERMAN JONES, Member

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

2 11:05 a.m.

3 CHAIR MILLER: Okay, it looks
4 like everyone is here. I'm going to call
5 the next case on the morning calendar, which
6 is Case No. 15-251-00008, Takoma Station
7 Tavern, located at 6914 4th Street,
8 Northwest, License No. 79370 in ANC 4B.

9 Would the parties introduce
10 themselves for the record please?

11 MR. FLOREZA: Melvin Floreza, co-
12 owner of Takoma Station Tavern.

13 CHAIR MILLER: I'm sorry, could
14 you speak up?

15 MR. FLOREZA: Melvin Floreza.

16 CHAIR MILLER: Okay.

17 MR. FLOREZA: F-L-O-R --

18 CHAIR MILLER: Got it.

19 MR. FLOREZA: Okay.

20 CHAIR MILLER: Got it, thank you,
21 and you are -- are you the --

22 MR. FLOREZA: Co-owner of Takoma

1 Station Tavern.

2 CHAIR MILLER: Co-owner, okay.

3 MR. BOYD: David Boyd, co-owner
4 of Takoma Station Tavern.

5 MR. BUTLER: Craig Butler,
6 counsel for Takoma Station.

7 CHAIR MILLER: Okay, good
8 morning.

9 MR. SUERO: Investigator John
10 Suero, with Alcoholic Beverage Regulation
11 Administration.

12 LT. McDONALD: John McDonald,
13 Lieutenant PSA 401 Area Manager with Takoma
14 Station.

15 CHAIR MILLER: Okay, thank you,
16 and thank you, Lieutenant, for coming to
17 this hearing.

18 This is what's called a fact finding
19 hearing. It's not an evidentiary hearing.
20 No one is put under oath.

21 We received a letter from the
22 Chief of Police Cathy Lanier, asking us to

1 hold this fact finding hearing, in that
2 there was a violent incident at Takoma
3 Station, and that's why we're here.

4 We're going to hear from
5 Lieutenant McDonald and Investigator Suero,
6 what facts they have to present, regarding
7 that incident, and then you'll have an
8 opportunity, you being the Takoma Station,
9 to give any facts you want to give to us,
10 and the Board will probably have some
11 questions for everyone.

12 Okay, but this is much more
13 informal, no one takes the witness stand or
14 anything, and no action is taken, as a
15 result of this hearing, in that there won't
16 be any penalties of what you say, or any
17 conditions placed on you, per se.

18 However, it is not unlikely that
19 your case would be referred to the Office of
20 Attorney General for prosecution.

21 So, if you don't have any
22 questions at this point, we'll hear from

1 either Mr. Suero, Lieutenant -- or Mr.
2 Suero. Do you have any questions before we
3 proceed, about the process or anything?

4 MR. BUTLER: No.

5 CHAIR MILLER: Okay, Mr. Suero.

6 MR. SUERO: Okay, good morning,
7 again.

8 On Sunday, January 25th at
9 approximately 12:30 in the morning, I
10 received a telephone call from Supervisor
11 Investigator Craig Stuart regarding a call
12 he had received from the Metropolitan Police
13 Department about a stabbing that had
14 occurred at Takoma Station Tavern, that's
15 located at 6914 4th Street, Northwest.

16 I arrived there at about MR.
17 BUTLER: 50 in the morning. I found the area
18 had been roped off, caution tape was around,
19 a lot of police presence.

20 I met with Lieutenant Lamond and
21 Sergeant Gulley, who were there on the
22 scene. Sergeant Gulley advised me that

1 there had been a fight inside the
2 establishment, and as a result of the fight
3 inside the establishment, several patrons
4 had been removed by security to outside of
5 the establishment.

6 Immediately outside of the
7 establishment, a fight continued, at which
8 point one of the victims was stabbed. This
9 occurred pretty much in the street, right
10 outside of the establishment.

11 As I walked inside the
12 establishment, I noted there was a car near
13 the front door with a considerable amount of
14 blood on the side of the car.

15 I entered the establishment. I
16 made my way through a very large crowd, to
17 the very back of the building where the
18 office is located, and I met with Mr. Mel
19 Floreza, who was there at the time, and
20 asked him about this situation, how it
21 occurred and what he knew about it.

22 He advised me at that time that

1 he had heard a commotion, but had not
2 actually witnessed the altercation.

3 In the back room at that time,
4 there was an MPD Detective by the name of
5 Oliver Lake. He was about to review the
6 video footage, to get a better sense of what
7 occurred, to see if they could identify
8 suspects and what have you.

9 So, I remained and also reviewed
10 that footage. What I found was somewhat
11 alarming.

12 Some time before midnight, there
13 was a fight in a room that's located
14 immediately to the right of the entrance,
15 where they had a stand and some tables and
16 seating. Those patrons were removed from
17 that area, and were brought outside to the
18 front.

19 As they were being removed, the
20 video shows other patrons following out,
21 mostly male, and then you could see a fight
22 ensuing outside again, with some of the

1 individuals that had been brought out and
2 people that had followed out.

3 One of the individuals separated
4 from that group, was then seen out in the
5 street, apart from the others and is
6 separated by a group, and you could see
7 someone actually punching him and another
8 male stabbing him, and you can see that in
9 the video.

10 Also in the video what you could
11 also see and what I saw clearly was security
12 staff watching the fight and not
13 intervening.

14 Before we left the location,
15 Investigators Stuart and Brashears responded
16 and performed a headcount of the scene,
17 because it was a pretty large amount of
18 people inside, and in their count, their
19 headcount of one side of the establishment,
20 they counted over 150 patrons. The capacity
21 of the establishment is 150. I would say
22 that there was easily 200 people inside the

1 establishment at that time.

2 I also noted when I walked in,
3 that the gentleman who was at the front,
4 security personnel, had no markings on him.
5 He didn't have anything that said 'security'
6 on him what so ever. He just was a large
7 fellow. He had a vest on and a long-sleeve
8 shirt, but nothing that identified him as
9 security staff member for the establishment.

10 I was able to telephonically
11 interview three victims in this case, the
12 gentleman who got stabbed, who advised me
13 that he had been there for a birthday
14 celebration for his father, another victim,
15 and that at some point during the evening
16 while they were in the room that's located
17 where the stage is, there was an inadvertent
18 push or whatever, from one individual to the
19 other.

20 He looked to the side and saw his
21 father in a fist-fight with another
22 gentleman.

1 He went to assist his father.
2 He, his father and others were removed by
3 security at that point, and then brought
4 outside, where the fight continued. He
5 advised me that he didn't even know he had
6 been stabbed, until someone brought it to
7 his attention and he saw the blood.

8 I spoke to another victim, and he
9 advised me that he was in fact there, with
10 the gentleman's father for the party, and
11 that something had occurred where a fight
12 began in that area around where the stage
13 is. They were all brought outside and it
14 continued.

15 I asked him specifically if
16 security staff had intervened in any way,
17 when they were outside fighting and he said,
18 no, they had gotten no assistance of any
19 kind whatsoever.

20 The first victim, the one who was
21 stabbed, in my conversation with him, he
22 advised that he had received some 11

1 stitches. He had gotten a cut to his --
2 excuse me. I just want to make sure I give
3 you the exact place where he was cut.

4 He was taken to Howard University
5 Hospital where he was treated for stab
6 wounds to his lower back, left hip, a cut to
7 his shoulder and cuts to his face.

8 Just so you know, one of the
9 other victims received a fracture of the
10 orbital bone around one of his eyes, and a
11 fractured nose, as well, as part of this
12 altercation.

13 MEMBER SILVERSTEIN: Would you
14 repeat that second part?

15 MR. SUERO: The other gentleman,
16 one of the victims received a fracture to an
17 orbital bone on his eye and also a fractured
18 nose.

19 There was extensive video footage
20 of the events inside and outside, of them
21 being brought out and the fight outside, and
22 you could clearly see some of the -- one of

1 the suspects specifically. He had some
2 markings on his clothes, who was doing the
3 stabbing. It was quite obvious.

4 There were two detectives --
5 eventually, the two detectives were at the
6 scene there, and I believe they got a good
7 view of that, and I'm certain that they
8 followed up.

9 I had a chance to review the
10 security plan for Takoma Station, and in my
11 review of that plan, I learned that there
12 are a considerable number of violations, in
13 that there are specific directives in that
14 security plan for how to handle a fight,
15 ejection of patrons, and things of that
16 nature, and one of the things that a
17 security officer must have, some marking
18 that says you're a security officer, so that
19 the public can see who you are.

20 Another one was that if you have
21 a large amount of people, you are -- it's
22 suggested that you re-assess how many

1 security officers you should have on the
2 scene.

3 It also specifically says,
4 "Security personnel should be reminded
5 continuously that patron safety is their
6 primary responsibility," followed by
7 deterrence and prevention.

8 Their security plan specifically
9 outlines that they are responsible for what
10 happens outside of their establishment, to
11 include a 1,000 foot buffer or radius around
12 their establishment. This assault occurred
13 right outside, the stabbing portion of it,
14 and there was no intervention of any kind
15 whatsoever.

16 MEMBER SILVERSTEIN: There was
17 no?

18 MR. SUERO: No security
19 intervention of any kind whatsoever, while
20 the stabbing was in progress and the fight
21 was ensuing outside the establishment, right
22 outside, basically outside their front door.

1 It is even outlined in their
2 security plan, how to properly remove
3 patrons, the aggressor goes out, the one
4 more passive stays behind, to ensure that
5 the aggressive parties leave entirely from
6 the neighborhood or vicinity, before you let
7 the other people out.

8 So, in this particular case,
9 everybody came out, and I think that to a
10 great extent, led to this situation.

11 The aggressor, the victim,
12 everybody came out together and were out
13 together for quite some time, allowed a
14 serious incident, obviously.

15 While I was at the establishment
16 and I had -- was reviewing the video, I
17 asked, I believe at first was Mr. Floreza
18 and then I think Mr. Bird, I believe it is,
19 Boyd, I'm sorry, reference to how much time
20 their video footage records, what length of
21 time we can get that recording for, and they
22 both advised me that it records for seven

1 days.

2 I specifically asked them why so
3 short a period of time. They could not
4 answer that, but in their own security plan,
5 it specifically says that incidents of
6 violence and weapons specifically, require
7 30 day record of that, and we don't have
8 that in this case, and now, at this point,
9 I'm not quite sure why that is.

10 CHAIR MILLER: Could I just ask a
11 clarifying question?

12 MR. SUERO: Of course.

13 CHAIR MILLER: You saw the video.

14 MR. SUERO: Absolutely.

15 CHAIR MILLER: But are you saying
16 it no longer exists?

17 MR. SUERO: Well, what they told
18 me, I can't say specifically --

19 CHAIR MILLER: We'll ask --

20 MR. SUERO: What they said to me
21 is that the system records for seven days
22 and that's it.

1 CHAIR MILLER: Okay.

2 MR. SUERO: And I asked them why
3 is it that it only records for seven days,
4 when most systems, at least the folks that
5 I've come across in these situations have at
6 least a minimum of 30 days, and their
7 security plan had actually said, "Tavern
8 will maintain all footage for at least 30
9 days, especially footage relating to acts of
10 violence of acts involving weapons,
11 including firearms." This was part of their
12 own security plan.

13 MEMBER ALBERTI: Excuse me. I
14 think the question -- I'm trying to be
15 helpful here. I think the question is, did
16 we get a copy or did MPD get a copy of the
17 video?

18 MR. SUERO: I got a copy of the
19 video.

20 MEMBER ALBERTI: Okay, great.
21 That was your question?

22 CHAIR MILLER: Yes, basically.

1 MEMBER ALBERTI: Okay.

2 CHAIR MILLER: You have a copy.

3 MEMBER ALBERTI: All right, just
4 trying to be helpful. Sorry.

5 CHAIR MILLER: No, that was very
6 helpful. Thank you. Yes, okay. Thank you.
7 Are you finished or do you have --

8 MR. SUERO: I am.

9 CHAIR MILLER: Okay, Lieutenant?

10 LT. McDONALD: I'll just kind of
11 start working a little backwards with it.

12 CHAIR MILLER: Yes.

13 LT. McDONALD: According to the
14 30 days reporting for us is sometimes there
15 are incidents that are captured prior to or
16 after the main incident.

17 So, it's always nice if we can go
18 back and review things we might not have
19 captured the first time through.

20 So, the longer the time the tape
21 can be held, the better it is for us to
22 complete an investigation. That's why the

1 30 day period is key for us.

2 As we all know, this is an
3 ongoing criminal investigation. So, I
4 really can't talk about the facts of the
5 case, other than it is ongoing. I'm here to
6 give a history of Takoma Tavern and the
7 neighborhood, in the PSA and how it's
8 affecting my area.

9 All in all, it's not that bad of
10 an issue. For 2014, there were 12 calls for
11 services in reference to Takoma Station.
12 Three of them, calls for concern, and the
13 one for an aggravated assault. Luckily or
14 fortunately, some officers arrived on the
15 scene and there was nothing found. So,
16 whatever the fray was, the fight had gone,
17 had dissipated before the police got there.

18 There was one check on the
19 welfare when an officer was driving by and
20 found an unconscious person directly across
21 from Takoma Station. No calls for service.
22 The officer actually found this individual

1 while on patrol, and they had come from
2 Takoma Station, and they were passed out in
3 basically, a drunken coma.

4 The third involved an assault
5 that began outside Takoma Station, between
6 patrons that continued onto the corridor of
7 4th and Butternut, and as a result of that
8 assault, one of the suspects in that
9 assault, assaulted two of my officers.

10 That case has already gone to
11 trial and that person has been found guilty
12 of assault of a police officer.

13 For 2015, we've had two calls for
14 service, one being this aggravated assault
15 involving the stabbing and individual who
16 had his orbital socket and his nose as
17 broken as a result of the fight.

18 I do want to say my understanding
19 is one of the co-owners actually did call
20 911 the night of the assault and reported
21 it.

22 I know, as well, that I believe

1 it was Mr. Boyd has been a victim of a crime
2 where a patron has been asked to leave or
3 barred from Takoma Station and he came back,
4 Mr. Boyd told him, "No, you're barred, you
5 need to leave," and as a result, Mr. Boyd's
6 vehicle was broken into, I believe you read
7 the complaint in that case.

8 MR. BOYD: Yes.

9 LT. McDONALD: I can pull the
10 date if you like. I have it here. That's
11 my historical background on Takoma Station.

12 MEMBER SHORT: Your name again,
13 please.

14 LT. McDONALD: John McDonald.

15 MEMBER SHORT: Thank you.

16 CHAIR MILLER: Okay, I think we
17 recently had a renewal hearing and we heard
18 about the history and it did -- I don't
19 recall hearing many problems, with respect
20 to this establishment.

21 So, but this is a pretty serious
22 one. So, would you all like -- do you have

1 -- do Board Members want to address
2 questions, at this point, to Mr. Suero and
3 Lieutenant McDonald or hear from -- so, why
4 don't we --

5 MEMBER ALBERTI: I think Mr.
6 Silverstein --

7 CHAIR MILLER: Okay.

8 MEMBER SILVERSTEIN: My first
9 question is to both of you, in that is the
10 degree of cooperation or lack of cooperation
11 that you received from the establishment and
12 its people immediately following this. How
13 cooperative were they and were there any
14 problems with getting statements, getting
15 information, getting video?

16 MR. SUERO: Both owners were very
17 cooperative and I received video and an
18 incident report the very next day.

19 LT. McDONALD: Extremely
20 cooperative with MPD.

21 MEMBER SILVERSTEIN: Have you
22 found any problems with them cooperating in

1 any other previous incidents, or have they
2 been straight up front with you?

3 LT. McDONALD: Up front.

4 CHAIR MILLER: I just have a
5 question, but if this is an ongoing case,
6 you can't answer it, fine.

7 But I was wondering if the
8 assailant had been caught?

9 LT. McDONALD: It's an ongoing
10 investigation.

11 CHAIR MILLER: Yes, okay. Okay,
12 thank you.

13 MEMBER ALBERTI: Thank you.

14 CHAIR MILLER: Yes, Mr. Short.

15 MEMBER SHORT: Mr. Suero.

16 MR. SUERO: Yes, sir.

17 MEMBER SHORT: You said the over-
18 crowding was observed --

19 MR. SUERO: Absolutely.

20 MEMBER SHORT: -- the patrons had
21 came out.

22 MR. SUERO: Yes, sir.

1 MEMBER SHORT: When you saw the
2 video, could you see them impact of the
3 overcrowding inside of the establishment?

4 MR. SUERO: Absolutely. Let me,
5 if I can, give you a picture of what this
6 establishment looks like, if you have not
7 been inside.

8 When you walk in the front door
9 to the very left, there's a very long bar.
10 On this end before you get to that bar is a
11 -- there's a small seating area.

12 In between the bar and the other
13 room to the right is a very long half-wall,
14 and as I was walking in, it was quite a
15 crowd. I had to get through that, between
16 that space, the half-wall and the bar, and
17 then of course, there were considerable
18 amount of people standing in the stage area
19 and there is another seating area located
20 where the stage area is, as well.

21 MEMBER SHORT: Could you give us
22 the approximate ages and the attitude of the

1 combatant and the patrons?

2 MR. SUERO: These were not young
3 folk. These were, I would say 30's and
4 40's, is probably pretty much what everybody
5 was there.

6 MEMBER SHORT: Thank you. That's
7 all I have, Madam Chair.

8 MEMBER SILVERSTEIN: Madam Chair?

9 CHAIR MILLER: Yes.

10 MEMBER SILVERSTEIN: I want to
11 follow up.

12 CHAIR MILLER: You want to follow
13 up there, okay, first Mr. Silverstein and
14 then.

15 MEMBER ALBERTI: All right.

16 MEMBER SILVERSTEIN: Okay,
17 Investigator Suero, you said there were a
18 number of violations of the security plan,
19 and the first thing that jumped out to me
20 is, you said that they -- they're suppose to
21 recess how -- re-assess how many security
22 people they have.

1 MR. SUERO: How many they --

2 MEMBER SILVERSTEIN: How many
3 people were there that night, in your
4 estimation and how many security people were
5 there?

6 MR. SUERO: At least 200 patrons
7 and four security persons.

8 MEMBER SILVERSTEIN: So, that was
9 one per 50 or one per 50+?

10 MR. SUERO: It would be one per -
11 - yes, exactly.

12 MEMBER SILVERSTEIN: How else did
13 you see possibly -- what were the other
14 possible violations of their security plan?
15 Walk us through those again.

16 MR. SUERO: That would be the
17 security personnel that were not -- that was
18 not specifically identifiable as being
19 security.

20 MEMBER SILVERSTEIN: All right.

21 MR. SUERO: There was -- when you
22 remove someone from -- in their own security

1 plan, when you remove someone from it being
2 -- well, a patron ejected for fighting or
3 whatever, you have to separate the aggressor
4 from the passive.

5 You are not to set -- set them
6 out together at the same, for the mere fact
7 that they can again, begin fighting outside.

8 MEMBER SILVERSTEIN: Rather than
9 breaking up the fight, they simply changed
10 the venue?

11 MR. SUERO: They just moved them
12 out to the front, exactly. I listed some
13 more, and let me be clear on what they are,
14 because there were several.

15 On their own security plan, the
16 Tavern's management has a responsibility to
17 use reasonable measures to provide a safe
18 environment for its patrons and employees.
19 That responsibility extends to the club's
20 parking lot, sidewalks and other areas
21 immediately adjacent to the premise, giving
22 consideration to a 1,000 foot radius around

1 the establishment. This clearly did not
2 occur.

3 When they pushed everyone outside
4 and the fight continued and someone got
5 stabbed, someone got a couple fractures,
6 security watched and that's clearly not what
7 they should have done.

8 MEMBER SILVERSTEIN: Very well,
9 that's three.

10 MR. SUERO: If patrons get in
11 physical altercations, they must be removed
12 from the club immediately for everyone's
13 safety.

14 Security personnel need to be
15 trained in how to do this safely and
16 lawfully. Too often, security guards throw
17 both parties out into the street, let them
18 fight it out and fail to notify the police.

19 This obviously is the wrong
20 method, particular if ejected patrons remain
21 within the vicinity of the club.

22 They specifically have a -- the

1 correct method to remove patrons that are
2 involved in physical altercations is to
3 delay the ejection of the more passive
4 offender if possible, until the more
5 aggressor co-combatant has completely
6 vacated the property.

7 The reason for this is that it is
8 reasonable that two people who were engaged
9 in a fight inside, will continue the assault
10 outside.

11 MEMBER SILVERSTEIN: So, this is
12 throughout the security plan. This is not
13 something that simply --

14 MR. SUERO: No, sir, this is
15 their plan.

16 MEMBER SILVERSTEIN: This is a
17 major part of the plan. This is not
18 something that is incidental.

19 MR. SUERO: That's correct, and
20 it also specifies that Tavern's management
21 requires contract security personnel to wear
22 black slacks, a collared polo-type black

1 shirt containing the word 'security' in
2 capital white letters, at least four inches
3 in height on the front and back.

4 Management shall maintain all
5 footage. We went through the footage, and I
6 will also add that one of the things that is
7 required or you should have when you operate
8 a venue of this type, is a method to count
9 your patrons.

10 So, most establishments use the
11 handheld clickers. You click when they come
12 in and you click when they leave, so you can
13 always have a reasonable count as to how
14 many patrons you have in your establishment
15 at any given time.

16 I asked both of the owners if
17 they utilized those counters, those clickers
18 and they advised they do not, and then I
19 asked, "Well, how do you know what number of
20 patrons you have at any given time," and
21 that's where we are.

22 MEMBER SILVERSTEIN: Thank you

1 very much, and thank you for your report,
2 sir.

3 MR. SUERO: You're very welcome.

4 CHAIR MILLER: Mr. Alberti, did
5 you have a question?

6 MEMBER ALBERTI: Yes.

7 CHAIR MILLER: Okay.

8 MEMBER ALBERTI: Good morning,
9 Lieutenant McDonald and Investigator Suero.
10 Thank you both for your reports.

11 Lieutenant McDonald, you talked
12 about a previous assault and conviction for
13 assault that happened.

14 LT. McDONALD: Yes.

15 MEMBER ALBERTI: It was 2014, is
16 that correct?

17 LT. McDONALD: Yes.

18 MEMBER ALBERTI: And you said
19 that the evidence from that case showed that
20 these people were patrons of --

21 LT. McDONALD: Yes.

22 MEMBER ALBERTI: All right, do

1 you know in that case, if there was any
2 testimony about whether they had gotten into
3 an altercation inside of the establishment?

4 LT. McDONALD: That, I do not
5 know if it actually began inside Takoma
6 Station. I know they were all -- all
7 parties involved, there were two suspects,
8 as well as a person from each side. We were
9 trying to keep them separated. I know they
10 all -- all four had come from Takoma
11 Station.

12 MEMBER ALBERTI: Okay.

13 LT. McDONALD: It was not at
14 domestic situation, but they were friends.
15 It was a little odd.

16 MEMBER ALBERTI: We hear it all
17 the time.

18 LT. McDONALD: I do not know if
19 they actually had an assault or an
20 encounter, physical encounter inside Takoma
21 Station, but I do know that the four had
22 come from there.

1 MEMBER ALBERTI: Okay.

2 LT. McDONALD: I would like to
3 clarify something I said earlier.

4 It was actually Mr. Floreza whose
5 vehicle was damaged, not Mr. Boyd's.
6 Someone had been kicked back out of the
7 club.

8 MEMBER ALBERTI: Okay, so and --

9 LT. McDONALD: And I also know a
10 question was asked about the age, the
11 average age or the rough age of the patrons.
12 I was going through all my reports. The
13 youngest person I saw in the reports was 27
14 years old. Most of them were in their 30's
15 and some were in their early to mid 40's.

16 MEMBER ALBERTI: Right.

17 LT. McDONALD: To give you that
18 information, that age group there.

19 MEMBER ALBERTI: Thank you. All
20 right, and you said that you were aware that
21 there was a 911 call from the establishment.

22 LT. McDONALD: Yes.

1 MEMBER ALBERTI: You seemed to
2 indicate you knew who made the call.

3 LT. McDONALD: Yes.

4 MEMBER ALBERTI: Do you?

5 LT. McDONALD: Yes, I do.

6 MEMBER ALBERTI: Okay, who? Do
7 you know who made the call?

8 LT. McDONALD: One of the owners.

9 MEMBER ALBERTI: One of the
10 owners, okay, just one of the owners.

11 LT. McDONALD: There were
12 multiple calls. There were either three or
13 four calls that were made. I know one was
14 made by one of them.

15 MEMBER ALBERTI: Do you have
16 records of when those calls were made, the
17 times?

18 LT. McDONALD: I do, but not with
19 me, as they're a part of --

20 MEMBER ALBERTI: Okay, but that
21 is part of the evidence?

22 LT. McDONALD: Yes, sir.

1 MEMBER ALBERTI: Was it your -- I
2 mean, just -- and if you don't know, tell
3 me.

4 Is it your impression that they
5 were made sort of quickly?

6 LT. McDONALD: Yes.

7 MEMBER ALBERTI: Okay.

8 LT. McDONALD: Rapid succession.

9 MEMBER ALBERTI: I mean, but sort
10 of about the time that the video shows the
11 fight was happening outside?

12 LT. McDONALD: Yes.

13 MEMBER ALBERTI: Okay, great.

14 LT. McDONALD: Prior to the
15 stabbing.

16 MEMBER ALBERTI: Right.

17 LT. McDONALD: I think that's
18 what you're asking.

19 MEMBER ALBERTI: Yes, that's sort
20 of what I'm getting at. Thank you very
21 much.

22 I guess this is for Investigator

1 Suero. Okay, let's go -- you talked to Mr.
2 Silverstein about, you know, the fact that
3 they threw everybody out at once.

4 Is it -- was it clear -- you
5 watched the videos. Was it clear that the
6 two parties that had been engaged in the
7 fray inside were thrown out together? Was
8 that clear from the video?

9 MR. SUERO: What I can clearly
10 say of the video is that there was more than
11 one person being pushed out at one time.

12 So, I can't tell you if
13 specifically the suspects and victims were
14 put out together, however, what I will say
15 is, one of the videos shows as a couple of
16 people are being pushed out, one individual,
17 he's standing in the --

18 MEMBER ALBERTI: All right.

19 MR. SUERO: -- what I call the
20 vestibule, that area between the front door
21 and the interior door, and he seems to be
22 trying to hit one of the -- one of the

1 alleged -- one of those who would be a
2 victim later.

3 MEMBER ALBERTI: Okay, so, did
4 you watch the video passed that point later?

5 MR. SUERO: I did.

6 MEMBER ALBERTI: And did you see
7 any of the assailants or the victims exiting
8 after that initial exodus of people?

9 MR. SUERO: In the video, you
10 could see the suspects inside, as well as
11 outside.

12 MEMBER ALBERTI: No, but I mean,
13 so, you had this initial exodus of people.

14 MR. SUERO: Right.

15 MEMBER ALBERTI: Was there some
16 time later --

17 MR. SUERO: The suspect came out
18 behind them.

19 MEMBER ALBERTI: He did? How
20 much later?

21 MR. SUERO: No, right behind him.
22 There was not --

1 MEMBER ALBERTI: Right behind
2 him?

3 MR. SUERO: There was no delay.

4 MEMBER ALBERTI: Okay, so, there
5 wasn't -- it wasn't like a five minute --
6 there wasn't like a two or three minute
7 lapse and you saw like somebody who was
8 involved in the fight outside, come out
9 later?

10 MR. SUERO: No, they came out
11 together.

12 MEMBER ALBERTI: They all came
13 out together?

14 MR. SUERO: They did.

15 MEMBER ALBERTI: Okay, so, it's
16 pretty clear, from what you --

17 MR. SUERO: Yes.

18 MEMBER ALBERTI: -- from what you
19 observed?

20 MR. SUERO: Yes.

21 MEMBER ALBERTI: All right, and
22 then a crowd followed out with these folks?

1 MR. SUERO: It was a good amount
2 of people that kind of followed, and I don't
3 know who was with who, if they were --

4 MEMBER ALBERTI: All right, but
5 there was a crowd. So --

6 MR. SUERO: It was a good amount
7 of people.

8 MEMBER ALBERTI: Did security
9 make any attempt to hold people back?

10 MR. SUERO: No.

11 MEMBER ALBERTI: Okay, great.
12 Thank you. Now, what time did you arrive?

13 MR. SUERO: I got there at 12:50.
14 I got called at 12:30 and 12:50 --

15 MEMBER ALBERTI: So, this
16 happened around -- right around 12 -- just
17 after 12 o'clock.

18 MR. SUERO: I think the video
19 will show that the actual exterior -- what
20 happened outside began at 12:02.

21 MEMBER ALBERTI: Right, right,
22 that's what's in your report, and you got

1 there at 12:50.

2 MR. SUERO: Yes, sir.

3 MEMBER ALBERTI: So, what was
4 going on when you got there at 12:50?

5 So, when you get there at 12:50,
6 what do you see outside?

7 MR. SUERO: I see --

8 MEMBER ALBERTI: Again, really
9 very briefly, what did you see outside?

10 MR. SUERO: Considerable number
11 of MPD officers and cruisers, yellow tape
12 around. I see some officers speaking with
13 different people in different groups.

14 MEMBER ALBERTI: So, a crime
15 scene had been established.

16 MR. SUERO: Absolutely.

17 MEMBER ALBERTI: Okay, great.

18 MR. SUERO: I walk over to the
19 Lieutenant, this Lieutenant --

20 MEMBER ALBERTI: No, okay, so,
21 this is -- okay, I don't want to belabor
22 this too much. I'm sorry to cut you off,

1 but I really want to keep this moving.

2 So, then did you go inside?

3 MR. SUERO: I did eventually go
4 inside.

5 MEMBER ALBERTI: What did you see
6 inside?

7 MR. SUERO: Inside, I saw, well,
8 first there was a crowd, to get to the back,
9 because I was going to see the video --

10 MEMBER ALBERTI: All right.

11 MR. SUERO: -- and it was
12 available to be seen, and what I saw inside
13 was a crowd on either side of this half-
14 wall, two separate rooms, basically. Staged
15 to my right was a seating area and tables.
16 The long bar to my left, seating area and
17 tables and the half-wall and people
18 everywhere.

19 MEMBER ALBERTI: Okay, was there
20 entertainment?

21 MR. SUERO: They have a live band
22 and they were --

1 MEMBER ALBERTI: They had a live
2 band? At 12:50 they had a live band?

3 MR. SUERO: And it was still
4 playing.

5 MEMBER ALBERTI: All right,
6 that's what I'm trying to understand.

7 So, they had made no effort to
8 stop the entertainment, shut the
9 establishment down, given that there was a
10 crime scene outside, is that correct?

11 MR. SUERO: That's correct.

12 MEMBER ALBERTI: Okay, great, and
13 you talked about the overcrowding.

14 MR. SUERO: Yes, sir.

15 MEMBER ALBERTI: Okay, wow.
16 Sorry. It's not often I get surprised at
17 these things.

18 Let me see if there is anything
19 else I need to know from you about that.

20 Do you know what type of
21 entertainment it was that evening? Was it a
22 live band?

1 MR. SUERO: Yes. The band is
2 called Familiar Faces, I believe it is.

3 MEMBER ALBERTI: Familiar Faces?

4 MR. SUERO: It used to be called
5 911, I believe, formerly. They're now
6 called Familiar Faces.

7 MEMBER ALBERTI: Okay.

8 MR. SUERO: A hip-hop, a go-go
9 band, I guess you could call it.

10 MEMBER ALBERTI: Okay, do you
11 know what the security procedures were that
12 evening?

13 MR. SUERO: Well --

14 MEMBER ALBERTI: Did you discuss
15 that with them?

16 MR. SUERO: We talked about it.
17 They said they had four people on duty. I
18 believe it was further said that they, you
19 know, check ID's at the door, do some pat-
20 downs. I believe that was his comment. I
21 didn't see the pat-downs of any kind. I saw
22 some checking ID's.

1 MEMBER ALBERTI: You saw people
2 coming in, but you didn't see any pat-downs?

3 MR. SUERO: I didn't see anybody
4 being patted down.

5 MEMBER ALBERTI: I have no
6 further questions. Thank you.

7 CHAIR MILLER: Mr. Short?

8 MEMBER SHORT: Was there any
9 wandering or any checking for weapons?

10 MR. SUERO: I did not see the use
11 of any handheld metal detectors at all of
12 any kind. No wandering.

13 MEMBER SHORT: In looking at the
14 video, the person who was doing the stabbing
15 that you observed on the video, did you also
16 see this person inside of the club?

17 MR. SUERO: I did, prior to the
18 stabbing, he was inside the club.

19 MEMBER SHORT: Was there any
20 lapse between the time he left the club, and
21 was that in front of the club stabbing?

22 So, I'm trying to figure out,

1 could he have had that weapon on him inside
2 of the establishment?

3 MR. SUERO: Absolutely. There
4 was -- there was not -- it was -- one group
5 was being pushed forward and the other group
6 was following behind.

7 MEMBER SHORT: No further
8 questions.

9 CHAIR MILLER: Others? Yes, Mr.
10 Rodriguez?

11 MEMBER RODRIGUEZ: Lieutenant
12 McDonald.

13 LT. McDONALD: Yes, sir.

14 MEMBER RODRIGUEZ: Thank you for
15 coming, sir. Would you -- were you able to
16 detect to see if this was any activity? Are
17 there any gangs that operate in that area?

18 LT. McDONALD: There are no gangs
19 that operate in that area. I do not believe
20 this to be a gang incident.

21 MEMBER RODRIGUEZ: Okay, thank
22 you.

1 CHAIR MILLER: Others? Mr.
2 Suero, I just want to ask you, I think you
3 said that the patrons were pushed out,
4 basically at 12:02?

5 MR. SUERO: Yes.

6 CHAIR MILLER: Do you know what
7 time the fight started?

8 MR. SUERO: It's about -- just
9 about a minute or so before midnight, is
10 when they're being brought out of that room.

11 CHAIR MILLER: Okay.

12 MR. SUERO: And are going out the
13 front door.

14 CHAIR MILLER: And then my
15 question is, I'm just wondering how long it
16 -- how much time passed before the fight
17 started outside?

18 MR. SUERO: It was pretty
19 immediate. It was a -- what you see is the
20 group being pushed out, a gentleman who was
21 also -- was with that crowd. He starts
22 swinging on a guy, right as soon as they got

1 outside.

2 CHAIR MILLER: Okay, and how soon
3 thereafter did the police come?

4 MR. SUERO: I don't know what
5 their arrival time is.

6 LT. McDONALD: I don't have the
7 arrival time.

8 CHAIR MILLER: Was it fairly
9 soon?

10 LT. McDONALD: Yes.

11 CHAIR MILLER: Okay.

12 LT. McDONALD: I can tell you
13 what time we received the call for that.

14 CHAIR MILLER: Okay.

15 LT. McDONALD: At 00:02:51 after
16 midnight.

17 CHAIR MILLER: What?

18 LT. McDONALD: So, two minutes
19 and 51 seconds after midnight, we received a
20 call for service.

21 CHAIR MILLER: Two minutes, 51
22 seconds? So, okay, because you said they

1 went out at 12:02, okay.

2 Okay, all right, Mr. Silverstein?

3 MEMBER SILVERSTEIN: Following
4 up, Lieutenant McDonald, first, thank you
5 for your service, your long service to the
6 city.

7 This is your area. You say that
8 the club is not that bad an issue, but you
9 did mention a number of cases and I'm not
10 sure you specified how many of these cases
11 began or occurred inside the establishment
12 versus those that are outside, the person
13 who was found on the sidewalk obviously
14 unconscious was outside.

15 LT. McDONALD: Yes.

16 MEMBER SILVERSTEIN: The incident
17 that involved the APO, the assault on a
18 police officer, did that occur inside? Did
19 it start inside?

20 LT. McDONALD: It did not. The
21 patrons had come from Takoma Station. The
22 assault did not occur -- it occurred

1 actually at 4th and Butternut, which is
2 right around the corner from this location,
3 but they had come from Takoma Station.

4 The other incidents, I'll go
5 through the connection to that address.
6 They were theft from auto, destruction of
7 property, which Mr. Floreza's vehicle, where
8 his tires were damaged.

9 Business alarm. We had a check
10 on the welfare. We got a call to check out
11 two people who are outside, patrons of the
12 club calling because there were some
13 homeless individuals out front. Direct
14 statement taken by the officer was they
15 called because they smelled.

16 MEMBER SILVERSTEIN: Because
17 they?

18 LT. McDONALD: Smelled. They
19 were odiferous.

20 Of the 12 -- 12 calls for
21 service, I can tie four directly to Takoma
22 Station.

1 MEMBER SILVERSTEIN: So --

2 LT. McDONALD: For 2014.

3 MEMBER SILVERSTEIN: So, in

4 general --

5 LT. McDONALD: And one in 2015.

6 MEMBER SILVERSTEIN: So, in

7 general, the problems that we've had have

8 been outside the club, rather than actually

9 occurring inside the club, although they may

10 have had their genesis --

11 LT. McDONALD: Correct.

12 MEMBER SILVERSTEIN: -- inside

13 the club.

14 LT. McDONALD: Yes.

15 MEMBER SILVERSTEIN: Thank you.

16 MEMBER ALBERTI: Mr. McDonald?

17 CHAIR MILLER: Yes, okay, Mr.

18 Alberti?

19 MEMBER ALBERTI: Investigator

20 Suero, do you know how many cameras they

21 have?

22 MR. SUERO: They have -- I'm

1 sorry.

2 MEMBER ALBERTI: The reason I'm
3 asking is, you mentioned there is like this
4 room, and there is a crowd in the room and
5 you think that you saw the people coming out
6 of that room. Do we have a camera in there?

7 MR. SUERO: I don't believe I
8 have a total number of cameras. Let me take
9 a look.

10 MEMBER ALBERTI: Do you know what
11 the coverage of the cameras is, in this
12 establishment? I mean, is every room
13 covered?

14 MR. SUERO: I don't think it's
15 every room. I think most of the area is
16 covered, but not every room.

17 MEMBER ALBERTI: Well, that room
18 where people were coming out of --

19 MR. SUERO: The front area --

20 MEMBER ALBERTI: But you said --

21 MR. SUERO: The room where they
22 were coming out of is not -- no, there's

1 coverage almost what I would call that
2 hallway, but not the room itself.

3 MEMBER ALBERTI: What goes on in
4 that room? It is --

5 MR. SUERO: That's the --

6 MEMBER ALBERTI: Is that
7 something --

8 MR. SUERO: There's a stage and
9 there's some seating and tables.

10 MEMBER ALBERTI: And there's no
11 camera in there?

12 MR. SUERO: I didn't see a camera
13 inside there.

14 MEMBER ALBERTI: Thank you very
15 much. I'll ask them about that.

16 CHAIR MILLER: All right, Mr.
17 Short.

18 MEMBER SHORT: Yes, Lieutenant,
19 again, I also want to thank you for your
20 service.

21 How many incidents in total do
22 you have for police calls for -- that are

1 directly tied to Takoma Station?

2 LT. McDONALD: Let me see. For
3 2014, and we can break that down to actual
4 calls or calls where a report was taken.
5 Which one would you like? Both?

6 MEMBER SHORT: Anything
7 associated with the club, or Tavern, for the
8 record.

9 LT. McDONALD: I have seven
10 total, however, of those seven, I would like
11 to discount three of them because they were
12 for lost property. Someone lost their purse
13 or their phone inside the club.

14 MEMBER SHORT: Okay.

15 LT. McDONALD: So four.

16 MEMBER SHORT: Four, okay, and
17 Investigator Suero, how much of the -- the
18 club is how many floors?

19 MR. SUERO: One floor.

20 MEMBER SHORT: Just one floor?

21 MR. SUERO: Yes.

22 MEMBER SHORT: And they weren't

1 occupying any other part of the club, other
2 than that one floor?

3 MR. SUERO: One floor.

4 MEMBER SHORT: Okay, thank you.

5 MR. SUERO: If I might expand on
6 that. There are 16 cameras in that
7 establishment.

8 MEMBER SHORT: Thank you.

9 MR. SUERO: You're welcome.

10 CHAIR MILLER: Okay, all right.
11 Mr. Butler, I guess we're ready to hear from
12 you all, and I'm going to leave it open for
13 you to start with whatever you'd like to
14 address at this point, and then we'll ask
15 you questions.

16 MR. BUTLER: Sure.

17 CHAIR MILLER: Okay.

18 MR. BUTLER: I guess we just want
19 to respond to some of the --

20 CHAIR MILLER: Yes.

21 MR. BUTLER: First, in terms of
22 how the incident occurred and the video,

1 several, I guess different segments of
2 video, maybe about 15, we submitted both to
3 MPD and to the ABRA investigator.

4 I've reviewed it myself, and in
5 terms of how the event occurred, you know,
6 our -- the way that we viewed it, which is
7 clear from the video, was substantially
8 different than what we've heard.

9 Where an incident occurred and we
10 had a -- we also provided them with a
11 written statement of the incident, where the
12 incident occurred where, I guess an
13 altercation started with two individuals.

14 One of the individuals was
15 escorted out. Security -- there were four
16 security personnel at the door, holding
17 others from going out. So, that -- those
18 people were sent out.

19 Then there were people that were
20 trying to get out, and after several
21 minutes, they pushed through the security,
22 and these are, you know, pretty big guys,

1 like offensive linemen type of size guys,
2 and they pushed through, forced themselves
3 through to get out.

4 So, they did -- they made best
5 efforts to hold the other aggressor inside
6 for as long as they could, until they
7 actually broke through a wall of people, and
8 the video is pretty clear, that that
9 happened.

10 So, I'm not clear, as to how it
11 was reflected that they were just let out
12 into the street, because if you look at the
13 video, it's very clear that there were best
14 efforts made to hold people inside and then,
15 you know, one person was there and then
16 someone else came, and then they pushed
17 through to go to the street.

18 Then while they're outside, there
19 were individuals that were right outside,
20 like on the sidewalk and then some went
21 outside into the street. Those that were on
22 the sidewalk, security is clearly engaging

1 people, because you know, the fights are
2 kind of -- you know, there were -- someone
3 swung and hit someone and then you had
4 security personnel that were trying to break
5 them up, but then some other people went
6 over to the side, and where the actual -- at
7 least where you could see the stabbing
8 occur, it was in the street, away from where
9 most of the patrons were.

10 So, and you could see that when
11 the stabbing occurred, you know, that person
12 very quickly grabbed the person and struck
13 him a few times very quickly and then walked
14 back into the crowd.

15 So, the security personnel was
16 where most of the people were, and it was
17 trying to separate them to the best of their
18 ability.

19 So, the characterization that
20 they were there passive is -- I mean, if you
21 look at the footage, it's clear that they
22 were making efforts to try to break up the

1 fight right on the sidewalk. Some
2 individuals off to the side, it wasn't --
3 so, the stabbing didn't occur with --
4 amongst the people. It happened away from -
5 - and you can see that, and then it kind of
6 goes off camera.

7 But it happened very quickly. If
8 you have a chance to review the footage,
9 it's very clear, as to how it happened.

10 So, the characterization that
11 they just watched, I don't think is fair at
12 all.

13 In terms of the personnel there,
14 and in the security plan, we suggest that it
15 should be one security guard per 50
16 individuals, or 50 patrons, and our
17 recollection is that there were four
18 security guards that had -- that were --
19 that had uniforms, plus two managers that
20 also served, and in terms of the managers
21 didn't have the security gear, but they were
22 -- they have like a dual role.

1 The four personnel were -- did
2 have uniforms. So, in fact, they had six
3 people there, that -- to try to control the
4 crowd, and throughout the videos and you'll
5 see that there is a line outside at all
6 times.

7 So, it's not like everyone is
8 inside. To the -- they were managing the
9 line. They may not have had clickers, but
10 from that time -- you know, in reaction to
11 that now, everyone has clickers, just to
12 make sure that that happened. That was an
13 immediate fix.

14 So, but they did have crowd
15 control, where there was a line outside at
16 all times throughout the evening. So,
17 people are being let in and then some people
18 are coming out.

19 In terms of the music still
20 playing, I heard Mr. Alberti's question.
21 While the incident is occurring, when MPD
22 comes to the scene the owners asked, "Well,

1 should we just shut down," and asked, and
2 they said, "No, you know, you don't have to
3 shut down." It was only -- because he
4 asked, because he was prepared to. You
5 know, he called 911 very quickly. He asked
6 what they should do, and they said -- based
7 on the recommendation, they kept operations
8 going.

9 So, it wasn't that there was an
10 incident occurring and they were not taking
11 it seriously because if you can see in our
12 report, Mr. Floreza, he called at 12:02,
13 12:03 and 12:04, and the incident probably
14 occurred initially around 11:50. So, it was
15 very swift action, to try to resolve the
16 situation as quickly as possible.

17 The only reason that -- you know,
18 only through -- he asked, so if they said,
19 "Yes, you guys need to shut down," they
20 would have shut it down right away.

21 CHAIR MILLER: Mr. Floreza did
22 ask MPD if they could -- if they should shut

1 down and the -- I think it was the Sergeant
2 that was there, and he said that, "No, keep
3 operations going. We want to preserve the
4 roped off area in the front. We don't want
5 patrons to be panicked or get in the way of
6 police duties. We would appreciate if it
7 you could get everybody inside the Takoma
8 Station, and just keep functioning," and we
9 asked him again, "Are you sure you want us
10 to keep going," and he said, "Yes, that's
11 fine. We're going to take care of it.
12 We're going to take care of the scene
13 outside," and then that's -- we did exactly
14 what they asked us to do.

15 MR. BUTLER: And then I just want
16 to turn to the cameras, and in the security
17 plan, we have a diagram that specifies nine
18 cameras in the diagram and within those
19 cameras, there is a camera three. There is
20 a camera at the stage. There is a camera --
21 so, there's a camera in -- you know, for the
22 areas.

1 There was some testimony saying
2 that no cameras were seen in certain parts
3 of the establishment, when there were
4 cameras. There are cameras that are there,
5 and at the time of the -- the plan was put
6 in place, there were nine cameras.

7 They just recently updated the
8 camera. So, you know, from -- to digital
9 HD, and that's why the footage is so clear,
10 and this -- we can manipulate the footage
11 and pan-out. So, they did that just
12 recently, which is a good thing.

13 In terms of statements that they
14 made about, you know, seven days, they are
15 fully aware that they are to maintain things
16 for 30 days and they can put it onto CD's
17 and things and hold it for that time, to be
18 in compliance with that.

19 What they were specifying is that
20 based on the new system, the way that it --
21 it only holds for seven days. That means
22 they just need to -- not that they're not

1 going to hold -- they're not going to
2 maintain it for 30 days, but it only
3 maintains footage for seven days.

4 So, what that means is that they
5 just have to put in new hard drives every
6 seven days to make sure that they are
7 maintained for the 30 day period, and
8 they've already increased their -- the
9 memory on there, so that it holds for the 30
10 days now, as opposed to the seven days.

11 The only reason it's seven days
12 is because it just -- they just got the new
13 system in, but they've been maintaining it.
14 They just have to maintain it in a different
15 way.

16 Now, they have -- it's easier for
17 them to do now, because now their memory
18 space allows them to hold for 30 days, as
19 opposed to switching it out every seven
20 days.

21 You know, both of the other
22 witnesses have stated, they both got the

1 footage very quickly. So, you know, they've
2 been very helpful in making sure that
3 anything that they needed to do to be
4 helpful for the investigation, they provided
5 very quickly.

6 One other thing I just wanted to
7 -- in terms of some of the -- the alleged
8 violations of their security plan, the 1,000
9 feet buffer, if you read the language, it's
10 from page 27 of the security manual.

11 It's the responsibility extends
12 to the club's parking lot. You know, some
13 of this language that was put in here was
14 general in nature, because there is no
15 parking lot for the -- as an example,
16 sidewalks and other areas immediately
17 adjacent to the premises, which is right
18 outside, which they were there and were
19 taking care of.

20 It says, giving consideration to
21 a 1,000 foot radius, which is not
22 necessarily -- because 1,000 feet is three

1 football fields. So, if you look outside,
2 you know, reasonably, I think when they say
3 'giving consideration to 1,000 feet', that's
4 more, you know, kind of an eye, you know,
5 the camera can go that way, call the police,
6 but you know, if we look at it reasonably,
7 be able to manage three football fields
8 outside the establishment is not what I
9 think anyone would think is reasonable.

10 But I think what they did, in
11 terms of providing footage, because their
12 cameras go a certain distance, that
13 information can help to, I guess give
14 consideration to the 1,000 feet. So, I just
15 wanted to kind of clarify that.

16 For the balance of time, you
17 know, I think maybe it would be most helpful
18 to field questions.

19 CHAIR MILLER: Okay, all right,
20 good. Board questions? Mr. Short?

21 MEMBER SHORT: Good morning,
22 still.

1 MR. BUTLER: Good morning.

2 MEMBER SHORT: I'd like to know
3 of the persons who were injured or the
4 combatants, or the victims, were any of them
5 regular customers? Did you recognize any of
6 the persons who were involved in the fight
7 inside or outside of your establishment?

8 MR. BOYD: I didn't recognize
9 any.

10 MR. FLOREZA: I didn't recognize
11 any.

12 MEMBER SHORT: Not familiar with
13 anyone that was --

14 MR. BOYD: I didn't recognize
15 anybody.

16 MEMBER SHORT: And how many
17 people did you have inside of the club that
18 night and how would you know how many people
19 you had?

20 MR. FLOREZA: Well, what we did
21 that evening, we were monitoring the out --
22 I mean, the hallways and the exits, to see

1 if there is proper room to exit the
2 establishment, if there were anything to
3 happen, and with my vision and my judgment,
4 I though there was ample enough room for
5 them to exit on all -- on all the four
6 exits, and that's why we created a line, so
7 that we could monitor the people coming in
8 and out at that point, and we were only
9 letting people in, when people left out, at
10 that time.

11 So, that's how we were
12 monitoring.

13 MEMBER SHORT: How many exits
14 does the club have?

15 MR. FLOREZA: Four.

16 MEMBER SHORT: So, when the
17 police officers were doing the very front,
18 the very front door, you could have actually
19 let people out of the other three exits,
20 correct?

21 MR. FLOREZA: The two rear exits,
22 exit out to an alleyway, and the one -- the

1 one -- the other exit that's not the front
2 door where the people enter, was right where
3 the police had their cordon tape, cordoned
4 off in front of there.

5 MEMBER SHORT: Okay, was there a
6 door they could have gone out, other than
7 those two area where the tape was?

8 MR. FLOREZA: No.

9 MEMBER SHORT: They couldn't have
10 got out the club at all?

11 MR. FLOREZA: They could have
12 gone through the rear, but it's an alleyway
13 and it's closed off and it's dark out there.

14 MEMBER SHORT: And my last
15 question to you right now is that do you
16 realize the -- what happens with
17 overcrowding, what happens to the clubs or
18 taverns?

19 MR. FLOREZA: Yes, sir.

20 MEMBER SHORT: And that's the
21 reason why the law says you must count
22 people in.

1 MR. FLOREZA: Yes, sir.

2 MEMBER SHORT: Know the number
3 and -- the posted number you have on your
4 wall.

5 MR. FLOREZA: Yes.

6 MEMBER SHORT: All right, thank
7 you very much. That's all I have, Madam
8 Chair.

9 CHAIR MILLER: Mr. Rodriguez?

10 MEMBER RODRIGUEZ: Yes, to the
11 owners and the counsel.

12 You know this neighborhood real
13 well, you've been there for a while? Any
14 of you can answer that.

15 MR. BOYD: Yes, I've been there -
16 -

17 MEMBER RODRIGUEZ: How many
18 years?

19 MR. BOYD: I've been there since
20 the 70's.

21 MEMBER RODRIGUEZ: Okay, Mister -
22 -

1 MR. FLOREZA: I've been there 25
2 years.

3 MEMBER RODRIGUEZ: So, if you
4 were to rate this neighborhood, in general,
5 is it a good neighborhood? Bad
6 neighborhood? What?

7 MR. FLOREZA: It's a good
8 neighborhood.

9 MEMBER RODRIGUEZ: Good
10 neighborhood?

11 MR. FLOREZA: Yes.

12 MEMBER RODRIGUEZ: Okay, you talk
13 from a crime indices, is this a good
14 neighborhood? Bad neighborhood, in terms --

15 LT. McDONALD: It's a good
16 neighborhood. I actually go there off duty
17 with my wife.

18 MEMBER RODRIGUEZ: So, it's a
19 good neighborhood, okay. So, what is going
20 on?

21 You know, I mean, in this
22 situation, where people just show up and

1 start duking it and fighting, in this good
2 neighborhood, what's with the clientele
3 here, I don't know yet, but I'm curious.

4 What kind of clientele are you
5 getting in a good neighborhood? Are they
6 from the neighborhood? Are they from
7 outside the neighborhood? Are they from
8 neighboring Maryland, or what?

9 MR. BUTLER: I would say that the
10 crowd more or less is a mature crowd. It
11 just seems like this was an isolated
12 incident, where it was an issue.

13 They have indicated that they
14 haven't recognize them being there as normal
15 customers. So, you know, and most of the
16 time, there are no issues.

17 So, this was the one time where
18 there was an issue that was inside the club,
19 with individuals that should have acted more
20 maturely but for whatever reason, they
21 didn't, but I wouldn't categorize it as
22 something that happens on a regular basis,

1 because normally, nothing happens. You
2 know, I think this is an isolated incident,
3 unfortunately, with some people that took
4 things to an extreme measure.

5 MEMBER RODRIGUEZ: Okay, thank
6 you.

7 CHAIR MILLER: Mr. Alberti?

8 MEMBER ALBERTI: Yes, I'm going
9 to keep my questions short because
10 obviously, we heard different views of what
11 transpired that evening, and we're not going
12 to get to the bottom of it today.

13 Mr. Butler, you said that there
14 is a camera in that room with the stage.
15 How many cameras?

16 MR. BUTLER: It looks like there
17 are, from the diagram --

18 MEMBER ALBERTI: We got the
19 owners right here. Can't they tell you?

20 MR. BUTLER: Yes, well, there is
21 --

22 MEMBER ALBERTI: I'm sorry to be

1 so sarcastic, but it just seems --

2 MR. BUTLER: I think there is
3 three in that area.

4 MEMBER ALBERTI: Okay, three in
5 that areas, all right. So, my next question
6 is, did you provide footage from that --
7 does anyone know where the fight -- do you -
8 - in your view of the world, where did the
9 fight start? Which room?

10 MR. FLOREZA: The investigators
11 asked me, and --

12 MEMBER ALBERTI: No, no answer my
13 question. Which room did the fight start?
14 Do you know?

15 MR. FLOREZA: The fight started
16 in the room with the stage in it.

17 MEMBER ALBERTI: Okay, great. Do
18 you have --

19 MR. FLOREZA: I don't know --

20 MEMBER ALBERTI: Wait, wait. Did
21 you provide -- no, did you provide footage
22 of that room to the investigator?

1 MR. FLOREZA: We provided the
2 footage that I was asked to provide.

3 MEMBER ALBERTI: Okay, great, so,
4 is it --

5 MR. FLOREZA: They asked --

6 MEMBER ALBERTI: Listen and
7 answer my question yes or no.

8 MR. FLOREZA: Yes.

9 MEMBER ALBERTI: You did provide
10 footage of that room?

11 MR. FLOREZA: The footage where
12 the fight began, and it wasn't actually a
13 fight. They were being broken up and then
14 the fight began where we provided the
15 footage, right by the front door.

16 MEMBER ALBERTI: Okay, so,
17 Investigator Suero, do we have footage of
18 that room?

19 MR. SUERO: Let me clarify, if I
20 can. The stage and the seating area is a
21 large space.

22 MEMBER ALBERTI: Right.

1 MR. SUERO: So, they may have
2 footage of the stage, but this didn't happen
3 by the stage. It happened almost at the
4 extreme end. So, it would be nearer to
5 where -- if there was a window there to the
6 front --

7 MEMBER ALBERTI: So, it's your
8 view that there is a blind spot in that
9 room?

10 MR. SUERO: Right.

11 MEMBER ALBERTI: Okay.

12 MR. SUERO: Because the view that
13 I have is them immediately coming out of
14 that room, where the fight is. You see them
15 fighting, coming out of the room, but not
16 actually the inside of that room, at least
17 in that part.

18 MEMBER ALBERTI: Got you. Thank
19 you. Like I said, I think we won't get to
20 the bottom of this today. Thank you so much
21 for that information. I have no further
22 questions.

1 CHAIR MILLER: Mr. Silverstein?

2 MEMBER SILVERSTEIN: There seems
3 to be some question about the operation of
4 the place after the fight. Was Mr. Boyd or
5 Mr. Floreza or who called 911 at 12:02,
6 12:03 and 12:04?

7 MR. FLOREZA: That was me.

8 MEMBER SILVERSTEIN: Were you the
9 one who was told that it would be best to
10 keep the place operating, so you didn't have
11 a crowd coming outside?

12 MR. FLOREZA: yes.

13 MEMBER SILVERSTEIN: Who told you
14 that and on how many occasions did you ask
15 and on how many occasions -- and who told
16 you in each specific case?

17 MR. FLOREZA: The Sergeant did
18 and I don't have his name off hand, I have
19 his --

20 MEMBER SILVERSTEIN: This was not
21 the 911 operator? This was the Sergeant on
22 the scene?

1 MR. FLOREZA: On the scene, I
2 asked specifically as he arrived, "What
3 shall I do? Shall I close? Should is shut
4 down," and he said, "No, do not shut down
5 because we don't want any of the crime scene
6 tampered with, with the people coming out."

7 So, once again, once ABRA came,
8 they said, "Why aren't shut down?" I said,
9 "I asked the Sergeant," which is standing
10 right next to me, "Shall I close?"

11 So, then he stepped in and talked
12 to the other supervisor from ABRA, not this
13 person here, and they talked it out and he
14 said the same thing, he didn't want all the
15 people coming out to tamper with any of the
16 crime scene that they were working with, and
17 I asked several times, because I, myself was
18 baffled. I thought they would have closed
19 us down.

20 MEMBER SILVERSTEIN: Very well,
21 Mr. Floreza. I would ask Sergeant McDonald
22 and Investigator Suero, based on the

1 comments that Mr. Butler, Mr. Boyd and Mr.
2 Floreza have made, if you have any comments?

3 LT. McDONALD: I do, actually.
4 The club should have been closed down.

5 MEMBER SILVERSTEIN: Pardon?

6 LT. McDONALD: The club should
7 have been closed down immediately, upon us
8 responding. That Sergeant has since been
9 counseled. That club should have been
10 closed, with alternate exits and the number
11 of police on the scene, we could have
12 protected that crime scene, as the club was
13 shut down and the patrons exited. We have
14 since counseled him upon that.

15 MEMBER SILVERSTEIN: You have
16 counseled the Sergeant?

17 LT. McDONALD: Yes.

18 MEMBER SILVERSTEIN: Very well.
19 Investigator?

20 MR. SUERO: My only comment at
21 this point is reference to the statement of
22 their attorney, regarding security personnel

1 and their behavior once the fight occurred.

2 They did not intervene to the
3 point where they should have. There was a
4 considerable amount of standing around and
5 watching, and that is clear on the video,
6 there is no ambiguity about that. They
7 should have intervened. Somebody got
8 stabbed while they were watching.

9 They had a responsibility to the
10 patron's safety and that did not take place
11 on that night.

12 MEMBER SILVERSTEIN: I agree with
13 my colleague Mr. Alberti, that we're
14 certainly not going to get to the bottom of
15 this today.

16 However, we have been able to get
17 out facts on both sides of this, that would
18 probably enable us to proceed. I thank you
19 all.

20 MR. SUERO: You're welcome.

21 LT. McDONALD: If I may, one
22 other thing.

1 CHAIR MILLER: No, it's not
2 totally wrapped up yet. So, go right ahead.

3 LT. McDONALD: Mr. Rodriguez
4 asked if the patrons were from D.C. or from
5 surrounding areas. Going through all the
6 reports I have in front of me right now, it
7 is just about a 50/50 split between D.C.
8 residents and Maryland residents.

9 Unfortunately, the victims in
10 this case were all from Maryland. This was
11 a violent assault outside this club that
12 began inside the club. I don't think
13 anybody can question that.

14 From everything that I've seen,
15 and even talking from residents who have
16 been in the area, officers who know the
17 club, I do want to put on the record from
18 MPD standpoint, it is not indicative of that
19 club.

20 MEMBER SILVERSTEIN: All right,
21 thank you, sir.

22 CHAIR MILLER: Thank you. Mr.

1 Suero, I want to ask you a follow up
2 question.

3 From your view of the video, once
4 there was a stabbing, did the security or
5 the establishment go to that person's
6 assistance?

7 MR. SUERO: They did not.

8 CHAIR MILLER: They did not? So,
9 how did that -- do you know whether that
10 person ended up in an ambulance or anything?

11 MR. SUERO: Three -- apart from
12 him, the other two victims, they all were
13 transported to Howard University Hospital by
14 ambulance.

15 CHAIR MILLER: By ambulance, and
16 you know who called the ambulance?

17 MR. SUERO: I do not know.

18 CHAIR MILLER: Okay. Yes?

19 MR. FLOREZA: The answer to that,
20 that we did not ask about the victim and his
21 well-being, we did not know that anything
22 happened until the police came, because he

1 did not know, himself, and the police came
2 quickly and by that time, the police were
3 already asking, "Are you okay? Do you want
4 some medical attention or do you need any
5 help?"

6 CHAIR MILLER: Okay.

7 MR. FLOREZA: I went to go ask
8 him, but the police held me back, so that --
9 just -- he held me back, so I could not get
10 to him, to ask any of that.

11 CHAIR MILLER: Okay.

12 MR. FLOREZA: Because they
13 already were asking him.

14 CHAIR MILLER: Right, right,
15 okay, and we heard they came very quickly.

16 MR. FLOREZA: Yes, they came very
17 quickly, so by the time we knew anything
18 happened, they were there.

19 CHAIR MILLER: Okay.

20 MR. BUTLER: And just to
21 reiterate, if you have a chance to review
22 the video --

1 CHAIR MILLER: So, let me just
2 say this. Okay, so, this isn't the
3 evidentiary hearing, and if it were, we
4 would review it and you all would be under
5 oath.

6 So, part of this -- the point of
7 this hearing was to determine what the facts
8 were to a certain extent, not at the level
9 though of proof, in order to determine
10 whether to send it to Office of Attorney
11 General for Show Cause, in which case, there
12 would be a hearing, and this would be
13 evidentiary, under oath and -- okay.

14 So, because of that, we certainly
15 would review it. I assume you would put it
16 in evidence.

17 But I just got a couple
18 questions. What day of the week was this?

19 MR. BOYD: Saturday.

20 CHAIR MILLER: It was a Saturday
21 night, and did you have this band before?

22 MR. BOYD: Yes.

1 CHAIR MILLER: You did, and you
2 didn't -- did you have any problems with the
3 band? Was it advertised in a different way
4 this time to draw a different crowd? No?

5 MR. BOYD: This band has always
6 drawn an older crowd, well dressed. They
7 play -- I mean, they've played many, many
8 times at our establishment, no problems.

9 So, it wasn't like we were
10 thinking that there was going to be a
11 problem.

12 CHAIR MILLER: Were there more
13 people than you expected?

14 MR. FLOREZA: Not really.

15 MR. BOYD: I think it was normal.
16 I think it was normal.

17 CHAIR MILLER: Well, let me ask
18 you this. Separate from whether this goes
19 to hearing, another part of the purpose of
20 this -- these types of hearings often is to
21 see if there is anything you can do
22 differently to make your place safer, to

1 prevent something like this from happening
2 again, and have you -- I would think you may
3 have thought about that, I don't know.

4 MR. BOYD: Yes, not only have we
5 thought about that, we made changes
6 immediately.

7 What we ended up doing is
8 purchasing another camera that pans and put
9 it right the front door, because I think
10 that when we were talking with the
11 investigators, several -- like three days in
12 a row, when they came by, they were telling
13 us, making recommendations that, "You should
14 put maybe a camera right in the front," so
15 we can get underneath the awning and get --
16 be able to see all of the patrons coming in,
17 and to get their faces as they come in.

18 So, we made that adjustment
19 immediately and put a camera right
20 underneath the awning. I think Investigator
21 Suero made a suggestion on making sure that
22 we have security on everything, maybe just

1 not on the sleeves, on the -- underneath
2 their jackets, because sometimes it gets
3 cold and they have security there, but they
4 put their jackets over top.

5 So, we put 'security' hats on
6 everybody, and so, we made security even
7 larger. So, I listen to Investigator Suero
8 and what he -- what his suggestions were. I
9 listened to MPD and the suggestions that
10 they had made.

11 We began making those changes
12 immediately, as fast as the mail could --
13 you know, as fast as UPS could work to get
14 us the things that we needed to make the
15 business better, that's what we did.

16 There is some other
17 recommendations that they had made, got more
18 clickers, so that you know, we had more
19 clickers. Make it visible, so that people
20 could see that the pat-downs and things like
21 that are --

22 CHAIR MILLER: But do you do pat-

1 downs?

2 MR. BOYD: We do, do pat-downs.

3 CHAIR MILLER: You do?

4 MR. BOYD: Yes.

5 CHAIR MILLER: On Saturday nights

6 or when you have a band or when?

7 MR. BOYD: Yes, every night. I

8 mean, if it's a night like a -- you know,

9 there's five people --

10 CHAIR MILLER: Right.

11 MR. BOYD: -- or six people in

12 there, I mean, no. I'm not going to go up

13 to customers, "Can I pat you down?"

14 But I don't know, but generally

15 on heavier nights, yes, we do, do the pat-

16 downs.

17 Mr. Suero came in at what, 12

18 o'clock or 12:50? So, things had already

19 occurred. So, you know, he might not have

20 been there at 10, 11 o'clock while we were

21 doing it.

22 So, you know, I can't -- I really

1 can't call that. I really can't speak to
2 that, why he didn't say that. I can't talk -
3 - I don't know.

4 But whatever recommendations that
5 I heard, overheard and people told me, we
6 went to make those recommendations. I mean,
7 not recommendations, make those changes.

8 CHAIR MILLER: So, pat-downs
9 aren't fool-proof? If there were these --
10 it sounded as if Investigator Suero says
11 there wasn't time for them to get a knife
12 outside.

13 MR. BOYD: Time?

14 CHAIR MILLER: Time between
15 leaving the club and -- leaving the tavern
16 and the stabbing.

17 MR. BOYD: Well, from the video
18 that I saw with the detectives, they saw the
19 gentleman who had done the -- who had done
20 the stabbing. He never got into -- he never
21 came into Takoma Station, and he was
22 outside, and then you actually ended up --

1 as the fight went outside, the person that
2 they took outside, he got involved in it,
3 for whatever reason, I don't know. I think
4 that's under investigation, investigation
5 with MPD, but I have no idea why?

6 CHAIR MILLER: Mr. Suero, do you
7 want to say something about that? Did I
8 understand you correctly?

9 MR. SUERO: The video clearly
10 shows -- let me just elaborate a bit.

11 The individual who was seen later
12 stabbing the victim had a very distinct
13 writing on his sweatshirt or whatever, it
14 said 'RCRW', something to that extent.

15 The detective and I are watching
16 it, and we watched it so we could -- it was
17 very clear, what he was wearing and his
18 features and whatever. He was seen inside
19 actually walking down the hallway right
20 between the bar and the --

21 CHAIR MILLER: Okay.

22 MR. SUERO: -- and the half-wall.

1 He was inside.

2 CHAIR MILLER: Okay.

3 MR. BUTLER: If we could just
4 comment on that.

5 First, in terms of how he was
6 stabbed, it was like a very small -- it
7 wasn't like a knife that you could see. It
8 was something that was very small, that he
9 used to do the stabbing. So, I'm not even
10 sure what -- if it was a metal object, but
11 it was some -- a small object, it could have
12 been the size of a pen that he used, by the
13 way his hand was held.

14 Secondly, in terms of -- there
15 were some people that looked similar and we
16 would suggest that the person that was
17 outside that did the stabbing, in my review,
18 I didn't see him inside. I just saw him
19 outside.

20 So, in the individuals that were
21 separated, he wasn't one of those
22 individuals. The individuals that broke

1 through, he wasn't one of those individuals.
2 So, you know, I would just say review the
3 video and see that person, because he didn't
4 have any markings on his -- on what he was
5 wearing.

6 CHAIR MILLER: Okay, all right,
7 yes. Should we wrap this up? Yes, yes.

8 MEMBER SHORT: I'd just like to
9 ask, on the -- they had an RDO.
10 Reimbursable detail, would that have helped
11 this situation?

12 LT. McDONALD: Possibly. Police
13 presence is never a bad thing.

14 MEMBER SHORT: I'd just like to
15 say, I sense that if you had RDO in front,
16 you wouldn't have the stabbing?

17 LT. McDONALD: I don't know. I
18 can't say that. I've worked redeployment
19 myself, in front of ABC establishments, and
20 even with police presence, there are
21 sometimes people who are just going to fight
22 with police there or not there.

1 But like I said before, having
2 police presence is never a bad thing. It
3 does tend to mitigate circumstances.

4 MEMBER SHORT: Thank you, Madam
5 Chair.

6 MEMBER SILVERSTEIN: Madam Chair?

7 CHAIR MILLER: Yes.

8 MEMBER SILVERSTEIN: I'd like to
9 apologize to the Chair. When I thanked the
10 folks, I was not trying to truncate the
11 hearing or halt the questioning. I was
12 simply being complimentary to them, that
13 they had answered my questions and it helped
14 me ascertain facts, because they had been
15 well prepared and cooperative.

16 CHAIR MILLER: Okay, that's fine.
17 No, that's fine. I think that we're just
18 about finished, are we not?

19 MEMBER ALBERTI: I was done a
20 half-hour ago.

21 CHAIR MILLER: Okay, Mr. Alberti
22 was done a half-hour ago.

1 This isn't a full hearing, but I
2 would -- I guess, I appreciate you all
3 participating in this fact finding. I think
4 it's helpful to see what the situation is,
5 if there is enough of a dispute about
6 evidence or enough of a question of some
7 things that might constitute a violation, we
8 will send it onto the Office of Attorney
9 General, and then they'll make a full
10 judgment, whether or not to bring a case.

11 But I think it's also helpful to
12 -- if we can, figure out, or try to figure
13 out, you know, what may have gone wrong and
14 what can rectified and in the meantime,
15 regardless of what happens, and it sounds
16 like you're all working cooperatively
17 together anyway, and trying to do that,
18 which I think is very positive.

19 So, at this point then, the Board
20 has before it, whether to move to send this
21 to Office of Attorney General for Show
22 Cause, and so, I would say despite all the

1 explanations and everything, which I think
2 are very plausible and whatever, I'm going
3 to move to send it to Office of Attorney
4 General for Show Cause because of the
5 gravity of the situation and you know,
6 certain questions. We haven't seen the
7 video. We don't do that at this point.

8 So, that's what I would move. Do
9 I have a second?

10 MEMBER BROOKS: Second.

11 CHAIR MILLER: Mr. Brooks has
12 seconded the motion. All those in favor say
13 aye.

14 (Chorus of ayes)

15 CHAIR MILLER: All those opposed.

16 (No audible response)

17 CHAIR MILLER: All those
18 abstaining.

19 (No audible response)

20 CHAIR MILLER: The motion passes
21 6-0-0. Okay, do you have any questions
22 about that or anything?

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Okay, thank you all very much.

MR. BUTLER: Thank you.

CHAIR MILLER: Okay, that concludes the Board's morning calendar, and we'll be back at 1:30 p.m. for another fact finding hearing.

(Whereupon, the above-entitled matter went off the record at 12:15 p.m.)

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