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

5:35 p.m.

CHAIRPERSON MILLER: Okay.

Calling case No. 11-251-00333 of Love at 1360 Okie Street, N.E., License No. 84726 in ANC 5B. This is a fact finding hearing and in reference to a sale to minor.

So would the parties introduce themselves, please?

MR. MPRAS: Emanuel Mpras for Love Des, LLC.

MR. BAILEY: David Bailey, head of security for Love.

MS. LATIMER: Tina Latimer, manager.

INVESTIGATOR JONES: And Investigator Earl Jones with ABRA.

MR. MPRAS: I'd like to let the Board know that Mr. Smothers, the owner of Love, is in landlord tenant court today and is not able to appear. That is why he's not here.

1 CHAIRPERSON MILLER: Okay. I have
2 trouble hearing you all over here. Could you
3 tell me again your name?

4 MR. MPRAS: Emanuel Mpras.

5 CHAIRPERSON MILLER: Emanuel
6 Efferts?

7 MR. MPRAS: Mpras.

8 CHAIRPERSON MILLER: Mpras.
9 Right. Okay. And you're?

10 MR. BAILEY: David Bailey.

11 CHAIRPERSON MILLER: David Bailey
12 and you're head of security?

13 MR. BAILEY: Yes, ma'am.

14 CHAIRPERSON MILLER: And I did
15 miss your name.

16 MS. LATIMER: Tina Latimer.

17 CHAIRPERSON MILLER: Tina Latimer.
18 And what's your affiliation with --

19 MS. LATIMER: Manager.

20 CHAIRPERSON MILLER: You're
21 manager? Okay. I appreciate your telling me
22 about Mr. Smothers. Is there any other

1 authorization you want to say about Ms.
2 Latimer representing him here?

3 MR. MPRAS: Yes, ma'am. Ms.
4 Latimer and I are dually authorized by Mr.
5 Smothers to represent him in this proceeding
6 today.

7 CHAIRPERSON MILLER: Okay. And
8 you're counsel, correct?

9 MR. MPRAS: Yes, sir. I mean,
10 ma'am. Excuse me.

11 CHAIRPERSON MILLER: All right.

12 MR. MPRAS: Old habits.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER JONES: Madam Chair?

15 CHAIRPERSON MILLER: Yes?

16 MEMBER JONES: I just want to make
17 a -- so, the last time you were before us Mr.
18 Smothers was in training as he's ongoing -- he
19 continues to be employed as a fire fighter,
20 correct?

21 MR. MPRAS: Yes, sir.

22 MEMBER JONES: And this time

1 you're saying he can't be with us because he's
2 in landlord tenant court?

3 MR. MPRAS: Yes, that's what I was
4 told, that he was in landlord tenant court.
5 I don't handle those matters for him.

6 MEMBER JONES: That's fine. Do
7 you have -- would you be able to provide
8 documentation to that effect?

9 MS. LATIMER: Yes.

10 MEMBER JONES: Yes?

11 MS. LATIMER: Yes.

12 MEMBER JONES: Okay. And is he
13 able to support and continue on his role as
14 the owner of this establishment? Seems like
15 he's having a hard time fulfilling his needs
16 and obligations in terms of our requests. So
17 I'm just curious as to how he's managing on
18 other fronts.

19 MS. LATIMER: Yes, he's able --
20 yes, he still can manage his responsibilities
21 at Love.

22 MEMBER JONES: Okay. Is it

1 unreasonable for us to expect him to appear
2 before us?

3 MS. LATIMER: It's not
4 unreasonable if there's not a conflict of
5 interest.

6 MEMBER JONES: A conflict of
7 interest?

8 MS. LATIMER: Wherein if it's --

9 MEMBER JONES: Can you define what
10 you mean by "a conflict of interest" for me?

11 CHAIRPERSON MILLER: Do you mean a
12 conflict, that he has a conflict today because
13 he has another court appearance?

14 MS. LATIMER: Correct.

15 CHAIRPERSON MILLER: Sorry. I
16 don't think she meant conflict of interest.

17 MS. LATIMER: No.

18 MEMBER ALBERTI: Can I just ask
19 real quick?

20 CHAIRPERSON MILLER: Yes.

21 MEMBER ALBERTI: When was he
22 notified of the other court appearance?

1 MS. LATIMER: I'm not sure.

2 MEMBER ALBERTI: Well, would you
3 ask him to provide that? Madam Chair, I'd
4 like him to provide that information for us,
5 because he really has two obligations to --
6 legal obligations here, one to the ABC Board,
7 and one to the courts. And in both places you
8 could ask for a continuance. All right? He
9 has come to us and said please excuse my
10 absence. He could have done the same thing
11 with the courts.

12 I hold us in the same esteem --
13 I'm sorry, maybe you don't, but I hold us in
14 the same esteem as the court, the landlord
15 tenant court. So I'm not pleased that Mr.
16 Smothers has chosen to go there instead of
17 here. So I'd like to know which one he was
18 notified of first. And if he was notified of
19 that one first, why he didn't tell us of his
20 conflict.

21 MEMBER JONES: Prior to today.

22 MEMBER ALBERTI: Prior to today.

1 MR. MPRAS: Gentlemen, I'd like to
2 answer that. I was informed today that --

3 MEMBER JONES: So, this isn't a
4 comment or a criticism or critique of you.

5 MR. MPRAS: I'm sorry?

6 MEMBER JONES: This isn't a
7 comment or a reflection on you. This is a
8 concern about Mr. Smothers and the regard
9 which he holds the authority of this Board in
10 terms of its purview over his establishment.
11 I'm concerned that he doesn't seem to have
12 enough respect for the Board, given his
13 inability to appear before us on a consistent
14 basis. Well, maybe it's not a matter of
15 respect, but maybe it's a matter of time
16 management.

17 If he doesn't have the time to
18 appear before us to deal with important ABC
19 matters, then I'm concerned that he has the
20 time to appropriately manage an important
21 establishment such as Love. So I would just
22 like to get clarification on that. It seems

1 quite appropriate that if he had a conflict
2 with another court appearance, he could have
3 easily contacted us prior to today. He could
4 have informed you to contact us, or he could
5 have contacted us directly as the Licensee.

6 MR. MPRAS: Mr. Jones, I'm sure
7 that these are questions that Mr. Smothers
8 should himself answer, I believe. Nobody can
9 speak for him.

10 MEMBER JONES: That's why he
11 should be here.

12 MR. MPRAS: And --

13 MEMBER JONES: That's my point.

14 MR. MPRAS: And if the Board would
15 like to continue this matter and we can have
16 Mr. Smothers come in and represent the
17 establishment and answer questions, we have no
18 opposition to that.

19 MEMBER ALBERTI: Madam Chair, I
20 would suggest that whatever the result today
21 that we hold the case open until we get the
22 information that I requested and Mr. Jones has

1 requested, which is documents from the court
2 showing Mr. Smothers was required to be there
3 and a letter, whatever document showing when
4 he was requested -- when that court case was
5 scheduled so we know when he knew that he had
6 to be there.

7 CHAIRPERSON MILLER: Okay. I
8 think --

9 MEMBER ALBERTI: Okay?

10 CHAIRPERSON MILLER: I think in
11 the future if there's any problem, a motion
12 for a continuance should be made or a motion
13 that who's ever going to come in his behalf,
14 would that be acceptable to the Board, so the
15 Board can decide in advance.

16 MR. MPRAS: Understood, ma'am. I
17 was informed of this here.

18 CHAIRPERSON MILLER: Right.

19 MR. MPRAS: So I'm going to take
20 your --

21 CHAIRPERSON MILLER: You could
22 take that back.

1 MR. MPRAS: In the future I'll
2 take that back and that won't happen again.

3 CHAIRPERSON MILLER: Okay. So why
4 don't we now proceed with the merits at least
5 of what we're here today to be considering.

6 Is there anything else from the
7 Board before I turn it over to our
8 investigator?

9 (No audible response.)

10 CHAIRPERSON MILLER: Okay. Mr.
11 Jones, you want to go forward then?

12 INVESTIGATOR JONES: Thank you,
13 ma'am.

14 CHAIRPERSON MILLER: Okay.

15 INVESTIGATOR JONES: On Sunday,
16 October 23rd, 2011, we received a faxed PD-251
17 from the Metropolitan Police Department
18 indicating on October 23rd, 2011 an underage
19 male patron became sick inside of Love,
20 located at 1350 Okey Street, N.E., and was
21 transported to the hospital.

22 On Tuesday, November 8th, 2011, I

1 visited Love and interviewed Tina Latimer,
2 manager of the establishment, as well as David
3 Bailey, security manager of Love.

4 Ms. Latimer stated she was unaware
5 of this incident, but indicated Mr. Bailey was
6 well aware of this incident and recalls the
7 events as recorded by MPD officers.

8 Mr. Bailey stated during an
9 incident -- excuse me, Mr. Bailey stated
10 during a Howard University homecoming
11 celebration a male patron, who later was
12 identified as being 20 years of age, was found
13 by security in the VIP area, without a
14 wristband, intoxicated. Mr. Bailey stated
15 security personnel brought the underage patron
16 to the customer care area where he was
17 rendered aid by Love's in-house medic followed
18 by notifying the establishment's MPD detail
19 and transporting him to Providence Hospital
20 for treatment.

21 Mr. Bailey stated due to the event
22 being a college homecoming celebration patrons

1 were allowed to enter the establishment under
2 the age of 21. Mr. Bailey stated that patrons
3 who were 21 years of age and over were
4 required to wear a wristband.

5 On Tuesday, November 8th, 2011,
6 Mr. Bailey allowed me to review surveillance
7 footage from the customer care area where the
8 incident took place on October 23rd, 2011.
9 The camera angle shows an underage male being
10 brought into the customer care area followed
11 by being attended to by the establishment's
12 medic.

13 The camera angle also shows a
14 couple minutes later Love staff is seen
15 bringing water and towels to the underage
16 male, as well as a bucket in which he vomits
17 into. The camera angle then shows Love's on-
18 staff medic clearing space and bracing the
19 underage male's head and body.

20 The camera angle then shows EMTs
21 entering the customer care area followed by
22 medical medics attending to the underage male,

1 strapping him to a stretcher and then wheeling
2 him out of the camera view.

3 Ms. Latimer and Mr. Bailey
4 provided me with all of the necessary tools to
5 complete my investigation such as providing
6 the establishment's security plan, incident
7 report and a copy of the surveillance footage.

8 The victim in this case was not
9 contacted due to him not providing contact
10 information to the MPD officers for the PD-
11 251.

12 Love has a security plan on file
13 with ABRA which has provisions regarding
14 serving minors, procedures for intoxicated
15 patrons, and camera surveillance. Thank you.

16 CHAIRPERSON MILLER: Okay. Mr.
17 Jones, can I ask you, based on this
18 investigation did you not have any concern
19 with the way they took care of this person
20 when he had -- went into seizures and things
21 like that, that your concern is more that they
22 sold to minors? I just want to make sure I'm

1 focusing right on what you think the issue is
2 here.

3 INVESTIGATOR JONES: I think that
4 once the male was identified, I think that
5 everything was done appropriately.

6 CHAIRPERSON MILLER: Yes.

7 INVESTIGATOR JONES: It's still
8 undetermined how the male got the alcohol. We
9 don't know if he received -- if he had been
10 drinking prior to entering the establishment,
11 if he got it inside, because we couldn't
12 contact him either. So that's the other side
13 of it. But I didn't see anything wrong in
14 what they did once he was identified.

15 CHAIRPERSON MILLER: Okay. And
16 you couldn't contact him because he just
17 didn't leave any information?

18 INVESTIGATOR JONES: He didn't
19 provide any contact information on -- to the
20 officers, as well as on the police report.

21 CHAIRPERSON MILLER: Okay. Other
22 questions? Yes, Mr. Nophlin?

1 MEMBER NOPHLIN: Investigator
2 Jones, let me ask you a question. In
3 reference to the cameras, did it show a person
4 on camera that -- well, you wouldn't know
5 because there were so many there people there,
6 if I can remember. Lots of --

7 INVESTIGATOR JONES: You're
8 talking about in the area --

9 MEMBER NOPHLIN: In the area.

10 INVESTIGATOR JONES: -- where he
11 was first found? Yes, sir, it was --

12 MEMBER NOPHLIN: Lots of -- if I
13 remember correct.

14 INVESTIGATOR JONES: -- lots of
15 people as well. And mind you, you're in a
16 club. It's a dark area. So really you
17 couldn't really see too much until he was
18 brought into the customer care area where
19 there's a camera right there.

20 MEMBER NOPHLIN: Right.

21 INVESTIGATOR JONES: And then you
22 can see everything clearly from that.

1 MEMBER NOPHLIN: And if I remember
2 correctly, didn't they have wristbands on?

3 INVESTIGATOR JONES: Yes.

4 MEMBER NOPHLIN: Well, how --

5 INVESTIGATOR JONES: Twenty-one
6 years of age and older you had to have a
7 wristband.

8 MEMBER NOPHLIN: Okay. So he
9 could have gotten it from anywhere

10 INVESTIGATOR JONES: He could
11 have.

12 MEMBER NOPHLIN: Do you think that
13 that security plan that they had was a good
14 one, although there was so many people that
15 came to this event?

16 INVESTIGATOR JONES: I mean, I do
17 think it's a good plan. I think that once you
18 have an event that you have under 21,
19 sometimes you may have to alter a little bit,
20 but I think overall it's a good security plan.

21 MEMBER NOPHLIN: Okay. Thank you,
22 Madam Chair.

1 CHAIRPERSON MILLER: Your Honor.
2 Mr. Jones, I just want to clarify. I thought
3 that this gentleman didn't have a wristband.

4 INVESTIGATOR JONES: He didn't
5 have a wristband.

6 CHAIRPERSON MILLER: He did not
7 have a wristband?

8 INVESTIGATOR JONES: Right.

9 CHAIRPERSON MILLER: Okay. Mr.
10 Alberti, did you have a question?

11 MEMBER ALBERTI: Yes. He was
12 found in the VIP area?

13 INVESTIGATOR JONES: Yes, sir.

14 MEMBER ALBERTI: Okay. Describe
15 the VIP area for me. What's it look like?
16 How is it set up?

17 INVESTIGATOR JONES: It's an area
18 that's kind of where you're sitting. It's
19 kind of in -- close to the back wall. It's
20 got an oval area where it has the -- it's kind
21 of roped off with a bar area. It has two
22 steps, two or three steps that go up to the

1 landing. And they consider that a VIP area
2 away from the main floor.

3 MEMBER ALBERTI: Do they have
4 bottle service in the VIP area?

5 INVESTIGATOR JONES: I couldn't
6 tell you that, sir. I don't know if it was in
7 the VIP area or not. I know there is bottle
8 -- but I don't know if it's in the VIP area.

9 MEMBER ALBERTI: Don't know what's
10 -- if the bottle service in the VIP area?

11 INVESTIGATOR JONES: Yes, sir.

12 MEMBER ALBERTI: Or whether he was
13 found in the VIP area?

14 INVESTIGATOR JONES: I don't know
15 if they have bottle service in the VIP area.

16 MEMBER ALBERTI: Okay. Did you
17 review footage of where he was claimed to have
18 been found?

19 INVESTIGATOR JONES: We did review
20 footage, but as I was saying, we couldn't
21 really see because of -- the area is dark
22 there, so we couldn't really see until they --

1 the camera that you could see that goes to the
2 customer care.

3 MEMBER ALBERTI: You couldn't make
4 out clothing? You couldn't make out anything?

5 INVESTIGATOR JONES: I couldn't
6 make out clothing, sir.

7 MEMBER ALBERTI: Okay.

8 INVESTIGATOR JONES: So I couldn't
9 really see clearly and because of -- the
10 customer care was well lit.

11 MEMBER ALBERTI: No, I understand.

12 INVESTIGATOR JONES: Yes.

13 MEMBER ALBERTI: I understand.

14 Well, I mean, that brings me to another
15 question: I mean, they've got security
16 cameras in that area. Do you think they're
17 sufficient to review incidents if you -- based
18 on what you saw and the lighting, going
19 forward in the future do you think that what's
20 visible through the security cameras is
21 sufficient for future investigations?

22 INVESTIGATOR JONES: Well, I don't

1 know if there was a -- you know, for that
2 evening I don't know if it was what I was I
3 was viewing at that time. May have been a
4 lighting issue, or I don't know if it's an
5 ongoing thing. I haven't had -- this was
6 basically my first time.

7 MEMBER ALBERTI: But what you saw.
8 Just what you saw.

9 INVESTIGATOR JONES: What I saw
10 was it was fairly dark, so I couldn't
11 really --

12 MEMBER ALBERTI: And if that was
13 the status quo going forward and there were no
14 changes, would it be sufficient for review of
15 future incidents?

16 INVESTIGATOR JONES: I think it
17 could be, but I think the other thing was that
18 there were a lot of people there. And so I
19 think that combined with --

20 MEMBER ALBERTI: Well, Mr.
21 Jones --

22 INVESTIGATOR JONES: You know what

1 I mean?

2 MEMBER ALBERTI: -- I don't want
3 to put words in your mouth.

4 INVESTIGATOR JONES: Yes, and I
5 mean, that's --

6 MEMBER ALBERTI: Okay. Wait,
7 wait, wait. I don't want to put words in your
8 mouth, but we often have incidents when
9 there's lots of people.

10 INVESTIGATOR JONES: Yes.

11 MEMBER ALBERTI: That's typically
12 when these things happen.

13 INVESTIGATOR JONES: Yes.

14 MEMBER ALBERTI: You know?

15 INVESTIGATOR JONES: But a lot
16 times when there's a lot of people you can't
17 decipher who's what in that crowd.

18 MEMBER ALBERTI: Right.

19 INVESTIGATOR JONES: That's the
20 only issue that I'm trying to really bring up
21 to you.

22 MEMBER ALBERTI: Okay.

1 INVESTIGATOR JONES: Because you
2 combine that with it being fairly dark, you
3 can't really decipher who has on what until
4 things kind of disperse.

5 MEMBER ALBERTI: Disperse. Okay.

6 INVESTIGATOR JONES: You know what
7 I mean?

8 MEMBER ALBERTI: Okay. And do you
9 know if the police followed up on Mr. --

10 INVESTIGATOR JONES: The victim?

11 MEMBER ALBERTI: -- Squirewell --

12 INVESTIGATOR JONES: I don't know,
13 sir.

14 MEMBER ALBERTI: -- at the
15 hospital? Do you know if they followed up
16 with him in the hospital?

17 INVESTIGATOR JONES: I have no
18 idea as to what took place with that, sir.

19 MEMBER ALBERTI: Okay. All right.
20 Thank you. No further questions.

21 CHAIRPERSON MILLER: Okay. Any
22 other Board questions?

1 (No audible response.)

2 CHAIRPERSON MILLER: Okay. Mr.
3 Mpras?

4 MR. MPRAS: Mr. Alberti asked some
5 of my questions, so --

6 CHAIRPERSON MILLER: Okay.

7 MEMBER ALBERTI: I guess I'm
8 learning, Mr. Mpras.

9 MR. MPRAS: About time. Oh, Mr.
10 Jones, when you were there did you conduct a
11 regulatory inspection of the venue?

12 INVESTIGATOR JONES: Yes, sir.

13 MR. MPRAS: And did you find any
14 violations?

15 INVESTIGATOR JONES: No, sir.

16 MR. MPRAS: And you did find that
17 they followed their security plan as written?

18 INVESTIGATOR JONES: Yes, sir.

19 MR. MPRAS: Great. And you did
20 state that you don't know -- there was no
21 follow up by ABRA or MPD as to the medical
22 condition of Mr. Squirewell?

1 INVESTIGATOR JONES: There was --
2 as far as I'm concerned, as far as I know
3 there was no follow up as far as he was
4 concerned; no, sir.

5 MR. MPRAS: Thank you. No further
6 questions.

7 CHAIRPERSON MILLER: Yes, Mr.
8 Nophlin?

9 MEMBER NOPHLIN: A question.
10 Investigator, did someone write a report on
11 this, the police write a report on this
12 incident?

13 INVESTIGATOR JONES: Yes, sir.

14 MEMBER NOPHLIN: It's on file?
15 They don't give that to you?

16 INVESTIGATOR JONES: Yes, we --

17 MEMBER NOPHLIN: Because I
18 haven't --

19 INVESTIGATOR JONES: -- write off
20 of the PD-251, which is the police report,
21 sir.

22 MEMBER NOPHLIN: Okay.

1 INVESTIGATOR JONES: Yes, sir.

2 MEMBER NOPHLIN: I'm sorry. I
3 didn't get a chance to --

4 INVESTIGATOR JONES: That's okay.

5 MEMBER NOPHLIN: Thank you very
6 much.

7 INVESTIGATOR JONES: Yes, sir.

8 CHAIRPERSON MILLER: Any other
9 Board questions?

10 MEMBER JONES: Madam Chair?

11 CHAIRPERSON MILLER: Yes, Mr.
12 Jones?

13 MEMBER JONES: Just for
14 clarification purposes, it was determined that
15 the individual was intoxicated?

16 INVESTIGATOR JONES: It was
17 determined that he was intoxicated and that's
18 what I was saying previously was that I
19 couldn't determine if it happened to him
20 getting there or if it happened while he was
21 there.

22 MEMBER JONES: Okay.

1 INVESTIGATOR JONES: He didn't
2 have a wristband on.

3 MEMBER JONES: Understood.

4 INVESTIGATOR JONES: And he was
5 found intoxicated.

6 MEMBER JONES: Okay. So, but the
7 seizures, is it perceived or is it understood
8 that the seizures were as a result of his
9 level of intoxication, or was there some other
10 identified cause; i.e., like an allergic
11 reaction to something, or just some other
12 natural cause that was particular to this
13 individual?

14 INVESTIGATOR JONES: I think it
15 would be something that you may want to pose
16 to --

17 MEMBER JONES: Understood.

18 INVESTIGATOR JONES: -- Love staff
19 because I'm not sure if it may have been due
20 to alcohol or he may have taken medication
21 prior to entering.

22 MEMBER JONES: Right.

1 INVESTIGATOR JONES: You know what
2 I mean? So I couldn't really tell you, sir.

3 MEMBER JONES: Okay. Thank you.

4 INVESTIGATOR JONES: Yes, sir.

5 MEMBER BROOKS: Madam Chair?

6 CHAIRPERSON MILLER: Yes, go
7 ahead.

8 MEMBER BROOKS: Mr. Jones, did you
9 view any video on that night?

10 INVESTIGATOR JONES: Yes, sir.

11 MEMBER BROOKS: You did?

12 INVESTIGATOR JONES: Yes, sir.

13 MEMBER BROOKS: And I guess my
14 point is you didn't know how long he was
15 there, but maybe video, if you've gone back,
16 you know, to see can you pick him out at a
17 certain time earlier in that evening, you can
18 get some idea, if that's possible, how long he
19 might have been there and what's a reasonable
20 amount of time that he was in the
21 establishment and far as being intoxicated?

22 INVESTIGATOR JONES: Well, that's

1 what we attempted to do. Because once I was
2 able to locate the individual when they
3 brought him into the customer care area, I
4 tried to go back to the VIP area.

5 MEMBER BROOKS: Yes.

6 INVESTIGATOR JONES: And like I
7 said, because there were so many people just
8 in the -- it's a small space and there were so
9 many people in that area, I couldn't really
10 tell where he was at that time. So it was
11 very hard to pick out where he was in the area
12 until you could see security kind of come over
13 and they got him and then they brought him
14 downstairs to the customer care area.

15 MEMBER BROOKS: And how was he
16 dressed?

17 INVESTIGATOR JONES: Jeans, from
18 what I understand, and a, you know, white
19 shirt or white T-shirt, or something like
20 that, sir.

21 MEMBER BROOKS: Okay. And this
22 was a Howard University function?

1 INVESTIGATOR JONES: Yes, it was a
2 Howard University homecoming celebration.

3 MEMBER BROOKS: Okay. So there
4 were possibly a number of people there who
5 were under 21?

6 INVESTIGATOR JONES: Under and
7 over; yes, sir.

8 MEMBER BROOKS: That's right?

9 INVESTIGATOR JONES: Yes, sir.

10 MEMBER BROOKS: Okay. All right.
11 Thank you, Madam Chair.

12 CHAIRPERSON MILLER: Okay. You're
13 welcome.

14 Anything else right now?

15 (No audible response.)

16 CHAIRPERSON MILLER: All right.

17 Mr. Mpras?

18 MR. MPRAS: I'd like to start by
19 introducing Mr. David Bailey. Mr. Bailey is
20 security manager and he has first-hand
21 knowledge of what happened that evening.

22 CHAIRPERSON MILLER: Okay. Good.

1 MR. MPRAS: And I would like to
2 ask -- first start by asking you, it was --
3 obviously you found an underage person there.
4 I'd like to know what measures if any you
5 implemented to better ensure that underage
6 patrons are not given alcohol by other patrons
7 who are over the age or 21.

8 MR. BAILEY: Well, first off, I
9 have people that actually come in and they
10 first go to my bartenders without a wristband,
11 seeing if they're able to purchase alcohol
12 from them. I would then put X's on some of
13 their hands saying they're able to purchase
14 and just basically testing our bartenders.

15 I then take it to another level
16 for my security staff as to have somebody
17 walking around with an alcoholic beverage, or
18 what appears to be an alcoholic beverage,
19 without a wristband on and see how long it
20 takes them to notice this person inside the
21 establishment.

22 I also now have staff, security

1 staff members, as well as my managers, that
2 walk around dressed as if they're patronizing
3 the establishment, because I know that they --
4 when they're trying to sneak a drink that is
5 probably given to them by a friend they're not
6 going to -- they're going to hide it once they
7 notice security is on the way. So I have
8 people that are dressed down to observe this
9 types of activities.

10 I've also done trainings with the
11 bartenders as far as identifying those who
12 have like some -- maybe somebody there is 21
13 that's constantly coming up purchasing drinks
14 that they may be purchasing for a friend.

15 MR. MPRAS: Now, Mr. Bailey, did
16 you conduct any type of internal investigation
17 to determine if alcohol was sold by your staff
18 to this patron?

19 MR. BAILEY: Yes, I was the one
20 that reviewed the video footage from that
21 night trying to see if I could observe the
22 gentleman approaching the bar at any time, and

1 I was not -- I did not see him approach the
2 bar at any time. I could not see how he was
3 able to obtain the beverage itself.

4 MR. MPRAS: Okay. Mr. Bailey, is
5 there anything else you'd like to add about
6 this incident?

7 MR. BAILEY: No, I mean, Mr.
8 Jones, Investigator Jones quoted me correctly.
9 My security staff was walking through
10 observing anybody that was of underage that
11 was -- that may have possibly -- you know, any
12 drinks or doing anything that they weren't
13 supposed to be doing. They walked through.
14 They observed them. They immediately brought
15 them downstairs where we did an incident
16 report. Then our EMT on staff cared for them.
17 Then immediately I told them to notify our MPD
18 officers outside that we had this issue back
19 here and that -- you know, then when he went
20 into a seizure, to call the -- we called the
21 ambulance.

22 MR. MPRAS: So it was you or your

1 staff that brought it to the attention of MPD
2 that there was an underage person intoxicated
3 in the establishment?

4 INVESTIGATOR JONES: Yes, sir, I
5 radioed my front door staff to notify our
6 reimbursable detail.

7 MR. MPRAS: Thank you, Mr. Bailey.
8 I have no further questions for you.

9 CHAIRPERSON MILLER: Okay.
10 Questions from the Board?

11 MEMBER BROOKS: Yes.

12 CHAIRPERSON MILLER: Yes, Mr.
13 Brooks?

14 MEMBER BROOKS: Now was he in the
15 VIP area?

16 MR. BAILEY: Yes. On some nights
17 it's called the VIP area, but it was -- we had
18 kind of opened up that evening for all patrons
19 because of the large amount of people that
20 were there. So it wasn't just designated as
21 -- just solely VIPs. It can be. On some
22 nights we will rope this off. This is our VIP

1 section.

2 MEMBER BROOKS: Right. Oh, I
3 understand. Okay. Thank you, Madam Chair.

4 CHAIRPERSON MILLER: How many
5 people were in the establishment? How many
6 clients? I mean, not clients.

7 MR. BAILEY: Patrons?

8 CHAIRPERSON MILLER: Customers.
9 Patrons. Right.

10 INVESTIGATOR JONES: About 3,200.

11 CHAIRPERSON MILLER: Thirty-two
12 hundred? So was it a Howard University event?

13 MR. BAILEY: Yes, it was a Howard
14 University event.

15 CHAIRPERSON MILLER: Okay. So how
16 many people were there from Howard? Were they
17 separated, or were they mixed in with the
18 3,200?

19 MR. BAILEY: It was all -- it was
20 basically the Howard homecoming after party,
21 so it was all --

22 CHAIRPERSON MILLER: Oh, they were

1 all there for the Howard homecoming?

2 MR. BAILEY: And we'll -- yes.

3 CHAIRPERSON MILLER: Thirty-two
4 hundred people?

5 MR. BAILEY: Yes.

6 CHAIRPERSON MILLER: Wow. Okay.
7 And you have an 80-something security guards?

8 MR. BAILEY: For that event, yes,
9 had 80 security staff on and 10 reimbursable
10 detail officers.

11 CHAIRPERSON MILLER: And what's
12 the layout? Do you have more than one floor?

13 MR. BAILEY: Yes, we have four
14 floors.

15 CHAIRPERSON MILLER: Okay. Oh,
16 but you identified that this person was in the
17 VIP section?

18 MR. BAILEY: Well, when we do our
19 incident reports we note where they were
20 found.

21 CHAIRPERSON MILLER: Oh, okay.

22 MR. BAILEY: You know, exactly

1 where we got them from. So when we go back to
2 review the video, we immediately -- we know
3 where to look.

4 CHAIRPERSON MILLER: Okay. And
5 how did Mr. Jones come? Did somebody call
6 him?

7 MR. BAILEY: I believe a 251
8 report was faxed to ABRA and he was assigned
9 the case.

10 CHAIRPERSON MILLER: Okay. And
11 were any of -- the individual that this
12 involved, who had seizures, was intoxicated,
13 did he have any of his friends around him at
14 all?

15 MR. BAILEY: No, they didn't -- we
16 weren't able to identify who he was actually
17 with in the establishment. Of course, just
18 about everybody there knows each other. A lot
19 of them attend school together. But nobody
20 actually, you know, claimed him as a -- that's
21 my friend or, you know, he's with me, or
22 anything like that, no.

1 CHAIRPERSON MILLER: So could you
2 just refresh my memory then how it is that you
3 all came upon him in the VIP area?

4 MR. BAILEY: Well, my security
5 staff walks around to, you know, just observe
6 anything that is inappropriate. And one of
7 the things that their job is to identify
8 anybody that's under the age that may have,
9 you know, grabbed another friend's cup of
10 alcohol or anything like that. And that's
11 what they observed. They observed that he had
12 a cup in his hand.

13 CHAIRPERSON MILLER: He had a cup
14 in his hand?

15 MR. BAILEY: Did not have a
16 wristband on and he had X's on his hands. So
17 they saw that and they brought him, you
18 know --

19 CHAIRPERSON MILLER: So did he
20 have the establishment's cup in his hand?

21 MR. BAILEY: Yes, it was a cup
22 that we use for alcohol. Yes.

1 CHAIRPERSON MILLER: Okay. Did he
2 have alcohol in the cup?

3 MR. BAILEY: It appeared to be
4 alcohol. I mean, we didn't test it, but --

5 CHAIRPERSON MILLER: Okay. So he
6 had it in a cup?

7 MR. BAILEY: -- it was -- and he
8 appeared to be intoxicated anyway, so we
9 brought him down.

10 CHAIRPERSON MILLER: You brought
11 him down because he didn't have a wristband
12 and he had a cup in his hand?

13 MR. BAILEY: He had a cup in his
14 hand, he had X's on his hand --

15 CHAIRPERSON MILLER: And --

16 MR. BAILEY: -- and he had a cup
17 -- you know, he had a cup in his hand. So at
18 that point we don't deal with any issues right
19 on the floor. Like anybody -- even if he
20 didn't have the X's on his hand, say he didn't
21 have a wristband, we're still going to take
22 him to customer care and identify him. Okay.

1 What happened to your wristband if you're 21?

2 CHAIRPERSON MILLER: Okay. So you
3 took him to customer care and then he had the
4 seizure there?

5 MR. BAILEY: Right, we took him to
6 customer care. We identified that he was
7 under the age. Of course we ID'd he was under
8 age. And we had already, you know, called an
9 EMT to, you know, care to him. And we
10 notified MPD.

11 CHAIRPERSON MILLER: And he didn't
12 resist when you took him?

13 MR. BAILEY: No, ma'am.

14 CHAIRPERSON MILLER: Okay. So and
15 no friends, you know, stood up and said, oh,
16 I'll go with you or anything like that?

17 MR. BAILEY: No, not unless -- it
18 was a very large number of people there. My
19 security staff normally moves very quick when
20 they identify a problem, and they quickly took
21 him down to the customer care center.

22 CHAIRPERSON MILLER: Okay. It

1 just seems to me that in a situation like
2 this, you know, it's a group, it's a Howard
3 University that there would be somebody who
4 would know him or would be able to testify
5 about when he was drinking or not drinking,
6 unless I guess they chose not to.

7 MR. BAILEY: Well, a lot of times,
8 like I said, we have -- with the new plan I
9 put into effect as far as my -- the staff
10 dressing down, some of the staff dressing down
11 to identify, it has been very effective to
12 that matter. And sometimes there is nobody
13 there who -- you know, that wants to admit
14 that, oh, they're with me or that I gave
15 them --

16 CHAIRPERSON MILLER: Right.

17 MR. BAILEY: -- that drink.

18 CHAIRPERSON MILLER: Okay. So
19 separate from his becoming ill here, is your
20 normal policy is like you -- oh, they see
21 somebody drinking with a wristband and maybe
22 with an X on their hand, what do you do with

1 them?

2 MR. BAILEY: We immediately take
3 them down to the customer care center.

4 CHAIRPERSON MILLER: And then
5 what?

6 MR. BAILEY: And, well, you know,
7 we have to try to get their ID to identify who
8 they are and to make sure that they're really
9 under the age. And then we do our report,
10 then notify detail. A manager at that point
11 will come down and make the assessment from
12 that point. We try to find -- especially if
13 it's going to be somebody underage, even if
14 somebody that over the age is intoxicated, we
15 try to locate somebody who is with them.

16 A lot of times you might not find
17 them until the end of the night and, you know,
18 let them know that, hey, we have your friend
19 back in the customer care center. You know,
20 especially if they're over 21, if they're
21 refusing any further medical attention, we,
22 you know, allow them to have a friend come

1 sign off that they're responsible for taking
2 them home.

3 CHAIRPERSON MILLER: Okay. Do you
4 get a lot of people in customer care in an
5 evening?

6 MR. BAILEY: Well, we take them to
7 the customer care just for the littlest thing.
8 If you stumble, I'm going to take you to
9 customer care and evaluate you to make sure
10 that they're not overly intoxicated.

11 CHAIRPERSON MILLER: Okay. All
12 right. Thank you.

13 Other questions? Yes, Mr.
14 Nophlin?

15 MEMBER NOPHLIN: Would you do
16 anything different since this happened? Could
17 you see something -- you can always make
18 improvements.

19 MR. BAILEY: Right. The one thing
20 I did do different, I did go -- like I said,
21 I did do a training with the bar staff and I
22 did implement the security personnel that is

1 dressed down to not -- you know, to not look
2 like security so that when they -- you know,
3 like of course we have observed where our
4 security -- you know, if somebody's doing
5 something wrong, security's coming or they'll
6 maybe stop whatever they're doing. But if
7 they don't know that you're security, they may
8 -- you know, it's a lot easier to identify
9 problems.

10 MEMBER NOPHLIN: The other thing
11 is the cameras weren't able to pick up or
12 identify people clearly because I guess there
13 was dark spots. Is there any way you can
14 improve your cameras in terms of identifying
15 who's participating in whatever?

16 MR. BAILEY: The only other thing
17 I can do with that is cut up the lighting in,
18 you know, some of that area to ensure that it
19 is properly well lit to identify.

20 MEMBER NOPHLIN: Thank you, Madam
21 Chair. That's all I have.

22 CHAIRPERSON MILLER: Yes, Mr.

1 Brooks?

2 MEMBER BROOKS: I've got one more
3 question. How can you prevent or ensure that
4 someone over 21 is not giving someone who's
5 under 21 a drink?

6 MR. BAILEY: You know, it's just
7 basically the same way as far as my staff
8 walking around monitoring those who have
9 parties with them. Like it could be a party
10 of five people that's 21. They have one or
11 two people that's under 21.

12 MEMBER BROOKS: Yes.

13 MR. BAILEY: Identifying those
14 parties and, you know, just keeping a close
15 monitor on them.

16 MEMBER BROOKS: But if it's a
17 Howard University event and most of -- you
18 know, a lot of the kids are going to be 20,
19 19, 18.

20 MR. BAILEY: Yes.

21 MEMBER BROOKS: So how can you
22 keep on eye on that number of people?

1 MR. BAILEY: I have more staff. I
2 have more staff to provide more visibility of
3 these people.

4 MEMBER BROOKS: And we're talking
5 about 3,200 people now. I don't know many
6 staff you got --

7 MR. BAILEY: Right.

8 MEMBER BROOKS: -- but we're
9 talking about 3,200 people.

10 MR. BAILEY: I understand, but all
11 we can do is walk around and of course
12 identify and try to keep our eyes on the
13 people that are under 21 and identifying those
14 who are with the groups that are people that
15 are 21.

16 MEMBER BROOKS: Yes. Okay.

17 MR. BAILEY: So that's the only
18 way I can -- I know my bartenders aren't going
19 to serve them.

20 MEMBER BROOKS: Yes.

21 MR. BAILEY: So that's the only
22 way.

1 MEMBER BROOKS: Well, bartenders
2 are serving the people who are over 21.

3 MR. BAILEY: Right.

4 MEMBER BROOKS: Right. And they
5 then go back and, you know --

6 MR. BAILEY: Right.

7 MEMBER BROOKS: -- share their
8 drink with those who are under 21.

9 MR. BAILEY: So that's, like
10 again, where the training with the bar staff
11 as far as identifying those people who are
12 purchasing back and forth that are possibly --
13 they could possibly be purchasing alcohol for,
14 you know, somebody else to -- also, like I
15 said, my staff that's constantly walking
16 around identifying those who are under the
17 age.

18 MEMBER BROOKS: Thank you, Madam
19 Chair.

20 CHAIRPERSON MILLER: You're
21 welcome.

22 MEMBER ALBERTI: Ms. Mobley had a

1 question.

2 CHAIRPERSON MILLER: Oh, okay.

3 MEMBER MOBLEY: Just a couple
4 questions, Mr. Bailey.

5 MR. BAILEY: Yes, ma'am.

6 MEMBER MOBLEY: On this particular
7 night where was the VIP area? First floor?
8 Second floor?

9 MR. BAILEY: Well, it's called --
10 we call it -- that's our -- when we write it
11 down, that's how we identify what area it is.
12 It is our VIP area. It wasn't designated as
13 VIP, but that is our -- as we like to call
14 over the radio, anything like that, I have a
15 male underage in the VIP section on the second
16 floor. This is the section that's on the
17 second floor.

18 MEMBER MOBLEY: Second floor?

19 MR. BAILEY: Yes, ma'am.

20 MEMBER MOBLEY: Second floor where
21 the stage is, or second floor at the back near
22 the bar?

1 MR. BAILEY: In the rear. In the
2 rear.

3 MEMBER MOBLEY: In the bar area?

4 MR. BAILEY: Where the bar -- yes.

5 MEMBER MOBLEY: Okay. And where
6 is your customer care?

7 MR. BAILEY: Customer care is on
8 -- it's right -- there's a landing right below
9 the first floor. So it's like a few steps
10 down from the first floor that we have our
11 customer care area.

12 MEMBER MOBLEY: Okay. But he was
13 found when he -- you discovered him in the VIP
14 area where the bar is located on the second
15 floor?

16 MR. BAILEY: Where one of them --
17 yes, where one of our bars is.

18 MEMBER MOBLEY: No further
19 questions.

20 CHAIRPERSON MILLER: Mr. Alberti?

21 MEMBER ALBERTI: Mr. Bailey, I
22 guess I'm a little curious. You found this

1 individual and he was obviously drunk. And
2 security rushed in and brought him back down
3 to the customer care area, but no one seemed
4 to be concerned about him and no one came with
5 you to the customer care area. Is that
6 correct?

7 MR. BAILEY: That is correct.

8 MEMBER ALBERTI: Okay. But things
9 got worse when he had the seizures. All
10 right? He was in pretty bad shape, right?

11 MR. BAILEY: Yes.

12 MEMBER ALBERTI: You called EMT
13 and everything, right?

14 MR. BAILEY: Right.

15 MEMBER ALBERTI: Did anyone try to
16 identify friends of his?

17 MR. BAILEY: I mean, we walked
18 back through. I did -- regardless, even after
19 the incident I had the security staff walk
20 back through because he might see somebody
21 maybe looking for their friend or somebody
22 like that, you know, just walk back through

1 and see if they see anybody who was with him.
2 I mean, we did that just because of him being
3 under the age and intoxicated to find anybody
4 that was with him.

5 MEMBER ALBERTI: Okay. Thank
6 you. You hadn't mentioned that earlier.

7 MR. BAILEY: I do apologize.

8 MEMBER ALBERTI: I was just
9 curious as to if you had taken that extra
10 step.

11 MR. BAILEY: Yes, sir. We waited
12 around. I don't know if one of his friends
13 may have talked to one of the MPD officers
14 regarding him when he went, I guess, at the
15 end of the night, but --

16 MEMBER ALBERTI: Thank you.

17 CHAIRPERSON MILLER: Yes, Mr.
18 Jones?

19 MEMBER JONES: Thank you, Madam
20 Chair.

21 So just trying to walk through the
22 -- so I have a better understanding of the

1 process and procedure here. So you identified
2 the individual and it was brought to your --
3 the individual that was eventually taken to
4 the hospital, the guy that was under 21, age
5 20, that appeared to be intoxicated. What was
6 the initial reason why he was brought to your
7 attention as the head of security?

8 MR. BAILEY: Well, initially he
9 was underage and he had a cup in his hand.

10 MEMBER JONES: Okay. So it was
11 called out that he didn't have a band on?

12 MR. BAILEY: Yes.

13 MEMBER JONES: And therefore you
14 identified him as being a potential individual
15 that was underage and he had a drink in his
16 hand?

17 MR. BAILEY: That's correct.

18 MEMBER JONES: So then security
19 engaged him and took him to the customer care
20 area?

21 MR. BAILEY: Yes.

22 MEMBER JONES: Not because he was

1 intoxicated, not for any other reason --

2 MR. BAILEY: Well --

3 MEMBER JONES: -- outside of the
4 fact that he had a drink in his hand that
5 appeared to be alcohol and he didn't have a
6 band?

7 MR. BAILEY: The initial approach
8 was because he had a cup in his hand and they
9 identified he didn't have a band. Then during
10 that approach they observed him appearing to
11 be intoxicated as well.

12 MEMBER JONES: Okay. So and your
13 identification of an individual with a cup in
14 their hand, do you have designated cups for
15 alcohol and designated cups for just straight
16 soda and juice?

17 MR. BAILEY: Yes, sir.

18 MEMBER JONES: Okay. So he had a
19 cup that was designated for alcohol in his
20 hand?

21 MR. BAILEY: That's correct.

22 MEMBER JONES: All right. From

1 that standpoint it was a concern from a
2 security issue because you had an individual
3 that was underage that had a alcoholic
4 beverage cup in his hand?

5 MR. BAILEY: That's correct.

6 MEMBER JONES: So what's the next
7 step? So you took him down to customer care.
8 Is that individual supposed to be escorted
9 from the establishment? Do you draft an
10 incident report just based on the fact that
11 you identified that underage person there?
12 Like what would have been the next logical
13 step? If this individual didn't have a
14 seizure and if the medics weren't called, like
15 what would be the process for you guys
16 handling it internally?

17 MR. BAILEY: Well, like I said, we
18 have our EMT there to evaluate condition. We
19 also -- like I said, we even, regardless
20 whether you're under 21 or 21, we try to find
21 somebody that is with them.

22 MEMBER JONES: So even if he

1 didn't exhibit tendencies that would lead you
2 to believe he was intoxicated, like he just --
3 he -- this individual, he had a drink in his
4 hand who was under 21.

5 MR. BAILEY: Yes.

6 MEMBER JONES: That's it. No
7 intoxication, no seizure, anything else. What
8 would you do with that individual once you
9 brought him down to customer care? What's the
10 process?

11 MR. BAILEY: We would definitely
12 try to get his information --

13 MEMBER JONES: Okay.

14 MR. BAILEY: -- to do our incident
15 report. Evaluate his condition, you know,
16 just to make sure he's not intoxicated.
17 Although he's holding a drink, want to make
18 sure that he's not intoxicated. If we can,
19 then inform my detail this person's -- they
20 would no longer be allowed in the
21 establishment to party at that time. We try
22 to find somebody that's with them. Hey, this

1 person has to go. I don't know if -- you
2 know, because I don't know how they got
3 there --

4 MEMBER JONES: Right. Right.

5 MR. BAILEY: -- how -- you know,
6 case may be. But this person can no longer
7 stay inside of our establishment.

8 MEMBER JONES: Okay.

9 MR. BAILEY: We can't afford
10 risking them trying to get another --

11 MEMBER BROOKS: Drink.

12 MR. BAILEY: -- beverage.

13 MEMBER JONES: Okay. All right.
14 So in that instance if the individual was --
15 I guess I'm just trying to make sure I
16 understand. You do take into consideration
17 that he may be there partying with some other
18 people and therefore you don't just don't take
19 him and put him out on the street. You try
20 and identify who his colleagues may be so that
21 if he or she came with some people, he could
22 get home -- he or she could get home safely

1 regardless of whether they're intoxicated or
2 not.

3 MR. BAILEY: Oh, no, we never put
4 anybody right out on the street regardless --
5 like I say again, regardless, 21, under 21,
6 whatever the case may be. We will sit them
7 down in our customer care center until the end
8 of the night, if need be.

9 MEMBER JONES: Okay. Thank you.
10 Thank you, Madam Chair.

11 CHAIRPERSON MILLER: I've got a
12 couple of follow-up questions on that. So if
13 you had a young girl, say 19 or something --

14 MR. BAILEY: Yes.

15 CHAIRPERSON MILLER: -- and you
16 didn't know who her friends were, would you
17 call a cab for her? Would you call her
18 parents? What would you do?

19 MR. BAILEY: Well, I had an
20 instance where somebody was over 21 and I
21 called their parents to come back and pick
22 them up because I couldn't let him leave. It

1 was like there was no way that I could let him
2 leave.

3 I mean, we will call a cab for
4 somebody over 21, but somebody under 21, I
5 have a hard time -- I'm hoping that I never
6 have to run into that instance where I have
7 somebody that I have to call a cab for under
8 21. I would like to make sure that they make
9 it home safe with somebody.

10 And even that person that they're
11 leaving with, I do ensure that whoever they're
12 leaving with they actually do know that person
13 and then we get their information as well.

14 CHAIRPERSON MILLER: Okay. And do
15 you take any action with respect to if you see
16 someone over 21 actually giving alcohol to
17 someone under 21?

18 MR. BAILEY: Oh, yes, both of
19 those parties actually -- again, we bring them
20 down to our customer care so we can try to get
21 their information for an incident report. And
22 of course they're not allowed back inside the

1 establishment because, you know --

2 CHAIRPERSON MILLER: Okay. And
3 how long have you been in your role as the
4 security head at this establishment?

5 MR. BAILEY: Since I believe
6 September. End of September?

7 CHAIRPERSON MILLER: Since what,
8 end of September?

9 MR. BAILEY: Since the beginning
10 of September.

11 CHAIRPERSON MILLER: Okay. Were
12 you there as security before, or you were
13 somewhere else?

14 (Laughter.)

15 MEMBER ALBERTI: He worked at
16 ABRA.

17 CHAIRPERSON MILLER: Oh, okay.

18 MEMBER ALBERTI: He's blushing.

19 CHAIRPERSON MILLER: Okay. Good.
20 No, that's good.

21 Okay. Other questions? Mr.
22 Jones?

1 MEMBER JONES: Thank you, Madam
2 Chair. Just a quick follow up.

3 I think it was Mr. Brooks, Board
4 Member Brooks asked about, hey, if you have
5 like a HU event and you have a lot of people
6 that are going to be under the age of 21, how
7 do you handle that with such a large
8 establishment, and you indicated I'll bring in
9 more staff. What is your ratio that you're
10 looking to achieve for this more staff?

11 MR. BAILEY: Well, each week we
12 evaluate how many people we're expecting to
13 come out. We already have a set number of
14 staff members that we're going to have. If we
15 feel as if, you know, there's more people
16 coming that night than we normally would, then
17 of course we increase our staff to cover -- to
18 make sure the areas are covered. And then we
19 also include those that are floating
20 contingent how many people that are going to
21 be there for that event.

22 MEMBER JONES: Okay. So help me

1 quantify that a little bit better. So the HU
2 event, what would you estimate your attendance
3 to be there from a patronage standpoint?

4 MR. BAILEY: You know, the 3,200.

5 MEMBER JONES: Exactly. So how
6 many security staff did you have there to
7 monitor those 3,200 patrons?

8 MR. BAILEY: I had 80 security
9 staff.

10 MEMBER JONES: Eighty security
11 staff?

12 MR. BAILEY: Yes.

13 MEMBER JONES: Okay. So I can
14 calculate the ratio from there. Would that be
15 a representative ratio that you would normally
16 use for that type of event?

17 MR. BAILEY: Well, again --

18 MEMBER JONES: Is that how you
19 would calculate that?

20 MR. BAILEY: Like, you got to --
21 it's kind of hard to describe. And that would
22 also include our set up outside.

1 MEMBER JONES: Yes.

2 MR. BAILEY: Depending if we use
3 our will-call area, how many lines we're going
4 to have, that also would include my security
5 staff for that evening. And also with each
6 floor that opens up, it also includes the
7 security staff for the evening.

8 MEMBER JONES: Okay. So the
9 nature of the HU event, would that be one
10 where that would be representative of the most
11 amount of security you would have given that
12 you clearly had a mix of underage, clearly had
13 a large crowd there on that night? Would that
14 be, hey, this is my maximum amount of security
15 staff, I'm going to need it for this event
16 because I'm going to have a packed house with
17 a bunch of underage kids in here? Or would
18 you have an event that could possibly call for
19 more security staff to be brought on board?

20 MR. BAILEY: Well, that is our set
21 number for that event -- I think I mentioned;
22 you can correct me, for that event.

1 MEMBER JONES: Yes.

2 MR. BAILEY: Like I said, if need
3 be -- like I also have on-call staff as well
4 that if I feel as if this is a little bit more
5 than we expected, we try to call on more
6 security staff to come in to --

7 MEMBER JONES: No, I think I
8 understand that part, but I think you said you
9 plan out. Right?

10 MR. BAILEY: Right.

11 MEMBER JONES: So you have a set
12 staff and then you look at the nature of the
13 event and then you try to project --

14 MR. BAILEY: Right.

15 MEMBER JONES: -- how much
16 additional staff you may need on top of your
17 base in order to accommodate the type of crowd
18 and the size of the crowd.

19 MR. BAILEY: Right.

20 MEMBER JONES: Is that a fair
21 statement?

22 MR. BAILEY: Yes.

1 MEMBER JONES: Okay. So if that's
2 the case, I'm just trying to figure out how
3 you would characterize this HU event. So as
4 you were projecting out and planning and you
5 came upon the HU event, 3,200, large mix of
6 underage kids, were you saying, oh, yes, I
7 need my base plus a large number of additional
8 security staff, or like how did you
9 characterize that type of event?

10 MR. BAILEY: I did my base
11 security and then I added more, you know, to
12 each floor.

13 MEMBER JONES: To get to the 80?

14 MR. BAILEY: Yes, to get to the
15 80. I added more people to -- okay, I know
16 we're going to have a large amount of number
17 here. We're going to need more security staff
18 for this section here, over here, and that
19 nature. Then that's when I come up with the
20 number --

21 MEMBER JONES: Okay.

22 MR. BAILEY: -- of security staff.

1 MEMBER JONES: So do you make a
2 qualitative assessment and say, hey, if I know
3 I'm going to have a crowd that's under 21, I
4 need more security staff in order to do this
5 roaming function that you mentioned in order
6 to help mitigate the risk of individuals who
7 have the legal rank to drink purchasing
8 alcohol and handing to over to an individual
9 who does not?

10 MR. BAILEY: Yes, sir.

11 MEMBER JONES: Okay. So the HU
12 event was one of those events, correct?

13 MR. BAILEY: That's correct.

14 MEMBER JONES: And in that
15 instance you decided to bring in more staff in
16 order to help mitigate that risk, or are you
17 saying that that's what you're planning to do
18 going forward?

19 MR. BAILEY: No, that I brought in
20 more staff to mitigate that risk for what I --
21 I went with some of the staff members that are
22 there will be dressed -- I feel that some of

1 them being dressed down --

2 MEMBER JONES: Yes.

3 MR. BAILEY: -- would help with
4 that.

5 MEMBER JONES: No, I agree. I
6 think that's a great idea based on my limited
7 understanding of how clubs work. But I think
8 it's a great idea. I was just trying to
9 figure out how make that assessment of more or
10 less.

11 MR. BAILEY: Right.

12 MEMBER JONES: So it sounds like
13 it's more of a feel as you -- you have a base
14 and then you make a qualitative assessment as
15 you go depending on how you think the event's
16 going to be. And then the night of you have
17 the ability to call additional people if you
18 feel like there's a influx greater than what
19 you anticipated?

20 MR. BAILEY: Exactly.

21 MEMBER JONES: Okay. So that's
22 how you would address the concern that Board

1 Member Brooks had raised in the sense of you
2 bring in additional staff and you have on-call
3 staff to mitigate any additional issues based
4 on the size of the crowd as it appears that
5 night?

6 MR. BAILEY: Yes, sir.

7 MEMBER JONES: Okay. Thank you.

8 MEMBER MOBLEY: Madam Chair?

9 CHAIRPERSON MILLER: Yes?

10 MEMBER MOBLEY: Mr. Bailey, I want
11 to commend you for some of the security
12 precautions you've put in place, but let me
13 ask another question, because when I asked
14 questions earlier about the VIP area and the
15 fact that he was in the VIP area -- and there
16 is a bar there in it. I know that the
17 establishment has several bars throughout. Is
18 that correct?

19 MR. BAILEY: Yes, ma'am. Yes,
20 ma'am.

21 MEMBER MOBLEY: I know you have
22 security roaming around and all, but do you

1 have security who are planted in the bar area
2 specifically to look and observe who is being
3 served?

4 MR. BAILEY: Do I have security --
5 actually --

6 MEMBER MOBLEY: Right, out of the
7 80-some or 100-some security people there, do
8 you have security who are actually stationed
9 near the bar, by the bar to observe who is
10 actually being served?

11 MR. BAILEY: Yes, ma'am, I have
12 security positioned in all areas near bars and
13 -- yes.

14 MEMBER MOBLEY: I mean, actually
15 planted there. Their whole purpose in life is
16 to observe --

17 MR. BAILEY: Yes, I have my
18 stationary security. But like I said, my
19 stationary security, I have those that just
20 observe the bars, I have those who observe the
21 bathrooms.

22 MEMBER MOBLEY: Okay.

1 MR. BAILEY: You know, I have my
2 stationary security that is -- I don't care
3 what else is going on over there. This is
4 your assignment here. That's somebody else's
5 assignment over there.

6 MEMBER MOBLEY: Okay. Because if
7 you didn't, I would think that would be
8 something that you would want to do. And if
9 they aren't, maybe they need to be more
10 observant.

11 MR. BAILEY: I have my staff
12 that's focused on.

13 MEMBER MOBLEY: All right. Thank
14 you.

15 CHAIRPERSON MILLER: All right.
16 Anybody else?

17 (No audible response.)

18 CHAIRPERSON MILLER: I have a
19 question. The estimate for the number, did
20 you get that from Howard? Did they say we
21 estimate 3,200 people, or how did you -- where
22 does that come from?

1 MR. BAILEY: We have a manager's
2 meeting and we decide, like, what's our
3 projected number based on, you know, advance
4 ticket sales, just the bug around town, like
5 how many people do you think is actually going
6 to show up, and that's what we go off of.

7 CHAIRPERSON MILLER: So you
8 basically are in control to some extent of
9 getting an accurate number in order to plan
10 your security?

11 MR. BAILEY: Yes, ma'am.

12 CHAIRPERSON MILLER: And then you
13 have a maximum, I assume?

14 MR. BAILEY: Excuse me?

15 CHAIRPERSON MILLER: You have a
16 maximum --

17 MR. BAILEY: A maximum amount of
18 security?

19 CHAIRPERSON MILLER: No, maximum
20 number of people that can come.

21 MR. BAILEY: Yes, we have -- yes.

22 CHAIRPERSON MILLER: Certificate

1 of Occupancy and whatever?

2 MR. BAILEY: Right.

3 CHAIRPERSON MILLER: Okay. All
4 right. Mr. Jones?

5 MEMBER JONES: Thank you, Madam
6 Chair.

7 I think Mr. Smothers or affiliates
8 therefore submitted an org chart. And you
9 mentioned earlier that you bring down
10 individuals to customer care. And then, so
11 you're head of security.

12 MR. BAILEY: Yes.

13 MEMBER JONES: But you still call
14 a manager to come make the final decision?

15 MR. BAILEY: No, I'm the manager
16 that --

17 MEMBER JONES: You're the manager?

18 MR. BAILEY: I would say that
19 they --

20 MEMBER JONES: Oh, okay. Got you.

21 MR. BAILEY: -- will call if --
22 anything that's going on, because I've come

1 down and made those decisions.

2 MEMBER JONES: Okay. And then you
3 make the final decision on what happens, the
4 disposition of that individual?

5 MR. BAILEY: Right, that is
6 correct.

7 MEMBER JONES: Whether to call the
8 police, whatever?

9 MR. BAILEY: Right. Yes.

10 MEMBER JONES: Okay. To whom do
11 you report directly?

12 MR. BAILEY: I report to Ms.
13 Latimer.

14 MEMBER JONES: Ms. Latimer? And
15 then?

16 MR. BAILEY: Then Mr. Smothers.

17 MEMBER JONES: And directly to Mr.
18 Smothers?

19 MR. BAILEY: Well, I mean, Ms.
20 Latimer and then --

21 MEMBER JONES: Okay. And there
22 was also a request for a listing of your

1 security staff. And on this org chart we just
2 got a box that said security staff. There
3 were not lists of individuals. Does that
4 change on a regular basis, or -- because it
5 seemed like you indicated you had a base
6 staff. Is that a correct statement?

7 MR. BAILEY: Well, when I emailed
8 everything over, I asked was this everything
9 that they needed. I actually emailed that
10 myself, that chart.

11 MEMBER JONES: Okay. So you
12 submitted this org chart?

13 MR. BAILEY: I submitted that, the
14 security plan.

15 MEMBER JONES: Did you create this
16 org chart?

17 MR. BAILEY: Ms. Latimer did.

18 MEMBER JONES: Ms. Latimer did?

19 MR. BAILEY: And I submitted it
20 over. And I asked anything else that's needed
21 when I did that.

22 MEMBER JONES: Okay. Is it

1 possible -- would you have the ability, do you
2 have the records in house that would enable
3 you to fill out this chart completely so that
4 instead of just a box that says security staff
5 it could be populated with the individuals'
6 names?

7 MR. BAILEY: Everybody's names
8 that works for me?

9 MEMBER JONES: Yes.

10 MR. BAILEY: Yes, I can give you a
11 list of --

12 MEMBER JONES: Your staff.

13 MR. BAILEY: -- all my security
14 staff names, yes.

15 MEMBER JONES: The people that are
16 on your staff, not people that you contract
17 out to, but --

18 MR. BAILEY: Yes, that's no
19 problem.

20 MEMBER JONES: Okay. Thank you.

21 CHAIRPERSON MILLER: So how many
22 do you have on staff?

1 MR. BAILEY: Well, I have my own
2 security company, so those -- you know, I
3 branch out to if I have a larger event. Even
4 some of my brother and cousin companies that
5 I've worked with, use some of they're people
6 to come over and work with us --

7 CHAIRPERSON MILLER: Okay.

8 MR. BAILEY: -- as well when more
9 staff than needed.

10 CHAIRPERSON MILLER: So I'm trying
11 to envision the response that you would be
12 providing to Mr. Jones' question.

13 MR. BAILEY: Excuse me? I'm
14 sorry.

15 CHAIRPERSON MILLER: The response
16 you would be providing to Mr. Jones' question.

17 Mr. Jones, are you interested in
18 names versus numbers?

19 MEMBER JONES: Interested in
20 names.

21 CHAIRPERSON MILLER: Why?

22 MEMBER JONES: You want to talk

1 about it in here?

2 CHAIRPERSON MILLER: Okay. Well,
3 no, I just would think if we're asking
4 something from someone I just want to
5 understand why we're asking that.

6 MEMBER JONES: I'd be glad to go
7 back here and talk about it.

8 CHAIRPERSON MILLER: Okay. Well,
9 let's finish up and then we can talk about
10 that and anything else anyone needs to talk
11 about for this fact finding.

12 Okay. Are there other questions
13 of anyone here?

14 (No audible response.)

15 CHAIRPERSON MILLER: Is there any
16 other information you want to provide us with
17 respect to this fact finding?

18 (No audible response.)

19 MS. LATIMER: No.

20 MR. MPRAS: No, ma'am.

21 CHAIRPERSON MILLER: Okay.

22 MR. MPRAS: If there's anything

1 else the Board requests, we'd be happy to
2 provide it though.

3 CHAIRPERSON MILLER: Okay. All
4 right. Then I'm going to read the closed
5 meeting instructions. We're going to just
6 take a few minutes in the back and then come
7 back out and let you know how we see this
8 proceeding. Okay?

9 As the Chairperson for the
10 Alcoholic Beverage Control Board for the
11 District of Columbia and in accordance with
12 Section 405 of the Open Meetings Amendment Act
13 of 2010, I move that the ABC Board hold a
14 closed meeting on individual No. 11-251-00333,
15 Love, for the purpose of seeking legal advice
16 from our counsel on the matters identified
17 with respect to this case.

18 Do I have a second to the motion?

19 MEMBER ALBERTI: Second.

20 CHAIRPERSON MILLER: Okay. I'm
21 going to poll the Board then.

22 Mr. Nophlin?

1 MEMBER NOPHLIN: I agree.

2 CHAIRPERSON MILLER: Mr. Brooks?

3 MEMBER BROOKS: I agree.

4 CHAIRPERSON MILLER: Mr. Alberti?

5 MEMBER ALBERTI: I agree.

6 CHAIRPERSON MILLER: Ms. Miller

7 agrees.

8 Mr. Silverstein?

9 MEMBER SILVERSTEIN: I agree.

10 CHAIRPERSON MILLER: Ms. Mobley.

11 MEMBER MOBLEY: I agree.

12 CHAIRPERSON MILLER: Mr. Jones?

13 MEMBER JONES: I agree.

14 CHAIRPERSON MILLER: Then the
15 motion passes by a vote of 7-0 and we're going
16 to recess for a brief closed meeting and then
17 we'll return.

18 If you need to take a break, feel
19 free to do so as well, then come back.

20 (Whereupon, at 6:27 p.m. off the
21 record until 6:44 p.m.)

22 CHAIRPERSON MILLER: Okay. We are

1 back on the record. And Mr. Alberti had to
2 leave, and so there are six of us. The quorum
3 is three, so there's really not an issue with
4 going forward. And we've had a thorough
5 briefing on all the facts and issues in this
6 case.

7 There was a request by Mr. Jones
8 for the names of all the staff, and as I
9 understand now that that relates to a previous
10 request in an earlier proceeding and that
11 request has not yet been complied with. And
12 I was not on that case, but it was case No.
13 11-251-00299. Ileana Corrales is the staff
14 person who was on that case.

15 So that being said, there's that
16 issue and then this fact finding. So I would
17 move at this time that there be no further
18 action with respect to this case, this fact
19 finding related to 11-251-00333, but that
20 there is outstanding information for the
21 Licensee to provide and that being the names
22 of all the staff which was requested in an

1 earlier proceeding.

2 Do I have a second?

3 MEMBER NOPHLIN: Second.

4 CHAIRPERSON MILLER: Okay. Are
5 there further comments, questions to that
6 motion?

7 (No audible response.)

8 CHAIRPERSON MILLER: Not hearing
9 anything, I will call the vote then.

10 Mr. Nophlin?

11 MEMBER NOPHLIN: I agree.

12 CHAIRPERSON MILLER: Mr. Brooks?

13 MEMBER BROOKS: Disagree.

14 CHAIRPERSON MILLER: Ms. Miller
15 agrees.

16 Mr. Silverstein?

17 MEMBER SILVERSTEIN: I agree.

18 CHAIRPERSON MILLER: Ms. Mobley?

19 MEMBER MOBLEY: I agree.

20 CHAIRPERSON MILLER: And, Mr.

21 Jones?

22 MEMBER JONES: I disagree.

1 CHAIRPERSON MILLER: Then the
2 motion passes by a vote of 4-2.

3 No further action on this case and
4 the Licensee is to submit the requested
5 information with respect to a previous case.

6 So that concludes this matter. If
7 you have any questions, it's probably better
8 to direct them to the staff. But if you have
9 something with respect to this proceeding, you
10 can ask.

11 Okay. Thank you very much. Have
12 a good evening.

13 MEMBER JONES: Oh, Madam --

14 CHAIRPERSON MILLER: Oh, Mr.
15 Jones?

16 MEMBER JONES: Thank you, Madam
17 Chair. Just for clarification, a reminder
18 about Board Member Alberti's request for the
19 submission of the court information regarding
20 Mr. Smothers and his inability to be here
21 today, in terms of getting the date and the
22 time of that hearing, notice of the date and

1 time of the hearing and date and time of the
2 request. All right?

3 MR. MPRAS: Understood, Mr. Jones.

4 MEMBER JONES: Thank you.

5 CHAIRPERSON MILLER: Thank you
6 very much.

7 MR. MPRAS: Thank you.

8 MR. BAILEY: Thank you, Board
9 members.

10 CHAIRPERSON MILLER: So that
11 concludes this case.

12 (Whereupon, the hearing was
13 concluded at 6:48 p.m.)

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