

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Jasper Ventures, LLC	
t/a Capitale	Summary
1301 K Street, NW	Suspension
Retailer CN - ANC-2F	Hearing
License No. 72225	(Status)
Case #14-251-00045	

(Update from License on
Compliance with Board Order)

March 12, 2014

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

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

WALTER ADAMS, OAG

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

(10:30 a.m.)

CHAIRPERSON MILLER: Okay. The next case is Case No. 14-251-00045, Capitale located at 1301 K Street, N.W., License No. 72225, in ANC-2F.

MR. ADAMS: Good morning.

CHAIRPERSON MILLER: Good morning.

MR. ADAMS: Madam Chairman, my name is Walter Adams. I represent the District in this case.

MR. SUNG: Good morning. Kijun Sung for Jasper Ventures.

CHAIRPERSON MILLER: Are you Mr. Sung? I'm sorry, could you repeat your name, sir?

MR. SUNG: Kijun Sung, S-U-N-G.

CHAIRPERSON MILLER: Sung. Okay.

MR. SUNG: Yes.

CHAIRPERSON MILLER: Thank you. Thank you. Okay. Okay. You are here for a follow-up status after the Summary Suspension

1 Hearing.

2 MR. SUNG: Yes.

3 CHAIRPERSON MILLER: And we asked
4 that the licensee provide some materials,
5 which we got, including a security manual,
6 security plan, closing procedures addressed,
7 de-escalation situations addressed and also,
8 I believe, training.

9 Okay. So we got that. I have
10 read it. I don't know if there is anything
11 you want to add to that or we can see if there
12 are any Board questions on that, on these
13 materials.

14 MR. ADAMS: The District has no
15 further -- doesn't have anything to add, at
16 this point.

17 CHAIRPERSON MILLER: You don't
18 have anything to add. Okay.

19 MR. SUNG: Just as a supplement,
20 we had 18 of our security complete the
21 training, so we are done with that requirement
22 as well.

1 CHAIRPERSON MILLER: Okay. Yes,
2 that's a good point. They have -- when did
3 they do the training?

4 MR. SUNG: Yesterday and the day
5 before, so a total of eight hours training.

6 CHAIRPERSON MILLER: And who did
7 they train with?

8 MR. SUNG: Night Club Security
9 Consultants.

10 CHAIRPERSON MILLER: Okay. And
11 was everybody trained or --

12 MR. SUNG: Yes.

13 CHAIRPERSON MILLER: -- there are
14 some people -- okay.

15 MR. SUNG: Everyone trained.

16 CHAIRPERSON MILLER: So everybody
17 is trained?

18 MR. SUNG: Everyone on our staff
19 has been trained.

20 CHAIRPERSON MILLER: Okay. Good.

21 MR. SUNG: As far as the security.

22 CHAIRPERSON MILLER: Okay.

1 MR. ADAMS: And I apologize to
2 interrupt you.

3 CHAIRPERSON MILLER: Go ahead.

4 MR. ADAMS: The District just asks
5 that certification of training be sent to the
6 Board and to our office.

7 MR. SUNG: Sure.

8 CHAIRPERSON MILLER: Right, that
9 is how we handled this situation in the past.
10 And then you are on record and we can see the
11 names of the individuals, you know, the date
12 they were trained and, you know, who trained
13 them. Okay.

14 Can you just maybe describe a
15 little bit what the training was or do you--

16 MR. SUNG: Bob is here. He
17 actually conducted the training.

18 CHAIRPERSON MILLER: Okay.

19 MR. SUNG: He can tell you better
20 than I could.

21 CHAIRPERSON MILLER: All right.
22 Why doesn't he?

1 MR. SMITH: Good morning. Robert
2 Smith, Night Club Security Consultants.

3 CHAIRPERSON MILLER: Okay.

4 MR. SMITH: We were contacted a
5 couple of weeks ago by a client asking if we
6 did this. We did it. He had been in contact
7 with DC Nightlife. They recommended we come
8 in and do it. We were already planning on
9 coming in to do the training.

10 For the Board Members that are
11 new, I'll make sure I send counsel, number
12 one, the list of attendees. I was just
13 getting on to do that for him.

14 CHAIRPERSON MILLER: Um-hum.

15 MR. SMITH: I'll send the training
16 curriculum. It is actually an 11-hour
17 program, not an 8-hour program. They were
18 there from 5:00 to 9:30 each day.
19 Additionally, his staff stayed on about an
20 extra 35 minutes each night to discuss plans,
21 security plans, security policies, recommended
22 best practices.

1 Lastly, our prior conversation and
2 today's conversation this morning before the
3 Board opened was to discuss ongoing training
4 for his staff. I have already sent a letter
5 to his administration assistant setting up
6 dates for the future for our advanced role
7 play. It's not a hands-on, take-down type of
8 class. It's real-life scenarios from
9 liability cases around the country.

10 We start off low where it's just a
11 drunk who is passed out, follow the plan, what
12 do you do, all the way to an active aggressive
13 fight on the floor where role play puts them
14 through an actual scenario in a controlled
15 environment.

16 For those of you that have been
17 through our presentations before, these
18 trainings are all based on police practices
19 that have been, no offense to anyone, dummied
20 down and taken all the legalese out to give
21 them a better method, better methods and
22 training techniques, to handle problems.

1 So that's kind of the background.
2 Conflict resolution, detention, citizens
3 arrest, documentation, a new attitude to our
4 program nationally is Crime Scene
5 Preservation. It's not just in D.C. that MPD
6 is worried about, it's nation-wide where
7 violence is going up.

8 Further investigation is needed
9 and the scenes have been cleaned up before the
10 police are even there. So we went over about
11 a 30 minute discussion on that and how to do
12 it along with liabilities, working with law
13 enforcement, report writing, courtroom
14 procedures, working with the ABRA
15 Investigators and MPD Investigators should
16 they inspect.

17 CHAIRPERSON MILLER: So now that
18 everybody has had their initial training, when
19 is the next training?

20 MR. SMITH: We actually have one
21 scheduled for May back in town. It's not
22 specifically for this client. It's in May for

1 your region. We work with DC Night Life and
2 Restaurant Association to put these on every
3 couple of months.

4 CHAIRPERSON MILLER: Okay.

5 MR. SMITH: We have already got
6 eight people signed up from other venues. We
7 had an attendance yesterday and Monday of
8 about 38 total, 18 of which were his and the
9 rest were from five other venues in town. So
10 we will be back in May.

11 CHAIRPERSON MILLER: Have you
12 signed up for these? Did you say 18 were his?

13 MR. SMITH: Yes.

14 CHAIRPERSON MILLER: So they took
15 a training yesterday or the day before?

16 MR. SMITH: Monday and Tuesday.

17 CHAIRPERSON MILLER: And they are
18 going to take another training in May on
19 specific topics. Is that it?

20 MR. SMITH: His employees that
21 didn't --

22 CHAIRPERSON MILLER: Oh.

1 MR. SMITH: -- whether it's a
2 manager or whether he decides to send other
3 people in his company to the next basic
4 training, which is a Monday, Tuesday in May,
5 the next part of the training for his -- for
6 this client will be advanced training. So it
7 will be the role play training that we do for
8 his staff.

9 CHAIRPERSON MILLER: When is that?

10 MR. SMITH: We haven't set the
11 date yet. We just talked about it two weeks
12 ago and then again today --

13 CHAIRPERSON MILLER: Okay.

14 MR. SMITH: -- to confirm to go
15 through with that. And if he is okay with
16 that, I can certainly, once again as I do, let
17 the Board know and invite you to sit in.

18 CHAIRPERSON MILLER: You can
19 always invite, but --

20 MR. SMITH: I know.

21 CHAIRPERSON MILLER: Okay. So but
22 let me ask you just as far as, you know, your

1 program goes, you recommend the initial
2 comprehensive training, which I assume they
3 just had, and then certain topics or then a
4 year later?

5 MR. SMITH: The certification is
6 good for two years.

7 CHAIRPERSON MILLER: Okay.

8 MR. SMITH: It covers not only the
9 basic entry level requirement for any in-house
10 guard or "bouncer," we have several other
11 training programs that we offer, but in the
12 D.C. region we found that our basic entry
13 level covers all the security plan questions
14 that inspectors may have, policy procedures,
15 liabilities, all the things that they seem to
16 get in trouble, they meaning operators, the
17 most for.

18 CHAIRPERSON MILLER: Okay. Let me
19 ask you one other question. If they hire
20 somebody new for security, how quickly can
21 they get a training if they were needing to?

22 MR. SMITH: Well, if they wait for

1 the in-person, it will be about every two
2 months. Understanding turnover in this
3 industry is sometimes more than other
4 industries, two months is a good window for
5 him to hire Joe guard or Susie guard, screen
6 him, get him in to see if they are going to
7 stick around and then pay for their training
8 within a two month or month window.

9 Additionally, we are going to give
10 him, and I've already set this up with our
11 company, an open ended on-line training
12 voucher for our job-specific on-line training.
13 It has been a year, but I presented what our
14 program was, our on-line training program. So
15 he will have the ability as a new employee
16 comes in to give them this training voucher
17 and they can go on-line and pay a discounted
18 fee for our national host training program,
19 which is on-line, all video-based.

20 And then, you know, the rate will
21 work on and a month or two months later when
22 that employee is ready to go through the in-

1 person and we are here, they can do that also.

2 CHAIRPERSON MILLER: Okay. Thank
3 you. Other questions? Yes, Mr. Alberti?

4 MEMBER ALBERTI: I'm not sure I
5 have a question, but I have a request. I
6 actually would like, and this goes back to who
7 has been trained, a list of all employees to
8 the establishment and their positions, so that
9 we can match that with who has been trained
10 and who hasn't been trained and we would have
11 that for the future.

12 So if that's possible, Mr. Sung?
13 Is that possible to do?

14 MR. SUNG: Absolutely.

15 MEMBER ALBERTI: Great. Thank you
16 very much.

17 MR. SUNG: So you want the
18 bartenders, the managers?

19 MEMBER ALBERTI: Bartenders,
20 barbacks.

21 MR. SUNG: Servers?

22 MEMBER ALBERTI: The servers, you

1 know, just everybody and their position.

2 MR. SUNG: As of today?

3 MEMBER ALBERTI: As of today,
4 right, so that we have got who has been
5 trained and who hasn't been trained.

6 MR. SUNG: No problem.

7 MEMBER ALBERTI: To give us a
8 better sense. Thank you very much.

9 CHAIRPERSON MILLER: Are there
10 other questions? Yes, Mr. Brooks?

11 MEMBER BROOKS: Thank you, Madam
12 Chair. I'm unclear how are you counting the
13 new employees, because to our understanding,
14 at least my understanding was that they cannot
15 be simply worked until they have been trained.

16 MR. SMITH: Yes.

17 MR. SUNG: So we would, ideally,
18 like to have them take the enforcement course,
19 but pending on Mr. Smith's schedule if that's
20 not feasible, then we would have them take the
21 on-line course.

22 MEMBER BROOKS: On-line course?

1 MR. SUNG: Yes.

2 MEMBER BROOKS: That's new to me.

3 CHAIRPERSON MILLER: Um-hum.

4 MEMBER BROOKS: And how does that
5 -- how long of a course is that?

6 MR. SMITH: Our on-line course is
7 the same as the California course and I will
8 certainly send counsel the outline of our on-
9 line course, which is state-approved in
10 California. And I only say that because
11 California is a licensing state for bouncers.
12 They require a minimum of 16 hours of training
13 for an in-house guard in the State of
14 California along with a background and
15 registration.

16 We are the first company in the
17 state to have an on-line program that is job-
18 specific and approved for the State of
19 California. So an average guard will take
20 them 14 to 20 hours to complete our on-line
21 course. It's all video-based. It's not
22 reading, click and reading, click and you are

1 done in 30 minutes.

2 There are quizzes after each video
3 or set of videos and they have to pass them
4 with 100 percent accuracy. And at the end of
5 their training time, whatever it would be for
6 them, they will be able to print out their own
7 certificate of completion.

8 So generally, it's between a 13 to
9 17 hour, 18 hour window for an average person
10 to complete our on-line training course.

11 MEMBER BROOKS: Okay. And how
12 soon after they complete that course will you
13 be here to give them face-to-face training?

14 MR. SMITH: It's all a time-
15 dependent thing. For example, if he hired a
16 new employee today, they took our,
17 theoretically, on-line program over the next
18 three days, we won't be back until May
19 probably to do another training session. It
20 goes by demand. Because we have eight people
21 already signed up, we have got a date
22 scheduled in May. I'm not sure of the date

1 right now. I don't have it in front of me.

2 So it would be a window of a month
3 to two months before they could get the in-
4 person training.

5 MEMBER BROOKS: Okay. My second
6 question, Mr. Sung, in your letter to the
7 Board --

8 MR. SUNG: Yes, sir.

9 MEMBER BROOKS: -- you indicated
10 that the NSC does not have any written
11 training materials.

12 MR. SUNG: That's correct.

13 MEMBER BROOKS: Is that correct?

14 MR. SMITH: And what are you
15 describing as written training materials?

16 MEMBER BROOKS: Oh, I need him to
17 tell me that.

18 MR. SUNG: Right. So I asked Mr.
19 Smith if he had a program agenda that listed
20 out what he trained and he said he did not,
21 because he was -- he had concerns about
22 competitors who were taking his course

1 materials and then, you know -- you can
2 explain that.

3 MR. SMITH: If I can address that?
4 We have a course curriculum with an outline
5 and sub-topics and topics that I can certainly
6 forward to you. And I have done that in the
7 past for the Board and I'll get you one before
8 I leave today. Is that what you are looking
9 for, a curriculum of what is actually in it?

10 What we don't do, we no longer
11 create training guidebooks that are 40 and 50
12 pages long. We have a competitor in your town
13 that has used our book. We have competitors
14 around the country that are taking our
15 training, mocked it, knocked it off and they
16 are using it. So we no longer do that.

17 So the attendees come in and sit
18 and they can take notes. They can take screen
19 captures from our PowerPoint and they will get
20 a training curriculum and that's what I can
21 certainly send to you of what -- the topics
22 that are covered.

1 MEMBER BROOKS: Okay. If I'm a
2 new employee and you have trained me and a
3 month or so goes by and I want to, you know
4 something is fuzzy to me, go back over it
5 myself at home, sort of a home study, I do not
6 have a document from you that I can do that
7 with. Is that what you are saying?

8 MR. SMITH: Unless you took notes
9 as you would in any other mainstream course,
10 no. You can go on-line to our website and get
11 an even more comprehensive -- say you were
12 fuzzy on club drugs or narcotics or sexual
13 assault prevention or ID checking or even use
14 of force, you can go to our website and take
15 an on-line course at your own leisure and
16 expense and it would cover all of those
17 things, but we no longer offer a training
18 handbook because of plagiarism.

19 MEMBER BROOKS: Thank you, Madam
20 Chair.

21 CHAIRPERSON MILLER: Okay. Yes,
22 Mr. Short?

1 MEMBER SHORT: Yes. This is for
2 either of you. Mr. Sung, we know we had a
3 problem with weaponry in your club, and that's
4 before. Weaponry, the knife that was --

5 MR. SUNG: Sure.

6 MEMBER SHORT: -- alleged to be
7 used. What kind of training have your
8 employees received or are receiving regarding
9 weaponry in the club?

10 MR. SUNG: Do you want to address
11 that?

12 MR. SMITH: Well, I have got to
13 ask is there a definitive answer whether it
14 was a knife, a razor, a boxcutter or a piece
15 of glass, because I have tried to see the
16 reports and I haven't seen that they have even
17 discovered what the weapon was or retrieved
18 the weapon.

19 As a police officer for 20 years,
20 there are many other objects that could have
21 been used whether it was a knife or whatever
22 type of tool.

1 MEMBER SHORT: That's why I used
2 the terminology weaponry.

3 MR. SMITH: Correct. So our
4 training doesn't go into hand-to-hand,
5 physical take-downs, removal of weapons.
6 However, we do cover the 4th Amendment. We
7 cover door searches of bags, pat-downs,
8 searches for some other reason. I teach them
9 the word contraband, so they don't have to try
10 to figure out what -- whatever you don't want
11 in your venue is contraband.

12 You come across a knife, we talk
13 about procedures. You come across a
14 screwdriver, a boxcutter, an ice pick or
15 certain narcotics that aren't labeled, certain
16 drugs that aren't labeled, so we will talk
17 about a general screening at the door for
18 contraband and what they should and should not
19 do. And then we will talk about violent
20 subjects that are inside and what their legal
21 right is to do.

22 And, frankly, my training is for

1 the last 14 years that if you have someone
2 that is violently resisting you and you have
3 taken them down, and I believe it's much like
4 this case, you freeze, search them for that
5 weapon or lack of weapons and then walk them
6 out, because you don't want that guy when he
7 gets to the door, near the door, right outside
8 the door to pull that boxcutter out and slash
9 you.

10 From my understanding, this case
11 is classic of what we teach. And to be honest
12 with you, his employees when I gave the
13 scenario of hold this person down when they
14 are fighting, stop, relax, now search them for
15 weapons. We explained why they can, what they
16 should do and then walk them out, because
17 typically the drunk or the violent combatant
18 doesn't pull their weapon out in the middle of
19 the bar or club. They wait until they think
20 they can get away and they do it at the door.

21 And I believe in this case, he was
22 right outside the door when some sort of

1 weapon came out. So have we addressed that
2 with them? Absolutely, in depth. And it
3 wasn't just them, it's what we teach as a
4 matter of course.

5 MEMBER SHORT: Thank you. That
6 was a great answer. Thank you.

7 MR. ADAMS: Just to confirm from
8 our -- I think in our notes, it seems that
9 there was a knife, but I just wanted to make
10 sure that was on record. I wasn't at the
11 Status Hearing, so I --

12 CHAIRPERSON MILLER: Okay. This
13 is just a Fact-Finding. Mr. Smith, if
14 somebody pays for a course on-line, can they
15 get back into that course at a later time?
16 Like oh, I want to refresh my memory?

17 MR. SMITH: Of course, ma'am.

18 CHAIRPERSON MILLER: Yes.

19 MR. SMITH: And I would be happy
20 to send you all a no-cost voucher, so you
21 could really see what it is.

22 MEMBER SHORT: Thank you.

1 MR. SMITH: This is something that
2 is really new and unique to our industry and
3 you can take it on any device, from your
4 iPhone, your Android to your Tablet, to your
5 PC, any device, log-in/log-out. It's your
6 account.

7 One of the beautiful things about
8 it is we will give him the voucher. If he
9 chooses to, he can assign that voucher to Mr.
10 Brooks. He can then watch Mr. Brooks take
11 that course and see his progress on different
12 topics. If he sees that Mr. Brooks is
13 struggling on the use of force section, he can
14 now address that to him personally.

15 CHAIRPERSON MILLER: Yes, but my
16 question is like after you take the course,
17 you get your certificate, you have paid your
18 money. Can you at a later time because you
19 paid for the course and you have an account,
20 can you get back into the --

21 MR. SMITH: No.

22 CHAIRPERSON MILLER: No?

1 MR. SMITH: It's a compliant-based
2 course. And what we don't want to happen is
3 a smart, sharp manager or promoter to sign-up
4 for one course and then just get a bunch of
5 people in the room and keep showing it at
6 training at their establishment.

7 CHAIRPERSON MILLER: Okay.

8 MR. SMITH: And then they allege
9 that they were trained, but they weren't.

10 CHAIRPERSON MILLER: All right.
11 One other question on this. If you are taking
12 our course on-line, is there ever like you
13 could call somebody if you had a question in
14 particular?

15 MR. SMITH: 24/7.

16 CHAIRPERSON MILLER: You can,
17 okay. Good. All right. Other questions?
18 Okay. So thank you. So what we will expect
19 to just receive from you is the follow-up, a
20 list of employees, a list of the certificates
21 of those who took the training, the curriculum
22 and the attendees list.

1 MR. SMITH: And before I leave, on
2 my end, you will get what I can send you.

3 CHAIRPERSON MILLER: Okay.

4 MR. SMITH: Before I leave today.

5 CHAIRPERSON MILLER: Great. Thank
6 you. Okay. Any questions? Okay. So when
7 should we expect this, within a week do you
8 think or no?

9 MR. SUNG: It shouldn't be a
10 problem within the next day or two.

11 CHAIRPERSON MILLER: Okay. Great.
12 Thank you very much.

13 MR. SUNG: Okay. Thank you.

14 CHAIRPERSON MILLER: Okay.

15 (Whereupon, the Summary Suspension
16 (Status) Hearing in the above-entitled matter
17 was concluded at 10:49 a.m.)

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A	assign 24:9 assistant 7:5 Association 9:2 assume 11:2 attendance 9:7 attendees 6:12 18:17 25:22 attitude 8:3 average 15:19 16:9	C	combatant 22:17 come 6:7 18:17 21:12,13 comes 12:16 coming 6:9 company 10:3 12:11 15:16 competitor 18:12 competitors 17:22 18:13 complete 3:20 15:20 16:10,12 completion 16:7 Compliance 1:9 compliant-based 25:1 comprehensive 11:2 19:11 concerns 17:21 concluded 26:17 conducted 5:17 confirm 10:14 23:7 Conflict 8:2 Consultants 4:9 6:2 contact 6:6 contacted 6:4 contraband 21:9 21:11,18 Control 1:2,12,12 controlled 7:14 conversation 7:1,2 correct 17:12,13 21:3 counsel 6:11 15:8 counting 14:12 country 7:9 18:14 couple 6:5 9:3 course 14:18,21,22 15:5,6,7,9,21 16:10,12 17:22 18:4 19:9,15 23:4 23:14,15,17 24:11 24:16,19 25:2,4 25:12 courtroom 8:13 cover 19:16 21:6,7	covered 18:22 covers 11:8,13 create 18:11 Crime 8:4 curriculum 6:16 18:4,9,20 25:21
	B		D	
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