

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF:

| | |
|-----------------------------|---------|
| Ekho Events, Inc. | |
| t/a Echostage | Fact- |
| 2135 Queens Chapel Road, NE | Finding |
| Retailer CN - ANC-5C | Hearing |
| License No. 90250 | |
| Case #15-251-00031 | |

(Incidents of Unconscious
Patrons)

March 25, 2015

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

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

1:41 p.m.

CHAIRPERSON MILLER: Okay. Good
afternoon.

ALL: Good afternoon.

CHAIRPERSON MILLER: I am going to
call the Case No. 15-251-00031, Echostage
located at 2135 Queens Chapel Road, N.E.,
License No. 90250, in ANC-5C.

We are a quorum of three, so let me
see where my third person is. Here we go. All
right. We may have others coming to join as
well, but we have to at least have our quorum.

So this is a Fact-Finding Hearing,
what we call a Fact-Finding Hearing. Actually,
Chief Cathy Lanier asked us to hold this hearing
to explore a little bit about what happened at
your establishment, I believe, in which someone
was actually killed, somebody died with a fall
or something.

Okay. So first, I'm going to start
with asking you to put your names on the record

1 and who you are with respect to Echostage.

2 MR. KARAGOUNIS: Okay. My name is
3 Antonis Karagounis.

4 CHAIRPERSON MILLER: Okay.

5 MR. KARAGOUNIS: And I'm the owner
6 of the business.

7 CHAIRPERSON MILLER: Okay.

8 MR. KARAGOUNIS: To my right is Mr.
9 Andre de Moya.

10 CHAIRPERSON MILLER: Yes.

11 MR. KARAGOUNIS: Managing partner.

12 CHAIRPERSON MILLER: All right.

13 MR. KARAGOUNIS: To my left is Mr.
14 Matthew Cronin. He is a general manager. And
15 the gentleman right here is Arman Amirshahi,
16 that is a partner.

17 CHAIRPERSON MILLER: And what's his
18 position?

19 MR. KARAGOUNIS: Director of
20 Operations.

21 CHAIRPERSON MILLER: Operations.

22 Okay. So I just want to tell you it's not --

1 this is not like an evidentiary hearing or
2 anything. Nobody is under oath. We are not
3 going to take any -- we won't be taking any
4 action against you, you know, penalties or
5 anything for what you say, but you are on the
6 record. There is a transcript.

7 Sometimes what we learn in a
8 hearing, we may then send an investigation
9 report to Office of the Attorney General to
10 prosecute if they so choose. But where we are
11 at this stage, honestly, is just wanting to find
12 out more what happened and how you operate and,
13 you know, if there are certain issues related to
14 what happened that are being worked on or
15 anything like that.

16 I expected an MPD witness, since
17 they asked for the hearing to begin with, but I
18 don't know that one is coming. They are not
19 here at this point. So basically, anything that
20 you want to tell us about that incident and also
21 Board Members may have questions for you in
22 general.

1 So this is just -- go ahead.

2 MR. DE MOYA: Okay. Well, thank you
3 for your time. Basically, you know, we are here
4 to answer any questions --

5 CHAIRPERSON MILLER: Okay.

6 MR. DE MOYA: -- that you would
7 have. I think we have read the report. I think
8 the report pretty much speaks for itself, but we
9 are, obviously, more than here -- happy to
10 answer any questions. I will definitely -- I
11 was present at the incident. I know Matthew
12 Cronin, who is our general manager, he was also
13 present. He is the one in the report as well.

14 So I think any questions that you
15 want to direct towards us, we will take and go
16 from there.

17 CHAIRPERSON MILLER: Okay. Does
18 anybody want to start off with questions here?

19 MEMBER ALBERTI: Okay. I'll start.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER ALBERTI: And I'm not sure
22 where to start, so I'm going to just start with

1 this one incident report about the unfortunate
2 incident where the person went over the railing.
3 All right. And maybe that will lead into other
4 questions. Okay.

5 This is kind of a broad question,
6 but have you examined what went -- all right,
7 well, let me preface this. I understand that
8 you have events there that draw young crowds
9 that will engage in risky behavior. I get that.
10 We all know that. All right. Let's be honest
11 with each other. All right.

12 And so I say that because you have a
13 responsibility to recognize that and to maybe
14 take extra measures to make sure that everyone
15 is safe there. We can't hold you accountable
16 for someone who does something before they get
17 to your club, all right, and comes in, you know.
18 I've been young once, I know, and they do
19 things. They take risks.

20 All right. But I can hold you
21 accountable for kind of examining your operation
22 and making sure that you have done everything to

1 make it as safe as possible, recognizing what is
2 going on with the crowd there.

3 So have you examined what happened
4 here and have you thought about what could be
5 done differently? I mean, this was up on a
6 balcony, was it? Do you want to talk about this
7 a little bit?

8 MR. DE MOYA: Mr. Alberti, I guess
9 the question were for the whole Board, did any
10 of you guys get a chance to review the tape of
11 the incident that we have on our -- we gave it
12 to --

13 MEMBER ALBERTI: No, we didn't.

14 CHAIRPERSON MILLER: No.

15 MR. DE MOYA: Okay.

16 CHAIRPERSON MILLER: We haven't seen
17 it.

18 MR. DE MOYA: So I mean, with all
19 due respect to speak about that, this was
20 something that, you know, I think we have a
21 pretty good plan in action, but basically, a
22 gentleman was sitting at a table. He literally

1 stood up, threw an ice bucket over a railing and
2 jumped over the railing. No provocation, no
3 anything else. I mean, it's clear as day on the
4 tape that we have that we provided the night of.

5 CHAIRPERSON MILLER: Okay.

6 MR. DE MOYA: We gave it to the
7 police 15 minutes after it happened. And it was
8 just a very unfortunate tragic incident. I
9 mean, it was something that, you know, if you
10 were at a Verizon Center basketball game and
11 someone just decided to -- be up in the balcony
12 and decided to just jump because there was no
13 prewarning, there was no anything.

14 He was literally sitting on a couch
15 within, you know, 15 -- you know, we had watched
16 the tape for a little while. He was enjoying
17 himself. It didn't seem like he combatted with
18 anyone at the table, combatted with any
19 situation. Not a fight with his girlfriend.
20 Any sort of thing that might be provocation, but
21 literally just stood up and jumped across.

22 So, you know, and I think we took

1 all the steps that are all laid out in the
2 report. But you know, I don't know what else we
3 could have done, at that point.

4 MEMBER ALBERTI: Have you -- so
5 nothing comes to mind as to what you could have
6 done? I mean, I don't want to run your
7 business, but, and I didn't see the tape and I
8 don't know your club that well, would it be
9 beneficial to have a security person kind of
10 monitoring the railings of the balcony and that
11 sort of -- I mean, is there something that you
12 can do proactively --

13 MR. DE MOYA: Of course.

14 MEMBER ALBERTI: -- knowing that it
15 may not be a sole event.

16 MR. DE MOYA: One of the things that
17 after this event or just in general, it's not a
18 specific event, that we are always constantly,
19 you know, with Matt's suggestions and our
20 suggestions it's when we are there, we are
21 always constantly trying to fine tune it. Our
22 number one focus is to make the building and the

1 venue and the patrons safe.

2 MEMBER ALBERTI: Right.

3 MR. DE MOYA: So once we did and
4 Matt can, you know, further -- go ahead.

5 MR. CRONIN: Well, if I may, there
6 were two security personnel within 10 to 15 feet
7 of the patron at the time. I mean, it was that
8 rapid he was seated and within two seconds ran
9 forward and jumped. So there were security
10 personnel within -- I mean, from the distance
11 that I am to you right now, that's how close
12 they were.

13 MEMBER ALBERTI: Okay.

14 MR. CRONIN: They actually witnessed
15 it and they were on the scene downstairs within
16 seconds. So it was -- I think just to elaborate
17 upon what Mr. de Moya said, it was lightening
18 quick, literally how fast it happened. So there
19 were security personnel monitoring that section.

20 And if you look at, I guess, the
21 report, that kind of stated what we had in place
22 as far as security prevention.

1 Just to kind of walk you through it,
2 the steps that we do take as we are aware of,
3 you know, young people do engage in risky
4 business. I mean, all liquor establishments
5 have to admit that and take proper steps.

6 So at the door, firstly, if anyone
7 seems intoxicated or out of sorts so to speak,
8 they are not allowed entry to the establishment.
9 They are turned away at the door. That is a
10 frequent, frequent thing. They do not come in.
11 MPD can witness to that as we always have our
12 RDO in place, which is another security
13 prevention. We are not required to have them,
14 but for everyone's safety and the benefit of the
15 business, as well as the patrons, we have
16 decided that's a true course of action.

17 Once they walk up to the front door,
18 they are searched by our security personnel.
19 Our security personnel received a lot of help
20 from MPD when we first opened on what proper
21 searches should be done. And since then have
22 actually been engaged by local festivals and

1 large events to help train their security and
2 staff on how to properly search. So they are
3 excellent at searching.

4 Once they are searched -- that's
5 everybody. That's whether you have a seated
6 table for the evening, that's for if you are 40
7 or if you are, you know, 21, you are searched
8 when you walk up to the door.

9 We are a ticketed concert venue,
10 which means no one walks in without, you know, a
11 ticket, etcetera. There is only one entrance.
12 We keep track of every single person that comes
13 in that door, because we have to for our
14 ownership and promoters.

15 Once they are inside, we have 50
16 security personnel, that may seem high to some
17 people, but the reason we have that is because
18 we have different seated sections. We have
19 different stairwells. And because we are a
20 concert venue, we have areas that due to the
21 artists' needs are off limits, so they are
22 almost in a lot of ways some of them are more

1 chaperons and there just to kind of direct
2 people, keep an eye on everything.

3 And then we have a program that we
4 started when we opened which was an EMT Program.
5 We have a first aid room. We keep two to four
6 EMTs on staff. They have different uniforms and
7 red shirts that identify them as EMTs. Every
8 single security personnel as well as management,
9 we usually run four to five managers, everyone
10 has a radio on them for communication. So if we
11 have a problem, we can have them on the scene
12 momentarily.

13 Where this incident took place,
14 security had a perimeter around it and an EMT
15 was there within 30 seconds.

16 So we are always open to insight and
17 we are always looking for help from anybody to
18 always improve our business and the security and
19 safety of the patrons, but we have been, you
20 know, actively working this last year to get
21 better and better every day.

22 We have 50 cameras in place. So

1 actually the night of this incident, within
2 moments of the responders from MPD as well as
3 ABRA we were able to show them a clear video and
4 give them a copy, you know, almost
5 instantaneously of exactly what happened. And
6 we continue to work on that system. We continue
7 to add cameras, but we think it's a really,
8 really solid state-of-the-art system.

9 So that's just kind of like an
10 overview of some of the steps we have taken.
11 I'm sure I missed a couple that maybe Mr. de
12 Moya wants to elaborate on, but that's just some
13 of the things we do to try to keep everyone
14 safe.

15 MEMBER ALBERTI: Okay.

16 MEMBER RODRIGUEZ: Yes, sir. Tell
17 me what you know about the victim. I don't know
18 if he was a victim, but, you know, the
19 gentleman. What do you know about him?

20 MR. CRONIN: Personally, not a whole
21 lot. I really don't. I know he was a young
22 gentleman. I know he was there with friends

1 that evening. From what I witnessed, the ABRA
2 and MPD representatives interviewing his
3 friends, his group. The tables around his
4 section -- he was at a table section. So it
5 wasn't crowded. There wasn't a lot of people
6 around him. He was sitting alone.

7 All of them were -- all of the
8 tables around them as well as his table were
9 kept for questioning, so I noticed that he had -
10 - you know, was there with friends, young
11 friends.

12 MEMBER RODRIGUEZ: Yes.

13 MR. CRONIN: And truthfully, I don't
14 know a whole lot about this person.

15 MEMBER RODRIGUEZ: So has he ever
16 been a client of yours before? A customer of
17 yours before?

18 MR. CRONIN: I'm not positive to be
19 honest. I don't know.

20 MEMBER RODRIGUEZ: You're not sure.
21 Okay.

22 MR. CRONIN: I don't personally like

1 recognize him. I have never seen him --

2 MEMBER RODRIGUEZ: Right.

3 MR. CRONIN: -- come in before.

4 MEMBER RODRIGUEZ: Anybody else?

5 MR. DE MOYA: No, I didn't recognize
6 him as a regular patron.

7 MEMBER RODRIGUEZ: Okay.

8 MR. KARAGOUNIS: He was with his
9 sister, that I know, because she kept on asking
10 about information after the incident because
11 they took him to the hospital. So she kept on
12 asking all the security and the police and that
13 was his sister, but I don't know her either.

14 MEMBER RODRIGUEZ: And the person
15 who was waiting on him, does he --

16 MR. KARAGOUNIS: The cocktail
17 waitress?

18 MR. DE MOYA: The cocktail waitress
19 had never seen him before.

20 MEMBER RODRIGUEZ: Never seen him
21 before.

22 MR. CRONIN: He was from Delaware.

1 MR. DE MOYA: Correct.

2 MR. CRONIN: As it states on the
3 report he was from Delaware.

4 MEMBER RODRIGUEZ: Okay. Okay.
5 Now, that's a very unusual incident to happen
6 and it happened in a club. So you used the word
7 earlier, did you say out-sourced?

8 MR. DE MOYA: Not that --

9 MEMBER RODRIGUEZ: Did you use the
10 word out-sourced or like maybe too heavy on
11 drugs or something like that? Not that he was,
12 but you used a term that you checked for people
13 who are--

14 MR. CRONIN: Out of sorts.

15 MR. DE MOYA: Out of sorts.

16 MEMBER RODRIGUEZ: Out of source?

17 MEMBER ALBERTI: Out of sorts.

18 MEMBER RODRIGUEZ: Out of sorts,
19 okay. I just wanted -- I didn't -- out sourced,
20 out of sorts. Okay. I gotcha.

21 MR. CRONIN: Sometimes people would
22 appear like that, sometimes people -- you know,

1 all of our staff is TIPS trained. We do it like
2 every six months.

3 MEMBER RODRIGUEZ: Yes.

4 MR. CRONIN: So they are trained to
5 identify signs of intoxication. But sometimes
6 people can just act off, weird and usually we
7 pull them to the side and ask them what is going
8 on. We are very, very cautious with who enters
9 the building.

10 MEMBER RODRIGUEZ: Yes.

11 MR. CRONIN: Is what I meant by
12 that.

13 MEMBER RODRIGUEZ: What age range
14 was this person about?

15 MR. CRONIN: Well, he was in a 21
16 and up area, so he was over 21, that's all --

17 MEMBER RODRIGUEZ: Over 21.

18 MR. DE MOYA: He was, for the
19 record, 22.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER RODRIGUEZ: 23?

22 MR. DE MOYA: 22.

1 MEMBER RODRIGUEZ: Okay. Okay.
2 That's all I have right now.

3 CHAIRPERSON MILLER: Mr. Short?

4 MEMBER SHORT: Good afternoon. The
5 railing in the area on the balcony or the
6 mezzanine where he fell from, what is the exact
7 height of that?

8 MR. CRONIN: We can bring that up.

9 MR. DE MOYA: Yes, let me just
10 double check that. I'll get it up. If you have
11 any further questions, we can look that one up.

12 MEMBER SHORT: You know, most of my
13 questions are going to be along that. I would
14 just like to know what the Building Code says
15 about how high it has to be. Are you in
16 compliance?

17 MR. CRONIN: That I do know we are
18 in compliance. It's -- whatever the number is
19 and I'm going to pull it up, it's 4 inches above
20 the Building Code.

21 MR. DE MOYA: I think it's 42. Let
22 me get --

1 MR. CRONIN: He is going to confirm,
2 but I think the Building Code is 42 and ours are
3 46 inches. So let me just double check to check
4 on that.

5 MEMBER SHORT: And when that was
6 built, that was under the BOCA Code or under the
7 National Building Code?

8 MR. DE MOYA: From my understanding,
9 I'm not a builder, but, I think it was the
10 National Building Code.

11 MEMBER SHORT: And I guess it's just
12 a little bit different when you have people that
13 are drinking alcohol or are impaired in some way
14 and you have to run a place. If it was for a
15 non-alcoholic theater or something, you probably
16 wouldn't need the -- have to be as tight as you
17 would need it for where people are impaired. Do
18 you want to address that?

19 MR. KARAGOUNIS: What I do know from
20 the tape, because we watched the tape that night
21 and later, he didn't just jump over. He put his
22 one foot on one of the, I guess, railings that

1 connect everything and then the other foot over
2 the top railing and jumped.

3 MR. CRONIN: He like climbed onto
4 the top and jumped.

5 MR. KARAGOUNIS: And that, you know,
6 if you were to jump, that was a little bit eye-
7 opening to me because when you jump even from
8 this table, you actually look down to see where
9 you will land. It appears that he didn't even
10 care. He just stepped and just jumped out
11 without even looking. I've never seen that.

12 MEMBER SHORT: Did he appear to be
13 impaired in any way?

14 MR. KARAGOUNIS: No. He was sitting
15 down at his table. He start clapping and then
16 he got up, threw a bucket of ice over the
17 railing, stepped over and jumped. I have never
18 seen anything like that.

19 MR. AMIRSHAHI: All of this was
20 within seconds.

21 MR. KARAGOUNIS: Seconds.

22 MR. AMIRSHAHI: I mean, if you want,

1 I don't know if it's appropriate for now, but we
2 have it on our phone to show you, but I thought
3 maybe you guys had seen the video, but it
4 happened in seconds and just really the camera
5 was facing him. He was literally sitting at the
6 -- at his table. Within a second, he threw the
7 bucket up and then got on top and literally
8 jumped.

9 MEMBER RODRIGUEZ: Anyone can answer
10 this question. I know as business owners it
11 might be a little touchy, but this is for -- be
12 as truthfully as you possibly can be without
13 causing yourself any damage. If you knew
14 someone in your establishment that was -- had
15 drugs on them or was known to be a drug person
16 or you had any idea about his reputation or --
17 how would you deal with that?

18 MR. DE MOYA: Well, I think first
19 and foremost, we have a zero tolerance policy
20 for drugs in our establishment. So that's just
21 a blanket statement. However, you know, we are
22 also realistic like Mr. Alberti said, you know,

1 we also understand that there is people that
2 might be able to sneak in something that, you
3 know, is not whatever.

4 So some of the things that we have
5 done to implement, we have certain areas that,
6 you know, it's a pretty open space as a
7 building, so we have roving teams of our
8 security officers looking for, you know,
9 potentially, you know, suspicious activity. You
10 know, patrons passing money or, you know, bags
11 of stuff or anything. So we monitor for that.

12 If we catch someone doing that, we
13 immediately contact our RDO who is, you know,
14 there when we are open. And they make a
15 decision as a police officer to handle the
16 situation. So I mean, that has been something
17 that we have done.

18 We have actually reached out to --
19 we have an incident report that I can show you
20 guys from -- and it was sent to ABRA, so you
21 guys might have a copy. If you don't, I can
22 give it to you to take a look at it. We

1 contacted the Vice Department at 5D and, you
2 know, they setup multiple stakes in the past and
3 we have invited them to come whenever they want
4 to come to help, you know, control if they see
5 someone or if they know something about
6 anything. So we have done that as well.

7 MEMBER SHORT: Okay.

8 MR. DE MOYA: And you know, like I
9 said, if you want the report I would be more
10 than happy to give you guys a copy of it. I'm
11 pretty sure --

12 CHAIRPERSON MILLER: We should have
13 it. Yes.

14 MR. DE MOYA: You have it?

15 CHAIRPERSON MILLER: We should have
16 it. I don't know if we have it in front of us,
17 but --

18 MR. KARAGOUNIS: Before this one.

19 MR. DE MOYA: Oh, and that's before.
20 We have had that --

21 CHAIRPERSON MILLER: Oh, okay.

22 MR. DE MOYA: -- in place for since

1 -- pretty much since we were open. I would say
2 within three to six months.

3 MEMBER SHORT: Well, would it be
4 possible to provide the Board the current report
5 with the information?

6 MR. DE MOYA: The report? Sure. No
7 problem.

8 CHAIRPERSON MILLER: Yes, there is
9 no one here to -- oh, yes, there is, Dee-Dee.
10 Okay. Okay.

11 MEMBER SHORT: This might not go
12 there. Maybe someone has asked this question
13 before I came out. What is the capacity of your
14 establishment?

15 MR. DE MOYA: 2,000 people, sir.

16 MEMBER SHORT: How many in the
17 balcony area?

18 MR. DE MOYA: The balcony area is
19 approximately 500.

20 MEMBER SHORT: So 1,500 downstairs?

21 MR. DE MOYA: Yes.

22 MEMBER SHORT: Balcony is upstairs?

1 MR. DE MOYA: Correct.

2 MEMBER SHORT: How many security do
3 you have downstairs versus upstairs?

4 MR. DE MOYA: It varies upon the
5 night depending upon how many tables we have
6 sold for the evening, but, you know, pretty much
7 we have a roving team of anywhere between 45 to
8 55 security, police officers. You know, they
9 are not --

10 MEMBER SHORT: Security personnel?

11 MR. DE MOYA: -- police. Excuse me,
12 security personnel --

13 MEMBER SHORT: Yes.

14 MR. DE MOYA: -- on-site. So
15 depending upon, you know, if there is more
16 people that kind of that kind of matriculate
17 upstairs, we adjust accordingly.

18 MR. KARAGOUNIS: We do have teams of
19 dedicated security guys that are actually
20 upstairs that can monitor the area around them,
21 but they can actually see what is going on
22 downstairs, because you can see better from up

1 high and if there is an issue, you can call for
2 the rovers and go to the specific area.

3 MEMBER SHORT: And you have been
4 open how long?

5 MR. DE MOYA: Two and a half years.

6 MR. KARAGOUNIS: Two and a half
7 years.

8 MR. DE MOYA: September 2012, sir.

9 MEMBER SHORT: And looking at your
10 investigative history, I see 11 incidents.

11 MR. DE MOYA: Yes.

12 MEMBER SHORT: Are you familiar with
13 the investigative history in the back of the
14 investigator's report?

15 MR. DE MOYA: Yes, sir. I had --
16 did review all those and as I reviewed them, I
17 did notice that most of them were NFA. They
18 were all NFA. For example, there are other
19 clubs in our area. So a lot of times, you know,
20 there is -- Stadium Club is right next door to
21 us. The Scene is down the block. I'm not
22 saying that they are all related to us or they

1 are not related to us, but whenever they have
2 been investigated and we have shown them, you
3 know, any of your Investigators the tapes or the
4 incident reports that we have, maybe that's why
5 they were NFA. But you know, yes, I'm fully
6 aware of this.

7 MEMBER SHORT: Thank you very much.
8 That's all I have right now. Thank you. Thank
9 you. That's all I have.

10 CHAIRPERSON MILLER: Okay. Mr.
11 Brooks?

12 MEMBER BROOKS: Thank you, Madam
13 Chair. Who called the police?

14 MR. DE MOYA: For this incident?

15 MEMBER BROOKS: Yes.

16 MR. DE MOYA: I did.

17 MEMBER BROOKS: You did?

18 MR. DE MOYA: Yes, sir.

19 MEMBER BROOKS: Okay. And what
20 about the ambulance? Did you also call or do
21 they --

22 MR. DE MOYA: Per instruction from

1 the -- I just feel safer talking to the police.

2 MEMBER BROOKS: Yes.

3 MR. DE MOYA: For them to call,
4 because I would think a police officer calling
5 an ambulance is faster than a business owner
6 calling it.

7 MEMBER BROOKS: Okay. And when a
8 person jumped, they did not obviously fall on or
9 jump on anyone or hit anyone as they landed? Is
10 that --

11 MR. DE MOYA: From what we say,
12 because like I said it happened so fast.

13 MEMBER BROOKS: Yes.

14 MR. DE MOYA: You know, there were
15 some people down on the floor. We didn't see it
16 direct, like it happened to anybody when he
17 fell. We do know that he threw a bucket off of
18 the balcony prior to him jumping. It was all
19 like within one fail swoop. And one gentleman
20 did have an abrasion on his like -- kind of
21 right on his head of the bucket.

22 MEMBER BROOKS: Yes.

1 MR. DE MOYA: He said, the patron
2 said, I think I got hit by a bucket. So we, you
3 know, immediately took him into the EMT room and
4 had him, you know, taken care of. And you know,
5 when that incident all happened, we immediately-
6 - you know, our EMTs were brought to the scene.
7 Obviously, they said it was a very, you know,
8 traumatic head injury.

9 I immediately went to the RDO
10 officer and said hey, we have a traumatic, you
11 know, head injury. I need an ambulance ASAP.
12 He immediately called. He came in and saw the
13 situation. Actually the RDO officer, his name
14 is Baris, Officer Baris I think, he is a former
15 EMT, so he along with our EMTs said hey, we're
16 going to cordon off the area, you know,
17 stabilize this gentleman and wait for an
18 ambulance.

19 MEMBER BROOKS: Okay. And you
20 indicated that the gentleman who jumped was at a
21 table?

22 MR. DE MOYA: Sure.

1 MEMBER BROOKS: With other folk,
2 obviously.

3 MR. DE MOYA: I'm sorry?

4 MEMBER BROOKS: With other people.

5 MR. DE MOYA: Yes, sir.

6 MEMBER BROOKS: At a table. Okay.
7 Did anyone question -- I'm assuming the police
8 did that.

9 MR. DE MOYA: Yes.

10 MEMBER BROOKS: Question, you know,
11 his friends and who he was with to get any
12 indication of what prompted him to do this?

13 MR. DE MOYA: Well, once again, as
14 the establishment, we were more focused on his
15 safety. And when the police came in, they said
16 we are going to take care of interviewing the
17 staff, so we -- you know, they said we will take
18 care of that. So I was just more concerned with
19 -- my number one priority was to get him --
20 obviously, he jumped, so our number one priority
21 was to get him out of the building.

22 MEMBER BROOKS: But you never got

1 any feedback from the police after they talked
2 with his friends?

3 MR. CRONIN: Limited feedback.

4 Really not much. The friends didn't say much
5 truthfully. I mean, what we did was we cordoned
6 off the area and then we spoke with the police
7 captain that showed up, shut down the show, so
8 we could exit everyone properly so the
9 investigation could proceed.

10 But they spoke with the friends.

11 Like we didn't really -- they were there so
12 quickly, we had the RDO outside. They put their
13 call and within minutes officers were
14 responding, medical personnel. So our job
15 really was more just crowd control. We didn't
16 interact with the patrons too much that were
17 being interviewed. I don't know if it would
18 have been considered prudent for us to do so
19 anyhow.

20 MEMBER BROOKS: Yes, okay.

21 MR. KARAGOUNIS: Also just for the
22 record, the table, I believe, behind the

1 specific table was held for an extra hour, hour
2 and a half for -- to investigate what happened.
3 Because there were two tables?

4 MR. CRONIN: There were three tables
5 that were there.

6 MR. KARAGOUNIS: Oh, okay. Three
7 tables. Okay. I just saw the one behind. So
8 they immediately blocked off the whole area and
9 they kept every -- the police kept everybody
10 there to investigate what happened.

11 MEMBER BROOKS: I see.

12 MR. KARAGOUNIS: So they have
13 reports from everybody around him.

14 MEMBER BROOKS: Okay. All right.
15 Thank you, Madam Chair.

16 CHAIRPERSON MILLER: You're welcome.
17 Okay.

18 MEMBER RODRIGUEZ: Sir?

19 MR. DE MOYA: I was just --

20 CHAIRPERSON MILLER: No, wait a
21 second.

22 MEMBER RODRIGUEZ: Oh, I'm sorry.

1 CHAIRPERSON MILLER: You have a
2 further comment on that?

3 MEMBER RODRIGUEZ: No, just --

4 MR. DE MOYA: I was just going to
5 add just to say that, you know, throughout these
6 years that you have seen us, you know, we have
7 taken a lot of the precautions that we needed to
8 make sure we have enough security people. The
9 cameras that we have had and our security
10 manual. When we first opened it was 17. We now
11 have double of that just to make sure we get
12 blind spots and thank God for this incident at
13 least we had the recording of that table.

14 So a lot of the suggestions that I
15 have heard for years from Mr. Alberti and many
16 of you up there about cameras and blind spots
17 and all, just to be overcautious has helped and
18 definitely the detail there. Even though we are
19 in the middle of Stadium and Scene is a whole
20 other issue.

21 We deal with a lot of that during
22 the block of dealing with stuff there, but we --

1 it has definitely helped us with having the
2 police detail. It has definitely helped us in
3 having the people helping and assisting our
4 program and being positive about it and
5 assisting us with not -- people now get the idea
6 they can't bring illegal substances to the
7 establishment. They are knowing that you're not
8 going to get away with it. You will get
9 arrested.

10 So all those things that we have
11 implemented plus the suggestions you guys have
12 done throughout the years has been helpful.

13 CHAIRPERSON MILLER: Did you have a
14 question?

15 MEMBER RODRIGUEZ: No. I was just
16 kind of, you know, curious that somebody is dead
17 that was in somebody's establishment. I would
18 kind of like to know a little bit more about
19 that person. Was that person ill? Did he have,
20 you know, problems? Because I know it's not
21 always something that you can do as an
22 establishment, but it's just my own

1 interspection, that's all, that I would know a
2 little bit more about, you know, the person.

3 MR. KARAGOUNIS: Can I answer that?

4 CHAIRPERSON MILLER: Sure.

5 MR. KARAGOUNIS: The family wanted
6 to kind of be left alone.

7 MEMBER RODRIGUEZ: Okay.

8 MR. KARAGOUNIS: And there was a
9 story that came out from the family that the
10 bucket was rolling over the table and the
11 railing and the kid was a hero because he jumped
12 to protect the people underneath him.

13 MEMBER RODRIGUEZ: Yes.

14 MR. KARAGOUNIS: Now, we have the
15 tape. We know what happened. We just felt like
16 if that's the way they want to remember, that's
17 not up to us.

18 MEMBER RODRIGUEZ: Yes.

19 MR. KARAGOUNIS: If that makes
20 sense.

21 MEMBER RODRIGUEZ: So you did take
22 an interest in the person and then you were

1 limited by the family and all that kind of
2 thing. I'm just curious, that's all.

3 MR. DE MOYA: No problem.

4 MR. KARAGOUNIS: And, Matt, you
5 talked with the sister, did you not, or you
6 reached out to a friend?

7 MR. CRONIN: A friend did reach out
8 to us afterwards who was actually at that table
9 that night. And he said thank you for all your
10 help. You guys were wonderful. You guys did a
11 great job. You know, the family wanted to let
12 you know you guys did a wonderful job, etcetera.
13 They really appreciate the help you did. I
14 don't think he passed away because, I think in
15 large part, of the immediate response by the
16 EMTs and security that were there.

17 He didn't pass until I believe late
18 the next day.

19 MEMBER RODRIGUEZ: Yes.

20 MR. CRONIN: So I think the family
21 at least got a chance to go and spend some time
22 with him, but he had suffered severe head trauma

1 from his jump. So it was pretty bad to begin
2 with, but they at least got some time to be with
3 him.

4 MEMBER RODRIGUEZ: Sure.

5 MR. CRONIN: So they did reach out
6 through a friend during like their grieving
7 process and said thank you.

8 MEMBER RODRIGUEZ: Okay. Okay.
9 Thanks. That's all I have.

10 CHAIRPERSON MILLER: Okay. And I
11 was just thinking prevention. I don't know
12 whether-- I mean, I don't know if it would help
13 you or not whether you thought about to
14 determine whether this jump was a result of a
15 suicide or was the result of drugs, whether that
16 is information that would be useful to you to
17 decide what other preventive action in the
18 future you might take?

19 For instance, I don't know what your
20 club looks like, but I know that, you know, on
21 some bridges they have, you know, ended up
22 putting some more railings up to make it higher

1 and I don't know whether that is something, you
2 know, that is worth considering or not. I have
3 no idea. I have no idea what your place looks
4 like.

5 And my other question is have there
6 been any other incidents related to the balcony
7 where people have gotten hurt or no?

8 MR. DE MOYA: This is the first time
9 anything like that happened. Once again, on
10 anything and I'm not trying to take away from
11 this incident, but every night when we have no
12 problems --

13 CHAIRPERSON MILLER: Right.

14 MR. DE MOYA: -- we are always
15 looking at different ways could we have done
16 this better? Could we have done that better?
17 Obviously, when this happened, that was the
18 question we had and we viewed everything in our
19 minds and we have never had an issue with that.

20 So one of the things potentially we
21 have done is, as Matt mentioned earlier, there
22 was a security guard from here to there,

1 comparatively speaking, so we have posted up, in
2 general, not all -- at every single table, but
3 so they can kind of monitor more of an area than
4 with their backs to the railing, so they are
5 watching the clients instead of -- you know, and
6 being actually in the table section.

7 CHAIRPERSON MILLER: Right.

8 MR. DE MOYA: Once again, if you
9 are-- if you guys went to a show, for example,
10 to watch an artist, I mean, are you going to
11 feel comfortable with a security guard standing
12 at your -- in your section? I mean, you know --

13 CHAIRPERSON MILLER: Right.

14 MR. DE MOYA: -- we try to be as --
15 you know, we want people to enjoy themselves.
16 At the same time, we still want to protect their
17 safety as well. So it is kind of, you know, a
18 balance that we are always trying to continually
19 work on.

20 CHAIRPERSON MILLER: I mean, also,
21 do you have to look over the balcony to see some
22 shows or you couldn't make the balcony that high

1 anyway?

2 MR. CRONIN: The balcony, I mean, I
3 wish we had the veil, obviously.

4 CHAIRPERSON MILLER: Right.

5 MR. CRONIN: But to try to answer a
6 million questions --

7 CHAIRPERSON MILLER: Right.

8 MR. CRONIN: -- and it sounds so
9 bizarre. And it really was just bizarre to
10 watch, obviously.

11 CHAIRPERSON MILLER: Yes.

12 MEMBER RODRIGUEZ: Yes.

13 MR. CRONIN: But like I'm 5'10" and
14 the railing is almost up to here on me.

15 CHAIRPERSON MILLER: Okay.

16 MR. CRONIN: He literally, like Mr.
17 Karagounis said, had to get a foot up and climb
18 over to jump. It was like one motion. It
19 wasn't -- you can't just fall over and he --

20 CHAIRPERSON MILLER: Okay.

21 MR. CRONIN: -- cleared it with his
22 legs over and jumped. So it was bizarre.

1 MR. AMIRSHAHI: And it was so crazy.
2 I mean, thank God that the video was working and
3 could see the incident, because otherwise it
4 sounded crazy, you know. And again, having the
5 video helps.

6 CHAIRPERSON MILLER: Right, right.

7 MR. AMIRSHAHI: To have when the
8 police even came to look at it, they were just -
9 - and I'm sure they see things a lot crazier.
10 That's as crazy as I have ever seen. And they
11 just looked at it and it was like okay, you
12 know, and just walked out, because they couldn't
13 believe it. There was nothing you could have
14 done. It was just split second. He was just
15 sitting there. Throwing the bucket and jumping
16 over the top.

17 CHAIRPERSON MILLER: Okay. And you
18 have now changed the security placements so they
19 are actually looking at people who would be
20 coming down?

21 MR. CRONIN: They were looking that
22 night at the -- they were facing the area. They

1 face all the areas, but we had them put
2 additional people. I think we agreed to just
3 put more people upstairs just extra, extra,
4 extra.

5 CHAIRPERSON MILLER: Okay.

6 MR. CRONIN: Because you know, it
7 was just so out in left field and nobody seen it
8 coming. But to answer your question to come
9 before it, as far as like trying to figure out
10 what was going on with this patron, it's a
11 better -- I mean, we -- like I said at the door,
12 we tend to assume the worst.

13 CHAIRPERSON MILLER: Yes.

14 MR. CRONIN: You kind of have to
15 with every single patron that walks up to the
16 door. So every single one is evaluated and
17 again, that's the benefit of having the EMTs on-
18 site because we don't know. I mean, truthfully
19 like we kind of can tell. I can tell if someone
20 is intoxicated, those are obvious signs. But as
21 far as speaking to drug use or anything like
22 that that they did before they walked up to the

1 door, the EMTs are super helpful.

2 And we do actually have an EMT that
3 stands at the entrance line at the beginning of
4 the night when everyone is coming in to help
5 evaluate those sort of things.

6 So it's -- we are doing everything
7 we can and everything we possibly can to
8 identify any kind of issues with patrons before
9 they enter and if they are in the building.

10 CHAIRPERSON MILLER: So you use EMTs
11 to evaluate if someone is out of sorts because
12 they are on drugs? They can do that?

13 MR. CRONIN: Sometimes. Maybe if
14 they -- sometimes I have seen them check
15 people's pupil dilation, all kinds of things.

16 CHAIRPERSON MILLER: Yes.

17 MR. CRONIN: Again, I'm not an EMT.

18 CHAIRPERSON MILLER: Okay.

19 MR. CRONIN: I mean, just an extra
20 set of eyes, maybe they catch something that we
21 don't catch. You know, like I said, inebriation
22 is easy to catch.

1 CHAIRPERSON MILLER: Right.

2 MR. CRONIN: Speaking to a new
3 guest, I mean, that's a little bit trickier and
4 we're doing the best we can always.

5 CHAIRPERSON MILLER: There were some
6 sick persons to the hospital, I guess, listed on
7 your investigation. Do you remember what those
8 referred to?

9 MR. CRONIN: Some of them. If you
10 were to be speaking from like the management
11 point and the ownership, the ownership has been
12 very lucky to do well with their concerts. So
13 our marching orders from day one were we are
14 going to zero tolerance. We are going to attack
15 any issues that walk in this door in every
16 possible way.

17 So we don't take chances. We would
18 rather have a report come before the Board that
19 says we transported someone. The report comes
20 to say we didn't transport someone. So that's -
21 - the EMTs are always there for anything. If
22 their vitals are even off slightly, anything, it

1 could be a bottle, you know, we call a
2 transport. It's just a better safe than sorry
3 policy for us as well as the patrons' safety.

4 So we are constantly, constantly,
5 you know, checking people's health. And if
6 there is any incidents, we call an ambulance.
7 We would just rather be on that side of it, than
8 have to deal with anything else.

9 So we did over 100 concerts the last
10 couple of years. So however many transports are
11 there listed, is --

12 MR. DE MOYA: I think based upon
13 what I see and there is three transports of sick
14 person to the hospital out of the three -- two
15 and a half years that we have been open. You
16 know, I mean, it has happened. And I don't
17 remember specifically the report. I can show
18 you all.

19 CHAIRPERSON MILLER: Okay.

20 MR. DE MOYA: But you know, because
21 someone was, you know, maybe too drunk or didn't
22 feel well and they said well, we need to go to a

1 hospital and we want an ambulance. We say no
2 problem. We have EMTs on detail. Just, you
3 know, bring them in and let them evaluate it,
4 put it in the professionals' hands when it comes
5 to people's health and safety, so that's what we
6 do.

7 CHAIRPERSON MILLER: Okay.

8 MR. CRONIN: Sometimes people just
9 need a glass of water and just need to sit for a
10 minute and get themselves together. We find
11 their friends and then they all leave safely.
12 It's just, you know, evaluating the different
13 levels of keeping the patrons safe.

14 CHAIRPERSON MILLER: Right.

15 MR. DE MOYA: I would rather call an
16 ambulance and go to sleep that night.

17 CHAIRPERSON MILLER: Right.

18 MR. DE MOYA: Knowing that that
19 person was taken care of.

20 CHAIRPERSON MILLER: So I just want
21 to ask you about the marijuana use. There is a
22 reference to that in MPD's January 2nd letter to

1 Mr. Moosally saying that "MPD responding members
2 noted the distinct and prevalent odor of burning
3 marijuana permeating through the establishment."
4 You have probably seen this letter, right?

5 MR. DE MOYA: Yes, I think.

6 CHAIRPERSON MILLER: Okay.

7 MR. DE MOYA: I mean, I definitely
8 spoke to Captain, I believe it was, Mark
9 Schilling or and correct me if I'm saying it
10 wrong. He was the captain that came to the
11 scene that event.

12 CHAIRPERSON MILLER: Okay.

13 MR. DE MOYA: And as I was
14 explaining to him what was going on, there was a
15 patron with a crazy head trauma 10 feet away.
16 He said Andre, I notice a hint of marijuana and
17 I said sir, really, to be honest with you, my
18 focus is right here right now. What more --
19 I'll be more than willing, but just to -- for
20 the talk from that.

21 CHAIRPERSON MILLER: Okay.

22 MR. DE MOYA: I know some people --

1 I mean, I don't know if you guys are familiar
2 with vape pens? It's -- you know, it's
3 basically an electric cigarette.

4 CHAIRPERSON MILLER: Yes.

5 MR. DE MOYA: So --

6 MR. KARAGOUNIS: An e-cigarette.

7 MR. DE MOYA: -- it's an e-
8 cigarette.

9 CHAIRPERSON MILLER: Okay.

10 MR. DE MOYA: And there is
11 variations of them, you know, that you can put
12 your own oils in to do whatever and some of them
13 have a marijuana smell, but we don't -- you
14 know, every -- any time we have a security --

15 MEMBER ALBERTI: Well, the truth is
16 someone won't actually have marijuana --

17 MR. DE MOYA: Agreed.

18 MEMBER ALBERTI: -- oil in it.

19 MR. DE MOYA: And so any time that
20 our security -- no, 100 percent.

21 CHAIRPERSON MILLER: Yes.

22 MR. DE MOYA: Any time our security

1 has, you know, seen it or noticed the smell, we
2 try to find that person.

3 MEMBER ALBERTI: So do you actually
4 allow e-cigarettes?

5 MR. DE MOYA: Yes.

6 MR. CRONIN: Yes.

7 MEMBER ALBERTI: Okay.

8 MR. DE MOYA: Yes. We can address
9 that now.

10 MEMBER RODRIGUEZ: It's smoking.

11 MR. DE MOYA: Once again -- pardon?

12 CHAIRPERSON MILLER: No, it's
13 vaping.

14 MEMBER RODRIGUEZ: It's smoking,
15 right?

16 MR. DE MOYA: No. It's e-cig.

17 CHAIRPERSON MILLER: It's vapor.

18 MR. DE MOYA: It is. You can smell
19 it.

20 MEMBER ALBERTI: No, but I was just
21 curious because I mean, there is no smoking. I
22 didn't know what the rule was on e-cigarettes.

1 E-cigarettes are allowed. That was my question.

2 MR. DE MOYA: Thank you.

3 MR. CRONIN: No smoking inside.

4 MEMBER ALBERTI: Enough said. Got
5 it.

6 MR. DE MOYA: For the record.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: All right.

9 MR. DE MOYA: I mean to -- you know,
10 and once that -- once I think the captain we
11 addressed the patron on the ground --

12 CHAIRPERSON MILLER: Right.

13 MR. DE MOYA: -- and he got back up
14 again, you know, after it all kind of died down,
15 I said hey, what did you discern and he is like
16 oh, well, you know, I don't want to talk. You
17 know, we was more about the --

18 CHAIRPERSON MILLER: Yes.

19 MR. DE MOYA: -- seriousness.

20 CHAIRPERSON MILLER: More serious.

21 MR. DE MOYA: So I don't know where
22 that kind of -- in his discussion with Chief

1 Lanier --

2 CHAIRPERSON MILLER: Right.

3 MR. DE MOYA: -- you know, we can
4 ask Chief Lanier about it.

5 CHAIRPERSON MILLER: Okay. Okay.
6 Just it was here on the record and I just wanted
7 to ask about it.

8 MR. DE MOYA: No problem.

9 CHAIRPERSON MILLER: But I mean, the
10 other is obviously the most serious. So but if
11 it were drug-related, that's kind of why I was
12 asking about, you know, how you can notice if
13 somebody is on drugs before they come in and--

14 MR. CRONIN: Yes, that's another
15 thing. For example, you know, if someone has
16 taken drugs two minutes before they walked in,
17 it might not have affected them and, you know,
18 they could look as normal as clean as day and
19 then something happens to them an hour later.

20 CHAIRPERSON MILLER: Yes.

21 MR. CRONIN: Or two hours later, you
22 know. I mean, so that's another reason why as a

1 group we have decided to put EMTs on full-time
2 staff, so that's why we --

3 MR. DE MOYA: We have security and
4 20 bartenders, 13 cocktail waitresses and many
5 staff members.

6 CHAIRPERSON MILLER: Right.

7 MR. DE MOYA: That every night are
8 reminded to look after the safety of the
9 patrons. We have a pre-shift every night before
10 we open and we always remind them to keep their
11 eyes peeled, keep an eye on people. If they
12 look like they are in any way distressed, take
13 them to the EMT room. Those are the standard
14 marching orders for everybody on staff,
15 regardless of their security personnel.

16 And again for the record, marijuana
17 is not allowed in. I didn't smell it that
18 night. I don't know where that odor was.

19 CHAIRPERSON MILLER: Yes, okay.

20 MEMBER SHORT: Madam Chair?

21 CHAIRPERSON MILLER: Yes, Mr. Short?

22 MEMBER SHORT: Did you ever get the

1 measurements?

2 MR. DE MOYA: Yes, 42 inches. I
3 apologize.

4 MEMBER SHORT: 42 inches?

5 MR. DE MOYA: Yes.

6 CHAIRPERSON MILLER: 42 inches is
7 what the height of the railing is?

8 MR. DE MOYA: Yes.

9 CHAIRPERSON MILLER: Okay. And is
10 that the same as the Building Code?

11 MR. DE MOYA: Yes.

12 CHAIRPERSON MILLER: Yes. Okay.

13 MEMBER SHORT: And also smoking you
14 say e-cigarettes are allowed to be smoked in the
15 District of Columbia in places of public
16 assembly?

17 MR. DE MOYA: Yes.

18 MEMBER SHORT: By permit? Mr. de
19 Moya?

20 MR. DE MOYA: Yes.

21 MEMBER SHORT: By permit?

22 MR. KARAGOUNIS: I mean, even in

1 offices people --

2 MEMBER SHORT: What's that?

3 MR. KARAGOUNIS: Even in offices. I
4 go to offices and people smoke them inside now.

5 MEMBER SHORT: No, no, I said places
6 of public assembly that sell alcohol. It's
7 different between an office building and a place
8 of public assembly.

9 MR. KARAGOUNIS: As far as I know,
10 but I will double check that, sir.

11 MEMBER SHORT: I wish you would.

12 MR. KARAGOUNIS: I will.

13 MEMBER SHORT: And the fact that I
14 asked, Madam Chair, I don't know if I'm in
15 order, I would like to see any films or any
16 takes they have of the establishment. I have
17 dealt with statements, so but I would really
18 like to see it.

19 MR. DE MOYA: Sure.

20 CHAIRPERSON MILLER: Okay. I'm
21 pretty sure our enforcement has it, right?

22 MR. KARAGOUNIS: I mean, it's --

1 MR. DE MOYA: ABRA has a copy of the
2 tape.

3 CHAIRPERSON MILLER: Yes.

4 MEMBER SHORT: We have a copy?

5 CHAIRPERSON MILLER: So we don't --

6 (Simultaneous speaking.)

7 MR. DE MOYA: Nothing specific, it's
8 just in general.

9 MEMBER SHORT: I think it's just in
10 general.

11 MEMBER ALBERTI: What Mr. Short, I
12 think, is asking in general, so if you have any
13 like --

14 MEMBER SHORT: Like taking a tour.

15 MEMBER ALBERTI: -- a promotional
16 video that shows the club.

17 MR. CRONIN: We have a really nice
18 one we gave at the Kennedy Center.

19 MEMBER ALBERTI: Yes, a promotional
20 video that shows the layout of the club and
21 actually a physical drawing of the layout of the
22 club, I think that is sort of what --

1 MEMBER SHORT: That's --

2 MEMBER ALBERTI: -- Mr. Short would
3 like.

4 MEMBER SHORT: -- it.

5 MEMBER ALBERTI: I think we all
6 would like to see it.

7 MR. KARAGOUNIS: Just to give you an
8 idea, because I did see in the letter that was
9 sent to you for --

10 MEMBER ALBERTI: Yes.

11 MR. KARAGOUNIS: -- it was talking
12 about rave activities and just for the record,
13 we are a concert venue.

14 MEMBER ALBERTI: Oh, I --

15 MR. KARAGOUNIS: That's live bands.

16 MEMBER ALBERTI: Sure.

17 MR. KARAGOUNIS: And you know, we do
18 over 100 events a year. Some of these events
19 will be detail-oriented, that's not a rave. The
20 rave is an underground warehouse party.

21 MEMBER ALBERTI: I get it.

22 MR. KARAGOUNIS: And we have live

1 shows. Washington Symphony Orchestra was there,
2 Jay-Z was there, Lorde was there, Grammy Award
3 winners come through. We are No. 19 in the
4 world, the No. 3 in the continent -- country
5 voted by fans. So this is not the small
6 operation that okay, we just open up and do a DJ
7 event and it's a rave.

8 MEMBER ALBERTI: No, absolutely. I
9 think what Mr. Short is getting at is that you
10 guys are a large venue.

11 MR. KARAGOUNIS: Yes.

12 MEMBER ALBERTI: And you are very
13 active. I mean, you are one of the premier
14 venues in the city. So and you are selling
15 alcohol. So I think it's just -- it would
16 behoove this Board to --

17 MR. KARAGOUNIS: Yes.

18 MEMBER ALBERTI: I mean, we would be
19 more comfortable to actually know what the hell
20 we are talking about, to put it bluntly. So I
21 mean, that's why we just want to see the visual.

22 MR. CRONIN: Let me know where you

1 want it sent. We will give you floor plans.

2 MEMBER ALBERTI: Great.

3 MR. CRONIN: We will give you
4 layouts.

5 MEMBER ALBERTI: Thank you.

6 MR. DE MOYA: Videos.

7 MR. CRONIN: We will give you
8 videos.

9 MEMBER SHORT: Can you get those to
10 our attorney?

11 MEMBER ALBERTI: Yes, we will put
12 Martha Jenkins in touch with you.

13 CHAIRPERSON MILLER: Martha Jenkins

14 --

15 MEMBER ALBERTI: And I'm sure --

16 CHAIRPERSON MILLER: -- is our
17 General Counsel.

18 MEMBER ALBERTI: -- this stuff is --
19 you probably already have all this stuff, I'm
20 sure.

21 MR. CRONIN: Correct.

22 MR. DE MOYA: I think that was

1 submitted in the security plan, but either way
2 we will just resend stuff.

3 MEMBER ALBERTI: Yes.

4 CHAIRPERSON MILLER: What is your
5 capacity?

6 MR. DE MOYA: 2,000.

7 CHAIRPERSON MILLER: 2,000. Okay.
8 All right. Anything else?

9 MEMBER SHORT: I would just like to
10 make a comment.

11 CHAIRPERSON MILLER: Yes.

12 MEMBER SHORT: We appreciate your
13 good business in Washington, D.C. and I say that
14 as a Board Member and a former -- or a resident
15 here all my life. We want safe good business
16 and good venues for our young people to be able
17 to go out and enjoy themselves.

18 I guess it's nothing new anybody can
19 do now, because we had a death in your
20 establishment, but anything you can do and it
21 sounds like maybe you are on the right track
22 now, having additional people in the balcony and

1 doing the other steps you are taking.

2 Are there any blind spots that you
3 know of or that you may want to put some
4 additional cameras? I'm just asking you because
5 you know the club better than we know.

6 MR. CRONIN: It's -- when you see
7 the floor plan and I think some of the video we
8 will send you, it's one large open space. It's
9 a theater space with the balcony that wraps
10 around open space. It's pretty much covered,
11 but it is a large space.

12 MEMBER SHORT: How many stairs to go
13 upstairs?

14 MR. CRONIN: There is four different
15 staircases. They are all double-wide. It's a
16 large space. We have almost 50 cameras now. I
17 believe the exact number is 48 in operation.
18 They all can view in different lighting
19 circumstances and whatnot.

20 So and to answer your question, we
21 may find a spot every now and we are like we
22 kind of don't like this angle, maybe we should

1 add another one, but I mean, it's fairly well-
2 covered. We have some 360 degree cameras we can
3 operate and check different angles and adjust,
4 but we are proud of our camera system, but there
5 is always room for improvement. So we are
6 always, you know, checking to make sure we have
7 the proper angles.

8 MEMBER SHORT: Just be mindful that
9 probably somebody has got you on the radar
10 screen and apparently they want you to stay open
11 and they want you to operate safely in the city.
12 Apparently you say you are No. 3 in the --

13 MR. KARAGOUNIS: In the nation.

14 MEMBER SHORT: -- nation. That's a
15 good feather to have in the cap of Washington,
16 D.C., but the death is -- let's see if we can
17 get on top of that and prevent, God forbid, any
18 more from happening. Thank you. That's all I
19 have, Madam Chair.

20 CHAIRPERSON MILLER: Okay. Anything
21 else? Okay. Thank you for coming down here. I
22 don't think we are going to take any further

1 action on this case per se, but it would be
2 useful to have your video and layout just to
3 have a greater understanding of your setup and
4 everything. Hopefully we won't see you for any
5 violations.

6 MR. KARAGOUNIS: Would you like the
7 incident video as well, because apparently
8 nobody has --

9 MEMBER ALBERTI: I don't believe.

10 MR. KARAGOUNIS: -- seen it. I
11 don't know if that's appropriate. I don't know.

12 MEMBER SHORT: I would like to see
13 the video.

14 CHAIRPERSON MILLER: Well, I would
15 think that we have it.

16 MR. DE MOYA: We gave it to the
17 investigative report.

18 CHAIRPERSON MILLER: You have
19 already given it to --

20 MR. DE MOYA: Or we have given.

21 CHAIRPERSON MILLER: Right. We just
22 haven't seen it. So we can ask internally --

1 MR. DE MOYA: If you guys don't have
2 it, then let us know.

3 CHAIRPERSON MILLER: So just the
4 plans if you have them and a video that might
5 show your establishment would be great.

6 MR. DE MOYA: All right.

7 CHAIRPERSON MILLER: And that could
8 be addressed to Martha Jenkins, our General
9 Counsel. Okay. Thank you very much.

10 MR. DE MOYA: Thank you.

11 MR. CRONIN: Thank you.

12 MR. DE MOYA: Appreciate your time.

13 MR. KARAGOUNIS: Thank you.

14 (Whereupon, the Fact-Finding Hearing
15 in the above-entitled matter was concluded at
16 2:26 p.m.)

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