

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Twin T's, LLC :
t/a Shenanigans (formerly :
McNasty's) :
2450 18th Street, NW : Show Cause
Retailer CT : Hearing
License No. 88119 :
Case No. 12-CC-00034 :
ANC 1C :
Sale to Minor; Failed to Require:
Production of Valid :
Identification :
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MAY 1, 2013

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control

Hearing Room, Reeves Building, 2000 14th
Street, N.W., Washington, D.C., Ruthanne
Miller, Chairperson, presiding.

PRESENT
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member

DONALD BROOKS, Member
MICHAEL SILVERSTEIN, Member

ALSO PRESENT
CHRISTINE GEPHARDT, OAG
ABYIE GHENENE, ABRA

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

10:25 a.m.

CHAIRPERSON MILLER: Okay. I'm calling Case No. 12-CC-00034, Shenanigans located at 2450 18th Street, N.W., License No. 88119 in ANC 1C.

Would the parties identify themselves for the record, please?

MS. GEPHARDT: Chrissy Gephardt on behalf of the District of Columbia.

MR. MPRAS: Emanuel Mpras for DC Shenanigans.

MR. HALL: My name is Thomas Hall. I'm a managing member of Twin T's. I'd like to apologize for my tardiness. I get caught in a road shutdown on 66 and I appreciate all of your patience. I'm sorry.

CHAIRPERSON MILLER: Okay.

MR. HALL: I'm hardly ever late. I left at 7:30 and they just shut the road down. So sorry. I apologize.

CHAIRPERSON MILLER: Well, okay.

1 That's all right.

2 And are there any preliminary
3 matters then this case?

4 MS. GEPHARDT: No, there are no
5 preliminary matters.

6 CHAIRPERSON MILLER: All right.
7 Then is the Government ready to go forward?

8 MS. GEPHARDT: Yes, we are ready
9 to go forward.

10 CHAIRPERSON MILLER: All right.
11 Are there opening statements in this case, Ms.
12 Gephardt?

13 MS. GEPHARDT: I can make a brief
14 opening statement.

15 CHAIRPERSON MILLER: Okay.

16 MS. GEPHARDT: Board Members, in
17 this case you will hear that on Friday,
18 February 17th, 2012 ABRA investigators went to
19 visit the establishment and found numerous
20 underage patrons who were carrying fake IDs.
21 The investigators checked their IDs with the
22 devices that they use and in addition to the

1 training that they have in detecting fake IDs
2 and determined, at least in this case, there
3 were four people who they found had fake IDs.

4 In addition, they did not get
5 cooperation from the owner of the
6 establishment in identifying people who had
7 fake IDs. And so what you will hear by the
8 end of this case is that this establishment is
9 guilty of serving underage minors and not
10 taking reasonable steps to detect whether
11 identifications are real or not. Thank you.

12 CHAIRPERSON MILLER: Okay. Mr.
13 Mpras, do you have an opening statement?

14 MR. MPRAS: Members of the Board,
15 the proprietors and staff at DC Shenanigans
16 did take all reasonable steps to ascertain the
17 legal drinking age of its patrons. They were
18 checking all IDs of individuals who entered
19 the establishment and they were fully
20 cooperating and did not impede any ABRA
21 investigation.

22 As to the age of the patrons and

1 the investigation they have conducted, all
2 individuals in the venue did present
3 identification. It was presented by the
4 individual possessing that ID in order to gain
5 entry to the venue. And the venue
6 wholeheartedly complies with the laws of D.C.
7 and it is the minors who are possessing and
8 presenting false ID for the purpose of
9 violating D.C. law.

10 CHAIRPERSON MILLER: Okay. Ms.
11 Gephardt, ready to call your first witness?

12 MS. GEPHARDT: Yes, I would like
13 to call my first witness. I would like to
14 call Investigator --

15 INVESTIGATOR GHENENE: Abyie
16 Ghenene.

17 MS. GEPHARDT: Thank you. I try
18 to get his name right, I swear.

19 CHAIRPERSON MILLER: Let me swear
20 you in. Do you swear to tell the truth, the
21 whole truth, nothing but the truth?

22 INVESTIGATOR GHENENE: Yes, ma'am.

1 CHAIRPERSON MILLER: Thank you.

2 Okay.

3 MS. GEPHARDT: Good afternoon,
4 investigator.

5 INVESTIGATOR GHENENE: Good
6 morning.

7 MS. GEPHARDT: Oh, gosh. Good
8 morning. It already feels like afternoon.

9 Can you please state your name and
10 spell it for the record?

11 INVESTIGATOR GHENENE: Sure. It's
12 Abyie Ghenene. A-B-Y-I-E. Last name, G-H-E-
13 N-E-N-E.

14 MS. GEPHARDT: Okay. Thank you.
15 And where do you work?

16 INVESTIGATOR GHENENE: ABRA.

17 MS. GEPHARDT: And what is your
18 job title?

19 INVESTIGATOR GHENENE:
20 Investigator.

21 MS. GEPHARDT: And what are your
22 job responsibilities as an investigator?

1 INVESTIGATOR GHENENE: To perform
2 inspections and investigations in ABC-licensed
3 establishments in the District of Columbia.

4 MS. GEPHARDT: Okay. And how long
5 have you worked for ABRA?

6 INVESTIGATOR GHENENE: Two years.

7 MS. GEPHARDT: And are you
8 familiar with a Licensee by the name of
9 McNasty's or DC Shenanigans?

10 INVESTIGATOR GHENENE: Yes, ma'am.

11 MS. GEPHARDT: And is that the
12 same establishment?

13 INVESTIGATOR GHENENE: Yes, ma'am.

14 MS. GEPHARDT: And do you know if
15 the name was changed, or how did that happen,
16 do you know?

17 INVESTIGATOR GHENENE: I believe
18 the name has changed several times within the
19 last two years.

20 MS. GEPHARDT: And when you went
21 to visit the establishment what was it called?

22 INVESTIGATOR GHENENE: McNasty's.

1 MS. GEPHARDT: Thank you. And did
2 you have occasion to visit McNasty's on
3 Friday, February 17th, 2012?

4 INVESTIGATOR GHENENE: Yes, ma'am.

5 MS. GEPHARDT: And can you recall
6 why you were there that night?

7 INVESTIGATOR GHENENE: I was in
8 the area monitoring establishments for ABRA
9 violations.

10 MS. GEPHARDT: Okay. And what
11 drew your attention to this establishment?

12 INVESTIGATOR GHENENE: If I
13 remember correctly, I was driving down 18th
14 Street and I saw a large crowd of patrons that
15 appeared to be under the age of 21 outside
16 smoking. Some where also standing in line
17 awaiting to get inside.

18 MS. GEPHARDT: So you decided to
19 go and check it out?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 MS. GEPHARDT: Okay. And were you
22 with anyone else?

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 MS. GEPHARDT: Okay. Who were you
3 with?

4 INVESTIGATOR GHENENE: An ABRA
5 investigator, Ileana Corrales.

6 MS. GEPHARDT: Okay. And when you
7 went to the establishment what did you
8 observe?

9 INVESTIGATOR GHENENE: Well, once
10 we parked the car, got out, we stood -- I'm
11 sorry, we walked up to the door. We saw again
12 patrons that appeared to be under 21 years of
13 age. We did monitor the door procedure for
14 about 5 to 10 minutes before we entered, and
15 we identified ourselves as ABRA investigators
16 to the doorman.

17 MS. GEPHARDT: Okay. And when you
18 say you sat and watched door procedures, what
19 did you observe?

20 INVESTIGATOR GHENENE: We observed
21 that the doorman was asking people for
22 identification, but we also noted that he was

1 not using any kind of ID book, "I.D. Checking
2 Guide," or any type of -- well, nothing
3 besides his eyes.

4 MS. GEPHARDT: Okay. Did you
5 approach the doorman?

6 INVESTIGATOR GHENENE: Yes, ma'am.

7 MS. GEPHARDT: And what, did you
8 have a conversation with him?

9 INVESTIGATOR GHENENE: Yes, we
10 presented our ABRA credentials and asked to
11 speak with an ABC manager or owner.

12 MS. GEPHARDT: Okay. And did he
13 retrieve an owner or an ABC manager?

14 INVESTIGATOR GHENENE: As I
15 remember, no, ma'am.

16 MS. GEPHARDT: Okay. So what did
17 you do after that then?

18 INVESTIGATOR GHENENE: He actually
19 instructed us to go inside and told us that
20 the owner was in the office towards the rear
21 of the establishment.

22 MS. GEPHARDT: Okay.

1 INVESTIGATOR GHENENE: So we
2 entered the establishment.

3 MS. GEPHARDT: Okay. And did you
4 go directly to the owner's office?

5 INVESTIGATOR GHENENE: Well, we
6 have no idea where the office is, so we
7 were --

8 MS. GEPHARDT: Okay.

9 INVESTIGATOR GHENENE: -- just
10 told the rear of the establishment. And to be
11 honest with you, at that point I didn't even
12 know there was an upstairs. So we walked
13 towards the rear of the first floor seeking
14 this office. And really what I was going to
15 do was go to the bar, present my credentials
16 at the bar and ask the bartender for an owner
17 or ABC manager.

18 MS. GEPHARDT: And once you
19 entered the establishment; you mentioned that
20 you didn't know where the office was, did you
21 come across a patron or the bartender? What
22 happened next?

1 INVESTIGATOR GHENENE: As we were
2 walking towards the bar we noticed, or I
3 noticed that there were numerous patrons in
4 there that appeared to be under 21.

5 Investigator Corrales and I stopped and asked
6 for identification from two of them.

7 MS. GEPHARDT: Okay. And explain
8 to the Board when you came across these
9 patrons, when you asked the first patron for
10 the ID, what happened?

11 INVESTIGATOR GHENENE: Well, the
12 procedure that we followed that night was we
13 identified ourselves as ABRA investigators.
14 We displayed our displayed our credentials and
15 explained to them what we were doing that
16 night in spot checking IDs for compliance, and
17 we requested that they show us their driver's
18 licenses.

19 MS. GEPHARDT: Okay. And the
20 first person who you spoke to, did they show
21 you an ID?

22 INVESTIGATOR GHENENE: Yes, ma'am.

1 Initially what happened was -- actually when
2 we identified ourselves, one of the girls got
3 frightened I guess by the line of questioning;
4 I'm not sure, and she dropped her beer and it
5 kind of splashed all over Investigator
6 Corrales. The other one confidently retrieved
7 her ID. Then the patron that dropped her
8 beverage, alcoholic beverage, she stated to me
9 that she left it in her jacket which was
10 upstairs.

11 MEMBER SILVERSTEIN: Say again,
12 please?

13 INVESTIGATOR GHENENE: So we
14 approached two young ladies. The first lady
15 that we were speaking to got nervous, dropped
16 her beer. She was the one who said that she
17 needed to retrieve her ID from upstairs inside
18 of her jacket. The other one presented an ID
19 immediately.

20 MS. GEPHARDT: For the woman who
21 presented her ID immediately, did you look at
22 the ID?

1 INVESTIGATOR GHENENE: I did not
2 initially. Investigator Corrales did. I
3 walked with the other young lady to go
4 retrieve her ID.

5 MS. GEPHARDT: Okay. And when you
6 went with her to retrieve her ID, was she able
7 to locate it?

8 INVESTIGATOR GHENENE: She was --
9 quickly located it. It was on her, and she
10 explained to me that she didn't want to get
11 into any trouble and she just said, here, you
12 can have my fake.

13 MS. GEPHARDT: Okay.

14 INVESTIGATOR GHENENE: And she
15 gave it to me and took off.

16 MS. GEPHARDT: Okay. And did you
17 scrutinize the ID?

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 MS. GEPHARDT: And what exactly
20 about it drew your attention? I mean did it
21 appear to you to be fake? How did you know?

22 INVESTIGATOR GHENENE: I

1 immediately thought that it was fake without
2 using anything but my eyes given the fact that
3 it had heavy creases in the laminate, which is
4 unusual with an authentic ID.

5 MS. GEPHARDT: If I showed you a
6 picture of the ID, would you recognize it?

7 INVESTIGATOR GHENENE: Yes, ma'am.

8 MS. GEPHARDT: I'm showing the
9 witness what's been marked as Government
10 Exhibit No. 1.

11 CHAIRPERSON MILLER: And did you
12 show opposing counsel?

13 MS. GEPHARDT: Okay.

14 CHAIRPERSON MILLER: Okay.

15 MS. GEPHARDT: Opposing counsel
16 has seen it.

17 CHAIRPERSON MILLER: Okay.

18 MS. GEPHARDT: Investigator, does
19 that look like the ID that that woman showed
20 you on the night of Friday, February 17th,
21 2012?

22 INVESTIGATOR GHENENE: Yes, ma'am.

1 MS. GEPHARDT: And when you look
2 at the ID today, can you still see the
3 features that would indicate that it was not
4 a real ID?

5 INVESTIGATOR GHENENE: Yes, I mean
6 just from looking at it you could tell it's
7 fake just because of the creases.

8 MS. GEPHARDT: Okay.

9 INVESTIGATOR GHENENE: Yes.

10 MS. GEPHARDT: And when you say
11 "the creases," what do you mean by that?

12 INVESTIGATOR GHENENE: Well, more
13 times than not authentic IDs won't display
14 these kinds of creases in the laminate. So
15 this is a first indicator that it might be
16 fraudulent because it's not of good quality.
17 So they shouldn't crease like this without it
18 cracking or breaking.

19 MS. GEPHARDT: And so this was
20 just with your naked eye, is that correct?

21 INVESTIGATOR GHENENE: Yes, ma'am,
22 in addition to the fact that the girl looked

1 extremely young.

2 MS. GEPHARDT: Okay. Did you use
3 any other device to assist to determine
4 whether it was a fake ID?

5 INVESTIGATOR GHENENE: Yes, ma'am.

6 MS. GEPHARDT: And what exactly
7 was that?

8 INVESTIGATOR GHENENE: I used a ID
9 TECH looking piece and I confirmed it was
10 fraudulent. But the girl ran away, so it was
11 irrelevant at that point.

12 MS. GEPHARDT: When you say you
13 "confirmed it was fraudulent," what did you --
14 by using this device what were you able to see
15 beyond what you could see with your naked eye?

16 INVESTIGATOR GHENENE: I was
17 looking for other security features that I'm
18 familiar with with Florida driver's licenses
19 and I didn't see -- I believe it was a
20 hologram, microprinting. And also the bar
21 code on the back which is supposed to be crisp
22 was blurry and faded.

1 MEMBER ALBERTI: Investigator,
2 could you speak up just a little bit?

3 INVESTIGATOR GHENENE: I
4 apologize.

5 MEMBER ALBERTI: That's okay.
6 Thank you.

7 INVESTIGATOR GHENENE: I was
8 looking for holograms as well as
9 microprinting, which were not there. And I
10 looked at the bar code on the back and it
11 wasn't crisp. There weren't crisp lines. It
12 was blurry and faded, which is also something
13 that would indicate poor quality.

14 CHAIRPERSON MILLER: I'm sorry, I
15 think your voice dropped and I missed what
16 device you used.

17 INVESTIGATOR GHENENE: And ID TECH
18 checking --

19 CHAIRPERSON MILLER: ID TECH?

20 INVESTIGATOR GHENENE: -- piece,
21 eyepiece.

22 CHAIRPERSON MILLER: Okay.

1 INVESTIGATOR GHENENE: Yes.

2 MS. GEPHARDT: Investigator, this
3 ID checking TECH piece, is this a common tool
4 used by owners of establishments that serve
5 alcohol, or is this something only ABRA
6 investigators use?

7 INVESTIGATOR GHENENE: It's
8 something that ABRA investigators use, but it
9 is available to the public.

10 MS. GEPHARDT: Have you seen them
11 being used in other establishment?

12 INVESTIGATOR GHENENE: Yes.

13 MS. GEPHARDT: Are there other
14 tools or implements that can be used to
15 identify fake identifications?

16 INVESTIGATOR GHENENE: Yes.

17 MS. GEPHARDT: Okay. Such as?

18 INVESTIGATOR GHENENE: The "I.D.
19 Checking Guide" book would be my first go-to.
20 You can also use magnifying glasses. I mean
21 there's a lot of different things you can use.

22 MS. GEPHARDT: Okay. So after you

1 checked this female's ID, what happened after
2 that? Did she leave, or did she stay there?

3 INVESTIGATOR GHENENE: Yes, I
4 asked her to give me her real ID to confirm
5 her age and she just took off. And, you know,
6 we're not allowed to put our hands on people
7 and grab them or anything like that.

8 MS. GEPHARDT: Did you ever ask
9 her her age?

10 INVESTIGATOR GHENENE: I did.

11 MS. GEPHARDT: And what did she
12 say to you?

13 INVESTIGATOR GHENENE: I believe
14 she said she was 19. I don't remember 100
15 percent.

16 MS. GEPHARDT: Okay. All right.
17 So after you had the interaction with that
18 patron, what happened after that?

19 INVESTIGATOR GHENENE: I believe
20 at that point an ABC manager came out.
21 Without referring to my report, I think that's
22 what happened. And we went upstairs to where

1 the owner was. We again asked to speak with
2 the owner, and we went upstairs and -- yes.

3 MS. GEPHARDT: Okay. And so did
4 you meet with the owner?

5 INVESTIGATOR GHENENE: Yes, ma'am.
6 But as soon as we got upstairs, we saw -- I
7 mean there was wall-to-wall packed and we saw
8 many patrons that looked under the age of 21.

9 MS. GEPHARDT: Okay. Did you
10 actually speak to the owner?

11 INVESTIGATOR GHENENE: Yes, ma'am.
12 The owner came out. We identified ourselves
13 as ABRA investigators to the owner and
14 explained the nature of our visit. We also
15 explained what happened downstairs.

16 MS. GEPHARDT: Okay. And what did
17 the owner say in response?

18 INVESTIGATOR GHENENE: The owner
19 -- pretty much the entire night it was the
20 same thing, was we check everybody's ID,
21 everyone's going to have an ID, no one's going
22 to be under 21.

1 MS. GEPHARDT: Okay. And while
2 you were talking to the owner did you have any
3 other interaction with other patrons --

4 INVESTIGATOR GHENENE: Yes, ma'am.

5 MS. GEPHARDT: -- in the
6 establishment?

7 INVESTIGATOR GHENENE: Yes, ma'am.
8 We began identifying patrons that we wanted to
9 see their identifications, and I believe
10 initially the first two people that we
11 checked, they were of age.

12 MS. GEPHARDT: They were of age?

13 INVESTIGATOR GHENENE: I believe
14 so, yes, ma'am.

15 MS. GEPHARDT: Okay. And at any
16 time did you ask the owner to assist you in
17 checking IDs?

18 INVESTIGATOR GHENENE: Yes, ma'am.
19 On several occasions I asked him to retrieve
20 IDs from patrons, and he didn't.

21 MS. GEPHARDT: Okay.

22 INVESTIGATOR GHENENE: I was the

1 one who actually retrieved the IDS from all of
2 the patrons that we checked.

3 MS. GEPHARDT: Did he refuse to
4 assist you, or did he just like outwardly say
5 no I'm not going to do it?

6 INVESTIGATOR GHENENE: No. No.

7 MS. GEPHARDT: Or did he just like
8 stand there and not move forward?

9 INVESTIGATOR GHENENE: It was more
10 of like I requested and he -- I don't want to
11 say ignored, but there was just no reaction.
12 And we're identifying -- you know, you got to
13 think about it. When we're identifying
14 underage persons, I want to see their ID, and
15 they're standing in front of us. The time
16 that elapses in between us getting their ID --
17 at that time they can turn around and run.
18 They can drop their drink or anything can
19 happen in between. So it's very important
20 that we get it rapidly.

21 MS. GEPHARDT: So it was pretty
22 quick is what you're saying?

1 INVESTIGATOR GHENENE: It needs to
2 be pretty quick.

3 MS. GEPHARDT: Okay. All right.
4 So you mentioned you approached other patrons
5 at that point.

6 INVESTIGATOR GHENENE: Yes, ma'am.

7 MS. GEPHARDT: Can you explain to
8 the Board about the first patron you came
9 across upstairs?

10 INVESTIGATOR GHENENE: Well, I
11 believe the first -- and again, I'd need my
12 report to be 100 percent sure.

13 MS. GEPHARDT: All right. Let me
14 give the report to the investigator for his
15 reference. The Government would like to show
16 the witness his report in this case.

17 CHAIRPERSON MILLER: Okay.

18 MS. GEPHARDT: Okay.
19 Investigator, if you could refer to I believe
20 it's page 2 in the investigative report, which
21 explains the patrons you ran into after that.

22 INVESTIGATOR GHENENE: Okay.

1 MS. GEPHARDT: For patron No. 1,
2 exactly what happened when you encountered
3 her?

4 INVESTIGATOR GHENENE: I believe
5 patron Nos. 1 and 2 were together and they
6 were consuming alcoholic beverages. They
7 appeared to be under 21 years of age. I
8 requested their IDs, or I requested Mr. Hall
9 to get their IDs. I was the one who retrieved
10 their IDs and I was able to validate both of
11 their IDs and they were 21 years of age or
12 older.

13 MS. GEPHARDT: Okay. And what
14 happened with patron No. 1? What did she do
15 when you asked her for ID?

16 INVESTIGATOR GHENENE: Patron No.
17 1, once we were upstairs, she gave me her --
18 yes, she gave me her ID. It was the second
19 group of patrons that patron No. 1 did
20 something differently.

21 MS. GEPHARDT: Okay. And what
22 happened when you asked the second patron for

1 her ID?

2 INVESTIGATOR GHENENE: That second
3 group of patrons; it would have been patron
4 No. 3, I guess, she was the one who actually
5 just took off running towards the back of the
6 room on the second floor.

7 MS. GEPHARDT: Okay. And was
8 there any other patrons that you asked that
9 you identified as underage?

10 INVESTIGATOR GHENENE: Yes, ma'am.
11 In the second group, it would have been patron
12 No. 4. Once I asked her for ID, she set her
13 alcoholic beverage down and she presented a
14 Michigan ID.

15 MS. GEPHARDT: Okay. And did you
16 scrutinize the ID --

17 INVESTIGATOR GHENENE: Yes, ma'am.

18 MS. GEPHARDT: -- to see if it was
19 fake or real?

20 INVESTIGATOR GHENENE: Well,
21 initially I was just looking at the birth date
22 and the expiration date and I was able to see

1 that it was expired.

2 MS. GEPHARDT: Expired?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. GEPHARDT: Okay. Did you talk
5 to her and ask her how old she was?

6 INVESTIGATOR GHENENE: Eventually
7 I did get there, but the other thing that I
8 noticed in looking at the ID, it was clearly
9 not the same person that was standing in front
10 of me.

11 MS. GEPHARDT: Okay. If I show
12 you a picture of her driver's license, would
13 you recognize it to refresh your memory?

14 INVESTIGATOR GHENENE: Yes, ma'am.

15 MS. GEPHARDT: Okay. The
16 Government is showing the opposing counsel the
17 Michigan driver's license and it would like to
18 show the --

19 CHAIRPERSON MILLER: A copy of the
20 Michigan driver's license?

21 MS. GEPHARDT: I'm sorry?

22 CHAIRPERSON MILLER: A copy of it,

1 or the --

2 MS. GEPHARDT: Do you have the
3 real one?

4 CHAIRPERSON MILLER: Just for the
5 record, it didn't look like you were holding
6 up the original license.

7 MS. GEPHARDT: Oh, it was a
8 picture of the license.

9 CHAIRPERSON MILLER: A picture of
10 the license?

11 MS. GEPHARDT: Right.

12 CHAIRPERSON MILLER: Okay.

13 MS. GEPHARDT: I didn't realize we
14 had the real one.

15 Okay. The Government would like
16 to show the witness the driver's license.

17 Does this look like the driver's
18 license you saw that evening?

19 INVESTIGATOR GHENENE: Yes, ma'am.

20 MS. GEPHARDT: And what exactly
21 does it say on the license that indicated to
22 you that it was a fake ID?

1 INVESTIGATOR GHENENE: It's
2 actually a legitimate ID, if memory serves me
3 correctly, but what it was is that it expired
4 on the 9th of February, 2012, and obviously
5 that day was the 17th.

6 MS. GEPHARDT: Okay. And did you
7 ask her how old she was?

8 INVESTIGATOR GHENENE: I did.

9 MS. GEPHARDT: And what did she
10 say?

11 INVESTIGATOR GHENENE: She told me
12 that she was 20 years old and that she did not
13 have any form of valid identification.

14 MS. GEPHARDT: Okay. How were you
15 able to determine -- is there anything else
16 about the ID that piqued your interest or
17 alerted you to the fact that there was a
18 problem?

19 INVESTIGATOR GHENENE: Well,
20 outside of it being expired and -- I mean the
21 picture does not match who was standing in
22 front of me.

1 MS. GEPHARDT: Okay. If I show
2 you a picture that you took that evening of
3 the patron, would you recognize it?

4 INVESTIGATOR GHENENE: Yes, ma'am.

5 MS. GEPHARDT: All right. Showing
6 defense counsel what's been marked as
7 Government Exhibit No. 3. Do you recognize
8 that photograph?

9 INVESTIGATOR GHENENE: Yes, ma'am.

10 MS. GEPHARDT: And is that a
11 photograph of the patron that also showed you
12 the Michigan ID?

13 INVESTIGATOR GHENENE: Yes, ma'am.

14 MS. GEPHARDT: And if you compare
15 those two photos, are you able to determine
16 whether it is the same person?

17 INVESTIGATOR GHENENE: I mean the
18 photo is a photo. It's not going to be as
19 good as when you're standing in front of
20 somebody, but you know, I can tell -- well, it
21 would appear that the noses look differently
22 and, you know, the hair color is different,

1 but that's not -- I mean that can be adjusted,
2 I would imagine. But when she was standing in
3 front of me, it was very clear to me that it
4 was not the same person.

5 MS. GEPHARDT: Okay.

6 INVESTIGATOR GHENENE: And she
7 later admitted to that.

8 MS. GEPHARDT: She later admitted
9 to that?

10 INVESTIGATOR GHENENE: She
11 admitted that this was not hers.

12 MS. GEPHARDT: Okay. So did you
13 confiscate the ID? Obviously you did.

14 INVESTIGATOR GHENENE: Yes.

15 MS. GEPHARDT: Okay.

16 INVESTIGATOR GHENENE: It was a
17 combination of a confiscation and she
18 abandoned it as well.

19 MS. GEPHARDT: Okay.

20 INVESTIGATOR GHENENE: She didn't
21 want to deal with any longer.

22 MS. GEPHARDT: Okay. Did she walk

1 away from you after the encounter?

2 INVESTIGATOR GHENENE: Yes, she --
3 well, she remained there obviously while I
4 took the picture. I advised Mr. Hall that she
5 was underage and Mr. Hall did nothing. She
6 walked away and went back to the party.

7 CHAIRPERSON MILLER: I'm sorry,
8 she walked away and what?

9 INVESTIGATOR GHENENE: Went back
10 to partying.

11 CHAIRPERSON MILLER: Okay.

12 MS. GEPHARDT: And at that point
13 was Mr. Hall assisting you?

14 INVESTIGATOR GHENENE: I would
15 imagine that that's what he thought was
16 assisting.

17 MS. GEPHARDT: Okay. What did you
18 do after you made contact with these two
19 patrons?

20 INVESTIGATOR GHENENE: After I --

21 MS. GEPHARDT: Patron Nos. 3 and
22 4?

1 INVESTIGATOR GHENENE: After I
2 took the picture, again Investigator Corrales
3 and I discussed it for a short time. We said
4 we could continue checking IDs here, but I
5 think it's going to be pretty much the same
6 thing, because there was just a ton of what
7 appeared to be underage patrons. So we went
8 downstairs with Mr. Hall, and I think he had
9 a security guard with him as well. And we
10 spoke to the doormen and asked the doormen and
11 Mr. Hall what was their policy, their standard
12 as far as checking IDs and allowing people to
13 come inside.

14 MS. GEPHARDT: And what they say
15 to you?

16 INVESTIGATOR GHEHENE: The doormen
17 stated in front of Mr. Hall that -- well,
18 first they stated that they always turn away
19 a ton of fake IDs and underage people. They
20 also said that the doorman uses his years of
21 experience and his eyes to detect fake IDs.

22 MS. GEPHARDT: Did you happen to

1 see any other implements to detect fake IDs
2 such as that device that you talked about
3 earlier?

4 INVESTIGATOR GHENENE: Yes, ma'am.

5 MS. GEPHARDT: I can't recall the
6 name of it.

7 INVESTIGATOR GHENENE: The ID
8 TECHing?

9 MS. GEPHARDT: Or a black
10 flashlight or anything like that?

11 INVESTIGATOR GHENENE: Yes, ma'am.
12 I asked the doorman if he used anything, and
13 specifically I asked if he used an "I.D.
14 Checking Guide" to check IDs. And both Mr.
15 Hall and the doorman said --

16 CHAIRPERSON MILLER: I'm sorry, I
17 couldn't hear the answer.

18 INVESTIGATOR GHENENE: Both Mr.
19 Hall and the doorman said that they did not
20 use those things.

21 CHAIRPERSON MILLER: Thank you.

22 MS. GEPHARDT: After you spoke to

1 the doormen and Mr. Hall about their ID
2 checking methods, what did you do after that?

3 INVESTIGATOR GHENENE: I explained
4 to the doormen and Mr. Hall that one of the
5 IDs that we confiscated was actually expired,
6 so you didn't even need an "I.D. Checking
7 Guide" to detect that.

8 MS. GEPHARDT: Okay. And what was
9 their response?

10 INVESTIGATOR GHENENE: Nothing.
11 They said nothing.

12 MS. GEPHARDT: And, investigator,
13 can you explain to the Board if you've had any
14 training in ID checking --

15 INVESTIGATOR GHENENE: Yes, ma'am.

16 MS. GEPHARDT: -- through ABRA?

17 INVESTIGATOR GHENENE: Yes, ma'am.

18 ABRA last -- I believe it was last year, they
19 invited -- and I forget the gentleman's name.

20 He came down from I believe it was Rhode

21 Island and he gave us training on how to

22 detect fake IDs and misused IDs. And he also

1 gave us training using the ID TECH eyepiece.

2 MS. GEPHARDT: And how much
3 experience would you say on the ground in
4 checking for fake IDs that you've had?

5 INVESTIGATOR GHENENE: Training or
6 experience, you say?

7 MS. GEPHARDT: Experience going
8 out in the field.

9 INVESTIGATOR GHENENE: I probably
10 check close to -- I'd say about 100 IDs a
11 month. It's almost an everyday thing when
12 we're on night shift. Yes, I'd say I'm pretty
13 proficient.

14 MS. GEPHARDT: Okay. Is it common
15 for establishments to us an "I.D. Checking
16 Guide?" Is it something that you regularly
17 see?

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 MS. GEPHARDT: Okay.

20 INVESTIGATOR GHENENE: Especially
21 if you're catering to a younger crowd, or a
22 collegiate crowd.

1 MS. GEPHARDT: Okay. After you
2 had the conversation with Mr. Hall, what did
3 you do after that?

4 INVESTIGATOR GHENENE: We advised
5 him of the violation, filled out a sale to
6 minor notification form, which he signed, and
7 we left. And then later I referenced where I
8 went to, the "I.D. Checking Guide," just to
9 verify even further all the features that were
10 supposed to be on the Florida ID that were
11 not. And I saw that -- and there's a mistake
12 in the report. It says "Nevada" where it
13 should say "Florida." But there were several
14 things that are wrong with this ID. So that's
15 what I found, that there were several things
16 missing.

17 MS. GEPHARDT: Okay. You
18 referenced the "I.D. Checking Guide," is that
19 you said?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 MS. GEPHARDT: Okay. If I show
22 you a picture of the "I.D. Checking Guide" for

1 the page of Florida, would you recognize the
2 ID there --

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. GEPHARDT: -- as matching the
5 one from Florida? Government Exhibit No. 4
6 I'd like to show to the witness to identify
7 what he said he did when he tried to check it
8 with the --

9 CHAIRPERSON MILLER: What is that?

10 MS. GEPHARDT: It's a page from
11 the "I.D. Checking Guide" for the State of
12 Florida.

13 CHAIRPERSON MILLER: Okay.

14 MS. GEPHARDT: And if you look at
15 that, investigator, can you tell that it's
16 different from the ID that you confiscated
17 that night?

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 MS. GEPHARDT: And how can you
20 tell?

21 INVESTIGATOR GHENENE: First of
22 all, according to the guide, an authentic

1 Florida driver's licenses are valid for eight
2 years. This one would have been valid for
3 seven years and 25 days. Secondly, Florida
4 IDs have a UV, ultraviolet state seal on them.
5 This one does not. Authentic Florida driver's
6 licenses have microprinting on the back. This
7 one does not. And authentic -- and I
8 referenced this earlier, authentic Florida IDs
9 and all authentic IDs in general have smooth
10 laminating and they don't crease like this.

11 MS. GEPHARDT: Okay. Thank you.

12 INVESTIGATOR GHENENE: Yes.

13 MS. GEPHARDT: The Government
14 would like to admit Exhibits 1 through 4 into
15 evidence.

16 CHAIRPERSON MILLER: Okay. First
17 of all, what is 1? I didn't write down 1 or
18 2.

19 MS. GEPHARDT: Exhibit No. 1 is
20 the Florida ID.

21 CHAIRPERSON MILLER: Okay. And 2?

22 MS. GEPHARDT: Exhibit No. 2 is

1 the Michigan ID. Exhibit 3 is the picture of
2 the woman who proffered the Michigan ID. And
3 Exhibit No. 4 is a page out of the "I.D.
4 Checking Guide" for the State of Florida that
5 he used to cross-reference with Exhibit No. 1.

6 CHAIRPERSON MILLER: Okay. Are
7 there objections to these?

8 MR. MPRAS: We would only object
9 to No. 3. The photo has not been properly
10 authenticated as to how they admit into
11 evidence, specifically as to how it was
12 acquired and who took the photo.

13 CHAIRPERSON MILLER: I thought I
14 heard the investigator say he took the photo.

15 Did you say that?

16 INVESTIGATOR GHENENE: Yes, ma'am.

17 MR. MPRAS: If that's the case, I
18 withdraw the objection.

19 CHAIRPERSON MILLER: You what?

20 MR. MPRAS: If that's the case, I
21 withdraw the objection.

22 CHAIRPERSON MILLER: Okay. If

1 there's no objection, then Government's
2 Exhibits 1 through 4 are admitted into
3 evidence.

4 MS. GEPHARDT: Thank you.

5 CHAIRPERSON MILLER: Okay.

6 MS. GEPHARDT: That's the
7 conclusion of my direct examination of this
8 investigator. Thank you. Thank you very
9 much.

10 INVESTIGATOR GHENENE: Thank you.

11 CHAIRPERSON MILLER: Okay. Is
12 there cross-examination?

13 MR. MPRAS: Yes.

14 CHAIRPERSON MILLER: All right.

15 MR. MPRAS: Officer Ghenene --

16 INVESTIGATOR GHENENE: Good
17 morning.

18 MR. MPRAS: -- some of the
19 questions might be a little repetitive, but
20 just bear with me.

21 INVESTIGATOR GHENENE: Sure.

22 MR. MPRAS: Could you please tell

1 is once again how long you've been an
2 investigator with ABRA?

3 INVESTIGATOR GHENENE:
4 Approximately two years.

5 MR. MPRAS: And did you write this
6 case report?

7 INVESTIGATOR GHENENE: Yes, sir.

8 MR. MPRAS: Okay. And is the
9 report complete and accurate?

10 INVESTIGATOR GHENENE: There's a
11 couple of corrections, and I thought that I
12 had corrected them through my testimony.

13 MR. MPRAS: Okay. Could you
14 please specify the corrections for me?

15 INVESTIGATOR GHENENE: The first
16 correction that I can see would have been when
17 we approached the first two subjects on the
18 first floor. And in that correction the
19 patron who ended up having the false or the
20 fake Florida driver's license, she gave it to
21 me as we were walking towards the door rather
22 than when we first approached them.

1 MR. MPRAS: Okay.

2 INVESTIGATOR GHENENE: So that
3 would be the first correction.

4 MR. MPRAS: Okay.

5 INVESTIGATOR GHENENE: The second
6 correction that I can see would be graph where
7 we speak about an authentic Florida driver's
8 license versus a fraudulent Florida driver's
9 license. And in the case report it says
10 Nevada and it should say Florida.

11 MR. MPRAS: Other than those it is
12 accurate and complete?

13 INVESTIGATOR GHENENE: I believe
14 so.

15 MR. MPRAS: Okay. And could you
16 please tell us once again specifically what
17 type of training you've had as far as ID
18 checking?

19 INVESTIGATOR GHENENE: Sure.
20 Again I don't remember the gentleman's name,
21 but he came down from Rhode Island. I believe
22 he's an ex-police officer. And he trained all

1 the ABRA investigators on ID checking tips and
2 techniques.

3 MR. MPRAS: TIPS? Would you
4 please explain to us for the record what TIPS
5 is?

6 INVESTIGATOR GHENENE: Tips.
7 Procedures.

8 MR. MPRAS: Oh, tips?

9 INVESTIGATOR GHENENE: Yes.

10 MR. MPRAS: It's not --

11 INVESTIGATOR GHENENE: It's not an
12 acronym.

13 MR. MPRAS: Okay. Thank you. And
14 what type of training did he provide
15 specifically as far as IDs?

16 INVESTIGATOR GHENENE: I mean
17 that's -- he just gave us techniques to use.
18 He also showed us an "I.D. Checking Guide" and
19 the things to look at in the "I.D. Checking
20 Guide."

21 MR. MPRAS: Would you enumerate
22 say two techniques that --

1 INVESTIGATOR GHENENE: I don't
2 know any specific -- I don't remember anything
3 specific that he showed. It was a while ago.

4 MR. MPRAS: Okay. Thank you. All
5 right. Now is this training offered by ABRA
6 only to investigators, or is it open to the
7 venues?

8 INVESTIGATOR GHENENE: You know,
9 I'm not sure.

10 MR. MPRAS: Now would you say
11 you've had more training than in detecting
12 fake IDs than let's just say the average
13 security person?

14 INVESTIGATOR GHENENE: Well, I
15 mean that's -- I don't know how to answer
16 that. I mean that's an aspect of my job
17 versus the sole responsibility of someone
18 else's job.

19 MR. MPRAS: And you say that you
20 are proficient though based on your training
21 and experience in recognizing and ID when it's
22 false?

1 INVESTIGATOR GHENENE: Yes. I
2 would believe that based off of my experience
3 at this point that I'm pretty proficient, yes.

4 MR. MPRAS: Okay. Based on that
5 do you have the ability to always
6 differentiate between a fake ID from a real
7 ID?

8 INVESTIGATOR GHENENE: Always? I
9 wouldn't commit to that.

10 MR. MPRAS: Now you mentioned --

11 CHAIRPERSON MILLER: I'm sorry,
12 what was your answer?

13 INVESTIGATOR GHENENE: I said I
14 would not commit to always.

15 CHAIRPERSON MILLER: Oh, okay.
16 Thank you. All right.

17 MR. MPRAS: Now earlier you
18 mentioned more than once that there were
19 individuals that looked under the age 21 in
20 and around the venue, is that correct?

21 INVESTIGATOR GHENENE: Yes, sir.

22 MR. MPRAS: Now do you have the

1 ability to look at an individual and know if
2 that person is 21 years of age or older?

3 INVESTIGATOR GHENENE: Those -- I
4 mean who -- no, sir.

5 MR. MPRAS: Okay. If an
6 individual is -- the individual looking under
7 the -- to you, looking not to be 21 years --
8 of older and being in that venue, is that
9 prohibited by any type of statute?

10 INVESTIGATOR GHENENE: Can you
11 repeat the question?

12 MR. MPRAS: Someone appearing to
13 be underage --

14 INVESTIGATOR GHENENE: Yes.

15 MR. MPRAS: -- being inside an
16 alcoholic beverage establishment, is that
17 prohibited by law?

18 INVESTIGATOR GHENENE: No, but
19 it's also an indicator that we might need to
20 further investigate.

21 MR. MPRAS: Now do the individuals
22 who possess -- in your experience, individuals

1 who possess fake IDs, do they do for the
2 purpose of deceiving an establishment in order
3 to gain entry?

4 INVESTIGATOR GHENENE: I wouldn't
5 know.

6 MR. MPRAS: You wouldn't know?

7 INVESTIGATOR GHENENE: No.

8 MR. MPRAS: Have you seen
9 individuals possessing fake IDs use them for
10 that purpose, for deceiving an doorman in
11 order to gain entry?

12 INVESTIGATOR GHENENE: No, because
13 I wouldn't know they had a fake before they
14 got into it. We don't send people in with
15 fake IDs to gain entry, so I wouldn't know
16 what they had before they got inside.

17 MR. MPRAS: Okay. To move on, if
18 an establishment was not checking IDs, would
19 there be any reason for underage individuals
20 to have or use fake IDs?

21 INVESTIGATOR GHENENE: I don't
22 know. I'm not qualified to answer that.

1 MR. MPRAS: Sir, while inside the
2 establishment did you witness any staff member
3 of DC Shenanigans serve alcohol to any
4 individual under the age of 21?

5 INVESTIGATOR GHENENE: I don't
6 remember. But I do know that I confirmed that
7 everyone inside was to be 21 years old.

8 MR. MPRAS: Now in your experience
9 have you come across a scenario where a person
10 21 or older passes an alcoholic beverage to an
11 individual who is not 21?

12 INVESTIGATOR GHENENE: Again,
13 that's something that I wouldn't know because
14 we don't set up those kind of controlled
15 situations.

16 MR. MPRAS: Would a scenario like
17 that be possible?

18 INVESTIGATOR GHENENE: I would
19 imagine so.

20 MR. MPRAS: Now, sir, could you
21 please -- the second error you mentioned as
22 far as specifying what type of driver's

1 license you were examining in your report,
2 Nevada driver's license versus Florida
3 driver's license, could you please explain how
4 that error came about?

5 INVESTIGATOR GHENENE: I don't
6 know. It was just an error.

7 MR. MPRAS: Okay. Is it possible
8 that this error existed because you were
9 cutting and pasting from an old report?

10 INVESTIGATOR GHENENE: Again, I
11 don't know.

12 MR. MPRAS: But it is possible?

13 INVESTIGATOR GHENENE: I don't
14 know.

15 CHAIRPERSON MILLER: Mr. Mpras,
16 what was your question?

17 MR. MPRAS: Is it possible this
18 error came about because he was cutting and
19 pasting material from a previous report not
20 having to do with this establishment?

21 CHAIRPERSON MILLER: Oh, okay.

22 MR. MPRAS: Have you ever cut and

1 pasted old reports to a new one?

2 INVESTIGATOR GHENENE: I don't
3 know. I can't remember.

4 MR. MPRAS: Now in your previous
5 testimony you stated that -- and in your
6 report it states that you asked Mr. Hall only
7 time to retrieve an ID, is that correct? Page
8 2 of your report, second paragraph, in the
9 middle.

10 INVESTIGATOR GHENENE: Even though
11 it might say that in the report -- but every
12 time that we approached somebody, we asked Mr.
13 Hall to retrieve the IDs.

14 MR. MPRAS: Yes, but aside from 1
15 and 2, you testified that your report is
16 complete an accurate.

17 INVESTIGATOR GHENENE: Okay.

18 MR. MPRAS: So which is it?

19 INVESTIGATOR GHENENE: I'm telling
20 you that in the report it might say one time;
21 but I'm not sure that it does, but what I can
22 tell you what happened was is that we asked

1 him to retrieve all of them.

2 CHAIRPERSON MILLER: I'm sorry, I
3 can't hear that. You asked him what?

4 INVESTIGATOR GHENENE: I said that
5 in the report it might say that we only asked
6 him to retrieve one, but we actually asked him
7 to retrieve of them, with the exception of the
8 ones that are on the base -- first floor when
9 he was not present.

10 CHAIRPERSON MILLER: Okay.

11 MR. MPRAS: So you're talking
12 about the last two upstairs?

13 INVESTIGATOR GHENENE: What's the
14 question?

15 MR. MPRAS: There were four
16 patrons. You said you did not ask him to
17 retrieve IDs from the patrons on the first
18 floor.

19 INVESTIGATOR GHENENE: Yes.

20 MR. MPRAS: You did on the second?

21 INVESTIGATOR GHENENE: He was not
22 present on the first floor. We made contact

1 with Mr. Hall as soon as we got to the second
2 floor, so he was -- we explained the nature of
3 our visit. We explained the procedure. At
4 that point he was aware of the procedure and
5 that's when -- like as I indicated before,
6 there was some kind of issue with the timing
7 of people giving their IDs after we've asked
8 for them.

9 MR. MPRAS: Okay. What procedure
10 did you explain? Can you explain the
11 procedure? What was the procedure?

12 INVESTIGATOR GHENENE: Well, what
13 I was talking about was when we've identified
14 people that are potentially under the age, if
15 it doesn't happen rapidly, if the IDs aren't
16 turned over rapidly, there's the possibility
17 that someone could take off running. There's
18 just a lot of different things that could
19 happen.

20 MR. MPRAS: Okay. That was what
21 could happen. What is the procedure though?

22 INVESTIGATOR GHENENE: That was

1 the procedure I was talking about.

2 MR. MPRAS: And why did you ask
3 Mr. Hall to retrieve IDs and not retrieve them
4 yourself?

5 INVESTIGATOR GHENENE: We wanted
6 Mr. Hall to be a part of the process. We just
7 wanted him to be a part of the process.

8 MR. MPRAS: Okay. Is Mr. Hall
9 obligated to retrieve the IDs for you under
10 D.C. law?

11 INVESTIGATOR GHENENE: I don't
12 know.

13 MR. MPRAS: Well, sir, I mean you
14 do enforce, you know, alcohol --

15 INVESTIGATOR GHENENE: Yes, but as
16 far as ID retrieval, I don't know.

17 MR. MPRAS: In your report it says
18 that the first person that you asked Mr. Hall
19 to retrieve an ID from set her drink down on
20 the floor and rapidly made her way to the rear
21 of the room ignoring your request. Is that
22 correct?

1 INVESTIGATOR GHENENE: Could you
2 restate the question?

3 MR. MPRAS: Yes, I said in your
4 report it said that one of the patrons that
5 you asked for ID immediately set he drink down
6 on the floor and rapidly made her way to the
7 rear of the room. And then you asked Mr. Hall
8 to retrieve that ID. Is that correct?

9 INVESTIGATOR GHENENE: Yes.

10 MR. MPRAS: Okay. Now this person
11 was leaving and exiting, correct?

12 INVESTIGATOR GHENENE: Exiting
13 what?

14 MR. MPRAS: The establishment.

15 INVESTIGATOR GHENENE: No.

16 MR. MPRAS: Just walking away from
17 you?

18 INVESTIGATOR GHENENE: Walking
19 towards the rear of the second floor.

20 MR. MPRAS: Okay. Is there an
21 exit in the rear of the second floor?

22 INVESTIGATOR GHENENE: A public

1 exit?

2 MR. MPRAS: Is there an exit,
3 period?

4 INVESTIGATOR GHENENE: I don't
5 know. It's been my experience that there is
6 no public exit on the second floor.

7 MR. MPRAS: Now you stated earlier
8 that you can't put your hands on people, is
9 that correct?

10 INVESTIGATOR GHENENE: Yes.

11 MR. MPRAS: Okay. What makes you
12 think Mr. Hall can put his hands on people if
13 you can't?

14 INVESTIGATOR GHENENE: I didn't
15 say that I thought he could.

16 MR. MPRAS: Okay. So how did you
17 expect him to retrieve an ID from somebody
18 that was ignoring a public official like
19 yourself?

20 INVESTIGATOR GHENENE: That's not
21 my concern. I asked him to get the ID.

22 MR. MPRAS: So even if he wasn't

1 permitted by law to do so, you still expect
2 him to do it?

3 INVESTIGATOR GHENENE: I don't
4 know the law. I just asked him to retrieve
5 his customer's identification. And if she
6 refused, that's fine. And then it's up to him
7 to police his establishment.

8 MR. MPRAS: So but is it true that
9 while you were conducting an investigation it
10 is the establishment's legal -- as far as your
11 investigation only legal obligation to not
12 interfere with your investigation in any way
13 whatsoever?

14 INVESTIGATOR GHENENE: That's an
15 expectation, but I would also expect them to
16 cooperate, too.

17 MEMBER SILVERSTEIN: Say again,
18 please?

19 INVESTIGATOR GHENENE: I would
20 also -- there is an expectation that they not
21 impede our investigation, but I would also
22 expect them to cooperate.

1 MR. MPRAS: So is there not more
2 than expectation? Are they not legally
3 obligated to not impede your investigation?

4 INVESTIGATOR GHENENE: I'm sorry?

5 MR. MPRAS: I said isn't it more
6 than an expectation? Are they not legally
7 obligated to not impede your investigation?

8 INVESTIGATOR GHENENE: I
9 definitely don't understand the question.

10 CHAIRPERSON MILLER: It's a lot of
11 double negatives, yes.

12 MEMBER SILVERSTEIN: Could you
13 rephrase that without the double negatives,
14 Mr. Mpras?

15 MR. MPRAS: All right. Is the
16 venue obligated to not impede your
17 investigation by law?

18 INVESTIGATOR GHENENE: Is the
19 venue obligated to not, by law?

20 MR. MPRAS: Yes.

21 INVESTIGATOR GHENENE: Yes.

22 MR. MPRAS: Okay. And did they

1 impede your investigation?

2 INVESTIGATOR GHENENE: No, not by
3 -- well, they did not cooperate. I was still
4 able to verify that there was underage patrons
5 consuming alcoholic beverages. So in that
6 regard, no.

7 MR. MPRAS: So did you just state
8 that they did not cooperate?

9 INVESTIGATOR GHENENE: I stated
10 that I asked Mr. Hall to retrieve IDs. He
11 retrieved none. In addition, there were
12 patrons that we identified as being underage
13 that remained in his establishment that he did
14 not remove.

15 MR. MPRAS: And as far as the ID
16 goes, you stated that creases in IDs are
17 unusual, but do occur, is that correct?

18 INVESTIGATOR GHENENE: I'm sorry?

19 MR. MPRAS: In your previous
20 testimony you said that creases in IDs are
21 unusual, but they do occur.

22 INVESTIGATOR GHENENE: No, I

1 didn't say that.

2 MR. MPRAS: You didn't say that?

3 INVESTIGATOR GHENENE: No.

4 MR. MPRAS: I have no further
5 questions for the witness. Thank you.

6 CHAIRPERSON MILLER: Okay. Board
7 questions?

8 MEMBER ALBERTI: Go ahead. I'll
9 wait for you.

10 CHAIRPERSON MILLER: Okay. I
11 think you testified that one of the patrons
12 who turned out to be a minor was nervous when
13 you asked her for her ID or something and she
14 dropped her beer.

15 INVESTIGATOR GHENENE: Yes, ma'am.

16 CHAIRPERSON MILLER: Okay. So my
17 first question is how do you know it was beer?

18 INVESTIGATOR GHENENE: It was in a
19 plastic cup and when we walked up it was --
20 just from experience you can look inside a cup
21 and kind of see what it was, and it looked
22 like beer.

1 CHAIRPERSON MILLER: Okay. You
2 were up close to it?

3 INVESTIGATOR GHENENE: And of
4 course once it hit the ground, it looked like
5 beer again. Yes.

6 CHAIRPERSON MILLER: Did you ask
7 her if she purchased the beer?

8 INVESTIGATOR GHENENE: Probably
9 not.

10 CHAIRPERSON MILLER: Okay. So I'm
11 just curious. If she was nervous, what were
12 the consequences, potential consequences that
13 she was facing by your asking for her ID?

14 INVESTIGATOR GHENENE: Well, it
15 would vary. Some instances we work with MPD
16 and in some instances MPD will arrest minors
17 that are consuming alcoholic beverages. So
18 that's a potential -- in her mind that would
19 have been a potential consequence.

20 CHAIRPERSON MILLER: So if the one
21 the minors turned over -- at least one of them
22 you said turned over their fake ID?

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 CHAIRPERSON MILLER: So but if it
3 had their name and address on it, would they
4 be at risk?

5 INVESTIGATOR GHENENE: In their
6 minds probably there's potential for some kind
7 of --

8 CHAIRPERSON MILLER: Okay. And if
9 they ran, what is the risk?

10 INVESTIGATOR GHENENE: Again, in
11 their eyes and in their minds I'm sure that
12 there's a host of concerns and apprehensions
13 and fears, potential.

14 CHAIRPERSON MILLER: Is there an
15 incentive to turn in a fake ID?

16 INVESTIGATOR GHENENE: You know, I
17 don't know. I don't -- from their position,
18 from their perspective, I'm not sure.

19 CHAIRPERSON MILLER: Okay.

20 INVESTIGATOR GHENENE: But I would
21 imagine that being cooperative to some minors
22 and some people that get in trouble would feel

1 like the right thing to do.

2 CHAIRPERSON MILLER: Also, didn't
3 ABRA offer a training last year, or within the
4 last couple years to establishments for ID
5 checking?

6 INVESTIGATOR GHENENE: I believe
7 so. I just didn't -- I don't know for sure,
8 but I believe so, yes.

9 CHAIRPERSON MILLER: Okay. And do
10 they also make available that ID checking book
11 to establishments?

12 INVESTIGATOR GHENENE: Yes, ma'am.
13 And again, I believe it was that night, and it
14 wasn't that night, it was certainly another
15 night where I dropped off "I.D. Checking
16 Guides" at that establishment.

17 CHAIRPERSON MILLER: Okay. Also,
18 you said the doorman said that he was checking
19 IDs?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 CHAIRPERSON MILLER: Did the
22 doorman say whether or not they admitted

1 patrons under the age of 21?

2 INVESTIGATOR GHENENE: The doorman
3 and Mr. Hall confirmed that there were not
4 patrons under 21 years old inside the
5 establishment and that you needed to be 21
6 years or older to gain admission.

7 CHAIRPERSON MILLER: Okay. They
8 said that to you?

9 INVESTIGATOR GHENENE: Yes, ma'am.

10 CHAIRPERSON MILLER: That's why
11 they checked IDs at the door?

12 INVESTIGATOR GHENENE: I believe
13 so, yes, ma'am.

14 CHAIRPERSON MILLER: Okay. Do you
15 know if they checked IDs again at the bar?

16 INVESTIGATOR GHENENE: I do not
17 know.

18 CHAIRPERSON MILLER: Okay. Did
19 you ask either the owner or the doormen
20 whether they had any training in checking IDs?

21 INVESTIGATOR GHENENE: No, ma'am.

22 CHAIRPERSON MILLER: Okay. That's

1 all my questions. Any other questions?

2 MEMBER ALBERTI: Yes, I do.

3 CHAIRPERSON MILLER: Thank you.

4 MEMBER ALBERTI: Good morning,
5 Investigator Ghenene.

6 INVESTIGATOR GHENENE: Good
7 morning.

8 MEMBER ALBERTI: Let's start with
9 the two people that you first -- the two young
10 women that you first encountered downstairs.
11 All right?

12 INVESTIGATOR GHENENE: Yes, sir.

13 MEMBER ALBERTI: That you spoke of
14 and you checked their IDs. Did you witness
15 them in the possession of alcoholic beverages?

16 INVESTIGATOR GHENENE: Yes, sir.

17 MEMBER ALBERTI: Can you describe
18 the for me?

19 INVESTIGATOR GHENENE: Sure. As
20 we approached, we were actually walking
21 towards the bar area to make contact with the
22 bartender and we saw that these two girls,

1 young girls were consuming what appeared to be
2 beer in plastic cups. So, you know, once we
3 were face to face with them -- and it's not as
4 though I tasted it or anything like that, and
5 I know I didn't ask them what was inside their
6 cups, but I just used my eyes and I looked and
7 it looked like beer.

8 MEMBER ALBERTI: And you I think
9 testified that one of them dropped their
10 drink?

11 INVESTIGATOR GHENENE: Yes, sir.

12 MEMBER ALBERTI: All right. And
13 when they dropped their drink, did you have
14 any other clue that it might be an alcoholic
15 beverage?

16 INVESTIGATOR GHENENE: Well, I
17 mean I guess it bubbled up a little bit and I
18 mean there was like -- I forget what you --
19 the foam at the top of the beer, top of the
20 beverage inside the cup.

21 MEMBER ALBERTI: Did it smell like
22 beer?

1 INVESTIGATOR GHENENE: Yes, it
2 smelled -- I mean the whole place smelled like
3 beer, but -- so I can't attribute --

4 MEMBER ALBERTI: Okay.

5 INVESTIGATOR GHENENE: Yes.

6 MEMBER ALBERTI: The whole place
7 like smelled beer. Yes. All right. Now the
8 first pair of patrons upstairs, you checked
9 their IDs, right?

10 INVESTIGATOR GHENENE: Yes.

11 MEMBER ALBERTI: Did you witness
12 them with alcoholic beverages in their hands?

13 INVESTIGATOR GHENENE: Yes, sir,
14 they actually had -- I believe it was Miller
15 Lite bottles in their hands.

16 MEMBER ALBERTI: And the last two
17 that you checked upstairs, did you witness
18 them with alcoholic beverages in their hands?

19 INVESTIGATOR GHENENE: The last
20 two, I believe -- they both had mixed drinks,
21 I believe, but I remember that the one girl
22 that I was speaking with and I ended up taking

1 a picture of, she smelled like alcohol. I
2 could smell alcohol on her.

3 MEMBER ALBERTI: Did you approach
4 anyone that evening who didn't have a beverage
5 in their hand --

6 INVESTIGATOR GHENENE: No.

7 MEMBER ALBERTI: -- to check their
8 ID?

9 INVESTIGATOR GHENENE: No, that's
10 not the -- I -- we wouldn't ID somebody
11 without them having a beverage in their hands.

12 MEMBER ALBERTI: Thank you. Now
13 the only reason you're under the impression
14 that everyone had to be 21 and older to be in
15 the establishment that evening was because of
16 statements by the owner and the -- Mr. Hall
17 and the person at the door?

18 INVESTIGATOR GHENENE: Yes, sir.

19 MEMBER ALBERTI: Is that correct?

20 INVESTIGATOR GHENENE: Yes, sir.

21 In addition we didn't -- and I remember they
22 didn't -- I didn't see anybody with Xs or

1 wristbands, things of that nature that would
2 indicate differences in ages.

3 MEMBER ALBERTI: Do they have a
4 security plan?

5 INVESTIGATOR GHENENE: A security
6 plan? I'm not sure, sir.

7 MEMBER ALBERTI: Now Mr. Hall was
8 with you when you checked the IDs of the four
9 people upstairs, is that correct?

10 INVESTIGATOR GHENENE: Yes, sir.

11 MEMBER ALBERTI: Okay. Now --

12 INVESTIGATOR GHENENE: And a
13 security guard.

14 MEMBER ALBERTI: And a security
15 guard --

16 INVESTIGATOR GHENENE: Yes, sir.

17 MEMBER ALBERTI: -- was with you
18 also?

19 INVESTIGATOR GHENENE: Yes, sir.

20 MEMBER ALBERTI: And was he there
21 paying attention to what you were doing?

22 INVESTIGATOR GHENENE: Absolutely,

1 yes, sir.

2 MEMBER ALBERTI: So now you had
3 two patrons upstairs. Very quickly run
4 through what happened. Did they give you IDs?
5 Did they walk away? Can you just summarize
6 that very quickly for me?

7 INVESTIGATOR GHENENE: Sure. The
8 first two?

9 MEMBER ALBERTI: Yes.

10 INVESTIGATOR GHENENE: The first
11 two we had already spoken with Mr. Hall, told
12 him what we wanted to do and how we were going
13 to do it. And we asked Mr. Hall to get their
14 IDs. He stalled, for lack of a better word.

15 MEMBER ALBERTI: Right.

16 INVESTIGATOR GHENENE: And then I
17 said can I see your IDs? I introduced myself
18 again and can I see your IDs? And they handed
19 them over. They were valid. They took off.

20 MEMBER ALBERTI: IDs were valid?

21 INVESTIGATOR GHENENE: The first
22 two, yes, sir.

1 MEMBER ALBERTI: What do you mean
2 by they were valid?

3 INVESTIGATOR GHENENE: They were
4 21 years of age. We verified that. And they
5 were authentic.

6 MEMBER ALBERTI: Oh, okay. All
7 right. So, I'm going to back track
8 downstairs. You had two patrons downstairs?

9 INVESTIGATOR GHENENE: Yes, sir.

10 MEMBER ALBERTI: One you
11 identified as being under 21 in your report
12 and the other one you said --

13 INVESTIGATOR GHENENE: Was 21
14 years of age.

15 MEMBER ALBERTI: When you say
16 their ID was valid, you mean they were over
17 21?

18 INVESTIGATOR GHENENE: Yes, sir.

19 MEMBER ALBERTI: Well, let's go to
20 the second patrons upstairs.

21 INVESTIGATOR GHENENE: Sure.

22 MEMBER ALBERTI: The second pair

1 of patrons upstairs.

2 INVESTIGATOR GHENENE: Yes, sir.

3 MEMBER ALBERTI: Run through me
4 again quickly what transpired.

5 INVESTIGATOR GHENENE: All right.
6 I recall approaching the two. One of them we
7 -- again, Mr. Hall, can you please get the
8 IDs? The same kind of just, you know, not
9 paying attention or not saying anything. And
10 I said, ma'am, this is who I am. Can I please
11 see your ID? One of them instantly just, you
12 know, turned around and took off towards the
13 rear of the establishment.

14 MEMBER ALBERTI: Okay.

15 INVESTIGATOR GHENENE: The second
16 one, who is the one I took the picture of --
17 and I believe both of them set their drinks
18 down, too, on the dance floor. The second
19 offered me the Michigan ID.

20 MEMBER ALBERTI: Okay. Let's talk
21 about the one who gave you the Michigan ID.
22 If I remember your testimony, at some point

1 during that conversation you confirmed that
2 she was not 21 years old, is that correct?

3 INVESTIGATOR GHENENE: Yes, sir.

4 MEMBER ALBERTI: Okay. And after
5 you confirmed that she was not 21, what did
6 she do? What happened after that point?

7 INVESTIGATOR GHENENE: I turned to
8 Mr. Hall and said she is not 21 years of age.
9 This is not hers. She has told me that. What
10 are you going to do? And he was talking to me
11 about -- I don't even know what he was talking
12 to me about, but it was not about the
13 situation we were dealing with at that point.

14 MEMBER ALBERTI: So what happened
15 to her? Did she leave?

16 INVESTIGATOR GHENENE: She just
17 went back to partying.

18 MEMBER ALBERTI: She went back to
19 her friends?

20 INVESTIGATOR GHENENE: Yes.

21 MEMBER ALBERTI: Or whatever she
22 was doing?

1 INVESTIGATOR GHENENE: Yes, sir.

2 MEMBER ALBERTI: Okay. So the ID
3 that you confiscated from her, that was not
4 her picture on --

5 INVESTIGATOR GHENENE: It's not
6 her.

7 MEMBER ALBERTI: It's not her?
8 It's not her picture on the ID? All right.
9 If I'm understanding you, with neither of the
10 patrons did Mr. Hall or the security guard
11 approach them and ask them to leave. Is that
12 correct?

13 INVESTIGATOR GHENENE: Yes, they
14 asked nobody to leave that night.

15 MEMBER ALBERTI: Was it your
16 impression that they were aware that they had
17 alcoholic beverages?

18 INVESTIGATOR GHENENE: Who would
19 be aware, sir?

20 MEMBER ALBERTI: Mr. Hall and the
21 security guard.

22 INVESTIGATOR GHENENE: Yes, sir.

1 Yes, sir.

2 MEMBER ALBERTI: Why do you
3 believe that?

4 INVESTIGATOR GHENENE: Because we
5 approached them all at the same time. We were
6 walking together.

7 MEMBER ALBERTI: All right. And
8 they left their drinks on the floor?

9 INVESTIGATOR GHENENE: They put
10 them down once we confronted them.

11 MEMBER ALBERTI: Did anyone
12 examine those drinks?

13 INVESTIGATOR GHENENE: You know, I
14 might have. I might have picked them up and
15 smelled them.

16 MEMBER ALBERTI: Did Mr. Hall or
17 the security guard?

18 INVESTIGATOR GHENENE: I don't
19 believe so, no.

20 MEMBER ALBERTI: You probably
21 don't have a -- well, maybe you do. Do you
22 have copy of Exhibit 2, the Michigan driver's

1 license?

2 INVESTIGATOR GHENENE: No, sir.

3 MEMBER ALBERTI: Can I give that
4 to the witness?

5 I'm giving you a copy of it. I
6 have the original here, so we both have what's
7 there. Now this license is -- would you
8 describe the orientation of this license?
9 When I mean orientation, you know, when I'm
10 printing something out, there's portrait
11 orientation and there's landscape orientation.
12 And I think those are pretty standard terms.
13 Portrait, meaning it's sort of up and down,
14 you know, the long ways are up and down. And
15 landscape, the long ways of the rectangle are
16 left to right. How is this oriented?

17 INVESTIGATOR GHENENE: It's
18 vertical or --

19 MEMBER ALBERTI: Portrait?

20 INVESTIGATOR GHENENE: Yes.

21 MEMBER ALBERTI: Okay. Vertical
22 or portrait? Okay. is that unusual for a

1 license of someone who is 21 years old?

2 INVESTIGATOR GHENENE: Yes.

3 MEMBER ALBERTI: And why is that?

4 INVESTIGATOR GHENENE: Several
5 states make sure the orientation of under the
6 age of 21 years old -- make sure that their
7 licenses and IDs are vertical or in the
8 portrait position to serve as a red flag to
9 anybody that's attempting to use it purchase
10 alcoholic beverages.

11 MEMBER ALBERTI: To your knowledge
12 is there any state who issues vertical
13 licenses?

14 INVESTIGATOR GHENENE: For people
15 that are over 21?

16 MEMBER ALBERTI: For people who
17 are over 21.

18 INVESTIGATOR GHENENE: Not that
19 I'm aware of, no.

20 MEMBER ALBERTI: Over on the
21 right-hand side towards the top it says
22 expires 02-09-2012. All right?

1 INVESTIGATOR GHENENE: Yes, sir.

2 MEMBER ALBERTI: Just underneath
3 that are two lines. Would you read those for
4 me?

5 INVESTIGATOR GHENENE: Sure.
6 Under 18 until 02-09-2009 and under 21 until
7 02-09-2012.

8 MEMBER ALBERTI: So the second
9 line there reads under 21 until February 9th,
10 2012?

11 INVESTIGATOR GHENENE: Yes, sir.

12 MEMBER ALBERTI: And the date of
13 this incident was February 17th, 2012, is that
14 correct?

15 INVESTIGATOR GHENENE: Yes, sir.

16 MEMBER ALBERTI: When you saw that
17 information, did that make you take a second
18 look at this?

19 INVESTIGATOR GHENENE: Well,
20 whenever I get an ID I always look at the
21 birth date, but I saw that it was expired, so
22 I didn't really feel -- that was the first red

1 flag.

2 MEMBER ALBERTI: All right. The
3 kind of information I just went over, was that
4 covered in the training?

5 INVESTIGATOR GHENENE: Reading
6 birth dates and things of that nature?

7 MEMBER ALBERTI: And expiration
8 dates and not under 21 until --

9 INVESTIGATOR GHENENE: Yes. Yes,
10 sir. But I mean it's just reading a birth
11 date, so --

12 MEMBER ALBERTI: All right.

13 INVESTIGATOR GHENENE: -- I would
14 imagine it's covered in a lot of different
15 things.

16 MEMBER ALBERTI: Okay. Thank you.
17 I have no further questions. Thank you.

18 INVESTIGATOR GHENENE: Thank you,
19 sir.

20 CHAIRPERSON MILLER: Okay. I
21 just have a couple of follow ups. When you
22 asked Mr. Hall to help you retrieve IDs, were

1 they from patrons who had drinks in their
2 hands or were they from patrons that looked
3 under 21 to you?

4 INVESTIGATOR GHENENE: Both, but
5 it wasn't -- we --

6 CHAIRPERSON MILLER: Both meaning
7 they all had --

8 INVESTIGATOR GHENENE: Yes.

9 CHAIRPERSON MILLER: -- drinks in
10 their hands?

11 INVESTIGATOR GHENENE: Yes, ma'am.
12 We wouldn't ask for identification from
13 somebody without --

14 CHAIRPERSON MILLER: Okay.

15 INVESTIGATOR GHENENE: -- what
16 appeared to be an alcoholic beverage in their
17 hand.

18 CHAIRPERSON MILLER: And about how
19 many individuals was that?

20 INVESTIGATOR GHENENE: That we
21 asked or that we saw?

22 CHAIRPERSON MILLER: That you saw

1 that you wanted to ask.

2 INVESTIGATOR GHENENE: It was more
3 than 10. But once we weren't getting the
4 cooperation that we are accustomed to, that's
5 when you said you know what, we have enough.
6 We'll just leave.

7 CHAIRPERSON MILLER: Right. Okay.
8 And just a question about the IDs. If someone
9 had a driver's license that had expired with
10 a date showing that they would be 21 or over
11 and the license looked legitimate except for
12 the fact that it expired, is that not
13 considered a valid ID to get into -- to be
14 served alcohol?

15 INVESTIGATOR GHENENE: Well, I
16 mean it's really up to them --

17 CHAIRPERSON MILLER: Take a risk?

18 INVESTIGATOR GHENENE: -- how they
19 want to run their business --

20 CHAIRPERSON MILLER: Yes.

21 INVESTIGATOR GHENENE: -- but
22 frequently what people, or minors, people

1 under 21, what they do is they get with their
2 friends that are turning 21 and they pass down
3 expired IDs.

4 CHAIRPERSON MILLER: Oh, okay. So
5 that's kind of a red flag?

6 INVESTIGATOR GHENENE: Yes, ma'am.

7 CHAIRPERSON MILLER: Okay. Thank
8 you. Any other Board questions?

9 (No audible response.)

10 CHAIRPERSON MILLER: Questions on
11 Board questions, Ms. Gephardt?

12 MS. GEPHARDT: No, I do not have
13 any other questions.

14 CHAIRPERSON MILLER: Okay. Mr.
15 Mpras?

16 MR. MPRAS: One question about the
17 identifications, vertical versus horizontal,
18 I guess portrait. Correct me if I'm wrong,
19 you stated in your experience vertical IDs are
20 issued to those individuals under the age of
21 21?

22 INVESTIGATOR GHENENE: I said I'm

1 not aware of any state that issues vertical
2 IDs to people over 21.

3 MR. MPRAS: Okay. So it would be
4 the horizontal that's issued to persons under
5 21 age?

6 INVESTIGATOR GHENENE: I don't
7 know.

8 MR. MPRAS: So a person under 21
9 or over 21 could have either vertical or
10 horizontal is what you're saying?

11 INVESTIGATOR GHENENE: That's not
12 what I'm saying.

13 MS. GEPHARDT: Asked and answered.

14 MR. MPRAS: I haven't gotten an
15 answer yet.

16 MEMBER ALBERTI: Okay. Would you
17 repeat your question for me? I didn't hear
18 it, Mr. Mpras. You need to speak up.

19 MR. MPRAS: Vertical versus a
20 horizontal ID. Which one would be issued to
21 an individual 21 years of age or under
22 customarily?

1 INVESTIGATOR GHENENE: You said 21
2 years of age or under?

3 MR. MPRAS: Actually, under the
4 age of 21. My apologies.

5 INVESTIGATOR GHENENE: Under the
6 age of 21, I would say more times than not it
7 would be vertical that would be issued to that
8 person.

9 MR. MPRAS: Okay. And do these
10 IDs always expire on the individual's 21st
11 birthday?

12 INVESTIGATOR GHENENE: I'm not
13 sure.

14 MR. MPRAS: So it is possible that
15 a person over the age of 21 has a vertical
16 license?

17 INVESTIGATOR GHENENE: I'm not
18 sure.

19 MR. MPRAS: Thank you.

20 CHAIRPERSON MILLER: Okay. Any
21 other questions?

22 (No audible response.)

1 CHAIRPERSON MILLER: All right.

2 Thank you very much.

3 Ms. Gephardt, do you have any
4 other witnesses or --

5 MS. GEPHARDT: I do not have any
6 other witnesses.

7 CHAIRPERSON MILLER: -- exhibits?
8 Okay. Thank you. Mr. Mpras?

9 MR. MPRAS: I'd like to call Mr.
10 Hall to the stand.

11 CHAIRPERSON MILLER: Okay. Would
12 you take the stand? I'll just swear you in.
13 Do you swear to tell the truth, the whole
14 truth, nothing but the truth?

15 MR. HALL: I do.

16 CHAIRPERSON MILLER: Thank you.

17 MR. MPRAS: Can you state your
18 name for the record?

19 MR. HALL: Thomas Eugene Hall.

20 MR. MPRAS: And your position with
21 the establishment known as DC Shenanigans?

22 MR. HALL: I am a managing member

1 of Twin T's, LLC, which is encompassing DC
2 Shenanigans.

3 MR. MPRAS: And were you there on
4 the night in question, February 17th, 2012?
5 Were you present?

6 MR. HALL: Yes, I was.

7 MR. MPRAS: Okay. Now is every
8 individual that enters your establishment
9 checked for identification?

10 MR. HALL: Yes, they are.

11 MR. MPRAS: Okay. And what type
12 of event as far as age were you offering on
13 that evening? Was it 18 and over, or was it
14 21 and over?

15 MR. HALL: It was 21 and over.

16 MR. MPRAS: Okay. And who was
17 primarily responsible for the checking of IDs?

18 MR. HALL: It would be the doorman
19 at the front door. We do -- just to cover, if
20 something did come up, we do instruct the
21 bartenders if they have any secondary
22 questions, that they're -- it is their

1 responsibility to as for ID should see
2 something that they don't feel looks right.
3 But generally most of the ID checking takes
4 place at the front door.

5 MR. MPRAS: Okay. When Officer
6 Ghenene testified, he stated that he asked you
7 to retrieve IDs from individuals. Would you
8 please explain your response to that?

9 MR. HALL: Well, we -- I have
10 personally had issues in the past with some
11 liability on grabbing people's IDs, and even
12 touching anybody. I actually got myself into
13 a situation awhile back, so I'm very hesitant
14 to grab anybody's ID or even get involved in
15 the process. And quite frankly, I thought --
16 it was my understanding that he had the
17 authority to do so, so I wanted to go ahead
18 and allocate that authority to him. I was
19 worried, very worried about the liability of
20 me getting involved in it. That's why I
21 didn't do it.

22 MR. MPRAS: And did you fully

1 cooperate with Investigator Ghenene's
2 investigation as far as providing him the
3 things you could provide him and you didn't
4 impede him in any way?

5 MR. HALL: I was always under the
6 impression that I tried to cooperate with him.
7 I didn't feel like I was trying to impede him
8 at all.

9 MR. MPRAS: Now since that date
10 have you altered your procedures in any way?

11 MR. HALL: We've changed
12 everything. You know, we now have UV lights
13 at the door, "I.D. Checking Guide." And he
14 was correct, he did provide us with an "I.D.
15 Checking Guide." I do believe it was shortly
16 afterwards, but he did provide us. And we
17 went since then and updated them. We also do
18 have a scanning device, all of which is used
19 in assistance.

20 The other thing we did is we have
21 changed door staff and got more recognized
22 experts in the field, because some of these

1 IDs are very difficult. Some of them are
2 difficult. So I think that's the reason why
3 you haven't seen a violation or even really we
4 don't get any visits. I haven't seen him
5 forever. I think it's because it's corrected.
6 The problems are completely 100 percent
7 corrected. Nobody gets in now. We catch
8 everything. We actually turn it over to MPD
9 on several occasions.

10 MR. MPRAS: And have you recently
11 turned something over to MPD?

12 MR. HALL: Believe so. I believe
13 we had someone here --

14 MS. GEPHARDT: Objection. This is
15 not relevant to the charge at hand. This is
16 after the fact.

17 CHAIRPERSON MILLER: Do you want
18 to address that, Mr. Mpras?

19 MR. MPRAS: Yes, this has to do
20 with their responsiveness to Investigator
21 Ghenene's, you know, recommendations and, you
22 know, suggestions as far as how to better

1 improve the security, their ID checking, and
2 what he deemed that they were doing that was
3 not to his satisfaction.

4 CHAIRPERSON MILLER: And to what
5 is it relevant in the case? Is it relevant
6 to --

7 MR. MPRAS: Relevant to how --

8 CHAIRPERSON MILLER: -- penalties?

9 MR. MPRAS: -- the venue checks
10 IDs, which is --

11 CHAIRPERSON MILLER: Now. But
12 what about -- why is that relevant to how it
13 checked then? That's the questions.

14 MR. MPRAS: Because the only thing
15 that's changed is the use of tools; I'm going
16 to get to that, not to their responsiveness
17 when they catch a fake ID. If you give me a
18 little leeway, I'll get there.

19 CHAIRPERSON MILLER: Okay. All
20 right.

21 MR. MPRAS: I'll get there right
22 now.

1 CHAIRPERSON MILLER: Okay.

2 MR. MPRAS: I'm going to -- I have
3 copies for the Board of the recent --

4 MS. GEPHARDT: But again, this is
5 after this incident. So the fact that they've
6 changed their ways after the incident has
7 nothing to do with this violation.

8 MR. MPRAS: As far as using the
9 "I.D. Checking Book" and ID scanner, but
10 they've always have worked in conjunction with
11 -- they always have checked IDs as best they
12 could and worked in conjunction with police
13 when they would come across a false ID. This
14 is just to verify.

15 CHAIRPERSON MILLER: Is this --

16 MEMBER ALBERTI: So how does this
17 show that?

18 CHAIRPERSON MILLER: Is this --
19 what are you showing, a pattern or what?

20 MR. MPRAS: A pattern.

21 MS. GEPHARDT: This is a pattern
22 after the fact.

1 CHAIRPERSON MILLER: I haven't
2 seen this document, so I have no -- I'm kind
3 of in the dark as to a little bit. Is this
4 document going to show the connection?

5 MR. MPRAS: The document -- no,
6 no. The document will show how their method
7 of operation, which is consistent as far as
8 how they've checked IDs and notified the
9 police when they've had false identifications.

10 MS. GEPHARDT: But the report does
11 not address how they did it before. It only
12 addresses what they've done after.

13 MR. MPRAS: It's a consistent
14 pattern though.

15 CHAIRPERSON MILLER: Do you want
16 to ask -- I mean maybe you need to elicit some
17 testimony from your witness as to -- what
18 we're hearing is that -- you know, what they
19 did then. How has that led to something? I
20 don't know.

21 MR. MPRAS: Well, I'll continue to
22 try to introduce these, but --

1 CHAIRPERSON MILLER: Oh, well,
2 yes, give a copy to Ms. Gephardt and we can --
3 if she objects --

4 MS. GEPHARDT: Yes, I have a copy.

5 CHAIRPERSON MILLER: -- you know,
6 I can look at it and see, rule on the
7 objection.

8 MEMBER ALBERTI: Do we know what
9 it is?

10 CHAIRPERSON MILLER: No, I don't
11 have it yet.

12 MS. GEPHARDT: Appears to be a
13 letter.

14 MR. MPRAS: It's an ABRA
15 investigative report.

16 MS. GEPHARDT: It's a follow-up
17 visit to the establishment and then basically
18 giving them a report card on how they're doing
19 now.

20 MR. MPRAS: It's --

21 MEMBER ALBERTI: Okay. So and
22 when did that --

1 MR. MPRAS: It's actually a case
2 report.

3 MEMBER ALBERTI: I understand
4 that. And the date of the case report? And
5 when was the visit?

6 MR. MPRAS: January 26th, 2013.

7 MEMBER ALBERTI: So almost a year
8 after this incident?

9 MR. MPRAS: One second. I'll
10 check the date on that.

11 MEMBER ALBERTI: I'll help you.
12 This incident happened on February 17th, 2012.

13 MR. MPRAS: Yes.

14 MEMBER ALBERTI: So by my
15 reckoning and the way I count, it's 11 months
16 after this. Is that correct?

17 MR. MPRAS: That is correct.

18 MEMBER ALBERTI: Thank you.

19 CHAIRPERSON MILLER: Does it
20 reference this incident?

21 MR. MPRAS: I'm sorry?

22 CHAIRPERSON MILLER: Does it

1 reference this incident?

2 MR. MPRAS: No. It references how
3 they handle the checking of IDs and how they
4 work with law enforcement.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER ALBERTI: I'd sustain the
7 objection.

8 CHAIRPERSON MILLER: I haven't
9 seen the document so I can't really rule on
10 the admissibility. I think the question is
11 what is the connection between this incident
12 that we're hearing and the document that you
13 want to have admitted into evidence? What's
14 the connection.

15 MR. MPRAS: Well, if I may finish
16 with Mr. Hall, we're going to -- at that time
17 they were -- that has not changed since that
18 time.

19 CHAIRPERSON MILLER: What has?

20 MS. GEPHARDT: Well, just --

21 CHAIRPERSON MILLER: Wait, I think
22 we --

1 MS. GEPHARDT: -- FYI for the
2 Board --

3 CHAIRPERSON MILLER: Okay.

4 MS. GEPHARDT: -- after this
5 incident there were two other sale to minor
6 incidents. So obviously the pattern that he's
7 talking about is not -- you know, this is not
8 material. I mean obviously --

9 MEMBER ALBERTI: May I interject
10 here, Ms. Miller? It would seem to me that if
11 we allow this testimony in, then we would have
12 to allow -- because it speaks to a pattern of
13 their behavior, we'd have to allow the
14 testimony of subsequent allegations.

15 MS. GEPHARDT: Right.

16 MEMBER ALBERTI: And I don't
17 really think that we should go down that road.
18 I'm not suggesting that we do, but I think
19 that --

20 MS. GEPHARDT: I agree.

21 MEMBER ALBERTI: -- if we allow
22 this in, then the proper thing would be to

1 allow that in. And again, I don't think we
2 want to go down that road.

3 MR. MPRAS: Those allegations at
4 this time have not been sustained. They're
5 simply allegations while this is a closed
6 case.

7 MEMBER SILVERSTEIN: Say again,
8 please, sir?

9 CHAIRPERSON MILLER: Okay.

10 MR. MPRAS: This is -- any
11 subsequently -- any -- excuse me, the
12 allegations that Mr. Alberti is referring to
13 have not been sustained at this time. They're
14 simply allegations, while this matter is a
15 closed case report and a decision has been
16 rendered.

17 MS. GEPHARDT: There is a sale to
18 minor on 3/18, which was obviously almost a
19 month later.

20 MR. MPRAS: We object to all this
21 because that has not yet been determined.

22 MEMBER ALBERTI: But Ms.

1 Gephardt --

2 MEMBER SILVERSTEIN: Ms. Miller?

3 MEMBER ALBERTI: But Ms. Gephardt
4 could call witnesses to those allegations if
5 she chose to as a follow up to your
6 questioning. You're opening a door that's --
7 you're opening the barn door here, Mr. Mpras.
8 And if you want to do that, I -- still I
9 object to doing that. But I'm telling you
10 what I would ask the Chair to do if you open
11 that -- if that door is opened.

12 MEMBER SILVERSTEIN: Madam Chair?

13 CHAIRPERSON MILLER: Mr.
14 Silverstein? Yes?

15 MEMBER SILVERSTEIN: I would agree
16 with my colleague Mr. Alberti that this is a
17 door that we do not want to open, because if
18 you are speaking to behavior subsequent to
19 this and you're speaking of a pattern, then
20 certainly allegations in a case like that have
21 been opened. We can speak to those. But if
22 we do not open the door, then we cannot speak

1 to those and I would be very, very wary of
2 opening that door.

3 CHAIRPERSON MILLER: Well, let me
4 just say this: We can take judicial notice of
5 documents that are in the Licensee's record.

6 MR. MPRAS: That would be
7 sufficient.

8 CHAIRPERSON MILLER: Okay.

9 MR. MPRAS: Well, the Government
10 doesn't object.

11 CHAIRPERSON MILLER: And I think
12 that we would get to the question; at least I
13 was going to get to the question as to -- you
14 know, we had another hearing with respect to
15 this case and we heard and it's in the record
16 that all these steps were taken and there's no
17 problem now. So I mean that's basically in
18 the record.

19 MEMBER ALBERTI: That's the
20 relevancy, right?

21 CHAIRPERSON MILLER: So and I
22 thought that you would argue that with respect

1 to penalties, that the Licensee has taken --

2 MEMBER ALBERTI: I don't believe
3 that --

4 CHAIRPERSON MILLER: -- all these
5 steps.

6 MEMBER ALBERTI: I don't -- okay.
7 I'm sorry.

8 CHAIRPERSON MILLER: But -- let me
9 finish.

10 MEMBER ALBERTI: I'm sorry. I'm
11 sorry.

12 CHAIRPERSON MILLER: But I think,
13 you know, what -- I think the question is I
14 don't think that we should -- we need to
15 ignore that information that's in the record.
16 And so I would be saying, well, this is not
17 the only -- you did -- made all those changes,
18 but this is the second case that we are
19 hearing that -- so at least it was two times
20 before changes were made, or when were changes
21 made with respect to those?

22 MR. MPRAS: Yes, ma'am.

1 CHAIRPERSON MILLER: I think it's
2 a valid question.

3 MEMBER ALBERTI: And this --

4 CHAIRPERSON MILLER: I don't see
5 what we're opening the door to.

6 MEMBER ALBERTI: Well, I want to
7 address something that you said. I mean you
8 said that his description of what he's done
9 after this incident and how they've changed
10 their procedures is in the record. I'm not
11 confident that it is because those statements
12 were made not under oath.

13 CHAIRPERSON MILLER: Not his
14 statements.

15 MEMBER ALBERTI: No, no, wait,
16 wait. No their statements on what their
17 procedures are and how they've rectified and
18 how they've changed the procedures were not
19 made under oath. So I don't think that the
20 Board can consider them. I don't believe --
21 I mean they may be in our transcripts, but I
22 don't think the Board can even give them any

1 weight because they were not made under oath.
2 They were not made as a part of any testimony.

3 CHAIRPERSON MILLER: In this case
4 they weren't. And I would -- I think the
5 question is whether he can put on evidence to
6 that effect. And my point is I know we heard
7 Mr. Hall testify to that and that's in the
8 record. So I don't see any big difference and
9 any big problem in this case.

10 MEMBER ALBERTI: Can we take --

11 CHAIRPERSON MILLER: And it goes
12 to penalty as to whether -- and he can repeat
13 it again here, but whether they've taken steps
14 to rectify.

15 MEMBER ALBERTI: If you're going
16 to allow this, then I'd ask for an adjournment
17 here so that we can get copies of the
18 investigative reports from the allegations,
19 reports of things that happened after this.
20 I would like to have those in front of me so
21 that --

22 CHAIRPERSON MILLER: I don't --

1 MEMBER ALBERTI: -- I may ask Mr.
2 Hall and ask any follow-up questions of
3 investigators that Ms. Gephardt chooses to
4 call. So I'd like to take a pause here so
5 that we can get copies of all of those
6 investigative reports from -- reports that
7 were done after this incident.

8 MR. MPRAS: Madam Chair, if I may?

9 CHAIRPERSON MILLER: Yes, I --

10 MR. MPRAS: This doesn't need to
11 be admitted.

12 CHAIRPERSON MILLER: Okay.

13 MR. MPRAS: Judicial notice will
14 be sufficient as it is already part of --

15 CHAIRPERSON MILLER: It's in the
16 record? It's in the history?

17 MR. MPRAS: It's in, yes, part of
18 the ABRA files.

19 CHAIRPERSON MILLER: Do you have
20 an objection to that, their comment?

21 MS. GEPHARDT: As part of the
22 investigative history, but not to admit this

1 document? Yes, I'm fine with that.

2 CHAIRPERSON MILLER: Okay.

3 MR. MPRAS: That's sufficient.

4 Thank you.

5 CHAIRPERSON MILLER: Okay. So we
6 don't need to go down the road into all those
7 -- evidence about this. Okay.

8 MR. MPRAS: Mr. Hall, is there
9 anything else you'd like to add as to that
10 night, the incident in question?

11 MR. HALL: The night of the
12 incident in question?

13 MR. MPRAS: Yes.

14 MR. HALL: No.

15 MR. MPRAS: Thank you. No further
16 questions.

17 Tom, you got to wait. You got to
18 wait. You got to wait.

19 MR. HALL: Oh.

20 CHAIRPERSON MILLER: Right, you
21 need to stay for questions --

22 MR. HALL: Okay.

1 CHAIRPERSON MILLER: -- from Ms.
2 Gephardt and the Board. Okay?

3 MS. GEPHARDT: I do have a
4 question as follow up. You mentioned that
5 when you were asked for your assistance in
6 retrieving IDs you couched it as grabbing IDs
7 and that you've gotten into trouble before
8 grabbing people to try to get their IDs. Have
9 you not tried to just ask someone for their
10 ID? Why does it have to be constituted as a
11 grabbing?

12 MR. HALL: I don't think I ever
13 explained it as a grabbing, but I felt like I
14 shouldn't be involved in the process because
15 I didn't feel like I had the authority. I
16 felt like he had all the authority to do it.
17 I kind of gather from his testimony he's not
18 allowed to do it either. Was not aware of
19 that. I thought he had complete authority to
20 detain or whatever he wanted to do and I felt
21 very uncomfortable with doing that because I
22 don't have any authority. I mean we've had

1 those situations where we've been sued for
2 grabbing people at the door and stuff like
3 that. So I'm very hesitant, especially in
4 this day and age to be getting involved in
5 that. And I thought he did have the authority
6 to do whatever he -- you know, that's --

7 MS. GEPHARDT: So you're saying
8 that you didn't think you had the authority to
9 just ask somebody in your establishment for
10 their ID?

11 MR. HALL: No, I thought he had
12 the authority, so --

13 MS. GEPHARDT: But you said you
14 don't --

15 MR. HALL: So when he tried --

16 MS. GEPHARDT: -- think you
17 have --

18 MR. HALL: -- to involve me, I was
19 hesitant to get involved because I didn't
20 understand what was going on, why he wanted to
21 involve me when I was under the impression he
22 had complete authority to do it himself.

1 That's all.

2 MS. GEPHARDT: Okay. No more
3 questions.

4 CHAIRPERSON MILLER: Okay. Board
5 questions? Mr. Alberti?

6 MEMBER ALBERTI: Mr. Hall, as a
7 normal procedure do you or any of your
8 employees ever ask someone who's already been
9 admitted to your establishment for an ID?

10 MR. HALL: Yes. As a normal
11 procedure, no. As an exception to the rule,
12 yes.

13 MEMBER ALBERTI: Well, give me
14 more. Elaborate on that for me, please. I
15 don't understand. What do you mean by
16 exception to the rule?

17 MR. HALL: The rule is once
18 they're checked at the door they're checked
19 and they're ID'd. That would allow that
20 person to enter and consume alcoholic
21 beverages. However, if there's a question --
22 every once in a blue moon I'll see somebody

1 that looks young and I'll go out -- and I'll
2 sometimes even re-ask them for an ID. Can I
3 see your ID, please? Because I'll happen to
4 notice that they're young.

5 There was an occasion once when I
6 took them back out the door and the doorman
7 said he never let them in, which was
8 perplexing until we found out that we had an
9 issue with them texting and trying to let
10 people in the back door. So we had to hire
11 somebody to watch the back door. So there's
12 been some exceptions to our policy based on
13 circumstances that have happened that we've
14 become aware of.

15 MEMBER ALBERTI: Okay. So you do
16 feel free that you have cause to ask -- you or
17 your employees feel free if they have cause to
18 ask someone to see their ID. Is that correct?

19 MR. HALL: Bartenders, yes. Or
20 myself, yes.

21 MEMBER ALBERTI: Okay. All right.
22 You heard Mr. Ghenene testify that you told

1 him that that evening the policy was that only
2 people 21 and older would be admitted.

3 MR. HALL: Yes.

4 MEMBER ALBERTI: Did you tell me
5 Mr. Ghenene or any of the other investigators
6 accompanying him that that was your policy?

7 MR. HALL: Correct.

8 MEMBER ALBERTI: So what do you
9 normally do if you find someone who's in your
10 establishment with an alcoholic beverage and
11 you discover they're underage? What was your
12 normal procedure at that time?

13 MR. HALL: I personally have never
14 had that happen to myself, so I didn't -- I've
15 never experienced. I mean I would imagine
16 that the security staff would escort them out
17 once -- if they --

18 MEMBER ALBERTI: Have you ever
19 trained your security staff on what to do?

20 MR. HALL: They have been trained,
21 yes. We have a security manual.

22 MEMBER ALBERTI: And what did you

1 train them to do?

2 MR. HALL: They would be removing
3 the individual.

4 MEMBER ALBERTI: They would be
5 removing the individual? All right. So you
6 were with Mr. Ghenene upstairs when he
7 approached two pairs of patrons and asked for
8 their IDs. And the second pair of patrons was
9 confirmed by him to be under 21. Were you
10 aware that they were under 21 at that point?

11 MR. HALL: Was not.

12 MEMBER ALBERTI: No, well, after
13 Mr. Ghenene had the IDs and spoke with you did
14 you become aware that they were under 21?

15 MR. HALL: I became aware that he
16 alleged they were under 21.

17 MEMBER ALBERTI: All right. Why
18 did you have a doubt?

19 MR. HALL: Until something's
20 proven. I don't know how efficient he is on
21 the IDs. So there are some very good IDs out
22 there. So I don't know whether somebody -- I

1 mean I'm not a complete expert myself, so --

2 MEMBER ALBERTI: All right.

3 MR. HALL: -- I don't know whether
4 somebody --

5 MEMBER ALBERTI: So he didn't tell
6 you? Did he tell you that they were under 21?

7 MR. HALL: I don't recall his
8 exact verbiage.

9 (Pause while Mr. Alberti
10 formulates his next question.)

11 MR. HALL: See, when I ask for --

12 MEMBER ALBERTI: Wait, wait, wait,
13 wait, wait. No, wait. I get to ask the
14 questions.

15 MR. HALL: I was trying to
16 elaborate on the question.

17 MEMBER ALBERTI: Wait. No, wait.
18 Wait. Let me ask a question, please. So are
19 you saying -- is it your testimony that he
20 never -- were you there when he questioned the
21 second pair of individuals?

22 MR. HALL: As he said many times

1 during his testimony, this was a long time
2 ago, so we don't recall everything that
3 happened. And that's exactly the same case
4 with me. This was a long time ago. I don't
5 recall every --

6 MEMBER ALBERTI: So you don't
7 recall being there? You don't recall whether
8 you --

9 MR. HALL: I was there. Yes, of
10 course I recall being there, but I don't
11 recall --

12 MEMBER ALBERTI: And were you
13 standing next to him?

14 MR. HALL: I was standing right
15 next to him. I was near him.

16 MEMBER ALBERTI: Did you hear the
17 conversation he was having with those
18 individuals?

19 MR. HALL: Maybe on a limited
20 basis. Very difficult to hear. We were right
21 next to the music.

22 MEMBER ALBERTI: At any point when

1 he -- immediately following his questioning of
2 those individuals, were you aware that he
3 believed them to be under 21?

4 MR. HALL: I don't recall.

5 MEMBER ALBERTI: So when one of
6 the patrons -- do you remember one of the
7 patrons walked to the rear of the
8 establishment? Do you remember that?

9 MR. HALL: Do not.

10 MEMBER ALBERTI: You do not?

11 MR. HALL: No.

12 MEMBER ALBERTI: So you don't
13 remember much about that evening at all, is
14 that correct?

15 MR. HALL: I do not recall a
16 patron trying to exit through the rear of the
17 establishment.

18 MEMBER ALBERTI: I didn't ask
19 that. I asked when the patron walked towards
20 the rear of the establishment, do you remember
21 that?

22 MR. HALL: I said no I don't

1 recall that.

2 MEMBER ALBERTI: Okay. You don't
3 recall that? All right. So what I'm hearing
4 from you is that your recollection of what
5 transpired between you and Mr. Ghenene and
6 those patrons is very hazy. Is that correct?

7 MR. HALL: Very hazy?

8 MEMBER ALBERTI: You don't
9 remember a whole lot about what transpired
10 between you and Mr. Ghenene and those patrons?

11 MR. HALL: I know he was ID'ing
12 individuals. I know he asked me to retrieve
13 those IDs.

14 MEMBER ALBERTI: And that's all
15 you remember?

16 MR. HALL: I do know that, yes.
17 And I do know that he had alleged at some
18 point that a few of them were carrying
19 fraudulent IDs.

20 MEMBER ALBERTI: Oh, so you knew
21 that?

22 MR. HALL: He had told me out

1 front when we had to sign the paperwork, yes.

2 MEMBER ALBERTI: Oh, but you
3 didn't know that when he questioned the second
4 pair upstairs?

5 MR. HALL: I wasn't aware of that
6 upstairs, because again we're talking about a
7 chaotic situation. It's loud. It's busy.
8 Once he got outside and showed me the paper
9 and explained it, I understand it better.

10 MEMBER ALBERTI: You just earlier
11 told me that you didn't remember what he told
12 you, and now you're telling me you weren't
13 aware. So what is it?

14 MR. HALL: I was aware once we got
15 outside, once the paperwork was presented to
16 me.

17 MEMBER ALBERTI: No, that's not
18 what I'm asking. I'm asking what was it? Do
19 you remember what Mr. Ghenene told you, or do
20 you not remember what Mr. Ghenene told you
21 upstairs?

22 MR. HALL: My thing was I don't

1 know whether the IDs were --

2 MEMBER ALBERTI: No, I asked
3 you --

4 MR. HALL: -- fraudulent or not.

5 MEMBER ALBERTI: -- do you
6 remember what Mr. Ghenene told you upstairs,
7 or do you not remember what Mr. Ghenene told
8 you upstairs?

9 MR. HALL: I do not recall
10 specifically the conversation upstairs.

11 MEMBER ALBERTI: Okay. Thank you
12 very much. No further questions.

13 CHAIRPERSON MILLER: Other
14 questions?

15 (No audible response.)

16 CHAIRPERSON MILLER: I just have a
17 few. So do patrons always have to be 21 or
18 older to get into this establishment?

19 MR. HALL: We are -- we had a few
20 occasions in the very beginning where we would
21 do parties where we'd do the wristband thing,
22 as he was talking about; I guess he's seen

1 that at other places, but we have since ceased
2 that. So it's absolutely positively 21 and up
3 now.

4 CHAIRPERSON MILLER: So going back
5 to this date, if you found that someone was
6 under 21 or you had reason to believe they
7 were under 21, what was your policy?

8 MR. HALL: The security policy?
9 The security is to remove the patron.

10 CHAIRPERSON MILLER: Okay. So
11 that night did you remove anyone that Mr.
12 Ghenene or the other investigator identified
13 as not being under 21 and according to their
14 ID?

15 MR. HALL: Oh, he had testified
16 that he saw them continue to party.

17 CHAIRPERSON MILLER: Right.

18 MR. HALL: I did not see that. I
19 didn't see them continue to party, so --

20 CHAIRPERSON MILLER: But did you
21 keep track of them, or were you distracted,
22 or --

1 MR. HALL: No, I was with him
2 after that, but it was my understanding from
3 the security staff inside that those people
4 were pretty shook up and left the bar within
5 a few minutes, so --

6 CHAIRPERSON MILLER: So you --

7 MR. HALL: -- by their own accord.

8 CHAIRPERSON MILLER: Why did you
9 think that?

10 MR. HALL: Because the security
11 staff had said that to me.

12 CHAIRPERSON MILLER: Okay.

13 MR. HALL: That they saw several
14 patrons leave the bar, that they were
15 questioned.

16 CHAIRPERSON MILLER: Okay. Now I
17 made reference to this a few minutes ago, but
18 it's in the history and we have transcripts
19 that there was another case dealing with sale
20 to minors at your establishment at which you
21 testified that you then took all these
22 corrective actions and there were not problems

1 anymore. And so my question is this is the
2 second case we're hearing that there were
3 problems with IDs and sales to minors. And so
4 can you give me or the Board the context of
5 this case related to the other case, related
6 to when you took corrective action?

7 MR. HALL: I don't know the
8 specific dates, but I do know it may be the
9 subsequent violation she speaks of. But I
10 believe the last or newest violation was a
11 sting where the actual bartender --

12 CHAIRPERSON MILLER: Okay. I
13 don't want to get into that. Let's just say
14 -- this case is February 2012, is that right?
15 I think it is.

16 MR. MPRAS: Madam Chair, just a
17 point of order. For your information, this
18 was the first one, but it was heard after the
19 subsequent one because of scheduling.

20 CHAIRPERSON MILLER: When did you
21 take the corrective action? Did you take
22 corrective action after this case or --

1 MR. HALL: After the -- the
2 February 12th one is when we began to change
3 all the -- add all the new -- you know, the
4 "I.D. Checking Book" and all that stuff.

5 CHAIRPERSON MILLER: All right.
6 Thank you. Any other Board questions?

7 (No audible response.)

8 CHAIRPERSON MILLER: Okay. Any
9 questions based on Board questions?

10 MS. GEPHARDT: No.

11 CHAIRPERSON MILLER: Mr. Mpras?

12 MR. MPRAS: No.

13 CHAIRPERSON MILLER: Okay. Thank
14 you very much. Does that conclude your case,
15 Mr. Mpras?

16 MS. GEPHARDT: Yes. Oh.

17 (Laughter.)

18 MS. GEPHARDT: You said Mr. Mpras.
19 I'm sorry.

20 (Laughter.)

21 CHAIRPERSON MILLER: That's okay.

22 (Laughter.)

1 MS. GEPHARDT: We've been together
2 for a long time now.

3 (Laughter.)

4 CHAIRPERSON MILLER: Is that
5 correct?

6 MR. MPRAS: I'm sorry?

7 CHAIRPERSON MILLER: Did she
8 answer correctly for you?

9 MR. MPRAS: No comment.

10 CHAIRPERSON MILLER: Do you have
11 any other witnesses or documents?

12 MR. MPRAS: I'm done.

13 CHAIRPERSON MILLER: Okay. We're
14 ready for closing?

15 MR. MPRAS: Yes.

16 CHAIRPERSON MILLER: Okay. All
17 right, Ms. Gephardt.

18 MS. GEPHARDT: All right. Members
19 of the Board, today you've heard through the
20 credible testimony of Investigator Ghenene
21 that on the evening of February the 17th, 2012
22 he entered the establishment at that time

1 called McNasty's because he observed a large
2 crowd of young people outside who appeared to
3 be under 21. As he entered the establishment
4 he was able to identify at least four patrons
5 who had fake identifications. And for those
6 patrons that were identified, they were
7 consuming alcoholic beverages, which he did
8 confirm visually and also the smell of beer.
9 They presented fake identifications. We heard
10 that there was a Florida driver's license that
11 was not real, as well as a Michigan driver's
12 license that was expired. And in addition,
13 the picture on the driver's license was not
14 even of the patron.

15 While he was doing his
16 investigation he asked Mr. Hall, the owner,
17 for his assistance and Mr. Hall failed to
18 assist in retrieving IDs and stopping patrons.
19 You just heard his testimony that it was the
20 domain of the investigators at the time they
21 came in, however, he later admitted that he
22 has the authority to stop patrons in his own

1 establishment and that he also has the
2 authority to ask them to leave. And in this
3 case he did not ask anyone to leave, although
4 he had the ability and the authority to do
5 that.

6 The Government has proven through
7 the testimony of Investigator Ghenene that all
8 the charges in this case have been proven, and
9 that is for permitting the sale of an
10 alcoholic beverage to a person under the age
11 of 21, as well as for failing to require the
12 production of valid identification during the
13 sale or delivery of an alcoholic beverage to
14 a person under 21.

15 In addition, before I conclude I
16 just want to also mention that even the
17 doorman admitted that the ID procedures that
18 they use are for simply eyeballing it and his
19 experience as a doorman. They were not using
20 the ID checking guide. They were not using
21 any other implement such as a black flashlight
22 or the other device that Investigator Ghenene

1 mentioned and, therefore, they were not
2 prepared to or unwilling to identify young
3 patrons coming into their establishment.

4 And therefore, they should be
5 found guilty of these charges. The Government
6 would recommend in this case that there be a
7 \$5,000 fine and 10 days served for DC
8 Shenanigans. This would constitute the
9 maximum fine and the maximum suspension for
10 both charges.

11 CHAIRPERSON MILLER: Did you say
12 \$5,000?

13 MS. GEPHARDT: A \$5,000 fine,
14 that's correct.

15 CHAIRPERSON MILLER: Okay.

16 MR. MPRAS: Pursuant to Title 25-
17 783 of the D.C. Code, DC Shenanigans did take
18 all reasonable steps necessary to ascertain
19 the legal drinking age --

20 MEMBER SILVERSTEIN: Mr. Mpras,
21 please speak up. Thank you.

22 MR. MPRAS: I'll start over.

1 Pursuant to Title 25-783 of the D.C. Code, DC
2 Shenanigans did take all reasonable steps
3 necessary to ascertain the legal drink age of
4 its patrons. All individuals in the venue did
5 possess identification which was presented by
6 the individuals possessing that identification
7 in order to gain entry to the venue. Those
8 individuals later determined to possess fake
9 identification purposely misled and lied to
10 venue staff to gain entry to the venue. Now
11 it is not as if the venue did not ask for ID,
12 but in fact did so to every individual who
13 entered, thus necessitating those patrons to
14 have such false identification.

15 Now the venue in the show cause
16 notice is specifically charged with permitting
17 the sale or delivery of an alcoholic beverage
18 to a person under 21 years of age. There has
19 been no testimony or evidence presented that
20 any staff member of the venue sold or
21 delivered alcohol to any person under 21 years
22 of age. The venue is wholeheartedly complying

1 with the laws of the District and it is the
2 minors who are possessing and presenting false
3 identification for the purposes of violating
4 D.C. law and misleading the venue.

5 ABRA Investigator Ghenene in his
6 testimony contradicted his own report in
7 several instances and stated "I do not know,"
8 quote/unquote on many key points such as did
9 the staff serve alcohol to patrons? Now
10 inconsistent testimony and lack of knowledge
11 as to the important details of this case make
12 Investigator Ghenene's testimony and report
13 very incredible.

14 Now Mr. Hall fully cooperated with
15 the ABRA investigation and did not impede it
16 any way whatsoever. While Investigator
17 Ghenene was there in his official capacity,
18 Mr. Hall felt subordinate to him, and in that
19 situation was confused by Mr. Ghenene's
20 request to check IDs and did not know how to
21 respond, and in not knowing how to properly
22 respond, chose to allow Mr. Ghenene to conduct

1 the investigation as he saw fit.

2 For these reasons the cases
3 against DC Shenanigans should be dismissed and
4 the case should be closed. Thank you.

5 CHAIRPERSON MILLER: Thank you.
6 Okay. I'm going to close the record now and
7 ask if the parties want to file proposed
8 findings of facts and conclusions of law, or
9 waive your right to do so.

10 MS. GEPHARDT: Waive my right to
11 do so.

12 CHAIRPERSON MILLER: Okay.

13 MR. MPRAS: We also waive.

14 CHAIRPERSON MILLER: Okay. Thank
15 you. All right. Then the Board will issue an
16 order within 90 days. We're going to take a
17 vote on deliberating in closed session. You
18 don't have to stay for that, if you don't want
19 to, but you're welcome to.

20 As Chairperson of the Alcoholic
21 Beverage Control Board for the District of
22 Columbia and in accordance with Section 405 of

1 the Open Meetings Amendment Act of 2010, I
2 move that the ABC Board hold a closed meeting
3 for the purpose of seeking legal advice from
4 our counsel on Case No. 12-CC-00034 per
5 section 405(b) of the Open Meetings Amendment
6 Act of 2010 and deliberating upon this case
7 for the reasons cited in 405(b)(13) of the
8 Open Meetings Amendment Act of 2010. Is there
9 a second?

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: Mr. Brooks
12 has seconded the motion. I'll now take a roll
13 call vote. Mr. Brooks?

14 MEMBER BROOKS: I agree.

15 CHAIRPERSON MILLER: Mr. Alberti?

16 MEMBER ALBERTI: I agree.

17 CHAIRPERSON MILLER: Ms. Miller
18 agrees. Mr. Silverstein?

19 MEMBER SILVERSTEIN: I agree.

20 CHAIRPERSON MILLER: Appears the
21 motion has passed by a vote of 4-0-0. I
22 hereby give notice that the ABC Board will

1 hold a closed meeting in the ABC Board
2 conference room either today or next Wednesday
3 pursuant to the Open Meetings Amendment Act of
4 2010 and issue an order within 90 days.

5 Thank you very much. And that
6 concludes this hearing.

7 (Whereupon, the hearing was
8 concluded at 12:07 p.m.)

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