

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

H-4, LLC
t/a Heist
1216 18th Street, NW
Retailer CN - ANC-2B
License No. 87101
Case# 15-251-00084

Fact-
Finding
Hearing

(Simple Assault, Failed to
Follow Security Plan, Provided
False or Misleading Information)

June 17, 2015

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

PRESENT:

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

T-A-B-L-E O-F C-O-N-T-E-N-T-S

STATEMENTS:

Officer Ricardo Cuadra14
Muai Meskheniten28

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

2:30 p.m.

CHAIRPERSON MILLER: Hi. You can have
a seat.

MR. SPADA: Thank you.

CHAIRPERSON MILLER: This is Case No.
15-251-00084, Heist located at 1216 18th Street,
N.W., License No. 87101, in ANC-2B.

First of all, I want to ask if you
would identify yourselves for the record and also
sign-in on that piece of paper.

MR. SPADA: My name is Pietro Spada.
I'm the Director of Operations of Heist and,
basically, General Manager as well.

CHAIRPERSON MILLER: Spada is your
last name?

MR. SPADA: The last name is spelled
S-P-A-D-A.

CHAIRPERSON MILLER: Okay. And you
are, sir?

MR. MESKHENITEN: My name is Muai
Meskheniten. I'm a security officer at Heist.

1 CHAIRPERSON MILLER: Okay.

2 MEMBER SILVERSTEIN: I'm sorry. I
3 need your names again very --

4 MR. SPADA: Pietro, P-I-E-T-R-O, last
5 name Spada, S-P-A-D-A.

6 MEMBER SILVERSTEIN: Spada?

7 MR. SPADA: Yes, correct.

8 MR. MESKHENITEN: Muai, M-U-A-I, last
9 name M-E-S-K-H-E-N-I-T-E-N.

10 CHAIRPERSON MILLER: Okay. The reason
11 you are here is because of events that occurred
12 on March 30, 2015 and there was some violence
13 involved. I want to say just as a preliminary
14 matter that this is not an evidentiary hearing
15 where the Board is going to take any action
16 against you, based on this hearing.

17 However, if you are asked questions
18 about this incident, it's possible that the Board
19 could decide to, well with or without your
20 answers, forward this case to the Office of the
21 Attorney General. The Board hasn't made any
22 decision on it yet. It has some questions.

1 So and you are not under oath, but I
2 just wanted to give you that context if that's of
3 any help to your understanding why you are here.
4 Do you have any questions about that?

5 MR. SPADA: No, ma'am.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER BROOKS: Madam Chair?

8 CHAIRPERSON MILLER: Yes?

9 MEMBER BROOKS: I just want to clarify
10 for the record.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER BROOKS: Are either one of
13 these gentlemen the owner?

14 MR. SPADA: None of us are.

15 MEMBER BROOKS: You are not the owner?

16 MR. SPADA: No, I'm the Director of
17 Operations. Basically, I run H-4, LLC for the
18 owners.

19 MEMBER BROOKS: Where is the owner?

20 MR. SPADA: What? So I'm the
21 representative. The owner is out of town.

22 MEMBER BROOKS: He is out of town?

1 MR. SPADA: He is out of town. Ali
2 Amarillo who was the manager on duty that
3 evening, he owns like Schwarma.

4 MEMBER BROOKS: No, no, no. I'm
5 asking who is the owner of this restaurant, H-4?

6 MR. SPADA: Well, there is three
7 investors that are the main owners. One of them
8 is Greg Selvajo, which is the main investor.

9 MEMBER BROOKS: Okay. And where is
10 he?

11 MR. SPADA: He, unfortunately, it out
12 of town. He has been out of town for the past
13 couple of weeks.

14 MEMBER BROOKS: Did he know that we
15 were having a hearing?

16 MR. SPADA: Well, this paper -- this
17 was last week delivered to me. I signed-off on
18 it. It was delivered to Heist last week. The
19 date, they made me write a date. It was printed
20 out on June 5th. I signed off. I can't remember
21 if it was a Thursday.

22 MEMBER BROOKS: Yes, okay. Now, you

1 mentioned there are two other owners.

2 MR. SPADA: Those are the investors.
3 And then Charles Kaush, unfortunately, couldn't
4 be present today as well.

5 MEMBER BROOKS: And where is he?

6 MR. SPADA: He is -- I couldn't get a
7 hold of him.

8 CHAIRPERSON MILLER: Right.

9 MEMBER BROOKS: And who is he?

10 CHAIRPERSON MILLER: Managing partner.

11 MR. SPADA: He is the managing
12 partner. But I know the investors submitted a
13 year and a half ago. I'm here on behalf of the
14 investors. They submitted a year and a half ago
15 to change like the managing partnership, like
16 there was a change. They submitted a year and a
17 half ago the paperwork with all the documentation
18 showing the corporate structure and everything
19 else they ordered and formed by the rest.

20 MEMBER BROOKS: That's fine. But you
21 understand what we're looking for?

22 MR. SPADA: That's correct.

1 MEMBER BROOKS: We're looking for the
2 owner of a restaurant to be here at this Fact-
3 Finding. At least I am.

4 MR. SPADA: Okay.

5 MEMBER BROOKS: Which you are not.

6 MR. SPADA: I am not, but the person
7 directly involved in the incident is right here.

8 MEMBER BROOKS: Well, I understand
9 that.

10 MR. SPADA: Okay.

11 MEMBER BROOKS: But I want to know who
12 the owner is.

13 MR. SPADA: Okay.

14 MEMBER BROOKS: And why he isn't here.

15 MR. SPADA: It's because he is --

16 MEMBER BROOKS: Simple as that.

17 MR. SPADA: He's not here. I'm sorry.

18 MEMBER BROOKS: No more, no less.

19 MEMBER SHORT: Madam Chair?

20 MEMBER BROOKS: So we can move on.

21 CHAIRPERSON MILLER: I just want to
22 get a clarification. Of all the people that you

1 identified as owners or whatever, who is the one
2 who is basically responsible for --

3 MR. SPADA: The operations?

4 CHAIRPERSON MILLER: -- the
5 operations?

6 MR. SPADA: I am the operations guy.

7 CHAIRPERSON MILLER: You are the
8 operations guy.

9 MR. SPADA: Unfortunately, I'm not --
10 I run all operations for the place.

11 CHAIRPERSON MILLER: Okay. You are
12 the operations person, but is there one owner
13 that the Board would look to more than any other
14 or not necessarily? You said there were some
15 investors.

16 MR. SPADA: Pretty much I'm the man on
17 the ground. I run the day-to-day operations. I
18 run everything. Unfortunately, I'm not on the
19 paperwork as one of the owners.

20 CHAIRPERSON MILLER: Right. Okay.

21 MR. SPADA: There is three investors,
22 basically, the older gentleman, who are the main

1 investors. They pretty much do everything.
2 Charles was like a majority managing partner, but
3 there was a corporate -- you know, things happen.

4 CHAIRPERSON MILLER: Okay.

5 MR. SPADA: He is still involved, but
6 he is taking more of a role of a director of
7 music with the company, but I'm basically the
8 operations guy.

9 CHAIRPERSON MILLER: Okay. Others?
10 Mr. Short?

11 MEMBER SHORT: Were you there the
12 night of the incident?

13 MR. SPADA: Fortunately I was not.

14 MEMBER SHORT: Were either of you?

15 MR. SPADA: This gentleman right here.

16 MR. MESKHENITEN: Yes, sir, I was.

17 MEMBER SHORT: You were there that
18 night?

19 MR. MESKHENITEN: Yes, sir.

20 MEMBER SHORT: Okay. Well, piggyback
21 on what Board Member Brooks just said to you.
22 Neither one of you can give us what we actually

1 wanted, that's an answer from the owner. Neither
2 one of you can give us that.

3 MR. SPADA: Okay.

4 MEMBER SHORT: And the owner has a
5 liquor license, correct? Your name is not on the
6 liquor license.

7 MR. SPADA: Correct.

8 MEMBER SHORT: And it's a possibility
9 things really go real bad in situations like
10 this, the license can be revoked.

11 MR. SPADA: No, I understand, sir.

12 MEMBER SHORT: Does the owner know
13 that? Does he care?

14 MR. SPADA: No, he does care. They
15 are very -- they all are really hands-on, but
16 unfortunately --

17 MEMBER SHORT: They do?

18 MR. SPADA: -- due to the short notice
19 and everything, they couldn't. They already had
20 stuff planned. Unfortunately, this was handed to
21 us last week.

22 MEMBER SHORT: This is a very serious

1 matter.

2 MR. SPADA: I understand, sir.

3 MEMBER SHORT: And can you please pass
4 on to the owner --

5 MR. SPADA: I will.

6 MEMBER SHORT: -- the next time we are
7 looking forward to that person being here.

8 MR. SPADA: No, I understand, sir.

9 And it's not like he is trying to be
10 disrespectful or anything. He knows the severity
11 of this. They are very -- they are older
12 gentlemen. They are very respectful and they
13 understand the severity of everything.

14 MEMBER SHORT: Okay.

15 MR. SPADA: They just sent me as the
16 representative, unfortunately, couldn't be here.
17 Unless you want to, if we -- I don't know if
18 there's a possibility to reschedule this, I'll
19 make sure they are all here. It's up to you
20 guys.

21 MEMBER SHORT: Madam Chair, I would
22 like to move that we do reschedule this and get

1 the owner here, because I don't see where we can
2 get ahead today if these are not the responsible
3 persons for the license.

4 CHAIRPERSON MILLER: I understand
5 that. What's your name again, sir?

6 MR. MESKHENITEN: Muai Meskheniten.

7 CHAIRPERSON MILLER: Okay. So it
8 would only be if Board Members would like to
9 question Meskheniten?

10 MR. MESKHENITEN: Meskheniten.

11 CHAIRPERSON MILLER: Meskheniten,
12 okay. Mr. Meskheniten about exactly what
13 happened. I'm fine with rescheduling if that's
14 the Board's preference.

15 MEMBER SHORT: I'm confused, Madam
16 Chair.

17 CHAIRPERSON MILLER: Wait a second.

18 MR. SPADA: Hold on one moment.

19 CHAIRPERSON MILLER: We have somebody
20 else in the --

21 UNIDENTIFIED SPEAKER: I think we
22 should keep going, because this is the MPD.

1 CHAIRPERSON MILLER: Oh, okay.

2 UNIDENTIFIED SPEAKER: So at least get
3 his statement.

4 CHAIRPERSON MILLER: Okay. Welcome.

5 OFFICER CUADRA: How you doing, ma'am?

6 UNIDENTIFIED SPEAKER: And we can
7 reconvene on another day and bring the owner in.

8 CHAIRPERSON MILLER: Right, right.

9 UNIDENTIFIED SPEAKER: Let's at least
10 capture the police testimony.

11 MEMBER SILVERSTEIN: Okay. If the
12 gentleman --

13 CHAIRPERSON MILLER: Okay. So, sir,
14 could you identify yourself for the record,
15 please?

16 OFFICER CUADRA: I'm Officer Ricardo
17 Cuadra with the Metropolitan Police Department
18 currently assigned to the 2nd District.

19 CHAIRPERSON MILLER: Okay. Well,
20 thank you for coming.

21 MEMBER SHORT: 2nd District. Spell
22 your last name?

1 OFFICER CUADRA: C-U-A-D-R-A.

2 MEMBER SHORT: Cuadra.

3 CHAIRPERSON MILLER: Okay. So what we
4 were discussing was that the owner of this
5 establishment is not here, but we do have the
6 operation's manager. Is that the right term?

7 MR. SPADA: That works.

8 CHAIRPERSON MILLER: Or whatever. And
9 the security, head of security for --

10 MR. MESKHENITEN: The security officer
11 that was there that night.

12 CHAIRPERSON MILLER: A security
13 officer.

14 MR. MESKHENITEN: Yes, ma'am.

15 CHAIRPERSON MILLER: Who was there the
16 night of March 30th. And let me ask you, sir, if
17 you are ready to -- if you would like to address,
18 were you there the night of the incident?

19 OFFICER CUADRA: I was the reporting
20 officer.

21 CHAIRPERSON MILLER: Okay.

22 OFFICER CUADRA: Regarding the

1 incident.

2 CHAIRPERSON MILLER: Okay. So I think
3 we should go forward and hear about, you know,
4 what happened and what the problems are even
5 though we don't have the owners here, at this
6 point. We can always call the owners later, if
7 we find a need to.

8 Would you be able to address, at this
9 point, what you saw as problems that night or
10 what happened that night?

11 OFFICER CUADRA: Well, it was actually
12 at, I think, 12:00 on 2nd Avenue when the call
13 came out regarding a supposed assault at the
14 establishment. So once we cleared that scene, I
15 walked over to the Heist to look at the
16 complainant.

17 It took some time before actually we
18 were approached. And we weren't -- I wasn't
19 approached by the complainant. I was approached
20 by a friend of hers. At the time, I believe,
21 they were having their closing. There was no
22 problems and I wanted to make sure that I could--

1 the complainant wasn't walking over to us,
2 telling us what was going on.

3 It wasn't -- you know, didn't appear
4 to be agitated. She was just calmly talking to
5 her friends. At the time while we were talking
6 to the respondent, one of her friends eventually
7 approached us.

8 MEMBER SILVERSTEIN: Well --

9 CHAIRPERSON MILLER: Okay. Questions?
10 Mr. Silverstein?

11 MEMBER SILVERSTEIN: Officer, thank
12 you for being here. Thank you for your service.

13 OFFICER CUADRA: Yes. Yes, sir.

14 MEMBER SILVERSTEIN: To 2D. What did
15 the complainant tell -- first of all, what did
16 she look like? Did she have any signs that
17 anything had occurred to her and what was her
18 story?

19 OFFICER CUADRA: Well, she didn't --
20 her clothing didn't appear to be dishevelled.
21 She didn't have any visible injuries to her
22 person. I did ask her if she was in any pain and

1 did she require the assistance of an ambulance,
2 at the time, to which she both refused.

3 MEMBER SILVERSTEIN: Pardon?

4 OFFICER CUADRA: She refused any
5 medical assistance and she did not have any
6 visible injuries to her person.

7 She related to me that while inside
8 the establishment, she had a couple of drinks and
9 that she was going to go to the bathroom, as I
10 recall, when she was approached by one of the
11 security staff. And the individual advised her
12 that she couldn't do that. And tried to take the
13 drinks away from her. And that's when the
14 initial scuffle started.

15 After the gentleman took the drinks
16 away from her, he placed her in a supposed
17 chokehold, picked her off her feet and took her
18 up a flight of stairs to the landing where it is
19 the front door is located and then threw her down
20 onto the ground.

21 Per her clothing, there was no debris
22 on her clothing. It appeared to be neat. It was

1 not dirty. There was no visible marks on her
2 clothing that would indicate that she was
3 involved in any kind of physical altercation.

4 MEMBER SILVERSTEIN: Was there any
5 reason at all to believe beyond that one way or
6 the other on this story?

7 OFFICER CUADRA: We canvased for
8 witnesses. One of her friends was with her at
9 the time when the supposed incident occurred, so
10 she says she was right next to her when it
11 occurred. And her story, what she related to me
12 was somewhat different from what the complainant
13 stated.

14 And part of what she did not indicate
15 that if my -- may I look at the report for a
16 moment?

17 CHAIRPERSON MILLER: Sure.

18 MEMBER SILVERSTEIN: Sure.

19 OFFICER CUADRA: To refresh my memory.

20 MEMBER SILVERSTEIN: So the witness
21 said that this was somewhat -- gave you an
22 account that was different from that of the

1 complainant?

2 OFFICER CUADRA: Yes, sir. The
3 witness I'm referring to is different. She --
4 the complainant was out at the establishment with
5 a group of friends, I believe four or five other
6 individuals. And the initial person that
7 approached me is different than the person that
8 was standing next to her when the incident
9 occurred.

10 And she said that she never lost sight
11 of the complainant and the security staff member,
12 which supposedly dragged her up the stairs off
13 her feet. So and her story was slightly
14 different than what the complainant stated to us,
15 so that's why at the time no arrest was made.
16 And also the report was forwarded to the
17 detective's office for further investigation,
18 because at the time we could not access the video
19 footage from inside the establishment.

20 MEMBER SILVERSTEIN: So I'm not sure
21 I -- I want to make sure I hear every bit of
22 this.

1 OFFICER CUADRA: Yes, sir.

2 MEMBER SILVERSTEIN: The person who
3 was the witness did not go there with her, but
4 was --

5 OFFICER CUADRA: No, they were
6 together.

7 MEMBER SILVERSTEIN: They were
8 together.

9 OFFICER CUADRA: She was with a large
10 group of friends.

11 MEMBER SILVERSTEIN: She was.

12 OFFICER CUADRA: Yes. And the person
13 that approached, initially approached, me it was
14 someone else other than the witness. They were
15 all together.

16 MEMBER SILVERSTEIN: And the person
17 who approached you was part of this group --

18 OFFICER CUADRA: Yes, she was part of
19 this group --

20 MEMBER SILVERSTEIN: -- as well?

21 OFFICER CUADRA: -- that was with her.

22 MEMBER SILVERSTEIN: And she never

1 lost sight of this woman?

2 OFFICER CUADRA: No, the witness. The
3 witness that was with -- next to the complainant
4 is not the same as the person that approached me
5 to report the incident.

6 MEMBER SILVERSTEIN: Oh, and the
7 person who reported the incident was the
8 complainant?

9 OFFICER CUADRA: No.

10 MEMBER SILVERSTEIN: I'm thoroughly
11 confused. Let my uncross my eyes here.

12 OFFICER CUADRA: The complainant
13 herself was actually in front of the
14 establishment and we were trying to located her.
15 It took a while for us to locate her, because she
16 never approached us. So with the help of the
17 dispatcher, she used her call back and the call
18 back went to her friend.

19 MEMBER SILVERSTEIN: Okay.

20 OFFICER CUADRA: That made the initial
21 call. She is the one that approached us. The
22 complainant initially did not approach us.

1 MEMBER SILVERSTEIN: So the person who
2 gave you this story --

3 OFFICER CUADRA: Yes, sir.

4 MEMBER SILVERSTEIN: -- or gave you
5 their account which differed from that of the
6 complainant --

7 OFFICER CUADRA: Yes.

8 MEMBER SILVERSTEIN: -- was --

9 OFFICER CUADRA: A friend of hers.

10 MEMBER SILVERSTEIN: -- a friend of
11 theirs and part of this large group?

12 OFFICER CUADRA: Part of the group,
13 yes, sir.

14 MEMBER SILVERSTEIN: And what was --
15 and she said that she never lost sight of this
16 woman during this event?

17 OFFICER CUADRA: Yes. According to
18 what --

19 MEMBER SILVERSTEIN: And she said that
20 the woman was not dragged in a chokehold?

21 OFFICER CUADRA: If I may look at my
22 report to refresh my memory, but it did diverge

1 from what I recall in the sense that she was not
2 thrown down to the ground.

3 MEMBER SILVERSTEIN: But she was --

4 OFFICER CUADRA: But supposedly --

5 MEMBER SILVERSTEIN: -- she claimed
6 that they laid hands on her?

7 OFFICER CUADRA: If I can look at my
8 report?

9 MEMBER SILVERSTEIN: Sure. Go right
10 ahead, sir. At least now I have --

11 OFFICER CUADRA: I'm sorry for not
12 being so clear.

13 MEMBER SILVERSTEIN: It has been a
14 while.

15 MEMBER SHORT: Well, you're making the
16 report.

17 MEMBER SILVERSTEIN: That was March.
18 This is June, I think.

19 MR. MESKHENITEN: Sir, if I may just
20 let you know that I'm the security officer that
21 was directly involved.

22 MEMBER SILVERSTEIN: Okay. We want to

1 at least get what is here and then we will allow
2 you the opportunity to answer.

3 MR. MESKHENITEN: Yes.

4 OFFICER CUADRA: According to the
5 witness, she did -- the security staff did place
6 her in a chokehold and carried her upstairs. But
7 once they reached the landing, she got placed
8 down and now thrown down. That was the diverging
9 as far as from what the complainant said and what
10 this individual said.

11 MEMBER SILVERSTEIN: So some of the
12 details were a little different?

13 OFFICER CUADRA: Yes.

14 MEMBER SILVERSTEIN: Did you have any
15 others? But she did state that the woman was
16 placed in what appeared to be a chokehold?

17 OFFICER CUADRA: Yes, sir.

18 MEMBER SILVERSTEIN: And was dragged
19 up the stairs?

20 OFFICER CUADRA: Yes.

21 MEMBER SILVERSTEIN: But not thrown
22 down.

1 OFFICER CUADRA: Placed down and not
2 thrown down.

3 MEMBER SILVERSTEIN: And were there
4 other stories that others told?

5 OFFICER CUADRA: Her friends that were
6 with her, more or less gave the same account, but
7 slightly different versions. Also when we were
8 there, they seemed to be speaking amongst
9 themselves, almost appearing like they were
10 trying to get their story straight.

11 MEMBER SILVERSTEIN: They were trying
12 to converge, did you see this, did you see that
13 or are we going to tell them. What was the
14 believability factors, based on your experience
15 as a police officer? Based on your experience as
16 a police officer.

17 OFFICER CUADRA: Based on her physical
18 condition, there was -- she didn't have any
19 apparent marks. If she were thrown to the
20 ground, she would of complained of pain either to
21 her shoulder or to her head. She would have had
22 some marks. She was very fairly fair skinned, so

1 she would have had some abrasions to or around
2 her neck. None of which I saw.

3 So the official on the scene concurred
4 with me and that's when we did the report and
5 forwarded to the detective's office pending
6 further investigation as far as maybe we could
7 get some video regarding the incident. It was
8 inside the club that could bolster her claims
9 either way.

10 So it was kind of inconclusive as to
11 whether assault, as she stated it, actually had
12 occurred. So that's why no arrest was made, at
13 that time.

14 MEMBER SILVERSTEIN: Very well. I see
15 another police officer her in the room. Is this
16 gentleman involved with this particular case?

17 UNIDENTIFIED OFFICER: No.

18 MEMBER SILVERSTEIN: No.

19 CHAIRPERSON MILLER: I want to ask a
20 follow-up on that. Have you seen video since?

21 OFFICER CUADRA: No, ma'am.

22 CHAIRPERSON MILLER: Have there been

1 any arrests since then?

2 OFFICER CUADRA: Not to my knowledge.
3 There hasn't been any update, according to the
4 supplemental report, which was prepared by the
5 detective's office. The file has not been
6 updated. And no video has been viewed, according
7 to the supplemental report.

8 CHAIRPERSON MILLER: Can you tell me
9 the date of the supplemental report?

10 OFFICER CUADRA: 4/6/2015.

11 CHAIRPERSON MILLER: Okay. Thank you.

12 MEMBER SILVERSTEIN: So there is
13 nothing further beyond that?

14 OFFICER CUADRA: No, sir.

15 MEMBER SILVERSTEIN: Mr. Meskheniten
16 or Mr. Spada, do you -- what is your response?
17 How much -- can you move this story forward from
18 your perspective?

19 MR. MESKHENITEN: Yes, sir. So at
20 about 1:45 a.m. the lights come up and when the
21 lights come up, that is our cue to walk around to
22 the patrons and let them know that we will be

1 closing in about 15 minutes. And so I walk
2 around through the crowd and let those know who
3 are drinking we are going to be closing in 15
4 minutes and, please, go ahead and finish your
5 drink. We go back and forth through the crowd
6 until 2:00 a.m.

7 So I remember this event because I had
8 told her that, five times, we are -- you know you
9 have another 15 minutes to finish your drink.
10 And walking through saying this is your, you
11 know, third time, fourth time, last time. And
12 then once the music goes off, the lights are up,
13 then I move to the back and stand in front of the
14 restroom.

15 At that time, she -- I noticed that
16 she was moving very rapidly, kind of a walk/run
17 towards the restrooms and she not only had one
18 beer, but she had two beers in her hands. And I
19 stopped her and I said hey, you know, we are
20 actually closed now. It's 2:00 a.m. And you
21 cannot take two alcoholic beverages into the
22 restroom. It's time to leave the establishment.

1 She refused, so I took the beers from
2 her and moved to a sink, which is right next to
3 where I was standing and poured the beers down
4 the sink. Before I was able to pour the beers
5 down the sink, she attempted to grab the beers
6 and tried to wrestle them from me. I continued
7 to move towards the sink and pour them out down
8 the sink.

9 MEMBER SILVERSTEIN: Did you lay hands
10 on her at that time?

11 MR. MESKHENITEN: No, sir.

12 MEMBER SILVERSTEIN: Okay.

13 MR. MESKHENITEN: Not at all. And at
14 that time, I said well, since you have -- you
15 know, now that we are closed, try to have a
16 drink, try to run to the restroom and since you
17 have tried to actually wrestle the beers away
18 from me, you have to leave right away and she
19 said okay, sure.

20 MEMBER SILVERSTEIN: Had she paid her
21 tab?

22 MR. MESKHENITEN: She did not have a

1 tab, as I know of, at that point.

2 MEMBER SILVERSTEIN: Okay.

3 MR. MESKHENITEN: And then she
4 voluntarily, her and I voluntarily walked towards
5 the door. About 6 feet from the door, there is a
6 pole and she wrapped her arms and wrapped her
7 legs around the pole and said no, no, no, I'm not
8 leaving. I'm not leaving. At which point, I
9 began to talk with her and say you have to leave.
10 We are now closed.

11 If you don't leave, I'm actually going
12 to have to call the police officers and they are
13 going to arrest you. It's better if you just go
14 ahead and leave. You can always come back.
15 We're open again tomorrow night. This is my
16 standard speech.

17 At that point, she started to relax
18 and began to move off the pole. I put my arms,
19 my hands on her shoulder and walked her to the
20 bottom of the stairs. At the bottom of the
21 stairs, her friends came over and then at that
22 point, they all walked out voluntarily.

1 So I did not go up the stairs with
2 her. And I did not go outside with her at all.
3 At no time did I put her in any kind of chokehold
4 nor have I ever put any woman in any kind of
5 chokehold. At no time did I slam her on the
6 ground.

7 The other part of this is that there
8 was an additional security officer there who came
9 over and witnessed her walk up the stairs by
10 herself. It was my partner that night. And then
11 we also have a security officer at the top of the
12 stairs looking down the stairs and he also saw
13 her walk up the stairs undragged, unphysically
14 molested.

15 And then when that occurred, I walked
16 away. And I -- about 15, maybe 20 minutes later
17 or so, I got a call that there were Metropolitan
18 Police Officers outside and they wanted to have a
19 discussion with me. And that's the events
20 exactly as I best recollect.

21 MEMBER SILVERSTEIN: Officer Cuadra,
22 the complainant in this issue, in this matter,

1 have you had a chance to talk to her or see her?

2 OFFICER CUADRA: Yes, sir.

3 MEMBER SILVERSTEIN: Was she
4 intoxicated? Was she -- did she appear to be
5 intoxicated? How long was it, I guess, is
6 probably the first question from the time of this
7 incident until the time that you saw her and was
8 she still, at that point, somewhat cogent or
9 intoxicated or --

10 OFFICER CUADRA: She did appear to be
11 intoxicated.

12 MEMBER SILVERSTEIN: Pardon?

13 OFFICER CUADRA: She did appear to be
14 intoxicated.

15 MEMBER SILVERSTEIN: She did?

16 OFFICER CUADRA: To be best of my
17 recollection. As far as the time from when the
18 incident happened and the call occurred --

19 MEMBER SILVERSTEIN: Let's say the
20 incident occurred at 1:58. Is that --

21 OFFICER CUADRA: That's correct.
22 Approximately 20 minutes.

1 MEMBER SILVERSTEIN: A couple minutes
2 before closing?

3 OFFICER CUADRA: Yes.

4 MEMBER SILVERSTEIN: Can we all agree
5 on that? Is that a reasonable time?

6 MR. MESKHENITEN: It happened at
7 approximately 2:00 a.m. or a little bit after
8 because the lights come up at 2:00 a.m. and then
9 we had conversation.

10 MEMBER SILVERSTEIN: And what time did
11 you get that?

12 OFFICER CUADRA: I got there
13 approximately around 2:10 or so.

14 MEMBER SILVERSTEIN: So it was just a
15 few moments. And she did appear to be
16 intoxicated?

17 OFFICER CUADRA: Yes, actually, as
18 most of her group they appeared to be
19 intoxicated.

20 MEMBER SILVERSTEIN: Okay. What
21 happened to the video?

22 MR. MESKHENITEN: The video? They did

1 a system update on the whole video. All these
2 new videos are very complicated. They all go
3 through computers. I wish they had the old
4 videos like the simple DVR, VCR actually would be
5 great. But they did a system software update and
6 they changed everything. Instead of being
7 recorded for 60 to 90 days, it changed it to only
8 five days.

9 And we weren't aware, because we never
10 haven't -- we never have to review our -- we have
11 been open now since -- over two years. We never
12 had to view the video cameras before. We knew it
13 was working, but once they did this, it changed
14 everything. I wish I had the video footage.

15 MEMBER SILVERSTEIN: I hear you.

16 MR. MESKHENITEN: I really do.

17 CHAIRPERSON MILLER: Yes.

18 MR. MESKHENITEN: Because it would
19 have saved a lot of headache, because as soon as
20 the officers came back and the only reason why
21 Investigator --

22 MEMBER SILVERSTEIN: Well, why --

1 MR. MESKHENITEN: I'm sorry.

2 MEMBER SILVERSTEIN: If this happened
3 then --

4 MR. MESKHENITEN: It would have not --
5 we wouldn't be at this point.

6 MEMBER SILVERSTEIN: No. If this
7 happened at that time and this complaint was made
8 then, that wasn't five days afterwards. That was
9 immediately.

10 MR. MESKHENITEN: Yes.

11 MEMBER SILVERSTEIN: What happened to
12 the video?

13 MR. MESKHENITEN: It was gone. It
14 wasn't recording. It went --

15 MEMBER SILVERSTEIN: It wasn't
16 recording at all?

17 MR. MESKHENITEN: It was five days and
18 it dumps it.

19 MEMBER SILVERSTEIN: Well, no, no, no.

20 MR. MESKHENITEN: Five days.

21 MEMBER SILVERSTEIN: I don't care
22 about five days. This happened on the 30th of

1 March at 2:00 in the morning. The complaint was
2 made and the police officers were there moments
3 later.

4 MR. MESKHENITEN: On Tuesday when I
5 worked, they came in. We looked at the video.
6 With the police I looked at it and it wasn't
7 there any more.

8 MEMBER SILVERSTEIN: Well, that's not
9 five days. It's one day.

10 MR. MESKHENITEN: One day, yes, it
11 wasn't there. It might have kicked on Monday,
12 but it was -- trust me, I wish I had that video,
13 because they told me, even the police officer
14 told me if we had the video, he goes it wouldn't
15 have even gone to this level.

16 MEMBER SILVERSTEIN: And the, you
17 know, requirement is 30 days, not --

18 MR. MESKHENITEN: Correct.

19 MEMBER SILVERSTEIN: -- five.

20 MR. MESKHENITEN: Correct.

21 MEMBER SILVERSTEIN: So not only were
22 you in violation, but it was not operating. And,

1 you know, if Mr. Meskheniten's story is to be
2 corroborated and the police evidence, you know,
3 is there, then you basically did not serve your
4 own staff well in providing them the video as
5 well as what you need to operate a safe
6 establishment.

7 No further questions.

8 MEMBER SHORT: Madam Chair?

9 CHAIRPERSON MILLER: Okay. Mr. Short?

10 MEMBER SHORT: You are the operations
11 day-to-day person that goes to the club. If
12 someone would go to the club right now, would the
13 video be recording what you did last night?

14 MR. SPADA: Yes, it is working now.

15 MEMBER SHORT: So it just happened not
16 that night, the night of the incident just --

17 MR. SPADA: Well, we just weren't
18 aware of it.

19 MEMBER SHORT: -- went away?

20 MR. SPADA: So it was going on. We
21 have been fortunate. We got really fortunate
22 that nothing even more severe happened. And we

1 weren't aware of it. As soon as we found all
2 that stuff out, we got out tech guy out there.
3 He called the software company and he added a
4 bigger hard drive to make sure nothing could
5 happen ever again.

6 MEMBER SHORT: Well, what about --

7 MR. SPADA: Because I wish I had the
8 video.

9 MEMBER SHORT: -- if Investigators
10 would have come there tomorrow to check it, they
11 would find it working well?

12 MR. SPADA: It was recording last
13 night. I checked it last night to make sure.

14 MEMBER SHORT: And how many days would
15 -- is it set to do now? How many?

16 MR. SPADA: It's for 10 days now. The
17 past 10 days it has been recording. I checked it
18 last night. I have been checking it. I'm scared
19 like just in case there is a power outage, I'm
20 really scared, because that would eliminated all
21 these problems. At all -- we wouldn't even have
22 gotten to this point.

1 MEMBER SHORT: I think you are going
2 to be seeing one of our Investigators over here.

3 MR. SPADA: Okay. No problem.

4 MEMBER SHORT: To look at that system.

5 MR. SPADA: Thank you.

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

8 CHAIRPERSON MILLER: Okay. Others?
9 Mr. Brooks?

10 MEMBER BROOKS: Thank you, Madam
11 Chair. Let me make sure I understand your video
12 system now. Will it retain footage for 30 days?

13 MR. SPADA: Yes.

14 MEMBER BROOKS: It will do it now?

15 MR. SPADA: Yes, it should be.

16 MEMBER BROOKS: Okay. And just a
17 question for the chief of security.

18 MR. MESKHENITEN: Yes, sir.

19 MEMBER BROOKS: You indicated that you
20 -- did she give you two bottles that she had?
21 Did she have two bottles in her hand, the victim,
22 alleged victim?

1 MR. MESKHENITEN: Yes, sir.

2 MEMBER BROOKS: She had two bottles of
3 beer?

4 MR. MESKHENITEN: Yes, sir.

5 MEMBER BROOKS: And did she give them
6 to you or you took them out of her hand?

7 MR. MESKHENITEN: No, so, she had the
8 bottles of beer in her hand.

9 MEMBER BROOKS: Yes.

10 MR. MESKHENITEN: I took them and she
11 released them voluntarily.

12 MEMBER BROOKS: Okay. So you reached
13 for the bottles?

14 MR. MESKHENITEN: Yes, sir.

15 MEMBER BROOKS: And she just let them
16 go?

17 MR. MESKHENITEN: Yes, sir.

18 MEMBER BROOKS: Okay. Thank you.

19 MR. MESKHENITEN: I think partially
20 because she didn't know I was going to do it, so
21 she just opened her hands up and let them go.

22 MEMBER BROOKS: Okay.

1 MR. MESKHENITEN: And then she tried
2 to reach back and grab them and wrestle them from
3 me.

4 MEMBER BROOKS: Okay. Thank you,
5 Madam Chair.

6 CHAIRPERSON MILLER: You're welcome.
7 Mr. Rodriguez?

8 MEMBER RODRIGUEZ: Yes. Officer
9 Cuadra or Cuadras?

10 OFFICER CUADRA: Cuadra, sir.

11 MEMBER RODRIGUEZ: Cuadra. So you
12 determined from your experience that this lady
13 was intoxicated?

14 OFFICER CUADRA: Yes.

15 MEMBER RODRIGUEZ: Okay. And did she
16 get intoxicated in the establishment or maybe I
17 should be asking the gentleman from the
18 establishment. Was she intoxicated? If she was
19 intoxicated as the Officer affirms, then was she
20 intoxicated -- did she become intoxicated in your
21 establishment?

22 MR. MESKHENITEN: Sir, I don't know

1 that, because she may have had something to drink
2 before she arrived there, so I am not sure where
3 she --

4 MEMBER RODRIGUEZ: She had something
5 to drink before she arrived there?

6 MR. MESKHENITEN: I don't know if
7 that's the case or not.

8 MEMBER RODRIGUEZ: Oh, okay.

9 MR. MESKHENITEN: So I don't know
10 where she obtained all of her alcohol.

11 MEMBER RODRIGUEZ: Yes.

12 MR. MESKHENITEN: I do know that she
13 was drinking in our establishment.

14 MEMBER RODRIGUEZ: Right. And she had
15 two beer bottles in her hand. Do you know how
16 she obtained those beer bottles?

17 MR. MESKHENITEN: Sir, I would assume
18 that she purchased them, but I didn't see. All I
19 know is that she was headed toward the restroom
20 very quickly after closing with two beer bottles.

21 MEMBER RODRIGUEZ: Okay. I have no
22 more questions.

1 MR. MESKHENITEN: Thank you.

2 CHAIRPERSON MILLER: Okay. If there
3 aren't any further questions, I'll ask if there
4 is anything else you want to tell us? Otherwise,
5 I think we can finish this hearing and we will
6 take this all under advisement.

7 But we appreciate your addressing, you
8 know, the information. We had a written report
9 and sometimes it's useful to actually get real
10 people to talk about what happened and represent,
11 you know. So I appreciate your coming down.

12 MR. MESKHENITEN: The only thing I
13 would add is that there were other -- there were
14 three other people who witnessed the incident on
15 our staff, I don't know if they were requested to
16 be here, two other security officers who saw her
17 walk out on her own power without being dragged
18 or slammed and also the manager on duty that
19 night.

20 CHAIRPERSON MILLER: Okay. Okay.
21 Thank you very much.

22 MR. SPADA: Thank you.

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MEMBER RODRIGUEZ: Thank you.

CHAIRPERSON MILLER: I'm just going to
take a two minute break if anybody else needs to.

(Whereupon, the Fact-Finding Hearing
in the above-entitled matter was concluded at
3:02 p.m.)

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