

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

IN THE MATTER OF:

La Kazbah, LLC  
t/a Marrakech Restaurant  
2149 P Street, NW  
Retailer CT - ANC-2B  
License No. 90204  
Case #15-251-00108

Fact-  
Finding  
Hearing

(Aggravated Assault Inside  
of the Establishment)

June 24, 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  
HERMAN JONES, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

ALSO PRESENT:

EARL JONES, ABRA Investigator

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

2 1:43 p.m.

3 CHAIRPERSON MILLER: Okay. Good  
4 afternoon, everyone. So we are here for Case No.  
5 15-251-00108, Marrakech Restaurant, which is  
6 located at 2149 P Street, N.W., License No.  
7 90204, in ANC-2B.

8 And we have invited you all for what  
9 is called a Fact-Finding Hearing. It is not an  
10 evidentiary hearing. No one is on trial for  
11 anything. We are not taking evidence, but we do  
12 want to gather a little bit more information  
13 about some facts relating to an incident that  
14 occurred on June 6th, on which date Chief Lanier  
15 did close the establishment, and the Board, at  
16 that time, did not continue the suspension.

17 Why don't I ask you first to introduce  
18 yourselves for the record?

19 MR. HAKAR: Ailani Hakar, the owner of  
20 Marrakech Restaurant.

21 CHAIRPERSON MILLER: Okay.

22 SERGEANT MABLE: Detective Sergeant

1 Anthony Mable, MPD.

2 CHAIRPERSON MILLER: Detective Mable?

3 SERGEANT MABLE: Sergeant, yes.

4 CHAIRPERSON MILLER: Okay. Sergeant?

5 What did you say? Sergeant?

6 SERGEANT MABLE: Yes, ma'am.

7 CHAIRPERSON MILLER: Okay.

8 SERGEANT MABLE: M-A-B-L-E.

9 CHAIRPERSON MILLER: Welcome Mable.

10 I'm sorry, could you spell your last name?

11 SERGEANT MABLE: M-A-B-L-E.

12 CHAIRPERSON MILLER: B-L-E. Right.

13 SERGEANT MABLE: Yes.

14 CHAIRPERSON MILLER: Yes, hi.

15 LIEUTENANT ROMAN: Hi, I'm Lieutenant

16 Patricia Roman.

17 CHAIRPERSON MILLER: Lieutenant

18 Patricia Roman. Okay.

19 LIEUTENANT ROMAN: Yes.

20 CHAIRPERSON MILLER: Welcome. Thank

21 you. Mr. Jones?

22 INVESTIGATOR JONES: Investigator Earl

1 Jones with ABRA.

2 CHAIRPERSON MILLER: Okay. I think  
3 what I would suggest is if we just might start  
4 with Mr. Jones to give us the report related to  
5 this case.

6 INVESTIGATOR JONES: Oh, okay.

7 CHAIRPERSON MILLER: Did you have  
8 something else in mind?

9 INVESTIGATOR JONES: Well, I don't  
10 want to tell you how to -- I know normally we  
11 would have -- no, I'll go ahead and do it.

12 CHAIRPERSON MILLER: If you have a  
13 better suggestion, I'm --

14 INVESTIGATOR JONES: Oh, I don't have  
15 a better suggestion. I thought we normally would  
16 have MPD.

17 CHAIRPERSON MILLER: Oh, if you would  
18 like to, because often I have been in the room  
19 where I have asked MPD and they always defer to  
20 the Investigator first, but if you all would like  
21 to proceed first, that would be just fine.

22 SERGEANT MABLE: Whatever your

1 procedures are. I don't mind.

2 CHAIRPERSON MILLER: See sometimes  
3 that depends on the facts of the case. So I  
4 don't really have a preference. Do you?

5 MEMBER SILVERSTEIN: Well, whoever has  
6 done the most recent work on it would probably be  
7 best.

8 SERGEANT MABLE: Well, we have a  
9 continuing investigation going on in relation to  
10 the criminal part of it, yes. So where would you  
11 like me to start? Just in reference to --

12 CHAIRPERSON MILLER: Well, a  
13 background first and then where we are now?  
14 Where you are now.

15 MEMBER ALBERTI: Well, maybe --

16 CHAIRPERSON MILLER: Yes?

17 MEMBER ALBERTI: -- you could speak to  
18 what your knowledge of the incident on June 6th.

19 SERGEANT MABLE: Okay.

20 MEMBER ALBERTI: So start there.

21 SERGEANT MABLE: Okay.

22 MEMBER ALBERTI: What did you observe?

1 I mean, why were you called? I mean, just can  
2 you talk about that incident?

3 SERGEANT MABLE: Yes.

4 MEMBER ALBERTI: You know and which --  
5 you know, the incident that led to the police  
6 closure.

7 SERGEANT MABLE: Okay.

8 MEMBER ALBERTI: So you can talk to us  
9 about that.

10 SERGEANT MABLE: Great.

11 MEMBER ALBERTI: Okay.

12 SERGEANT MABLE: Well, basically,  
13 there was an incident inside of the club where, I  
14 guess, two complainants were dancing on the dance  
15 floor and one of them accidentally bumped into  
16 another guy.

17 CHAIRPERSON MILLER: Yes.

18 SERGEANT MABLE: At that point, his  
19 drink was wasted on himself and he became a  
20 little agitated. At that point, he got a little  
21 agitated. I believe some words were exchanged.  
22 The guy offered to buy him another drink. He

1 refused that and, at that point, I believe, they  
2 began a fight, a physical fight between those two  
3 guys.

4 There were several other suspects who  
5 jumped in on the fight as well as the guy that  
6 was dancing with the first guy. The melee  
7 between those, I guess, two people versus the  
8 seven folks and a female.

9 Security was called. They came to the  
10 scene and separated the incident. To my  
11 knowledge, the complainant went back and he  
12 pushed his drink out of the suspect's hand again.  
13 At that point, another melee began and security  
14 came back and put the guys out.

15 He appeared to go out, you know. Now,  
16 the video is kind of grainy, but it appears that  
17 the guy walked out the club on his own. And he  
18 came outside. They had two officers outside  
19 working the club detail. It doesn't appear that  
20 they were notified of anything going on inside at  
21 that point.

22 Within our investigation it shows that

1 the club after talking to some of the bouncers,  
2 they had asked the guy did he need an ambulance  
3 or anything like that, he refused. They went  
4 back to their hotel through, I guess, a cab and  
5 later on that evening after, you know, sleeping a  
6 little while, they called for ambulance and went  
7 to the hospital.

8 CHAIRPERSON MILLER: Yes.

9 SERGEANT MABLE: We were called by the  
10 hospital actually.

11 CHAIRPERSON MILLER: Okay.

12 SERGEANT MABLE: Later on that  
13 evening, so one of my detectives went to the  
14 hospital and the other one went to the club and  
15 reviewed the video. And that's the basis of what  
16 happened that day. And from then on, you know,  
17 an investigation continues.

18 CHAIRPERSON MILLER: So you sent one  
19 to the hospital and one to the club? But then  
20 when was it decided to close the place?

21 SERGEANT MABLE: I'm not sure. That  
22 didn't fall on my department.

1 CHAIRPERSON MILLER: Okay.

2 SERGEANT MABLE: It come from  
3 downtown, so I don't know, yes --

4 CHAIRPERSON MILLER: Okay. Okay.

5 SERGEANT MABLE: -- when it took  
6 place.

7 MEMBER SILVERSTEIN: Mr. Jones.

8 CHAIRPERSON MILLER: Yes? Oh, Mr.  
9 Jones? Oh, no, wait a second.

10 MEMBER SILVERSTEIN: We can call the  
11 Investigator.

12 CHAIRPERSON MILLER: Well --

13 MEMBER ALBERTI: May I ask a question?

14 CHAIRPERSON MILLER: Do you have a  
15 question for the sergeant? Yes.

16 MEMBER ALBERTI: Yes. Sergeant Mable,  
17 so I'm just going to read what you said very  
18 briefly. So there was a large fight, seven  
19 people or more inside, according to what  
20 information you were given?

21 SERGEANT MABLE: Yes, sir.

22 MEMBER ALBERTI: You saw this on the

1 video?

2 SERGEANT MABLE: No, you can't see the  
3 -- the fight is not shown on video at all.

4 MEMBER ALBERTI: Okay.

5 SERGEANT MABLE: The video only shows  
6 the -- pretty much the outside.

7 MEMBER ALBERTI: Okay.

8 SERGEANT MABLE: You can see some of  
9 the inside, but you don't see the fight on the  
10 video.

11 MEMBER ALBERTI: All right. So --

12 CHAIRPERSON MILLER: Okay.

13 MEMBER ALBERTI: -- according to your  
14 information, there was a large fight inside,  
15 right? And they broke -- security broke it up.

16 SERGEANT MABLE: Yes, it was --  
17 according to the complainant, it was like seven  
18 people who jumped on him.

19 MEMBER ALBERTI: And security broke it  
20 up, right?

21 SERGEANT MABLE: Correct.

22 MEMBER ALBERTI: And then it started

1 again? How did it start again?

2 SERGEANT MABLE: Well, I don't know if  
3 he broke up the fight per se, but the incident  
4 itself was squashed by security.

5 MEMBER ALBERTI: Okay.

6 SERGEANT MABLE: And then it appears,  
7 well, coming from some of the witness'  
8 statements, that the actual complainant came and  
9 knocked another drink out of his hand, that's  
10 when the fight actually really, really erupted --

11 MEMBER ALBERTI: Okay.

12 SERGEANT MABLE: -- at that point.

13 MEMBER ALBERTI: And then what  
14 happened? Did they throw --

15 SERGEANT MABLE: At that point, it  
16 appears that bouncers and security took the guys  
17 out of the club, the two guys out. And as they  
18 were taking them out, he grabbed one of the guys,  
19 you know, dreadlocks from his head and they had  
20 to physically make him let go of the dreadlocks  
21 and then they took him outside, escorted him out.

22 MEMBER ALBERTI: Did they have

1 reimbursable detail outside?

2 SERGEANT MABLE: Yes, they did.

3 MEMBER ALBERTI: And when were they  
4 notified?

5 SERGEANT MABLE: I don't have that  
6 knowledge. I know they never went into the club.  
7 But I believe outside there was some kind of  
8 flashlight or something like that flashed and  
9 that's when the security -- the outside  
10 reimbursable detail was notified through this  
11 blinking light or whatever or flashlight.

12 MEMBER ALBERTI: All right. Because  
13 that's a concern to me is how quickly they  
14 notified the reimbursable detail. And that's why  
15 I wanted you to --

16 SERGEANT MABLE: And that was when  
17 everybody was leaving the club, they had the  
18 flashlight. You can kind of see it on the --  
19 like I said, it's really grainy the video that I  
20 saw. The detective said he saw it actually  
21 there, so it's a lot clearer.

22 MEMBER ALBERTI: Yes.

1                   SERGEANT MABLE: But what I got was  
2 kind of grainy.

3                   MEMBER ALBERTI: Okay. Thank you.  
4 That's helpful. Thank you so much.

5                   CHAIRPERSON MILLER: Any other  
6 questions? Lieutenant, did you want to add  
7 anything, at this time?

8                   LIEUTENANT ROMAN: No.

9                   CHAIRPERSON MILLER: Okay. And you  
10 will get a chance to, don't worry. Okay. Mr.  
11 Jones, do you want to add anything at this time?

12                   INVESTIGATOR JONES: Not really. I  
13 think that I guess the questions I can kind of  
14 elaborate on things.

15                   CHAIRPERSON MILLER: Yes.

16                   INVESTIGATOR JONES: But what the  
17 detective mentioned is pretty much what took  
18 place.

19                   CHAIRPERSON MILLER: And you know that  
20 based on?

21                   INVESTIGATOR JONES: From my  
22 interviews as well as video footage.

1 CHAIRPERSON MILLER: Okay.

2 INVESTIGATOR JONES: Yes, ma'am.

3 CHAIRPERSON MILLER: All right. And  
4 you have video footage with you. Is that right?

5 INVESTIGATOR JONES: Yes, ma'am.

6 CHAIRPERSON MILLER: Okay.

7 INVESTIGATOR JONES: It's grainy like  
8 the detective just mentioned, but we will talk  
9 about that as well.

10 CHAIRPERSON MILLER: Okay. I think  
11 maybe just before we go into the video, I just  
12 want to check with Mr. Hakar.

13 MR. HAKAR: Me.

14 CHAIRPERSON MILLER: Do you have  
15 anything you wanted to add, at this point?

16 MR. HAKAR: Yes. Thank you for asking  
17 the question about if we had police detail or  
18 not, because the day when they close us down,  
19 they said we didn't.

20 CHAIRPERSON MILLER: Oh.

21 MR. HAKAR: And it was wrong, because  
22 I got a call from the Chief of Police Commander.

1 He said he is coming to shut me down between 5:00  
2 and 6:00. I asked him is there reason, the other  
3 reason why you are doing that? He said well, you  
4 will know when we get there, so you better be  
5 there to be served. I never been so -- I never  
6 been to police station before, so I -- so what  
7 does it mean to be served? He said we coming to  
8 shut you down. You better be there between 5:00  
9 and 6:00.

10 Well, the first thing I did is I  
11 called Mr. Jones, because he came a couple of  
12 times and gave us his card and I had his card in  
13 my hand. And I said the only person who can  
14 actually help me out on a Sunday is an ABRA  
15 person.

16 So I called and he was kind enough to  
17 come in to the establishment and ask us questions  
18 and look at the video and see what happened. And  
19 we tried to figure out who the person that  
20 actually got hurt, because we don't know who the  
21 person is, because we have cameras. We inherit  
22 these cameras from the previous owners. And we

1 try to figure out where the incident was. At the  
2 time when the person was leaving, it was 2:00.

3 People still dancing on the dance  
4 floor. If there was a big fight, don't you think  
5 that these people would stop and start looking at  
6 the fight? Nobody did.

7 So we waited from 5:00 to 6:00, nobody  
8 showed up. So they showed up at 8:00 and they  
9 posted, they close us down. And I was like why  
10 did you say, didn't you say you were supposed to  
11 be here at 6:00, so you can -- they said that  
12 that's just a little technical stuff. That's  
13 fine.

14 Half hour later they came back. They  
15 took the poster down and they put another poster  
16 that is supposed to be 6:00. And I told the  
17 officer, this is wrong. You should leave it as  
18 is. And you should -- the poster said 6:00, it  
19 closes at 8:00. I know it's technical, but he  
20 goes no, I take the blame for it. It's my  
21 mistake. I was supposed to be bringing this a  
22 long time ago.

1 I said well, is there somebody to talk  
2 to about this issue? So the next day, I went to  
3 D2 and I talked to Commander Hill. I said so you  
4 guys shut us down yesterday. This is the name of  
5 my business. He went upstairs and he came down  
6 and he goes no, we never shut you down.

7 I was like what do you mean? He said  
8 well, apparently, according to Commander Hill  
9 said that our party is called Aura Party. Our  
10 restaurant is called -- the business is called  
11 Kazbah and the restaurant is called Marrakech,  
12 that's what the police detail is based on.

13 So they went and typed Aura instead of  
14 typing the address of the business. It came up  
15 that we don't have no police detail. We have no  
16 liquor license. Maybe that's where they made the  
17 mistake.

18 First of all, they said we didn't --  
19 we failed to call the police. We pay police  
20 detail to come in there and assess the situation.  
21 It's up to them to make the call, because that's  
22 why we pay them.

1           And he said no, we never had -- you  
2 never called 911 and we also come and measurement  
3 to the neighbors. We been in that place for four  
4 years. You guys probably had that space here so  
5 many times before -- four years before. Almost  
6 every two months you guys had an issue with that  
7 space. We been there for four years. Not even a  
8 single infraction. Not even a single call.

9           And those guys came out and make us  
10 become -- the poster still on the wall. And we  
11 had reservations on Sunday, Monday and Tuesday  
12 and we had to make excuses. We cannot tell our  
13 customers that they shut us down because we are  
14 endangerment to the neighborhood and probably  
15 didn't call the police detail.

16           We called them so many times. We  
17 tried to talk to different detectives and  
18 different police officers. We explained to them  
19 that we had the police detail. You should go on  
20 the invoice that we pay, that we got on Monday  
21 from detail, that the police were there. Nobody  
22 wants to listen to us.

1                   And it was an obvious -- I mean, I'm  
2                   not saying maybe we did something wrong. We are  
3                   not fully knowledgeable of probably the club  
4                   business, but we followed, because I followed  
5                   things to the letter. Everything that they asked  
6                   for, cameras, police detail, six security guys on  
7                   120 people in the club.

8                   So more than that and then we try to  
9                   tell them that there was a mistake we made. Can  
10                  you just, you know, consider or talk to -- he  
11                  said no, we cannot do anything about it. So  
12                  that's pretty much the extent of what happened.

13                  MEMBER SILVERSTEIN: What was the last  
14                  part about making changes?

15                  MR. HAKAR: I'm sorry?

16                  MEMBER SILVERSTEIN: What was the last  
17                  thing you said? I'm sorry, I didn't hear it.

18                  MR. HAKAR: Changes about?

19                  MEMBER SILVERSTEIN: The last thing  
20                  that you said, that something --

21                  MR. HAKAR: Oh, I asked them. I  
22                  called them to like reverse their decision, based

1 on the fact that they actually made the mistakes  
2 on even the letter that they served me with, that  
3 they said we had -- we didn't call -- failure to  
4 call 911. And I called them and said why don't  
5 you look at your police detail and you know the  
6 police were right there talking to whoever the  
7 person, supposedly the victim, and you know that  
8 at least one of the two -- you know, being -- the  
9 measurement is very relative, the neighbors are  
10 very relative.

11 But one fact is either we do or we  
12 don't have police detail. And that is when they  
13 made the mistake, because we had the police  
14 detail.

15 CHAIRPERSON MILLER: Okay. I just  
16 want to note that Mr. Jones has joined us at the  
17 end of the dias.

18 MEMBER JONES: Thank you, Madam Chair.

19 CHAIRPERSON MILLER: Were you there  
20 that day, that evening?

21 MR. HAKAR: I was there. That was a  
22 very slow night. I was there until 2:15.

1 CHAIRPERSON MILLER: Yes.

2 MR. HAKAR: I saw that my security was  
3 there, my two managers were outside, because we  
4 try to make sure, as good neighbors, we don't  
5 want people to be standing outside in the middle  
6 of the night and screaming. We try to get my  
7 managers outside as well as the police detail.

8 CHAIRPERSON MILLER: Yes.

9 MR. HAKAR: And told the security guys  
10 to move people, because people start coming out  
11 of the club and try to -- because between us and  
12 The Fire Place, it's too much mess. Just try to  
13 get people out of the way. This way we don't  
14 have problems with the neighbors.

15 I saw everything was in place. I left  
16 around 2:15. And there was no issues until  
17 Saturday night when a detective came in and he  
18 wants to talk to me about an incident that  
19 happened that I thought was something minor. It  
20 turned out to be probably bigger than what I  
21 thought, you know.

22 CHAIRPERSON MILLER: Okay. Thank you.

1 Any other questions? Mr. Alberti?

2 MEMBER ALBERTI: So, Mr. Hakar --

3 MR. HAKAR: Yes, sir.

4 MEMBER ALBERTI: I want to thank you  
5 for coming in. I mean, we are not here to sort  
6 of discuss what MPD did. I mean, that's not our  
7 purview and that's more than we get. But you  
8 have -- you know that we reviewed this and didn't  
9 find any cause to continue the closure.

10 MR. HAKAR: Yes.

11 MEMBER ALBERTI: So we are here. But  
12 I -- so are you -- I'm sure you have talked to  
13 staff about what happened that night.

14 MR. HAKAR: I have talked.

15 MEMBER ALBERTI: All right. And so  
16 are you aware of any sort of fight of any  
17 significance in the establishment that night?

18 MR. HAKAR: Yes. I think there was an  
19 incident as the --

20 SERGEANT MABLE: Sergeant.

21 MR. HAKAR: -- Sergeant said. It's  
22 the same incident, that the same -- that the

1 security guy told me the same thing. The guy  
2 spill a drink on somebody and they got into an  
3 argument and the guy tried to get in the middle,  
4 security guy tried to get in the middle of it to  
5 break it up. But we have six security guys with  
6 120 people, because it was a very, very slow  
7 night, and try to, you know, diffuse it as fast  
8 as they can.

9 But again, when somebody say oh, I  
10 don't want to do the thing -- I never heard about  
11 the one coming back and spilling the drink again  
12 on the person. I didn't hear that from my guy.  
13 But all what I heard was that they broke the  
14 fight. And then they notified the manager that  
15 was in the front by radio that they are bringing  
16 a guy down because of the argument and all that  
17 stuff.

18 And they notified police officers they  
19 were bringing somebody down, because they were  
20 fighting upstairs.

21 MEMBER ALBERTI: Okay.

22 MR. HAKAR: And then the police

1 officers -- so from the door when the guy was  
2 coming and he talked to him and asked him if he  
3 needed assistance or you need an ambulance. He  
4 asked him four times if he needed an ambulance.  
5 He said no, I don't need anything. I just want  
6 to go. I don't like people from DC. I'm from  
7 New York. We have better fun in New York.

8 CHAIRPERSON MILLER: Okay.

9 MR. HAKAR: I just want to go home.  
10 And I said -- the officer said okay, are you sure  
11 you don't need any assistance? I mean, they did  
12 their job. And the guy walked probably about a  
13 half block because they called Uber and Uber came  
14 in and for whatever reason the girl told Uber to  
15 go around and Uber probably refused, that's what  
16 I heard, and then the girl and the guy walked  
17 down all the way to The Fire Place to catch a  
18 taxi from there. And that's it.

19 MEMBER ALBERTI: So your staff  
20 notified MPD when they were bringing someone out?

21 MR. HAKAR: Yes. And two managers  
22 were downstairs on the street, because of the

1 closing time that we have to --

2 MEMBER ALBERTI: Okay. Which is great  
3 procedure.

4 MR. HAKAR: Okay.

5 MEMBER ALBERTI: That's what we want  
6 to hear.

7 MR. HAKAR: And that actually was the  
8 question light to us. And when he flashed the  
9 light, meaning that somebody is coming down.

10 MEMBER ALBERTI: That's how they do  
11 it. All right.

12 MR. HAKAR: And maybe -- because  
13 mainly reason I got somebody that knows -- I am a  
14 restaurant guy. I got somebody that understands  
15 the club business, the club industry and we --  
16 this way we can work it the right way. We don't  
17 want to be sloppy because we know what the  
18 neighbors are like.

19 MEMBER ALBERTI: Okay. So how many  
20 reimbursable details?

21 MR. HAKAR: We get two.

22 MEMBER ALBERTI: Two?

1 MR. HAKAR: Yes.

2 MEMBER ALBERTI: All right. And how  
3 often do you have them?

4 MR. HAKAR: We have them every time we  
5 have an event.

6 MEMBER ALBERTI: Pardon? Every time  
7 you have an?

8 MR. HAKAR: Every time we have an  
9 event. If we have an event, we have -- we call  
10 them.

11 MEMBER ALBERTI: What is an event?

12 MR. HAKAR: Event is when we get  
13 together with a group of people. Say you want to  
14 come in, you want to party, you want to throw a  
15 party at our club and we host that.

16 MEMBER ALBERTI: Okay. Because you  
17 also have a restaurant there?

18 MR. HAKAR: Yes, um-hum.

19 MEMBER ALBERTI: What's the name of  
20 the restaurant?

21 MR. HAKAR: Marrakech.

22 MEMBER ALBERTI: Oh, the restaurant is

1 Marrakech.

2 MR. HAKAR: Um-hum.

3 MEMBER ALBERTI: And then what is  
4 the --

5 MR. HAKAR: It's Marrakech. The whole  
6 entity is Marrakech.

7 MEMBER ALBERTI: I know. But what do  
8 you bill the event space as?

9 MR. HAKAR: The -- it's like for  
10 example, it's Aura is more like a feel-good type  
11 of party. Like you give a name to the party.  
12 It's not the --

13 MEMBER ALBERTI: Okay. So you give  
14 the party a name.

15 MR. HAKAR: Yes. We give a name to  
16 the party, yes.

17 MEMBER ALBERTI: Okay. I gotcha. I'm  
18 starting to understand. All right. All right.  
19 All right. And that's not like -- is there a  
20 regular schedule for these Aura parties or these  
21 events?

22 MR. HAKAR: Well, it was -- we do only

1 -- we used to do Friday and Saturday. And then  
2 it was a little bit too much for the neighbors.  
3 And we cut Saturday and we just want to do just  
4 Friday. And it was even too much for the  
5 neighbors. And we said even actually that  
6 morning of the last party --

7 MEMBER ALBERTI: Yes.

8 MR. HAKAR: -- we decided that that is  
9 going to be the last party. Because I don't want  
10 -- I would rather keep the restaurant and have a  
11 good relationship with the neighbors. We thought  
12 that is going to, you know, go smooth. There is  
13 no issues. You know, and we can keep it. But  
14 the more you do, you get into the club industry,  
15 the more you don't want to do it any more.

16 MEMBER ALBERTI: Okay.

17 MR. HAKAR: And we just wanted --  
18 that's not the -- the last one since we had the  
19 incident, we never had another party again.

20 MEMBER ALBERTI: So I mean, I am  
21 asking some questions about the layout and this  
22 is going to go towards questions about cameras

1 later.

2 MR. HAKAR: No problem.

3 MEMBER ALBERTI: So the restaurant,  
4 you have two floors here, right?

5 MR. HAKAR: We have the restaurant on  
6 first floor.

7 MEMBER ALBERTI: Is the restaurant  
8 used --

9 MR. HAKAR: And we have two floors.

10 MEMBER ALBERTI: Above that? And do  
11 you generally use those floors?

12 MR. HAKAR: Not mostly the third  
13 floor, just that first floor where the club is,  
14 because the restaurant is almost like separate.  
15 We don't allow any parties in the restaurant or  
16 something like that, just the first floor,  
17 because that's separate door.

18 MEMBER ALBERTI: For the restaurant?

19 MR. HAKAR: To the upstairs. Yes. It  
20 is the restaurant. It has a separate door.

21 MEMBER ALBERTI: Yes.

22 MR. HAKAR: And then the lounge is

1 upstairs.

2 MEMBER ALBERTI: Oh, the lounge is  
3 upstairs?

4 MR. HAKAR: Yes, upstairs that's where  
5 we have the event and we host the event.

6 MEMBER ALBERTI: Okay. But is the  
7 lounge open on a regular basis?

8 MR. HAKAR: We open it as just as a  
9 bar.

10 MEMBER ALBERTI: Okay.

11 MR. HAKAR: We close only Monday and  
12 we open the rest of the week.

13 MEMBER ALBERTI: Great.

14 MR. HAKAR: From 6:00 to midnight.

15 MEMBER ALBERTI: Okay. All right. So  
16 you mentioned about having the cameras,  
17 inheriting the cameras from the previous owners.

18 MR. HAKAR: Yes.

19 MEMBER ALBERTI: Why did you make --  
20 I think I know, but why did you make that  
21 comment?

22 MR. HAKAR: Well, because we inherited

1 because it's a used space and it's very, very --  
2 because we were not even thinking about even  
3 having a nightclub at all. The thing is the  
4 economics. The thing is the rent is so high and  
5 the restaurant, ethnic restaurant is not like --  
6 it's not that -- you go to Moroccan food probably  
7 once a year.

8 MEMBER ALBERTI: Yes.

9 MR. HAKAR: So we figure we can boost  
10 our income with one event a week. It will help  
11 us pay for the rent and pay for everything else.  
12 The reason I said inherited because these  
13 cameras, at some point, they freeze sometimes.

14 MEMBER ALBERTI: They what?

15 MR. HAKAR: They freeze. They --

16 CHAIRPERSON MILLER: Freeze.

17 MR. HAKAR: Yes.

18 MEMBER ALBERTI: Okay.

19 MR. HAKAR: So what we did after a  
20 recommendation from Mr. Jones is that we needed  
21 to redo them again. And we hire somebody last  
22 week and we redid all the cameras and we actually

1 just -- I send him -- I showed him the invoice  
2 and I showed him some of the position of the  
3 camera. They ask us for like to be able to see  
4 the door, should be right at the bar, so we have  
5 seven cameras that are functional and working.

6 MEMBER ALBERTI: Okay. Very good.  
7 I'm not going to ask any more questions. I'm  
8 sure there is going to be more questions about  
9 that, but I'll let that -- I'll stop right here.

10 MR. HAKAR: All right.

11 MEMBER ALBERTI: But thank you very  
12 much. You have been very helpful.

13 MR. HAKAR: Thank you.

14 CHAIRPERSON MILLER: Others? I just  
15 have a couple follow-up. I wasn't clear what you  
16 said with respect to you changing your  
17 operations. Are you stopping having a club? No?

18 MR. HAKAR: No, no, no, no. We stop  
19 the club.

20 CHAIRPERSON MILLER: Okay.

21 MR. HAKAR: I have two kids. I want  
22 to go home and sleep. You know, I went away on

1 vacation. I have another business at the salon,  
2 another restaurant, another club. And since we  
3 have the club, we just -- neighbors are not  
4 happy. The noise, turn the music down, we don't  
5 want people in the street.

6 I'm not saying that they are right or  
7 I'm wrong. It just time not to have these  
8 events. Should be able to just make whatever and  
9 just stop these parties. I just don't want to  
10 have this.

11 I mean, we are open. We open a bar.  
12 If we make money, we make money. If we don't  
13 make money, it's fine.

14 CHAIRPERSON MILLER: So the area that  
15 was used for this club is just like a regular  
16 bar/lounge?

17 MR. HAKAR: Yes.

18 CHAIRPERSON MILLER: But no nightlife  
19 parties?

20 MR. HAKAR: Well, it used to be. It  
21 used to be. I don't know if you -- I mean, it  
22 used to be Pasha.

1                   CHAIRPERSON MILLER: Yes.

2                   MR. HAKAR: You know, back in the day  
3 and he has the -- so and back in the day, it used  
4 to be the party place. And we try to do a lounge  
5 for a period of time. So we apply for the hookah  
6 license almost probably three years now and we  
7 still have. Our purpose is actually to have the  
8 hookah and a bar and we call it a day, because we  
9 can make up the difference in the hookah and all  
10 that stuff. We are still waiting for the  
11 license. They say you can serve hookah, but we  
12 still waiting for the license to begin. Three  
13 years now.

14                  CHAIRPERSON MILLER: Okay. And then  
15 my other question is on the night of the  
16 incident, at least what you were doing, was it  
17 your modus operandi to -- if there was a fight  
18 inside, you would end up separating the parties,  
19 escorting them out maybe at different times, but  
20 contacting the police by this little flashlight  
21 sign?

22                  MR. HAKAR: Yes.

1                   CHAIRPERSON MILLER: Okay. So that's  
2 how you alerted the police.

3                   MR. HAKAR: That's -- to my knowledge,  
4 I'm a restaurant guy again, maybe work in club  
5 business for so many years, that's how been told  
6 that they notify, because he used to own his own  
7 club and the same security people used to work  
8 for him, so they are very, very familiar with how  
9 to work a fight.

10                  CHAIRPERSON MILLER: Okay.

11                  MR. HAKAR: And I think what happened  
12 is that they escort one person and then 10  
13 minutes later they escort the other person out by  
14 notifying the management in the front as well as  
15 the police detail.

16                  CHAIRPERSON MILLER: Okay. And you  
17 didn't call 911, you dealt with the police that  
18 were there or what?

19                  MR. HAKAR: Well, this is the tricky  
20 side.

21                  CHAIRPERSON MILLER: Okay.

22                  MR. HAKAR: From my understanding, if

1 I'm paying police detail to be there, they are  
2 police officers still. They are the 911. They  
3 are the one that make the call either to call or  
4 not to call.

5 If you are coming to me, I'm walking  
6 in the street and I fell and a police officer was  
7 standing right there and he say want me to file a  
8 report for you? And you say no, no, no, I can go  
9 home. I don't care. I just want to go home.  
10 Maybe that's the judgment of police officer not  
11 to call or probably he didn't see that there was  
12 enough reason to actually call for backup or call  
13 911 or even because the guy refused four times  
14 been asked if he wants an ambulance. He said no,  
15 I just want to go home.

16 CHAIRPERSON MILLER: Okay. Okay.

17 Thank you. All right. Any other questions?

18 MEMBER SILVERSTEIN: Footage.

19 CHAIRPERSON MILLER: Do we want to see  
20 the video?

21 MEMBER SILVERSTEIN: I want to see the  
22 footage.

1 CHAIRPERSON MILLER: Okay. Mr. Jones,  
2 do you have footage there?

3 INVESTIGATOR JONES: Yes, I do, ma'am.

4 CHAIRPERSON MILLER: Okay. How long  
5 is it? Like what do you have?

6 INVESTIGATOR JONES: Well, I  
7 specifically would like to -- the part that it is  
8 grainy, but not as grainy as the outside, which  
9 is really what we need to focus on.

10 CHAIRPERSON MILLER: Okay.

11 INVESTIGATOR JONES: I believe. And  
12 what -- to encompass what was really the matter  
13 of the closure. The other piece, well, I wanted  
14 to offer -- are we going to excuse MPD or --

15 CHAIRPERSON MILLER: Oh.

16 MEMBER ALBERTI: No.

17 CHAIRPERSON MILLER: Well --

18 MEMBER SILVERSTEIN: I had a couple of  
19 questions.

20 CHAIRPERSON MILLER: Oh, you have --

21 MEMBER SILVERSTEIN: But I want to see  
22 the video first.

1                   CHAIRPERSON MILLER: Are you in a  
2 hurry? Are you in a hurry? Can you hang out?  
3 You are in a hurry?

4                   SERGEANT MABLE: Well, I wouldn't say  
5 hurry. I'm fine.

6                   CHAIRPERSON MILLER: Do you want to  
7 ask your questions now?

8                   MEMBER SILVERSTEIN: Yes.

9                   CHAIRPERSON MILLER: It sounds like --  
10 we don't like to detain them unnecessarily.

11                   MEMBER SILVERSTEIN: I could. I just  
12 want to determine in terms of the facts what we  
13 know, what we think we know and what source this  
14 information was.

15                   There was some sort of fight in there.  
16 We do not have any video of the fight. Is that  
17 correct? Anybody?

18                   SERGEANT MABLE: That comes from --  
19 solely from the complainants.

20                   MEMBER SILVERSTEIN: Pardon?

21                   SERGEANT MABLE: That comes from the  
22 complainant that there was a fight in the

1 establishment.

2 MEMBER SILVERSTEIN: I can't hear you.

3 SERGEANT MABLE: I'm sorry. I'll get  
4 a little closer to the mike. That comes solely  
5 from complainants that there was a fight inside.  
6 I have no video source to support it.

7 MEMBER SILVERSTEIN: That was from the  
8 complainant?

9 SERGEANT MABLE: Yes.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER SILVERSTEIN: The complainant  
12 said he was dragged out in a chokehold. Is that  
13 correct?

14 SERGEANT MABLE: He also said that he  
15 said there was a fight. He was stomped. He was  
16 punched several times and stomped by the suspect  
17 and said he was dragged out by his -- by security  
18 in a chokehold.

19 MEMBER SILVERSTEIN: Do we have any  
20 video of him either being dragged out in a  
21 chokehold or walking out or leaving not in a  
22 chokehold?

1                   SERGEANT MABLE: I don't have any  
2 video supporting that he was dragged out in some  
3 kind of chokehold, no, not at all.

4                   MEMBER SILVERSTEIN: Do we have video  
5 of him leaving?

6                   INVESTIGATOR JONES: Yes, we do, sir.

7                   MEMBER SILVERSTEIN: And in what state  
8 or condition?

9                   INVESTIGATOR JONES: He was walking at  
10 all times.

11                  MEMBER SILVERSTEIN: He is walking at  
12 all times. Okay. He said that he was dragged to  
13 the corner and dumped, according to -- do we have  
14 video of that?

15                  INVESTIGATOR JONES: No, sir.

16                  SERGEANT MABLE: I don't have video of  
17 that. I have spoken to one of the detectives  
18 that is investigating the case and he stated that  
19 he spoke with, I guess, just the doorman of The  
20 Fire Place that is right down the street.

21                  MEMBER SILVERSTEIN: Yes.

22                  CHAIRPERSON MILLER: Yes.

1                   SERGEANT MABLE: And that's supposedly  
2 where he was dumped at, down that way. And he  
3 said that he saw the guy outside as well as a  
4 female and they were standing and they were  
5 talking about New York and so it had to be the  
6 same people. And they weren't dumped or dragged  
7 down there at all.

8                   MEMBER SILVERSTEIN: We heard that he  
9 was at a hospital.

10                  SERGEANT MABLE: He went to the  
11 hospital on his --

12                  MEMBER SILVERSTEIN: And he was  
13 treated for injuries?

14                  SERGEANT MABLE: He had injuries, yes.

15                  MEMBER SILVERSTEIN: And it was there  
16 that this person who was injured somehow told  
17 this story and it was based on that that so much  
18 of this happened. But at this point, it appears  
19 that some of his story was untrue or at least  
20 exaggerated greatly.

21                  MEMBER SHORT: Unsubstantiated. It's  
22 unsubstantiated.

1 MEMBER BROOKS: Unsubstantiated.

2 MEMBER ALBERTI: It's presently

3 unsubstantiated.

4 INVESTIGATOR JONES: Right.

5 MEMBER SILVERSTEIN: It's

6 unsubstantiated.

7 INVESTIGATOR JONES: That's correct.

8 MEMBER ALBERTI: Presently, presently.

9 INVESTIGATOR JONES: Yes, it more or  
10 less needs to be done. This hadn't been  
11 corroborated yet, at this point.

12 CHAIRPERSON MILLER: He hasn't been  
13 cooperating? Is that what you --

14 INVESTIGATOR JONES: No. Hasn't  
15 corroborated. The story hasn't been --

16 CHAIRPERSON MILLER: Corroborated.

17 MEMBER SILVERSTEIN: Oh, corroborated.

18 MEMBER ALBERTI: Corroborated.

19 INVESTIGATOR JONES: Yes.

20 CHAIRPERSON MILLER: Yes.

21 MEMBER SILVERSTEIN: Have we tried to  
22 contact this gentleman?

1 INVESTIGATOR JONES: Yes.

2 MEMBER SILVERSTEIN: Have you tried to  
3 contact him since then?

4 INVESTIGATOR JONES: Well, since then?

5 MEMBER SILVERSTEIN: Yes.

6 INVESTIGATOR JONES: He has been  
7 talked to several times. We believe that he may  
8 have went back to New York to start his therapy  
9 for his injuries, so we haven't talked to him in  
10 the last several days.

11 MEMBER SILVERSTEIN: He has not  
12 responded?

13 INVESTIGATOR JONES: Not in the last  
14 several days, no.

15 MEMBER SILVERSTEIN: Okay. Okay. No  
16 further questions, sir.

17 MEMBER SHORT: I just --

18 CHAIRPERSON MILLER: Yes, Mr. Short?

19 MEMBER SHORT: Thank both of you,  
20 Officers, for coming here. It sounds like this  
21 was just a miscommunication of some type. And I  
22 would like to thank you all for your service.

1 You go through an awful lot.

2 SERGEANT MABLE: Thank you, sir.

3 MEMBER SHORT: And you have to  
4 investigate when somebody makes allegations.  
5 That's all a police officer can do is --

6 SERGEANT MABLE: Yes, sir.

7 MEMBER SHORT: -- investigate, follow  
8 the investigations. Someone said they were  
9 injured and they wound up in the hospital with a  
10 broken hip. But there is no footage. There is  
11 nothing else. There was reimbursable detail  
12 there, correct?

13 SERGEANT MABLE: That's correct.

14 MEMBER SHORT: And now, I would just  
15 like to ask a question of the owner, if you don't  
16 mind. Since this incident, have you done  
17 anything to make any corrective actions or  
18 anything that -- to keep this kind of thing from  
19 happening to you again, i.e., having better  
20 footage so that --

21 MR. HAKAR: Well, we got new camera  
22 actually.

1 MEMBER SHORT: Okay.

2 MR. HAKAR: We send the copy of the  
3 bill to Mr. Jones to be able to see what we did.  
4 It's not -- and we got new. We remove the old  
5 DVR and we put brand new DVR for -- about to be  
6 accessed a lot faster if ever there is -- if ever  
7 there is --

8 MEMBER SHORT: Okay. Let me stop you  
9 right there. So that means Mr. Jones is going to  
10 come back out and make sure that it's working  
11 properly now?

12 MR. HAKAR: Yes, yes.

13 MEMBER SHORT: Okay. That's all I  
14 have, Madam Chair. Thank you.

15 CHAIRPERSON MILLER: Okay. All right.  
16 Anything else, especially for the police  
17 officers?

18 MEMBER SILVERSTEIN: Mr. Jones, what  
19 can you tell us about that?

20 MEMBER ALBERTI: Well, wait, wait,  
21 wait.

22 CHAIRPERSON MILLER: Do they want to

1 be excused? I thought that MPD wanted to be  
2 excused. Am I correct?

3 SERGEANT MABLE: Well, I mean --

4 CHAIRPERSON MILLER: You are all  
5 right?

6 SERGEANT MABLE: Whatever you need me  
7 to do. I'm fine.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER ALBERTI: Well, if there is no  
10 more questions of MPD, I mean --

11 CHAIRPERSON MILLER: Are there?

12 MEMBER ALBERTI: -- there is no reason  
13 for them to stay.

14 MEMBER SHORT: Thank you again for  
15 your service.

16 SERGEANT MABLE: Thank you.

17 MEMBER SILVERSTEIN: Thank you very  
18 much.

19 CHAIRPERSON MILLER: Okay. We  
20 appreciate your coming down. Thank you. You are  
21 welcome to stay if you like though, you know.

22 SERGEANT MABLE: Okay.

1                   CHAIRPERSON MILLER: If you want to  
2 see the video.

3                   MEMBER SHORT: I'm good.

4                   MEMBER ALBERTI: Yes, it's not that  
5 entertaining. Thank you. Thank you so much.

6                   MEMBER SHORT: I'm good.

7                   SERGEANT MABLE: Until the next time.

8                   MEMBER ALBERTI: Right.

9                   CHAIRPERSON MILLER: All right. Mr.  
10 Rodriguez has a question before we see the video.

11                   MEMBER RODRIGUEZ: Yes. For the  
12 owner, sir.

13                   MR. HAKAR: Yes, sir?

14                   CHAIRPERSON MILLER: Yes.

15                   MEMBER RODRIGUEZ: I noticed that you  
16 are very concerned about the neighbors. You  
17 always mentioned the neighbors, that you don't  
18 want to interrupt the neighbors and that's a good  
19 thing. But what about the neighbors? Did they  
20 complain to you?

21                   MR. HAKAR: Well, I got a couple of  
22 emails. Of course, you guys -- I'll be very,

1 very blunt. I'm from somewhere else and I got a  
2 couple of emails from some -- one of the -- we  
3 were working together as a group, me and the  
4 neighbors, and there is a building across the  
5 street, another building to the left and I went  
6 to a couple of the meetings that they had  
7 concerns when we moved there and we just  
8 purchased the business and we moved there.

9 And then they talking about the  
10 history and stuff and I said you know what, I'm  
11 not going to tell you I'm not going to have  
12 parties. I'm going to have parties. But they  
13 are gong to be -- it's not going to be the same  
14 thing. There is going to be security. There is  
15 going to be all that stuff.

16 And so they had my name on the email  
17 by -- probably by accident and the communication  
18 between them was pretty much hostile. I mean,  
19 some of them like us, some of them don't like us.  
20 And some of them made some racial comments about  
21 the crowd that comes in the area and all that  
22 stuff. And they don't want that kind of people

1 in the area, which is everybody is free to say  
2 whatever they want.

3 And I mean, most of them come and dine  
4 in my restaurant. And we build a good  
5 relationship. And I just want to keep it that  
6 way, that's why I decided I wouldn't do the club  
7 any more.

8 MEMBER RODRIGUEZ: Yes, sir. But on  
9 this very night --

10 MR. HAKAR: Yes.

11 MEMBER RODRIGUEZ: -- were there any  
12 complaints from the neighbors to you?

13 MR. HAKAR: No, no, no. Because the  
14 reason the neighbors complain is when people get  
15 out of the club at 2:30 in the morning --

16 MEMBER RODRIGUEZ: Yes, sir.

17 MR. HAKAR: -- and just stand outside.

18 CHAIRPERSON MILLER: Yes.

19 MR. HAKAR: Our biggest concern is to  
20 move people out slowly.

21 MEMBER RODRIGUEZ: Right.

22 MR. HAKAR: And get most of our staff,

1 including the police detail to move people out of  
2 the area.

3 MEMBER RODRIGUEZ: Yes.

4 MR. HAKAR: We actually make sure  
5 because there is a building on the left. We make  
6 sure that people pass that building all the way  
7 to the hotel before we actually say, you know,  
8 let's call it a night.

9 MEMBER RODRIGUEZ: Right.

10 MR. HAKAR: So we don't let anybody in  
11 the street.

12 MEMBER RODRIGUEZ: So you are working  
13 pretty well with the neighbors. But on this very  
14 night, there were no complaints from the  
15 neighbors?

16 MR. HAKAR: No. There was not.

17 MEMBER RODRIGUEZ: Okay. Thank you.  
18 Thank you, sir.

19 CHAIRPERSON MILLER: Others? Okay.  
20 I think we are ready for the video then.

21 MEMBER ALBERTI: So --

22 CHAIRPERSON MILLER: Oh, I'm sorry.

1 Did you have a question?

2 MEMBER ALBERTI: -- I'm wondering how  
3 much -- just to save time, I'm wondering how much  
4 of this vide we need to see because I don't think  
5 -- it doesn't seem to be little doubt about what  
6 happened. I think there seems to be little doubt  
7 about what happened. I'm not sure. Unless the  
8 video is going to show us something that we don't  
9 already know, then what I'm more curious about is  
10 having a discussion about what Mr. Jones knows  
11 about the new system.

12 And that's just a suggestion to sort  
13 of move things forward here, rather than kind of  
14 waste time seeing something that is not going to  
15 provide us with any more information, but what is  
16 really I think at focus here is what is going on  
17 moving forward with the new systems.

18 So that's just my suggestion.

19 CHAIRPERSON MILLER: Others? Mr.  
20 Jones, what did you have in mind to show us?

21 INVESTIGATOR JONES: Pretty much what  
22 Chairman Alberti said. I mean, it's what I have

1 here is everything that has already been stated.

2 CHAIRPERSON MILLER: Okay.

3 INVESTIGATOR JONES: You can clearly  
4 see individuals come out. You can see the  
5 general manager is -- uses his flashlight to  
6 indicate to the MPD detail two officers who were  
7 sitting right out front --

8 CHAIRPERSON MILLER: Okay.

9 INVESTIGATOR JONES: -- of the door.  
10 As soon as the injured party comes out, he is  
11 walking out on his own power. They approach him.

12 CHAIRPERSON MILLER: Okay.

13 INVESTIGATOR JONES: He actually walks  
14 off from them and goes down towards P and 21st, I  
15 believe, and then he ends up coming back. They  
16 have him sit down in a chair that is out front  
17 that the restaurant has next door to them.

18 CHAIRPERSON MILLER: Okay.

19 INVESTIGATOR JONES: The general  
20 manager brings out ice for the guy's leg, because  
21 he complained about his leg is hurting. At that  
22 point, he is asked several times by management as

1 well as MPD if he wants medics to -- to be  
2 assisted by medics. He refuses on several  
3 occasions and states that he just wants to go  
4 home.

5 At that point, there was an Uber  
6 driver that was contacted. From what -- there  
7 were two different versions of what happened with  
8 Uber. The initial -- because of our  
9 investigation when we do closures, we only have a  
10 very limited time to get all the information that  
11 we can.

12 CHAIRPERSON MILLER: Right.

13 INVESTIGATOR JONES: So when we  
14 present it to you, a lot of the information --  
15 well, I shouldn't say a lot, but there are some--  
16 there is some information that we do miss,  
17 because we don't have that large block of time to  
18 work with.

19 So what I was told at the time was  
20 that the Uber driver picked them up, but the guy  
21 was complaining inside the car that his leg was  
22 hurting and the Uber driver came back and dropped

1 him off. I guess saying look, I don't want the  
2 liability for this.

3 And then they ended up hailing a cab.  
4 Got into the cab and that was the end of the  
5 night.

6 The second story that I heard actually  
7 from MPD was that the Uber driver pulled up, the  
8 guy was complaining about his leg before he got  
9 into the car and the Uber driver just basically  
10 pulled off, like I'm not dealing with it. So  
11 they never got into the car.

12 CHAIRPERSON MILLER: Okay.

13 INVESTIGATOR JONES: And then hailed  
14 a cab and they got into the cab. From that  
15 point, the victim rested until Saturday evening  
16 when he contacted medics to respond to where his  
17 hotel was. They picked him up, took him over to  
18 George Washington Hospital. At that point, he  
19 was transferred over to MedStar and that's pretty  
20 much my knowledge of what took place.

21 CHAIRPERSON MILLER: Okay.

22 INVESTIGATOR JONES: As far as that

1 was concerned.

2 CHAIRPERSON MILLER: No. I think that  
3 what Mr. Alberti may be inferring is that we have  
4 heard really good synopses and are all consistent  
5 here about what happened that night. And we may  
6 not really need to look at a depiction of that.

7 INVESTIGATOR JONES: Yes, ma'am.

8 CHAIRPERSON MILLER: Because I'm not  
9 sure that any of those facts are at issue. And  
10 so I think also what Mr. Alberti may be alluding  
11 to is well, maybe what is significant to the  
12 hearing now is that the cameras be better if we  
13 are hearing that they are grainy and they are  
14 hard to see because of the event, you know, for  
15 security in the future, that you have a better  
16 camera system.

17 And it sounds like you already do have  
18 a better camera system or you are getting that in  
19 place. So I don't know. If Mr. Jones has the  
20 video, if there are some Board Members who would  
21 like him to show the video or any part of the  
22 video, you know, you should speak up, because

1 it's right here and he could do it.

2 MEMBER SILVERSTEIN: I don't think  
3 there is a need for it, because at this point --

4 CHAIRPERSON MILLER: Yes.

5 MEMBER SILVERSTEIN: -- my main  
6 concern on this, there were two, one was, that we  
7 get a better understanding of what happened. And  
8 the second was that we are able to ensure that  
9 there are clear video, so that if other events  
10 happen in the future, we will at least have them  
11 documented and memorialized.

12 CHAIRPERSON MILLER: Yes.

13 MEMBER SILVERSTEIN: Mr. Jones, my  
14 question to you and I think this probably could  
15 end it for me, you have been there, you are  
16 working with them. What is the state of the  
17 video system now or what is the state of the  
18 upgraded video system?

19 INVESTIGATOR JONES: Well, at this  
20 point, I have been given information from the  
21 tech who installed the new equipment. However, I  
22 haven't been -- and I just received this

1 information, so I haven't been over to the  
2 establishment to review or to observe any of the  
3 new equipment or placements.

4 Because when I did respond to the  
5 location when I was made aware of this closure or  
6 this pending closure on that Sunday evening, the  
7 first thing after I conducted my interviews, I  
8 wanted to review video footage. I can clearly  
9 see that the video footage was very grainy, as  
10 well as some of the cameras were out and some of  
11 the cameras were misplaced.

12 I did a floor plan of the cameras for  
13 this place a number of years ago for you all.

14 MEMBER SILVERSTEIN: Right.

15 INVESTIGATOR JONES: And at that time,  
16 it was -- I think the system was adequate. At  
17 this point in time, it's not.

18 CHAIRPERSON MILLER: Yes.

19 INVESTIGATOR JONES: And so I did  
20 speak with the owner about that information and I  
21 talked to him about redoing his system as well as  
22 placements for the cameras, because we also

1 talked about the exit, the second exit that he  
2 has for the lounge upstairs. It's a separate  
3 doorway. And there is no camera in that exit  
4 stairwell.

5 So a patron could clearly say I was  
6 thrown down the stairs. I was choked out. I was  
7 whatever the case may be --

8 CHAIRPERSON MILLER: Yes.

9 INVESTIGATOR JONES: -- if you have no  
10 video footage to say yay or nay. We talked about  
11 camera placement. We talked about the clarity as  
12 far as the cameras are concerned.

13 And so they are going to have to go  
14 ahead and expound on what they -- what has been  
15 done thus far. And then I could probably do a  
16 follow-up after that.

17 MEMBER SILVERSTEIN: And Mr. Hakar,  
18 what have you done and how have you addressed  
19 these issues that Investigator Jones has brought  
20 up?

21 MR. HAKAR: Yes. Well, since I took  
22 his recommendations and we call a tech and he fix

1       them all. They are all fixed right now. He can  
2       go right now or go any time he wants to. He can  
3       get in the office and look at all of the  
4       placement of the cameras and everything that he  
5       told us to do, by the letter we did it.

6               MEMBER SILVERSTEIN: Thank you. And  
7       would it be possible for Mr. --

8               CHAIRPERSON MILLER: Okay.

9               MEMBER SILVERSTEIN: -- Jones to find  
10       some time to go back there and take a quick look  
11       and report back to us?

12              CHAIRPERSON MILLER: Yes.

13              INVESTIGATOR JONES: Yes, sir.

14              CHAIRPERSON MILLER: Great. Okay.

15              MEMBER SHORT: Madam Chair?

16              CHAIRPERSON MILLER: Yes, Mr. Short?

17              MEMBER SHORT: Mr. Jones, you  
18       mentioned something about a second exit?

19              INVESTIGATOR JONES: Yes, sir.

20              MEMBER SHORT: What were your concerns  
21       with that again?

22              INVESTIGATOR JONES: My concern was

1 that in that stairwell for the -- that the  
2 entrance to the lounge portion of the building--

3 MEMBER SHORT: Okay.

4 INVESTIGATOR JONES: -- is basically  
5 a landing with a stairwell that goes straight up.  
6 So and there is no coverage in that stairwell.  
7 So anybody that exits coming down, they could be  
8 intoxicated. They could be -- there could be an  
9 altercation. And they could clearly say, you  
10 know, someone that is intoxicated could easily  
11 slip and then say you know what, I was thrown  
12 down the stairs.

13 MEMBER SHORT: Okay.

14 INVESTIGATOR JONES: Although that  
15 didn't happen, sir.

16 CHAIRPERSON MILLER: Yes.

17 INVESTIGATOR JONES: So I told him  
18 that these are the things that they need to do to  
19 cover themselves.

20 MEMBER SILVERSTEIN: Okay.

21 INVESTIGATOR JONES: For purposes, you  
22 know.

1                   MEMBER SHORT: Well, have they  
2 complied?

3                   INVESTIGATOR JONES: Well, again, I  
4 haven't -- I mean, from what I'm told, yes, they  
5 did. But I haven't been back since.

6                   MEMBER SHORT: Okay. All right.  
7 Good. Okay.

8                   INVESTIGATOR JONES: Right.

9                   MEMBER SHORT: So that would be  
10 something that you will look at when you --

11                   INVESTIGATOR JONES: Yes, sir.

12                   MEMBER SHORT: Okay. And you don't  
13 have a problem with that?

14                   MR. HAKAR: Oh, no, no problem.

15                   MEMBER SHORT: Okay. Good. Okay.  
16 Thank you.

17                   MEMBER SILVERSTEIN: No further  
18 questions.

19                   CHAIRPERSON MILLER: Okay. Mr.  
20 Alberti? Mr. Alberti has a question, right?

21                   MEMBER ALBERTI: Was that Mr.  
22 Silverstein?

1 CHAIRPERSON MILLER: He said --

2 MEMBER SILVERSTEIN: I said no further  
3 questions on my part.

4 MEMBER ALBERTI: Oh, okay.

5 CHAIRPERSON MILLER: Oh, I thought you  
6 said no --

7 MEMBER ALBERTI: Thank you. Just real  
8 quick. So, you know, we talked about grainy  
9 video. So have you seen the video in the normal  
10 light that you would use in the evening? And  
11 what kind of cameras did -- have you -- are you  
12 aware of the abilities of these cameras in low  
13 light? I'm not sure how to ask that question,  
14 but --

15 MR. HAKAR: As far as the lighting and  
16 how visibility on --

17 MEMBER ALBERTI: Yes.

18 MR. HAKAR: -- the footage?

19 MEMBER ALBERTI: Yes, that's what I'm  
20 getting at.

21 MR. HAKAR: Yes, with this -- with the  
22 other one that were working, but the problem is

1 it was very -- the way we did it, that's why it  
2 looks a little dark and stuff because the old DVR  
3 you couldn't get -- has no USB. It has no disk.  
4 So literally we had to go and take a phone and  
5 take a picture of the whole thing and send it to  
6 them, because there was -- we don't have no  
7 choice.

8 But with this one, it's all clear.

9 It's -- the new one is --

10 MEMBER ALBERTI: Even in low light?

11 MR. HAKAR: Yes.

12 MEMBER ALBERTI: Even in low light?

13 MR. HAKAR: Yes.

14 MEMBER ALBERTI: Okay. Okay. And you  
15 are willing to work with Mr. Jones?

16 MR. HAKAR: Oh, he can come in  
17 whenever he wants.

18 MEMBER ALBERTI: I'm speaking with the  
19 system replacements. Okay. I mean, it's to your  
20 benefit. I mean, he has got experience and he  
21 knows the pitfalls of what can happen in a club.

22 MR. HAKAR: No problem.

1                   MEMBER ALBERTI: So all right. Thank  
2 you.

3                   CHAIRPERSON MILLER: Great. Anything  
4 else? Okay. Well, thank you very much for  
5 coming down.

6                   MR. HAKAR: Thank you very much.

7                   CHAIRPERSON MILLER: Okay.

8                   MEMBER ALBERTI: Thank you,  
9 Investigator Jones.

10                  INVESTIGATOR JONES: Thank you.

11                  CHAIRPERSON MILLER: Okay. It's 2:28.  
12 We have a hearing at 2:30. People are coming in.  
13 I'm just going to go get my file for the next  
14 case.

15                  (Whereupon, the Fact-Finding Hearing  
16 in the above-entitled matter was concluded at  
17 2:29 p.m.)

18

19

20

21

22

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