

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

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IN THE MATTER OF: :  
 :  
RCX, LLC :  
t/a Stadium Club : Summary  
2127 Queens Chapel Road, NE : Suspension  
Retailer CN - ANC-5C : Hearing  
License No. 94244 :  
Case #15-251-00155 :  
 :  
(Chief of Police Closure :  
September 2, 2015) :  
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September 9, 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:

CHRISSY GEPHARDT, OAG

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

2 5:09 p.m.

3 CHAIRPERSON MILLER: Okay. So our  
4 next case is The Stadium Club and I know that  
5 whoever is here has been probably waiting very  
6 patiently, the Board would just like to take a 10  
7 minute recess, so that we can come back fresh for  
8 that case.

9 MS. GEPHARDT: Okay.

10 CHAIRPERSON MILLER: Thank you.

11 (Whereupon, the above-entitled matter  
12 went off the record at 5:09 p.m. and resumed at  
13 6:24 p.m.)

14 CHAIRPERSON MILLER: Okay. We are  
15 ready now for the Case No. 15-251-00155, okay,  
16 bear with me one more time and I appreciate very  
17 much your patience today.

18 Well, let me just start here and I'm  
19 looking for one more document, but this is the  
20 Stadium Club located at 2127 Queens Chapel Road,  
21 N.E., License No. 94244, in ANC-5C.

22 Okay. Why don't we start with

1 introductions?

2 MR. JOHNSON: Nathaniel Johnson,  
3 principle of RCX, LLC.

4 MR. HAFFNER: Julian Haffner, counsel  
5 for RCX, LLC.

6 MS. GEPHARDT: Chrissy Gephardt here  
7 on behalf of the Office of the Attorney General  
8 for the District of Columbia.

9 CHAIRPERSON MILLER: Okay. The Board  
10 has before it today a Summary Suspension Hearing  
11 involving the Stadium, which is a Retailer's  
12 Class CN located at 2127 Queens Chapel Road, N.E.

13 On Wednesday, September 2, 2015, a  
14 serious altercation occurred between two patrons  
15 that turned physical. Specifically, a male  
16 patron of Stadium, while inside the  
17 establishment, was stabbed in his chest, back and  
18 temple. The patron sustained five lacerations  
19 and was transported to the hospital for more  
20 emergency treatment.

21 This incident has revealed concerns  
22 regarding the establishments failure to follow

1 its security plan, interference in cleaning up of  
2 a crime scene and misleading an ABRA Investigator  
3 regarding the establishment's operations on the  
4 night of the incident.

5 As a result of this incident, the  
6 Chief of Police, Cathy Lanier, closed the  
7 establishment pursuant to her authority under  
8 D.C. Official Code Section 25-827. Chief Lanier  
9 submitted a letter to ABRA dated September 2,  
10 2015 seeking revocation of the establishment's  
11 ABC license.

12 The Board voted 5-0 on September 4,  
13 2015 to continue the suspension of the  
14 establishment's license.

15 Respondent requested a hearing on  
16 September 4, 2015 under D.C. Official Code  
17 Section 25-826(c).

18 Today, the Board will be hearing  
19 testimony from the Office of the Attorney  
20 General, the respondent and the respective  
21 witnesses.

22 The purpose of the hearing is so that

1 the Board can determine under D.C. Official Code  
2 Section 25-826 whether the operations of the  
3 respondent present an imminent danger to the  
4 health and safety of the public.

5 The Board will be announcing its  
6 decision at the conclusion of today's hearing.  
7 The Board asks that the parties stick to the  
8 facts and issues related to the incident. The  
9 facts and issues are those contained in the  
10 Summary Suspension Notice dated September 4, 2015  
11 and the case report, our Investigation No. 15-  
12 251-00155.

13 The Board is only interested in  
14 hearing about those matters that can be used to  
15 establish whether the establishment is an  
16 imminent danger to the health and safety of the  
17 public.

18 The Board will begin the case by  
19 hearing the opening statement from the Government  
20 represented by Assistant Attorney General,  
21 Chrissy Gephardt, followed by the opening  
22 statement of Julian Heffner on behalf of the

1       respondent.

2                   Before we begin the hearing, however,  
3       I want to ask if there are any procedural matters  
4       that the parties would like to bring to the  
5       Board's attention?

6                   MS. GEPHARDT:   Madam Chair, we have  
7       entered into an Offer in Compromise that we have  
8       discussed at length and we would like to present  
9       it to the Board today.  It is my understanding  
10      that the Board already has a copy of it.

11                  CHAIRPERSON MILLER:  Okay.  So that's  
12      part of the reason the Board was delayed in  
13      coming out.

14                  MS. GEPHARDT:  Okay.

15                  CHAIRPERSON MILLER:  In that this  
16      Offer in Compromise was distributed to Board  
17      Members in the event that that was something that  
18      we were going to hear today and perhaps might  
19      preempt any hearings.

20                  MS. GEPHARDT:  Yes.

21                  CHAIRPERSON MILLER:  So we did take  
22      the time to go through it and actually, given the

1       lateness of the hour, we talked about what might  
2       be a good way to proceed with considering this  
3       Offer in Compromise.

4               And so what the Board was thinking was  
5       that since we have read the Offer in Compromise,  
6       that we could focus on certain provisions that we  
7       might have questions about --

8               MS. GEPHARDT:   Okay.

9               CHAIRPERSON MILLER:  -- instead of  
10       having you, which we do sometimes, read the whole  
11       Offer in Compromise into the record first.  But I  
12       wanted to ask the parties if they were amenable  
13       to proceeding that way?

14              MR. HAFFNER:   Yes.

15              MS. GEPHARDT:   Absolutely.

16              MR. HAFFNER:   That's fine.

17              CHAIRPERSON MILLER:  Okay.  So okay,  
18       I'm going to go according to my notes and then  
19       any Board Members can stop me.  I don't believe  
20       that there are any -- are there any questions  
21       with respect to the first provision?

22              MEMBER ALBERTI:  Well, Ms. Miller?

1                   CHAIRPERSON MILLER: Okay. Do you  
2 want to jump in?

3                   MEMBER ALBERTI: Just before we  
4 start --

5                   CHAIRPERSON MILLER: Yes.

6                   MEMBER ALBERTI: I kind of always like  
7 -- this is a little off-base from where you are  
8 going, but I always like to know who I'm talking  
9 go. So, Mr. Johnson, is it Johnson?

10                  MR. JOHNSON: Yes, Johnson.

11                  MEMBER ALBERTI: Johnson. So you are  
12 a principal of -- I know that the licensee -- the  
13 license is owned by two LLCs. You are a  
14 principal. Am I correct?

15                  MR. JOHNSON: Yes.

16                  MEMBER ALBERTI: And, Mr. Haffner, you  
17 looked at me kind of odd.

18                  MR. HAFFNER: Oh, I'm sorry, which two  
19 LLCs are you referring to?

20                  MEMBER ALBERTI: Well, the two that  
21 are on the license. F9 Properties, LLC and CAPX  
22 Solutions, LLC.

1 MR. HAFFNER: Oh, so members of RCX,  
2 LLC.

3 MEMBER ALBERTI: RCX, LLC is the --  
4 right, right, okay. I'm sorry, I sort of  
5 distorted that and I apologize. Now, I  
6 understand. Okay. So --

7 MR. HAFFNER: Yes.

8 MEMBER ALBERTI: -- RCX, LLC is made  
9 up of two -- is owned by two separate LLCs.  
10 Which are those two LLCs ar you referring to?

11 MR. JOHNSON: I'm directly with RCX as  
12 an officer.

13 MEMBER ALBERTI: As an officer. So  
14 you don't have any ownership?

15 MR. JOHNSON: That is correct.

16 MEMBER ALBERTI: Okay. So you are not  
17 a percentage owner.

18 MR. JOHNSON: That is correct.

19 MEMBER ALBERTI: So what are your  
20 functions as an officer? Because I mean, we are  
21 talking about operations here at the  
22 establishment. And so I want to make sure I'm

1 talking to the right person. I don't know. Mr.  
2 Jones, do you want to --

3 MEMBER JONES: Well, no. If I  
4 remember correctly when you testified before you  
5 were primarily like money man. Like I think you  
6 have an MBA or something along those lines, that  
7 you are good with handling money.

8 MR. JOHNSON: Yes.

9 MEMBER JONES: So you are good from a  
10 business manager operation, but I didn't get the  
11 impression that you were hands on or dealing with  
12 the day-to-day operations of the establishment  
13 itself. Am I off base? My memory off?

14 MR. JOHNSON: Yes. So what you said  
15 is correct.

16 MEMBER JONES: Okay.

17 MR. JOHNSON: My background is in  
18 management services. And I am an MBA. That  
19 said, I lead between the actual operating  
20 business and upper management, so I am involved  
21 in the day-to-day operations and the execution of  
22 the key business of Stadium Club.

1           MEMBER JONES: And how much of your  
2 time would you say is focused on the day-to-day  
3 operations of the Stadium Club? Because if I  
4 remember correctly, as a member -- as an officer  
5 within RCX, the only business of RCX isn't just  
6 Stadium Club, correct?

7           MR. JOHNSON: No, RCX is just Stadium  
8 Club.

9           MEMBER JONES: That's just Stadium  
10 Club?

11          MR. JOHNSON: Yes.

12          MEMBER JONES: Okay. So is that 100  
13 percent your focus?

14          MR. JOHNSON: So with respect to RCX,  
15 LLC, my sole focus is on Stadium.

16          MEMBER JONES: But outside of RCX, you  
17 have other drivers and interests that pull you  
18 away from the day-to-day operations, correct?

19          MR. JOHNSON: I mean, there are other,  
20 you know, business ventures that I have worked  
21 on, but my primary focus is the business of  
22 Stadium Club.

1                   MEMBER JONES: Okay. Thank you. I'm  
2 sorry, Board Member Alberti. I'll save mine for  
3 later.

4                   MEMBER ALBERTI: No, that was helpful.  
5 Thank you.

6                   MEMBER JONES: Yes.

7                   MEMBER ALBERTI: So just so that I  
8 understand, well, just okay, so in your  
9 position --

10                  MR. JOHNSON: Yes.

11                  MEMBER ALBERTI: -- are you -- would  
12 you be able to understand how some of -- and it's  
13 vague here, I mean, but we are going to be asking  
14 questions.

15                  MR. JOHNSON: Sure.

16                  MEMBER ALBERTI: And so are you going  
17 to be confident you are going to know how to --  
18 how they relate to your day-to-day operations as  
19 they exist now and what you are capable of doing  
20 in the future?

21                  MR. JOHNSON: Yes.

22                  MEMBER ALBERTI: Or what is reasonable

1 in the future? Will you be able to assess that  
2 and answer questions with respect to that?

3 MR. JOHNSON: Yes, I am confident that  
4 I can answer any questions that the Board might  
5 have today.

6 MEMBER ALBERTI: Okay. That satisfies  
7 me for now.

8 CHAIRPERSON MILLER: And I probably  
9 did rush into the specific provisions and it's  
10 probably good to get an idea, right, of who we  
11 are talking to and what you know and the picture.  
12 But let me just follow-up, were you involved in  
13 drafting the provisions of -- not as an attorney,  
14 but in drafting the provisions of the Offer in  
15 Compromise?

16 MR. JOHNSON: So I wasn't involved in  
17 the actual drafting.

18 CHAIRPERSON MILLER: Okay.

19 MR. JOHNSON: The -- Mr. Haffner and  
20 I have had continuous dialogue around the  
21 specifics of them and the implications to the  
22 business --

1 CHAIRPERSON MILLER: Okay. That's  
2 what I mean.

3 MR. JOHNSON: -- in the vicinity of  
4 our business.

5 CHAIRPERSON MILLER: I mean, if we are  
6 going to be asking questions about the provisions  
7 here, you were involved in, you know, the content  
8 of this.

9 MR. JOHNSON: Okay.

10 CHAIRPERSON MILLER: So that's good.  
11 Okay.

12 MR. JOHNSON: Yes.

13 CHAIRPERSON MILLER: And so before I  
14 jump back into the specific provisions, I just  
15 wanted to give you all an opportunity, if you  
16 want, to say anything with respect to, you know,  
17 why this is a good solution to, yes, the problems  
18 that we are here about.

19 MR. JOHNSON: Sure.

20 CHAIRPERSON MILLER: If you want to  
21 say anything in general.

22 MS. GEPHARDT: Go ahead.

1 MR. HAFFNER: If I may? Management of  
2 Stadium Club takes this matter extremely  
3 seriously, which is why, in the first place,  
4 there was a security plan.

5 MEMBER SILVERSTEIN: Mr. Haffner,  
6 bring the microphone over a little closer.

7 MR. HAFFNER: Sure. And that security  
8 plan was, I would say, 90 percent followed on  
9 this particular instance. The victim in this  
10 case was rushed to safety. 911 was called  
11 immediately. The MPD that was on -- present was  
12 informed. Despite the fact that there was a  
13 statement that the incident log was not prepared,  
14 one had, in fact, been prepared.

15 Video of the incident was made  
16 available within 24 -- less than 24 hours of it  
17 being requested. All of that to say that, yes,  
18 there were some things that could have been done  
19 better, but by and large the security staff on  
20 duty on this particular night followed through on  
21 the plan for the most part.

22 And to the extent they didn't, those

1 shortcomings have been addressed and will  
2 continue to be addressed through a revised  
3 security plan, through ongoing training, which  
4 the first of which happened last night, primarily  
5 in response to the Offer in Compromise that was  
6 presented by the Office of the Attorney General.

7 So again, we take this matter very  
8 seriously and are taking serious steps to address  
9 the shortcomings. I think this Offer in  
10 Compromise represents the fact that a compromise,  
11 a great compromise position for both parties and  
12 it's one that we are extremely, I guess, eager to  
13 implement. So I'll leave it at that.

14 CHAIRPERSON MILLER: Okay. Did you  
15 want to say anything before we start?

16 MS. GEPHARDT: I mean, I just would  
17 say that in terms of the Government's view of  
18 this Offer in Compromise, one of the things that  
19 was most concerning during this incident was the  
20 cleaning up of the crime scene and that was one  
21 of the things that was very -- the Government  
22 thought was very serious and we wanted to make

1       sure that that was reflected in the Offer in  
2       Compromise in terms of training on how to deal  
3       with a crime scene as well as putting it as part  
4       of the security plan and sort of beefing that  
5       part up in terms of what should be done with the  
6       protocol.

7                       And then of course we have also in the  
8       Offer in Compromise addressed the situation of  
9       the not having an incident log which, according  
10      to OAG, we had not received an incident log, I  
11      think even as of to date, but I know that Mr.  
12      Haffner says that one was made, so that's not  
13      clear.

14                      But then also the other part was  
15      having a consistent way of screening patrons when  
16      they come inside. Before, I think, pat-downs  
17      were always done, but wanding was inconsistent  
18      and given the nature of what happened in this  
19      case where there was a knife that got into the  
20      club, we have made a special point of emphasizing  
21      that wanding should be done on every patron,  
22      every night that the club is open. No

1 exceptions.

2 So anyway, based on those three  
3 things, we feel comfortable with this Offer in  
4 Compromise, because it does address the  
5 deficiencies that were highlighted that night and  
6 that's basically all I have to say about that.

7 CHAIRPERSON MILLER: Okay. Thank you.  
8 And so I would just say that, you know, it  
9 appears to be a very comprehensive Offer in  
10 Compromise. And that the Board's questions and  
11 concerns, or you may call them that or  
12 suggestions or whatever, that you may hear in  
13 this dialogue are -- will primarily be addressed  
14 just to make sure that this place is as safe as  
15 it can possibly be.

16 So all right, going into the specifics  
17 then, it's my recollection that actually the  
18 first provision that we have any questions or  
19 concerns about is No. 3.

20 MS. GEPHARDT: Number what?

21 MEMBER SILVERSTEIN: No. 2.

22 CHAIRPERSON MILLER: No. 2? So we

1 will go back to No. 2. Okay. Is that okay? So,  
2 no, so Mr. Silverstein reminded me we may have a  
3 question on No. 2.

4 No. 2 says "Respondent shall conduct  
5 a complete training for all current security  
6 personnel no later than 72 hours from the date of  
7 the conclusion of the Summary Suspension Hearing.  
8 This training shall include all procedures  
9 described below."

10 The concern, I guess I can raise it,  
11 is whether that such training should be limited  
12 to just security personnel? Does anybody want to  
13 react to that or does a Board Member want to  
14 elaborate on that? Mr. Silverstein? Mr. Jones?

15 MEMBER SILVERSTEIN: I think we can  
16 add to the question and say the concern is that  
17 people who may not be security personnel may  
18 create problems or may do things improperly who  
19 is not a security person necessarily or seldom is  
20 who will immediately clean up blood or a crime  
21 scene. It may not be a security person personnel  
22 who may have to respond to a situation. And our

1 concern is to limit it to that, will be improper  
2 to secure the place and to guarantee safety.

3 MEMBER SHORT: Madam Chair?

4 CHAIRPERSON MILLER: Sure. Mr. Short?

5 MEMBER SHORT: I thought we had  
6 discussed having the -- we're not going to  
7 picture this -- the record on this -- when I say  
8 on the record, that we were going to put it on  
9 record that we have it and that then we would let  
10 them give us and then we would give back  
11 feedback.

12 CHAIRPERSON MILLER: Okay. So I think  
13 we did talk about that and then we ended up the  
14 consensus was instead of reading every provision  
15 into the record, some -- you might have stepped  
16 out at that point, some people thought that  
17 wasn't necessary to read each --

18 MEMBER SHORT: No, I didn't say read  
19 it.

20 CHAIRPERSON MILLER: -- provision.

21 MEMBER ALBERTI: I didn't say read it  
22 into the record.

1 CHAIRPERSON MILLER: Oh, what were you  
2 saying?

3 MEMBER JONES: The opportunity we are  
4 going to give both parties was to speak to the  
5 merits of each and all the provisions, if they so  
6 choose to do. If they have nothing more to offer  
7 than what is written in French and we can read,  
8 we can go back and make a final assessment, come  
9 to a consensus on our concerns and then present  
10 those.

11 We purposely -- you are frowning.

12 CHAIRPERSON MILLER: No, I am, because  
13 I'm sorry, but, I mean, we did have a closed  
14 meeting.

15 MEMBER JONES: So we didn't come to a  
16 consensus on our mutually acceptable position  
17 related to these items.

18 CHAIRPERSON MILLER: Okay. We  
19 didn't --

20 MEMBER JONES: So it might be --

21 CHAIRPERSON MILLER: Okay. I'm sorry.  
22 I'm not saying that we came --

1 MEMBER JONES: -- I can reference --

2 CHAIRPERSON MILLER: -- to a

3 consensus.

4 MEMBER JONES: -- particular items in  
5 particular that we didn't come to a consensus on  
6 and we said we would talk about later.

7 CHAIRPERSON MILLER: No. Okay. What  
8 I believe we decided was any issues that we had  
9 on, you know, any of these, we would raise them  
10 with the parties and they would address it. Not  
11 that we have concluded anything yet, but that  
12 there were certain concerns.

13 Like the concern here was whether or  
14 not it should apply to all employees. Not that  
15 we have decided that it should apply to all  
16 employees, but that's a concern. And they are  
17 going to address that. And then we would decide.

18 MEMBER JONES: If you feel like that's  
19 the most efficient, then that's fine.

20 MEMBER SILVERSTEIN: Well, I would  
21 hope that we would, at first, at least, know  
22 those things that there appear to be a consensus,

1 that we might --

2 CHAIRPERSON MILLER: Okay. I think we  
3 should go in order. But I would ask, you know,  
4 if for instance the parties have no objection to  
5 expanding this to, I mean, it looks like, all,  
6 then there is not much of an issue here anyway.  
7 Is that --

8 MEMBER SILVERSTEIN: Yes.

9 CHAIRPERSON MILLER: -- you seem to  
10 be --

11 MR. JOHNSON: I'm in agreement and I  
12 think that that's understood that making sure of  
13 the safety of the patrons in the venue.

14 CHAIRPERSON MILLER: Okay.

15 MR. JOHNSON: Yes.

16 MEMBER ALBERTI: So what are we  
17 agreeing to? Can you just reiterate that, Ms.  
18 Miller?

19 CHAIRPERSON MILLER: Well --

20 MEMBER ALBERTI: Just so it's on the  
21 record, will you reiterate what --

22 CHAIRPERSON MILLER: Okay.

1                   MEMBER ALBERTI:  -- you are asking  
2 them to agree to?

3                   CHAIRPERSON MILLER:  I'm not -- I'm  
4 telling them the Board's concern.  And my  
5 understanding is that the parties are agreeing to  
6 amend their Offer in Compromise at Paragraph 2 to  
7 apply it to all employees, not just current  
8 security personnel.

9                   MEMBER JONES:  So I disagree with  
10 that.

11                  MEMBER ALBERTI:  May I?  May I just  
12 quickly, Mr. Jones?

13                  MEMBER JONES:  Feel free.

14                  MEMBER ALBERTI:  And you can -- but so  
15 would you be willing to amending Item 2 so that  
16 training is applied to all personnel associated  
17 with day-to-day activities?  This is all  
18 personnel.  So if you've got a dishwasher or a  
19 barback, that's included.  All personnel  
20 associated with day-to-day activities.

21                  CHAIRPERSON MILLER:  Operations?

22                  MEMBER ALBERTI:  Day-to-day

1 operations.

2 CHAIRPERSON MILLER: Same thing, okay.

3 MEMBER ALBERTI: Okay. Yes, day-to-  
4 day operations. Thank you. Appreciate that. So  
5 that is what we would think would make us most  
6 comfortable.

7 MR. JOHNSON: Yes, we would be  
8 amenable to extending that training to all  
9 personnel, certainly.

10 MEMBER ALBERTI: Okay.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER JONES: Okay.

13 CHAIRPERSON MILLER: Are we ready to  
14 move on?

15 MEMBER SHORT: Well --

16 MEMBER BROOKS: I have just one.

17 CHAIRPERSON MILLER: Yes, Mr. Brooks?

18 MEMBER BROOKS: Just for my own  
19 information, how many personnel do you have?

20 MR. JOHNSON: Around 50.

21 MEMBER BROOKS: 50?

22 MR. JOHNSON: Yes.

1 MEMBER BROOKS: Oh, all right.

2 MR. JOHNSON: The largest staff is the  
3 security and it's very manageable to --

4 MEMBER BROOKS: I'm sorry?

5 MR. JOHNSON: The largest staff is the  
6 security and it's very manageable to engage the  
7 other individual employees and verse them on  
8 aspects that are pertinent to the discussion,  
9 including crime scene cleanup.

10 MEMBER BROOKS: Okay. So I'm talking  
11 about wait staff and --

12 MR. JOHNSON: Yes.

13 MEMBER BROOKS: -- bartenders.

14 MR. JOHNSON: That is correct.

15 MEMBER BROOKS: Okay. All right.

16 CHAIRPERSON MILLER: Dancers?

17 MEMBER ALBERTI: So, Mr. Jones?

18 MEMBER JONES: Let me just make sure  
19 it's crystal clear. So it's not just employees?  
20 It's all personnel associated with the day-to-day  
21 operations of your establishment, which will  
22 include contractors that are associated with the

1 day-to-day operation of your establishment,  
2 because we often know that establishments, such  
3 as yourselves, contract with individuals to  
4 perform certain functions and duties, such as  
5 security.

6 They are not really employees. They  
7 are contractors. So I want to make sure we are  
8 clear that it is not just limited to individuals  
9 that you may have a W-4 on.

10 MR. JOHNSON: Yes, that is clear.

11 MEMBER JONES: Thank you.

12 MR. JOHNSON: Okay.

13 MEMBER ALBERTI: Thank you.

14 CHAIRPERSON MILLER: Okay. No. 3,  
15 okay, it's the same point, I believe. It says  
16 here "The respondent shall document by written  
17 certification the completed training of each  
18 individual security personnel." And then it goes  
19 on and I believe that it's the same issue is here  
20 that this applies to the same individuals as in  
21 No. 2.

22 MR. HAFFNER: Yes. So if I may speak

1 to No. 3?

2 CHAIRPERSON MILLER: Okay.

3 MR. HAFFNER: A training was actually  
4 conducted of the majority of the security staff  
5 last night.

6 CHAIRPERSON MILLER: Yes.

7 MR. HAFFNER: Like I said, pursuant to  
8 the terms of the OIC.

9 CHAIRPERSON MILLER: Yes.

10 MR. HAFFNER: And we have certificates  
11 to that effect that they sat through the  
12 training, talked about certain issues presented  
13 by Mr. Johnson and they acknowledged that with  
14 their signature. So if we may, we might want to  
15 admit those into the record, if necessary.

16 CHAIRPERSON MILLER: Well, at some  
17 point we will want those certificates. I think  
18 this requires that we -- that you do give the  
19 certificates to us.

20 MR. HAFFNER: So I guess my question  
21 is should we wait until all of the security staff  
22 has been trained or can we just give you what we

1 have now, which is the 18 that participated last  
2 night?

3 MEMBER ALBERTI: I would think before  
4 we answer that question, I think Mr. Jones, I  
5 suspect Mr. Jones, had the same thought bubble as  
6 I had, so if he wants to speak?

7 MEMBER JONES: So I admire and  
8 appreciate your proactive approach to the  
9 concepts that were not yet agreed to or approved  
10 by the Board.

11 MR. HAFFNER: Yes.

12 MEMBER JONES: And recognize that  
13 there is an element to that that speaks to your  
14 desire to try to come into compliance with what  
15 you hope to be terms that we agree to.

16 MR. HAFFNER: Yes.

17 MEMBER JONES: The concern that I have  
18 related to that is I would imagine and would feel  
19 more comfortable with training that is geared and  
20 focused on the elements of the security plan that  
21 has yet to be drafted and submitted to the Board  
22 for its approval to ensure that the staff is

1       adequately trained on the approved security plan  
2       that is approved by the Board. It would seem as  
3       though it is a bit premature because those  
4       elements aren't in place yet to ensure that  
5       whatever it is they were trained on last night is  
6       in complete compliance with the security plan  
7       that has yet to be approved by the Board.

8                 So for that reason, I have no interest  
9       in seeing any of the certificates that you have  
10      in your hand today.

11                MEMBER ALBERTI: And can I add to  
12      that?

13                CHAIRPERSON MILLER: Sure.

14                MEMBER ALBERTI: Which is part of my  
15      concern with No. 3 is that I would like to see  
16      and I don't know if you agree with this, but I  
17      would like to see all the training -- I would  
18      like to see all this material, the training  
19      materials and the security plan submitted and  
20      approved before you open.

21                So you know, we will be looking at the  
22      training material, so it's kind of premature to

1 do the training, because there may be elements of  
2 the training that we may comment on when we see  
3 the materials. So it in vein with Mr. Jones'  
4 comments.

5 MEMBER SHORT: Can I -- I would like  
6 to ask a question. The security people that were  
7 trained, the 18 that you have there, are they the  
8 same ones who were working the night of the  
9 incident?

10 MR. JOHNSON: There is some overlap  
11 there, so about 100 percent. I don't want to  
12 speak definitively to the exact overlap there.  
13 The effort was a few things. One, earnest  
14 engagement of the staff to discuss the incident  
15 that had occurred and things that were done well,  
16 things that weren't done well.

17 MEMBER SHORT: Critique?

18 MR. JOHNSON: Excuse me?

19 MEMBER SHORT: A critique, you did a  
20 critique?

21 MR. JOHNSON: Yes, it was a critique.  
22 You know, and it was an overall assessment of

1 what transpired and subsequent to that, some of  
2 the draft items in the Offer in Compromise and  
3 certain best practices that weren't adhered to  
4 were broached as well. And, you know, steps were  
5 taken to facilitate the dialogue and educate the  
6 staff on the proper way to do things. And you  
7 know, that's something that we would do in  
8 earnest irrespective of the outcome as an effort  
9 to improve on the safety and security.

10 MEMBER SHORT: Can I ask you who did  
11 the training?

12 MR. JOHNSON: So the training was  
13 conducted. There were three management staff  
14 involved. Myself, the general manager and the  
15 assistant -- excuse me, and the assistant general  
16 manager. Our head of security was present as  
17 well. So our entire management team was there to  
18 review the protocols and procedures, you know, as  
19 they were adhered to or not adhered to, based on  
20 our most recent operation.

21 MEMBER SHORT: And now I'm going to  
22 ask you this. Have you thought or given an

1 thought to having someone professional to come in  
2 and train and give you certificates from someone  
3 from a different perspective? If the same people  
4 that are working for you had the incident and you  
5 were the manager then and you're the manager now,  
6 I would think you would want to maybe think about  
7 bringing a fresh perspective in and getting  
8 certificates from someone who is not so close to  
9 the operations.

10 MR. JOHNSON: Yes, I would agree with  
11 that. And that's something that we discussed as  
12 well. In the immediate term, it was a  
13 conversation that needed to be had internally as  
14 well from the leadership and the organizational  
15 perspective. So we have had that conversation  
16 and identified the opportunity in bringing in  
17 outside party whose specialty is that and who can  
18 offer some independent guidance.

19 MEMBER SHORT: Okay. I hope you  
20 consider that.

21 MR. JOHNSON: Yes.

22 MEMBER SHORT: Thank you, Madam Chair.

1                   CHAIRPERSON MILLER: Okay. Moving on  
2 to No. -- oh, we still are on No. 3. I just  
3 wanted to clarify though, I didn't before, I  
4 mean, it's most important obviously that the  
5 security personnel have this training. But like  
6 No. 2, I believe it is the sentiment of the Board  
7 that this documentation of training, etcetera,  
8 that No. 3 refers to, you are going to expand it  
9 to all employees and contract individuals?

10                   MR. JOHNSON: Yes.

11                   CHAIRPERSON MILLER: The same as No.  
12 2. Okay. And No. 4 talks about name and  
13 employment status of all security personnel.  
14 Again, I think it is the sentiment of the board  
15 that you document all employees and contracted  
16 personnel. Same group.

17                   MR. JOHNSON: Okay.

18                   CHAIRPERSON MILLER: Do you have any  
19 problem with that?

20                   MR. HAFFNER: Just a point of  
21 clarification.

22                   CHAIRPERSON MILLER: Yes.

1 MR. HAFFNER: Would that include the  
2 performers as well or --

3 CHAIRPERSON MILLER: My understanding  
4 of what the Board is --

5 MEMBER ALBERTI: Yes. All personnel.

6 MEMBER SHORT: All personnel.

7 MEMBER ALBERTI: All personnel  
8 associated with day-to-day operations.

9 CHAIRPERSON MILLER: Do you have a  
10 reaction to that?

11 MR. HAFFNER: No. I'm just -- I guess  
12 kind of struggling with the concept of day-to-day  
13 operations. Performers don't necessarily --

14 MEMBER ALBERTI: They come in on a  
15 regular routine --

16 MR. HAFFNER: They have a rotation.

17 MEMBER ALBERTI: -- basis, right?

18 MR. HAFFNER: It varies.

19 MEMBER ALBERTI: What do you mean it  
20 varies? How so?

21 MR. HAFFNER: The --

22 MEMBER SHORT: Mr. Haffner?

1                   CHAIRPERSON MILLER: Wait, can you let  
2 him answer the question?

3                   MEMBER ALBERTI: Wait. Let's hear it.  
4 Let's hear the answer.

5                   MR. HAFFNER: So to speak to that,  
6 there are -- there is a core group of girls who  
7 works at the venue consistently for different  
8 weekends.

9                   MEMBER ALBERTI: Yes.

10                  MR. HAFFNER: Girls travel. And  
11 sometimes they are out of town and other, I  
12 guess, people who are not associated with the  
13 venue typically on a day-to-day basis who  
14 perform, you know, whether it is for a popular  
15 weekend or they are just passing through.

16                  MEMBER ALBERTI: So they would come in  
17 maybe once a year?

18                  MR. HAFFNER: Yes, that happens.  
19 Sometimes once or twice a year, yes.

20                  MEMBER ALBERTI: Okay. Well, I'll get  
21 other people's reactions to this.

22                  MEMBER SHORT: What I wanted to ask is

1 this and this comes a little under the security.  
2 When a worker comes to work, a dancer, busboy,  
3 bartender, are they wanded? Are they searched?  
4 Could they possibly bring in contraband or  
5 weapons?

6 MR. JOHNSON: Yes, we do wand and  
7 search our employees. The, I guess, internal --  
8 the busers and bartenders and things like that  
9 aren't searched, but any bags are searched and  
10 any of the luggage or things of that nature that  
11 the performers bring in, that is all searched.

12 MEMBER SHORT: I guess the reason why  
13 I'm asking the question is if you had someone get  
14 a knife in and you are wanding and patting down  
15 the patrons that come in, maybe you have an  
16 internal problem. And maybe you want to think  
17 about in regards to what you say to that, because  
18 if that's the problem, you will never solve just  
19 wanding and patting patrons. That's another  
20 reason for us asking about names of your  
21 employees. Nothing more than that.

22 And we are hoping you didn't --

1 wouldn't have a problem with that.

2 MR. HAFFNER: So just a point of  
3 clarification.

4 MEMBER SHORT: Okay.

5 CHAIRPERSON MILLER: Yes.

6 MEMBER SHORT: Does that make it --

7 MR. HAFFNER: So you want the  
8 performers as well?

9 MEMBER SHORT: -- a little more plain?

10 MR. HAFFNER: Yes. So just to be  
11 clear, we do -- you do want the performers as  
12 well?

13 MEMBER SHORT: Yes.

14 MR. HAFFNER: Even the ones who are  
15 itinerary and don't come in that --

16 MEMBER SHORT: Yes, that's correct.

17 CHAIRPERSON MILLER: Okay. I think  
18 there is a question though --

19 MEMBER ALBERTI: So they --

20 CHAIRPERSON MILLER: -- do we want the  
21 performers --

22 MEMBER ALBERTI: -- have agreed to

1 give us the name of the itinerary performers as  
2 well, that's fine. I'm okay with that.

3 MEMBER SHORT: I'm okay with that,  
4 also. All right.

5 CHAIRPERSON MILLER: Okay. But my  
6 question is for clarification before they agree  
7 or whatever to amend their Offer in Compromise,  
8 whether or not we want -- ask them to have -- to  
9 do -- does the Board want the performers to be  
10 trained in these --

11 MEMBER ALBERTI: So that's a big  
12 question.

13 CHAIRPERSON MILLER: -- security  
14 training and things like that.

15 MEMBER ALBERTI: You know, we have --  
16 so, you know again, we need to define who is  
17 personnel associated with day-to-day activities.

18 MEMBER SHORT: Right.

19 MEMBER ALBERTI: We still haven't  
20 gotten to that point and sort of went off track.  
21 Let's come back to that.

22 MEMBER SHORT: Yes.

1                   MEMBER ALBERTI: I don't know. I  
2 don't know how. I need to think about that. So  
3 let me -- so the -- wow, I'm not even sure I'm  
4 prepared to ask questions, but by itinerary  
5 performers, are you -- how often do these people  
6 perform? Like once a year? I mean, it's kind of  
7 like musician who might come through the town  
8 every year or something like this. I mean, so I  
9 don't want to put words in your mouth, but can  
10 you describe to me what we are talking about here  
11 in terms of performers? I mean, the frequency,  
12 when these performers are coming to your club.

13                   MR. JOHNSON: So the performers on  
14 average work two to three times a week. There is  
15 a core group of I would say less than 20 girls  
16 that is -- that reside in the immediate proximity  
17 and are our core group. The remainder, the  
18 remaining group, they either travel, they come in  
19 for special events and weekends or they are  
20 people who come in and go for different reasons.  
21 They may get tired of it. They may come back.  
22 They may travel the world for a year and come

1 back, so to speak.

2 MEMBER ALBERTI: So they are pretty  
3 repeat is what I'm hearing? I mean, they are  
4 coming back repetitively.

5 MR. JOHNSON: I mean, there is some  
6 variety. There is attrition just like anything  
7 else.

8 MEMBER ALBERTI: We know that. I mean,  
9 that's in any industry.

10 MR. JOHNSON: Yes.

11 MEMBER ALBERTI: It sounded more and  
12 more like we want them all trained.

13 CHAIRPERSON MILLER: Well --

14 MEMBER ALBERTI: I mean, I just -- I  
15 don't know how to get around the uncertainty.

16 CHAIRPERSON MILLER: -- I don't know  
17 about --

18 MR. JOHNSON: Yes.

19 MEMBER ALBERTI: There is this level  
20 of uncertainty that we want to avoid here in  
21 terms of well, who is getting trained and who  
22 isn't? And I'm not seeing any clear road to

1 excluding anyone. If anyone else can think of a  
2 way of doing it, I'm open, but that's where I'm  
3 at.

4 MEMBER SHORT: I just have one  
5 comment. I would like to address these young  
6 ladies, the young ladies are not girls. I don't  
7 think you have anybody dancing in this club that  
8 really isn't a young lady, correct?

9 MR. JOHNSON: Well, yes.

10 MR. HAFFNER: They are performers.

11 MEMBER SHORT: Okay. Well, I just --

12 MEMBER ALBERTI: That's what they come  
13 in --

14 MEMBER SHORT: I just want it on the  
15 record that as a Board Member I would like to --  
16 these are young ladies that are performing.

17 MR. HAFFNER: Right.

18 MEMBER ALBERTI: Right.

19 MR. JOHNSON: Yes.

20 CHAIRPERSON MILLER: Mr. Rodriguez?

21 MEMBER RODRIGUEZ: Madam Chair?

22 CHAIRPERSON MILLER: Yes.

1                   MEMBER RODRIGUEZ: I don't see  
2 performers as being day-to-day operators of the  
3 establishment.

4                   CHAIRPERSON MILLER: Um-hum.

5                   MEMBER RODRIGUEZ: And sometimes  
6 performers may not be the same people all the  
7 time and there is a variety. So that would be  
8 kind of cumbersome. However, any performer  
9 should be security checked to ensure that --

10                  CHAIRPERSON MILLER: That's a good  
11 issue.

12                  MEMBER RODRIGUEZ: -- weapons or any  
13 other illegal substances are not brought into the  
14 club and, therefore, threaten your operation. So  
15 I see that as something. That's my comment.

16                  CHAIRPERSON MILLER: Okay. So well,  
17 we can come back to this as a Board later, if you  
18 want.

19                  MEMBER ALBERTI: Well, my  
20 understanding regardless --

21                  CHAIRPERSON MILLER: Yes.

22                  MEMBER ALBERTI: -- of Mr. Rodriguez'

1 opinion here, my understanding is that they  
2 agreed to train and include in our group of all  
3 personnel associated with day-to-day activities,  
4 they agreed that all performers would be included  
5 for that group. So if they are agreeable to it,  
6 I'm going to go with it.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER RODRIGUEZ: That's fine. I  
9 have nothing established and they agreed to that.

10 MEMBER ALBERTI: Let's move on.

11 MEMBER RODRIGUEZ: That's fine.

12 CHAIRPERSON MILLER: Okay. All right.  
13 Okay. So that goes to No. 4 as well.

14 MR. HAFFNER: Okay.

15 CHAIRPERSON MILLER: All right. All  
16 personnel. Okay. Is there any problem with  
17 that? All right. The next place I have a  
18 notation is Provision No. 8. Does anybody have  
19 anything before No. 8?

20 MEMBER ALBERTI: No.

21 CHAIRPERSON MILLER: Okay. And then  
22 the issue was -- is -- No. 8 says "The respondent

1 shall escort violent aggressive --

2 MEMBER JONES: Madam Chair?

3 CHAIRPERSON MILLER: Yes, you have  
4 some thing before, Mr. Jones?

5 MEMBER JONES: Yes.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER JONES: Speaking to the issue  
8 related to the frequency of when, lists of  
9 personnel, did you provide it? That was  
10 something that --

11 CHAIRPERSON MILLER: No. 4?

12 MEMBER JONES: -- was not addressed.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: Right. I'm not even  
15 sure we addressed the fact that we want the list  
16 of names and positions. Did we?

17 CHAIRPERSON MILLER: No. 4 says -- are  
18 you talking about No. 4, Mr. Jones?

19 MEMBER ALBERTI: Yes.

20 MEMBER JONES: Yes.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: Okay.

1                   CHAIRPERSON MILLER: No. 4 says "The  
2 respondent shall document the name and employment  
3 status of all security personnel by no later than  
4 Tuesday, September 15, 2015." And we just  
5 addressed the question of that applying to the  
6 same group of employees and contracted employees.

7                   MEMBER JONES: Understood. And agree.  
8 We addressed previously.

9                   MEMBER ALBERTI: So the Board -- so,  
10 Mr. Jones, talk to me about what the Board --

11                   CHAIRPERSON MILLER: Okay. Mr. Jones?

12                   MEMBER ALBERTI: -- had discussed or  
13 desire to have that information updated  
14 throughout. And I don't know if the Board has  
15 really come up with a consensus on how we --

16                   MEMBER JONES: Well, they have agreed  
17 to give us a list. We can specify.

18                   MEMBER ALBERTI: Well, I would like to  
19 know what they are agreeable to.

20                   MEMBER JONES: They are not -- we have  
21 not come with distentions and I do not know that  
22 they agreed to provide it beyond what they have

1 noted here under Item 4, which is on or before  
2 September 15.

3 CHAIRPERSON MILLER: Okay. Why don't  
4 we ask --

5 MEMBER JONES: So that's only once.

6 MEMBER ALBERTI: Okay.

7 CHAIRPERSON MILLER: So we are going  
8 to -- that's why we are here to ask your feedback  
9 as to -- we are talking about updating.

10 Now, for instance, not just since  
11 September 15th, but, you know, things change.  
12 Employees go in and out, so I don't know whether  
13 you have an idea, what would be a reasonable time  
14 frame to keep updating.

15 MEMBER JONES: Well, I'm not really  
16 interested in getting their perspective on what a  
17 reasonable time frame is.

18 CHAIRPERSON MILLER: I was, Mr. Jones.  
19 Do you mind if --

20 MEMBER JONES: I am not really  
21 interested in --

22 CHAIRPERSON MILLER: Well, Mr. Jones

1 is not interested. All right.

2 MEMBER ALBERTI: Ms. Miller, can I  
3 sort of take the middle road?

4 CHAIRPERSON MILLER: Mr. Alberti?

5 MEMBER ALBERTI: Can I sort of take  
6 the middle road? This might be more efficient  
7 time-wise --

8 MEMBER SHORT: Yes.

9 MEMBER ALBERTI: -- to give them --  
10 just to give them -- throw out some of the  
11 proposed frequencies that the Board has  
12 discussed. So does anybody want to throw out  
13 what the proposed frequencies were? I don't know  
14 the best way of handling this.

15 MEMBER SHORT: Well, one of the three  
16 procedures was that when you get a new employee,  
17 let us know whenever that is.

18 MEMBER ALBERTI: And we can get --

19 CHAIRPERSON MILLER: Okay. Another  
20 one was on a quarterly basis. Another one was,  
21 you know, we were trying to think of what  
22 reasonable options were, so --

1 MEMBER ALBERTI: Okay.

2 CHAIRPERSON MILLER: -- that's --

3 MEMBER ALBERTI: So can we -- I guess  
4 you have heard those. Any thoughts on and  
5 reactions to -- I think you see where we are  
6 going.

7 MR. JOHNSON: Yes. So my initial  
8 thought is this quarterly in terms of the  
9 frequency with which we update you guys around  
10 our comprehensive list of employees and  
11 contractors.

12 MEMBER ALBERTI: So does someone want  
13 to ask any questions? So what would it mean to  
14 you? What would the burdens -- what would be the  
15 downside to you or having to do this whenever you  
16 have a new employee? So for someone who is going  
17 to -- so a performer who is going to possibly  
18 come back, you just leave their name on the list.  
19 I mean, and maybe note that they are not -- I  
20 don't know how you would deal with that, but what  
21 is the downside of doing this whenever it changes  
22 to you?

1 MR. JOHNSON: There is not downside  
2 per se. I was -- I recommended quarterly with  
3 respect to a frequent -- with respect to the  
4 frequency with which we communicate to you  
5 regarding a list of employees. So if we -- given  
6 the nature of the industry, there is a certain  
7 amount of turnover just from people going back to  
8 school or anything of the sort. So there would  
9 be fairly frequent updates to that list.  
10 Whenever we have traveling performers, that's a  
11 high frequency of updates. I'm sure we could be  
12 corresponding with you weekly. So --

13 MEMBER SHORT: Well, as Mr. Alberti  
14 and I said earlier, do we have to lock that down  
15 tonight?

16 MEMBER ALBERTI: Yes, we do.

17 MEMBER SHORT: We know -- frequency?

18 MEMBER ALBERTI: Yes, we do.

19 CHAIRPERSON MILLER: I --

20 MEMBER ALBERTI: That's part of our  
21 job. We do need to lock that down tonight.

22 MEMBER SHORT: Okay. I understand.

1                   MEMBER ALBERTI: So I think we need --  
2                   the Board maybe needs to talk about that and come  
3                   back and continue our discussion on that.

4                   CHAIRPERSON MILLER: Oh.

5                   MEMBER ALBERTI: I don't know other --  
6                   any other way of dealing with that issue, unless  
7                   someone else has another suggestion of what to  
8                   do.

9                   CHAIRPERSON MILLER: I did say that.

10                  MEMBER ALBERTI: So let's --

11                  CHAIRPERSON MILLER: Okay. Let's  
12                  not --

13                  MEMBER ALBERTI: -- table that for now  
14                  and come back and maybe have that and revisit  
15                  this with the licensee.

16                  MEMBER RODRIGUEZ: Let's move on to  
17                  No. 8.

18                  MEMBER SHORT: No. 8?

19                  CHAIRPERSON MILLER: No. 8. All  
20                  right. Everybody is ready to move on. "The  
21                  respondent shall escort violent aggressors to the  
22                  MPD RDO or officers customarily posted

1 immediately in front of the establishment when  
2 such detail is utilized."

3 Okay. The concern here is that not to  
4 -- that it not limit other individuals that  
5 should be escorted to MPD. I forgot to -- yes,  
6 remember how --

7 MEMBER SILVERSTEIN: The language --

8 CHAIRPERSON MILLER: -- th category --

9 MEMBER SILVERSTEIN: -- that was  
10 suggested was "any and all" --

11 CHAIRPERSON MILLER: Any and all.

12 MEMBER SILVERSTEIN: -- "persons  
13 ejected" --

14 CHAIRPERSON MILLER: Oh, yes.

15 MEMBER SILVERSTEIN: -- "including  
16 aggressors."

17 CHAIRPERSON MILLER: Something like  
18 that.

19 MEMBER ALBERTI: So if someone argues  
20 with the security staff and won't follow the  
21 security staff's directions and the security  
22 staff feels that they need to put that person

1 out, that person hasn't laid a hand on anyone,  
2 just mouthed off, but you know there is going to  
3 be trouble, you hand him over to MPD. That's  
4 what we are saying.

5 Because we want -- here is what we  
6 want. Here is my concern. I want MPD to know  
7 when anything is brewing, because often things,  
8 and I think this has happened at your  
9 establishment under your management, happen  
10 outside of the establishment that may have a  
11 nexus to what was going on inside.

12 With your establishment, this happens  
13 all over the place. But we are talking about  
14 your establishment. And I think it is, I could  
15 be wrong, but I think I remember an incident that  
16 maybe somebody had a beef inside and all of a  
17 sudden there was a big shooting outside. And so  
18 we want MPD to be aware that hey, you know, this  
19 person was fine.

20 Look, when you throw somebody out,  
21 when you eject somebody, you do it for a reason.  
22 You don't do it because you don't like their

1 shoes. You do it because there is a potential  
2 risk. And so we want to make sure that MPD  
3 understands that there is a potential risk.

4 CHAIRPERSON MILLER: Mr. Haffner, you  
5 look like you want to respond to that?

6 MR. HAFFNER: Well, I just have a  
7 concern that this is overly burdensome and that I  
8 think you are asking of our security staff more  
9 than I think you would ask any security staff.

10 CHAIRPERSON MILLER: Well --

11 MR. HAFFNER: I --

12 CHAIRPERSON MILLER: -- not everyone  
13 is the same.

14 MR. HAFFNER: -- can speak from  
15 experience having done a little security when I  
16 was in law school and that to your point, we  
17 don't always eject people because there has been  
18 an incident.

19 Sometimes we anticipate and we eject  
20 them. However, no crime has been committed,  
21 nobody has been touched and for us to -- and to  
22 kind of tack on the extra burden of having to

1 take them to RDO when there might not be a back  
2 stabbing, we don't suggest that needs to happen.  
3 In every instance, things are doing to be duly  
4 burdensome.

5 MEMBER ALBERTI: Well, you know, Mr.  
6 Haffner, I'm going to cut right to the chase  
7 here. I read your report and it said to me, you  
8 know, what I heard from you staff in the report  
9 was, you know, we didn't know this guy as  
10 stabbed. We didn't know he was stabbed until we  
11 got him out and saw blood on him.

12 And I'm thinking geez, if they had  
13 missed that blood, the wound had been less severe  
14 and they had missed that blood, they would have  
15 probably just thrown him out and he would have  
16 walked past MPD without MPD knowing and who knows  
17 what he would have done, what his health would  
18 have been.

19 You know, it's just kind of fortunate  
20 that you noticed that he was stabbed. And so I  
21 don't have any faith that your staff is going to  
22 take the right action with people that they

1 eject.

2 MR. HAFFNER: If I could speak to  
3 that? In this particular instance, the victim  
4 himself did not know he had been stabbed. So  
5 there was no way that our personnel would have  
6 known that that person had been stabbed. That  
7 person himself hadn't known that he had been  
8 stabbed.

9 As soon as he -- it was clear that he  
10 had been, the authorities were called and the  
11 police were notified.

12 MEMBER ALBERTI: All the more reason,  
13 all the more reason. The patron himself doesn't  
14 even know there is a problem, but --

15 MR. HAFFNER: Somehow --

16 MEMBER ALBERTI: -- it just could have  
17 escalated into something really bad.

18 MR. HAFFNER: I'm sure, I'm sure.

19 MEMBER ALBERTI: Because when I read  
20 the report, he was actually the initial  
21 aggressor, if I'm not mistaken, from the report.  
22 He punched somebody before he got stabbed.

1           So let's say the stab wound wasn't  
2           that great, he didn't realize it and you didn't  
3           hand him over to MPD and now he is really angry.  
4           He has already punched somebody. I mean, the  
5           risks -- there is -- when you throw someone out,  
6           it is because there is a risk that you perceive.  
7           And I don't see it as overburdensome.

8           I mean, I'll let other Board Members  
9           speak to that.

10           CHAIRPERSON MILLER: Mr. Silverstein?

11           MEMBER SILVERSTEIN: I certainly agree  
12           with my colleague, Mr. Alberti, but if someone is  
13           being ejected, it is one thing to say don't you  
14           think it is time to go home or if you are not  
15           going to be buying anything, maybe it's time to  
16           leave, you know, something like that.

17           But if you require someone to leave,  
18           if that person creates enough of a disturbance or  
19           concern, given all that has happened in our city  
20           in recent weeks, I think that it is best for you  
21           and for us that the police officers outside, for  
22           whom you are paying, get at least a heads-up that

1 that person is on his way. And make sure that  
2 that transfer is a positive one.

3 MR. HAFFNER: So I'm hearing from you  
4 a heads-up. I'm hearing from you deliver him  
5 directly to RDO. I think a heads-up is more than  
6 reasonable. Delivering might be too much. It's  
7 not hard to tell this guy was just ejected.  
8 Perhaps you might want to watch him as opposed to  
9 taking him physically and handing him off to RDO.

10 MEMBER SILVERSTEIN: Well, let me --  
11 what is the difference? I don't know if there is  
12 a distinction about the difference here.

13 MR. HAFFNER: Well, the difference is  
14 that it's much easier to say this person has been  
15 ejected, that person has been ejected and deliver  
16 that message to RDO as opposed to physically  
17 having to take somebody who has been ejected to  
18 RDO and --

19 MEMBER SILVERSTEIN: You think it's  
20 much easier if he walks out the door if you have  
21 called RDO --

22 MR. HAFFNER: -- basically --

1 MEMBER SILVERSTEIN: -- and they are  
2 here and you say this guy --

3 MR. HAFFNER: Yes.

4 MEMBER SILVERSTEIN: You know, we're  
5 not saying that he should be arrested.

6 CHAIRPERSON MILLER: Right.

7 MR. HAFFNER: I think that's what I  
8 was hearing.

9 CHAIRPERSON MILLER: No.

10 MEMBER SILVERSTEIN: No.

11 MEMBER ALBERTI: You have escorted him  
12 out. All right. I would like you to like have  
13 that person in your presence, you know, so that  
14 when you get to MPD, you can say that guy right  
15 there. You know, that guy right there has been  
16 causing a problem.

17 MEMBER SILVERSTEIN: We are not saying  
18 he should go into police custody --

19 MEMBER ALBERTI: No. Mr. Jones might  
20 have a different view.

21 MEMBER SILVERSTEIN: -- or anything of  
22 the sort.

1 MEMBER ALBERTI: Give him time.

2 MEMBER JONES: I'm just trying to get  
3 -- and I'm not in the industry, so I have never  
4 worked security. I'm too small. I'm just trying  
5 to understand if you have taken the time with  
6 your security personnel to escort the individual  
7 through and out of your entire establishment,  
8 right? Not just through the front door, but off  
9 of your grounds, right? Because if he is still  
10 on your grounds, he is still a potential problem.

11 So he is being ejected or the  
12 individual is being ejected for a reason. So if  
13 you have taken the time to and dedicated the  
14 resources to have this individual removed from  
15 the grounds, I am -- and I kind of understand how  
16 the layout is, so I know RDO is not right at your  
17 front door. There is a little bit of a walk to  
18 get there.

19 So if you are speaking to the fact  
20 that you feel it is overly burdensome, because of  
21 the extra 100 feet that they have to escort this  
22 individual from the property line to where the

1 RDO is, then that's something that we can take  
2 into consideration.

3 But I'm not seeing it being overly  
4 burdensome beyond that, but it's something that  
5 I'm willing to consider. I just need to  
6 understand where you are coming from in more  
7 detail.

8 CHAIRPERSON MILLER: Wait. Let him  
9 res respond. Go ahead.

10 MR. JOHNSON: Can I speak?

11 CHAIRPERSON MILLER: Yes.

12 MR. JOHNSON: So I would like to  
13 interject that to this point what we have done  
14 when we do have individuals who are asked to be  
15 removed or remove themselves from the venue,  
16 customarily just an internal best practice is we  
17 will have somebody radio the front and alert RDO  
18 as a method of handing them off. Because say  
19 there is a security who is escorting somebody out  
20 and they say -- they have a problem directly with  
21 that security by passing them off to another  
22 party who is also an authority figure, we have

1 diffused a lot of issues in that way.

2 So it's something that has been a part  
3 of our practices and I think the only  
4 clarification is around what handing off means  
5 exactly for, you know, I guess --

6 MEMBER JONES: Mr. Johnson?

7 MR. JOHNSON: -- taking --

8 MEMBER JONES: Mr. Heffner?

9 CHAIRPERSON MILLER: Wait.

10 MEMBER SHORT: Had not that gentleman  
11 had blood on him and went to his car and had a  
12 weapon in his car, he could have caused a lot of  
13 problems. And you are supposed to have a log,  
14 right? Do you have an incident log? Have you  
15 been able to provide it as of yet?

16 MR. JOHNSON: Yes, we have.

17 MR. HAFFNER: We have a copy.

18 MEMBER SHORT: Okay. Now, anybody  
19 goes in the incident log is a problem, correct?  
20 And most of the time in an incident log, they  
21 have been able to get -- you know who they are,  
22 so they are a problem person.

1           I think it would behoove you to hand  
2           them off or notify the police that this person is  
3           coming out. He is angry. He has punched  
4           someone. We don't need him in our club any more.  
5           Please, watch him because he might punch this car  
6           or cause a problem.

7           MEMBER ALBERTI: So, you know, going  
8           back to Mr. Jones' point, I'm not -- I'm -- sort  
9           of Mr. Jones take on it, it's not understanding  
10          what the burden is, the burden is of escorting  
11          him that extra 100 feet to the front gate.

12          CHAIRPERSON MILLER: Okay. From what  
13          I heard and I would appreciate it if you would  
14          clarify this or not, because that was my reaction  
15          at first, how can this be such a big burden?  
16          It's a safety thing. You are handing them 100  
17          feet. What I thought you said was sometimes  
18          that's not a good idea. But with respect to  
19          diffusing whatever might be going on, either of  
20          you, and that it is better to call RDO and say we  
21          are about to bring him out the door. Is that  
22          what you said?

1 MR. JOHNSON: I'm sorry, I couldn't  
2 hear you.

3 CHAIRPERSON MILLER: Oh.

4 MR. JOHNSON: I'm saying that it is a  
5 good idea to involve the RDO, to involve your  
6 detail when you are escorting patrons out the  
7 venue. It's a good idea.

8 MEMBER SILVERSTEIN: Thank you.

9 CHAIRPERSON MILLER: Escorting. Not  
10 just giving a telephone heads-up? Escorting  
11 them?

12 MR. JOHNSON: Oh, no, no. I was  
13 saying that we would radio our internal staff to  
14 hey --

15 MEMBER SILVERSTEIN: Yes.

16 CHAIRPERSON MILLER: Okay.

17 MR. JOHNSON: -- we are escorting a  
18 problem patron out of the venue, grab detail to  
19 hand them off, so that way our security can  
20 escort them, but we also have that --

21 MEMBER SHORT: Isn't that what you do  
22 now?

1 MR. JOHNSON: Yes, yes.

2 MR. HAFFNER: Yes.

3 MEMBER SHORT: Okay. So we are saying  
4 it's not working now. If you have someone punch  
5 someone, got stabbed, that system that you have  
6 now isn't working apparently.

7 CHAIRPERSON MILLER: We don't -- we  
8 haven't had the hearing yet, so I can't say that.

9 MEMBER SHORT: Well, it's not working  
10 well.

11 CHAIRPERSON MILLER: Yes.

12 MEMBER RODRIGUEZ: So if we are  
13 talking about handing people off, certainly in  
14 violent situations, give me two reasons why you  
15 would have somebody handed off that is maybe not  
16 violent, in your situation.

17 MR. JOHNSON: Reason No. 1, they are  
18 not abiding by the protocols of and engaging the  
19 performers. That's number one.

20 MEMBER RODRIGUEZ: Okay.

21 MR. JOHNSON: And No. 2 would be in  
22 the case of, you know, verbal, I guess,

1 engagement that is aggressive with the  
2 anticipation of, you know, a future altercation.  
3 That's not somebody who needs to be in the  
4 establishment.

5 MEMBER RODRIGUEZ: Right. So what we  
6 are saying is those kind of situations already  
7 create some tension.

8 MR. JOHNSON: Yes.

9 MEMBER RODRIGUEZ: Some tension and  
10 that's what -- we don't want that to be further  
11 down the line, so you nip it in the bud right  
12 there.

13 MR. JOHNSON: Yes.

14 MEMBER ALBERTI: Can I ask --

15 MEMBER SILVERSTEIN: Let me pick up  
16 right off of -- let me piggyback off of what Mr.  
17 Rodriguez mentioned here. And a third  
18 possibility would be a person who was either  
19 highly intoxicated or perhaps under the influence  
20 of some drug that he had taken previously or  
21 something like that and you want that person out  
22 of there.

1           The other thing that nobody in this  
2 world wants is that person to get behind the  
3 wheel of a car.

4           MR. JOHNSON: Yes.

5           MEMBER SILVERSTEIN: And certainly in  
6 a situation like that when you are ejecting that  
7 person from the club, the most important thing is  
8 for you to give that person over to MPD, so that  
9 that person doesn't get in a car and kill someone  
10 which would put you out of business and put  
11 somebody else out of life.

12          MEMBER ALBERTI: All right. So let me  
13 ask a question. So I'm trying to understand what  
14 your protocol is. Okay. So you gave two  
15 examples. Can you repeat the two examples that  
16 you gave again, just real quickly.

17          MR. JOHNSON: The two examples were,  
18 No. 1, if a patron was not, I guess,  
19 appropriately engaging performers and his conduct  
20 was not befitting of the venue --

21          MEMBER ALBERTI: Okay.

22          MR. JOHNSON: -- that's No. 1. No. 2

1 was in the event that there was a verbal  
2 altercation.

3 MEMBER ALBERTI: Okay. So what is  
4 your protocol for making sure that person leaves?  
5 Because you want that person out, right?

6 MR. JOHNSON: Yes.

7 MEMBER ALBERTI: You want that person  
8 out. What's your protocol for making sure that  
9 they are out of your establishment and off of  
10 your grounds? What's your protocol?

11 MR. JOHNSON: So the protocol is the  
12 security member who identifies that issue,  
13 depending of course on the severity, if it's an  
14 individual for example who is there, you know,  
15 say, sir, I'm going to have to ask you to leave.  
16 You know, we have spoken to you about the rules  
17 of this establishment and, you know, it's time to  
18 go.

19 So in advance of engaging that patron,  
20 the security member will get on the mike or alert  
21 a fellow security member hey, we have somebody.  
22 This guy has got to go. He is causing problems.

1 Get detail up front.

2 So upon engaging that person and they  
3 might say, hey, I don't want to go. This isn't  
4 fair. Upon escorting them out of the front  
5 entryway, we engage detail to come and act as a  
6 presence physically on the premises outside of  
7 the door, so that they are immediately there and  
8 upon exiting -- you know, upon walking that  
9 individual outside, we have other security who  
10 can assist in getting them off the grounds.

11 So you know, No. 1, the first security  
12 that engages that person, he doesn't like them  
13 already because they kicked him out, he is  
14 removed from the situation, so that level of  
15 confrontation or discomfort is mitigated.

16 No. 2, we have the detail so that  
17 source of authority and presence directly at the  
18 entrance way in addition to our staff, our  
19 security staff who is outside and can escort the  
20 patron off the premises.

21 MEMBER ALBERTI: Okay. So in one  
22 instance the patron leaves willingly, right? But

1       you still do this, you still follow him and make  
2       sure he is out the door, right?

3               MR. JOHNSON:  Yes.

4               MEMBER ALBERTI:  But there is another  
5       instance where he starts to give you an argument,  
6       what do you do then?

7               MR. JOHNSON:  One patron?

8               MEMBER ALBERTI:  Yes, let's start with  
9       one patron.

10              MR. JOHNSON:  So --

11              MEMBER ALBERTI:  It's easiest.

12              MR. JOHNSON:  Yeah.  So on thing that  
13       our security staff does not do is we are not  
14       going to physically restrain or be the aggressor  
15       or toss them out, that's not the protocol that we  
16       would follow in asking them to leave.

17              We would further engage detail, at  
18       that point, and say hey, we have a person that is  
19       uncooperative.  You know, we are going to need  
20       assistance in escorting them off of the premises.

21              MEMBER ALBERTI:  And what does it mean  
22       to escort?

1 MR. JOHNSON: Escort?

2 MEMBER ALBERTI: What's that mean to  
3 you?

4 MR. JOHNSON: Any -- in that instance  
5 is to essentially have a chaperon that ensures  
6 that they leave not only the physical building,  
7 but the parking lot and do not return to the  
8 premises.

9 MEMBER ALBERTI: Okay. I've got to  
10 think about this, but my reaction, my initial  
11 reaction is that's the kind of person I'm  
12 concerned about. I mean, the guy who you have  
13 been -- let's say you have ejected him and he is  
14 leaving willingly, you're going to keep an eye on  
15 him, that's fine, you know, but he is leaving  
16 willingly. All right.

17 MR. JOHNSON: Yes.

18 MEMBER ALBERTI: And he hasn't been  
19 involved in a brawl. He hasn't been involved in  
20 a confrontation with anybody, that's one thing.  
21 I would assume -- I could be wrong. If somebody  
22 is involved in a confrontation, you're going to

1 more than just let him -- you're going to escort  
2 him. You're going to kind of chaperon him until  
3 he leaves, right?

4 MR. JOHNSON: Yes.

5 MEMBER ALBERTI: So it's those people  
6 that, for me, you have to chaperon that I'm most  
7 concerned about. I don't know if anyone else  
8 wants to weigh in? Mr. Jones?

9 MEMBER JONES: For me, it's just  
10 fairly straightforward. I'm just looking for  
11 some more definitive feedback as to exactly what  
12 the overly burdensome aspect of that extra 100  
13 feet is to take them to RDO. And I'm truly  
14 listening to you with an open mind. And I'm not  
15 -- I haven't made up my decision one way or the  
16 other. I just want to understand what the driver  
17 is for that, so I can better incorporate that  
18 into my thought process.

19 MR. HAFFNER: So I don't mean it's  
20 unduly burdensome. I mean it in this sense --

21 MEMBER JONES: Tell me.

22 MR. HAFFNER: -- it's that you are

1 taking away a certain amount of discretion from  
2 security and saying that, making a blanket  
3 statement, anybody who has to be escorted,  
4 regardless of the circumstance, has to be taken  
5 to RDO every single time.

6 And I'm saying it removes a certain  
7 amount of discretion from the security guards,  
8 because not every situation like Mr. Alberti has  
9 already pointed out, requires, you know, a kind  
10 of physical or a more physical response. There  
11 are some patrons who you can simply ask to leave  
12 and will leave and there is nothing -- there is  
13 no other -- there is no -- I guess, there is not  
14 a concern that something is going to happen  
15 subsequent.

16 Others it is quite clear that there  
17 needs to be some follow-up. I think that what  
18 Mr. Johnson has already expressed is that the  
19 protocols are in place to address the situation  
20 that Mr. Alberti has already brought up and to  
21 impose additional requirements where I'm not  
22 quite certain that they are necessary, poses a

1 threat of being unable to handle things. I think  
2 that's what I'm saying.

3 MEMBER JONES: Okay. So in practical  
4 -- practically speaking, the practice of taking  
5 that individual an extra 100 feet isn't really  
6 the big issue. It's you are still trying to have  
7 some measure of control and ability to make  
8 dynamic decisions related to the level of  
9 severity, that risk severity that this individual  
10 brings to your establishment.

11 If there is no smoke, then why make a  
12 fire, right? And in having to take someone and  
13 bring them to RDO is there a risk that where  
14 there was an individual that was going peacefully  
15 and not really being an issue, that they may say  
16 oh, really, why you got to take me to the cops,  
17 man? I was leaving. What's all this about? And  
18 then that may escalate into something more  
19 aggressive? Is that kind of the take that I can  
20 pull from what you're saying?

21 MR. HAFFNER: That's absolutely fair.

22 MEMBER JONES: Is that fair?

1 MR. JOHNSON: That's fair.

2 MR. HAFFNER: That's absolutely fair.

3 MEMBER JONES: Okay. All right.

4 That's fair. That's all I needed. Thank you.

5 CHAIRPERSON MILLER: Mr. Rodriguez?

6 MEMBER RODRIGUEZ: And if I can pick  
7 up on Mr. Jones. And I can understand what he is  
8 saying then. And I think that that's what you  
9 are really alluding to without saying directly  
10 that you don't want to take it a step further and  
11 basically take it to the police.

12 Basically, there is an image  
13 situation. It could be friends. It could be  
14 whatever. But I understand what he is saying on  
15 that, that's for sure.

16 CHAIRPERSON MILLER: Okay. Let me  
17 also follow-up. I think I heard you say that  
18 there are protocols in place already. Are they  
19 in the security plan as to how to deal with those  
20 situations?

21 MR. JOHNSON: So in -- that's in the  
22 security plan under violent incidents.

1                   CHAIRPERSON MILLER: Yes.

2                   MR. JOHNSON: Or physical incidents.

3 For non-verbal incidents, it is -- I mean, excuse  
4 me for, I guess, non-violent incidents, it is not  
5 included in that plan. That's simply a practice  
6 that we undergo to diffuse situations that occur  
7 on the premises.

8                   CHAIRPERSON MILLER: Okay. So but it  
9 sounds like, you know, you have these practices  
10 and people are being trained in that protocol.  
11 Is that something that would be appropriate to  
12 put in the revised security plan?

13                   MR. JOHNSON: I do believe that it is  
14 appropriate to include that in the security plan.

15                   CHAIRPERSON MILLER: Okay. So that's  
16 an option, right?

17                   MR. JOHNSON: Yes, that's an option.

18                   CHAIRPERSON MILLER: Okay. All right.  
19 Shall we move on then?

20                   MEMBER ALBERTI: Yes.

21                   CHAIRPERSON MILLER: Okay. I have No.  
22 9 just to note this also refers to "Training

1 security personnel only with respect to aiding an  
2 injured or ill patron of the establishment and  
3 calling for outside medical services and 911,  
4 etcetera."

5 It is the same question concern about  
6 expanding this to all employees.

7 MR. JOHNSON: Yes.

8 CHAIRPERSON MILLER: Is that a  
9 problem?

10 MR. JOHNSON: No, it's not a problem.

11 CHAIRPERSON MILLER: Okay. All right.

12 MEMBER ALBERTI: I see a hand up at  
13 the end of the dias.

14 CHAIRPERSON MILLER: Mr. Jones?

15 MEMBER JONES: Thank you, Madam Chair.

16 As far as No. 9 was concerned, the only  
17 commentary I had in relation to that is in the  
18 second line of the first sentence there is a  
19 reference to injured or ill patron inside the  
20 establishment. Is that intended to limit it to  
21 anyone truly inside of the brick and mortar  
22 structure or inside the grounds of the licensed

1 establishment?

2 Because someone could get injured  
3 outside in the parking lot and still be on your  
4 grounds and I don't want that to be misconstrued  
5 as acceptable. Is that --

6 MR. JOHNSON: We're in agreement, yes.

7 MEMBER JONES: Okay. Thank you.

8 CHAIRPERSON MILLER: I'm sorry, I  
9 didn't hear the answer.

10 MR. JOHNSON: No, we are in agreement,  
11 yes.

12 CHAIRPERSON MILLER: Yes. It applies  
13 to your property?

14 MR. JOHNSON: The establishment refers  
15 to the entire premises.

16 CHAIRPERSON MILLER: Okay.

17 MR. JOHNSON: Including parking lots  
18 and not just things inside the establishment  
19 building.

20 CHAIRPERSON MILLER: Okay. Good. Are  
21 we ready to move on to No. 10? All right. No.  
22 10 reads "The respondent shall not clean up a

1 crime scene under any circumstances nor authorize  
2 anyone to clean up the crime scene without the  
3 prior consent of MPD."

4 And the question or concern was or is  
5 about also saying that no one -- the respondent  
6 cannot permit anyone to clean up the crime scene.  
7 Not just authorize.

8 MEMBER SILVERSTEIN: Not authorize or  
9 permit, so that if somebody decides on their own  
10 that they are going to do it, and you didn't  
11 authorize it, but they have done it, you know,  
12 don't permit it.

13 CHAIRPERSON MILLER: It's a -- just  
14 are you amenable to that?

15 MR. JOHNSON: Yes.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER SHORT: Also, Madam Chair?

18 CHAIRPERSON MILLER: Yes?

19 MEMBER SHORT: Maintaining the crime  
20 scene. No one goes into the crime scene. And  
21 maintaining it until MPD gets there on the scene  
22 and then release it.

1                   CHAIRPERSON MILLER: Okay. That's  
2 another. That is a bigger idea, I think.

3                   MEMBER SHORT: Well, if you have a  
4 crime scene and you don't maintain it --

5                   MEMBER ALBERTI: Yes, and I think --

6                   CHAIRPERSON MILLER: What does that  
7 mean to --

8                   MEMBER ALBERTI: -- what Mr. Short is  
9 saying is --

10                  CHAIRPERSON MILLER: -- maintain it?

11                  MEMBER ALBERTI: -- that I think what  
12 we want is --

13                  CHAIRPERSON MILLER: Oh.

14                  MEMBER ALBERTI: -- whatever it is  
15 that you feel comfortable with. If they don't --  
16 if you specifically don't clean it up.

17                  CHAIRPERSON MILLER: Okay. Wait a --

18                  MEMBER ALBERTI: And that you protect  
19 the crime scene.

20                  CHAIRPERSON MILLER: Okay. Let me --

21                  MEMBER ALBERTI: That ordains --

22                  CHAIRPERSON MILLER: No, wait a

1 second. Excuse me. They already have this in  
2 there. They have No. 10, the second line says  
3 "the revised security plan shall address the  
4 establishment's procedure for preserving a crime  
5 scene.

6 MEMBER SHORT: Yes.

7 CHAIRPERSON MILLER: So that's the  
8 same thing as maintaining.

9 MEMBER SHORT: Yes.

10 CHAIRPERSON MILLER: So I don't think  
11 anything else needs to be added.

12 MEMBER ALBERTI: Okay. And we get to  
13 -- and we will get to approve or disapprove.

14 MEMBER SILVERSTEIN: We want the  
15 specifics on that. If something happens in the  
16 doorway and people have to go out, there are  
17 different ways to protocols than it fits in  
18 another area.

19 MR. JOHNSON: That is correct.

20 MR. HAFFNER: Yes.

21 MEMBER RODRIGUEZ: Okay. We are good.

22 CHAIRPERSON MILLER: Okay. So there

1 is nothing else on that.

2 11 says "The respondent shall maintain  
3 an incident log recording all violent incidents  
4 that occur inside of and in front of the  
5 establishment." I mean, that's the first line.

6 And anyway, I think the question goes  
7 to is this incident log just limited to violent  
8 incidents or is it also going to -- I know that  
9 we were talking about a violent crime that  
10 occurred here, but is it also going to address  
11 incidents that weren't necessarily violent, such  
12 as verbal altercations, such as, I don't know,  
13 medical situations?

14 MEMBER SILVERSTEIN: Our main concern  
15 was incidents that require medical attention. We  
16 don't know that someone was stabbed. They may  
17 have fallen or someone may have had a mixture of  
18 alcohol and barbiturates and they fell out or any  
19 of these other types of things.

20 If it requires medical attention,  
21 requires calling an ambulance, something like  
22 that that would also -- I think, should be in

1 there in the log as it is in most places.

2 MEMBER ALBERTI: Wait. I think we  
3 ought to --

4 CHAIRPERSON MILLER: I think that what  
5 others do was raised with respect to whether you  
6 might define incidents in your security plan.

7 MR. JOHNSON: Fire?

8 CHAIRPERSON MILLER: Define incident  
9 in your security plan. I don't know. It's not  
10 defined.

11 MR. HAFFNER: If you have a suggested  
12 definition, we would be more than willing to --

13 MEMBER ALBERTI: Well, gentlemen --

14 CHAIRPERSON MILLER: Ms. Gephardt will  
15 work with you on that.

16 MEMBER ALBERTI: -- I'm looking for a  
17 liberal definition of what an incident is.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: I will tell you, I'll  
20 be looking -- I can't suggest one, but I'll be  
21 looking for -- there is the rule, you know. So  
22 if you get two guys in a shoving match, that's an

1 incident. I mean, just to give you an example.  
2 You have to come in, you have to separate them  
3 out, you've got to tell one of them to leave.  
4 It's an incident.

5 I mean, I have got a pretty liberal  
6 definition of what an incident is. And so, you  
7 know, some establishments have a pretty big log.  
8 And but I think that's important to know. So we  
9 will let you guys take a stab at it in your  
10 security plan.

11 MR. JOHNSON: Okay. We will certainly  
12 expand that definition. Mr. Alberti, you gave us  
13 some feedback on that at a prior hearing and we  
14 have since expanded that definition.

15 MEMBER ALBERTI: Okay.

16 MR. JOHNSON: So we took that feedback  
17 seriously.

18 MEMBER ALBERTI: Very good.

19 MR. JOHNSON: We've expanded that  
20 definition.

21 CHAIRPERSON MILLER: Okay. I think  
22 Mr. Silverstein gave you some feedback with

1 respect to medical incidents. And I also said  
2 and I'm not sure, but based on what I have seen  
3 in cases, that verbal altercations sometimes can  
4 rise to the level of an incident. This is just  
5 feedback, it's up to you.

6 MR. JOHNSON: Yes.

7 CHAIRPERSON MILLER: But often that  
8 leads to the violent incidents.

9 MR. JOHNSON: How about a fire?

10 MEMBER SHORT: And, Madam Chair, if I  
11 could?

12 CHAIRPERSON MILLER: Yes. A fire,  
13 yes.

14 MEMBER SHORT: For a medical incident,  
15 you might want to consider contacting the NDO,  
16 because you calling 911 and getting the Officer  
17 Identified Communications versus MPD calling  
18 them, I think the ambulance will get there a lot  
19 faster. In fact, I know it will.

20 MEMBER RODRIGUEZ: Another incident  
21 could be a fire or something like that, you know.

22 CHAIRPERSON MILLER: Yes.

1 MEMBER RODRIGUEZ: That's an incident.

2 MEMBER ALBERTI: Just --

3 MR. HAFFNER: Okay. A fire in the  
4 kitchen would be an incident?

5 MEMBER RODRIGUEZ: Huh?

6 MR. HAFFNER: A fire in the kitchen  
7 would be an incident?

8 MEMBER RODRIGUEZ: Yes.

9 MR. HAFFNER: A grease fire?

10 CHAIRPERSON MILLER: You know, this is  
11 really up to you. It's going to be your security  
12 plan. But unless you are into a really --

13 MEMBER ALBERTI: Mr. Jones.

14 CHAIRPERSON MILLER: Yes. Mr. Jones?

15 MEMBER JONES: To be perfectly candid,  
16 we don't know what an incident is. We haven't  
17 come to a consensus on it. We are looking for  
18 you to capture it in a more succinct, but  
19 comprehensive, fashion in your security plan with  
20 the intent being that we are going to leverage  
21 your smarts and we are going to pull from that  
22 the -- our ability to recognize it when we see

1 it. As to whether or not it is comprehensive  
2 enough or not comprehensive enough, we will  
3 advise you feedback to that.

4 It's easier to edit something that is  
5 already written than to try to come up with  
6 something organically. So we need your help.

7 MEMBER SILVERSTEIN: Thank you.

8 CHAIRPERSON MILLER: Okay. Because  
9 you will be submitting a revised security plan  
10 for our review. Okay. All right. I think that  
11 that does it for No. 11.

12 No. 12 talks about wanding and it also  
13 talks about pat-downs. And what we think is  
14 missing from this is bag searches, which you  
15 mentioned previously, but it's not mentioned  
16 here. And so we think it is important that the  
17 bags be searched as well. Do you agree?

18 MR. JOHNSON: Yes.

19 CHAIRPERSON MILLER: Okay. All right.  
20 That's a pretty easy one.

21 Okay. Then No. 16, moving along,  
22 unless somebody else had something to say? Okay.

1 Well, one easy one I think is just basically a  
2 language one. It says "The revised security plan  
3 shall state the cameras utilized by the  
4 establishment will be operational."

5 And the Board is more comfortable with  
6 something like "will be operational at all  
7 times."

8 MR. JOHNSON: Yes.

9 CHAIRPERSON MILLER: Okay. I know the  
10 next issue in this provision is how long footage  
11 is kept. Now, that is going to be in the  
12 security plan. It says "The revised security  
13 plan shall also state that any footage of a crime  
14 of violence or a crime involving a knife or a gun  
15 will be maintained for 30 days and that any  
16 security footage will be made available within 48  
17 hours upon request from ABRA or MPD."

18 So what it doesn't address, I think --  
19 oh, this is the -- you are talking about keeping  
20 footage that involves crimes of violence or  
21 crimes involving a knife --

22 MEMBER ALBERTI: Yes. Ms. Miller?

1                   CHAIRPERSON MILLER:  -- or a gun, but  
2  -- excuse me?

3                   MEMBER ALBERTI:  Go ahead.  I was  
4 going to try to help you out.

5                   CHAIRPERSON MILLER:  I was --

6                   MEMBER ALBERTI:  All right.  Go ahead.

7                   CHAIRPERSON MILLER:  I think that the  
8 Board was also concerned, if I'm not mistaken,  
9 with keeping all footage, not just crimes of  
10 violence.  Am I mistaken on that?

11                  MEMBER ALBERTI:  That's what I was  
12 going to say.  Yes, so we want them to --

13                  CHAIRPERSON MILLER:  Okay.  So that's  
14 one issue.

15                  MEMBER ALBERTI:  We want all footage  
16 to be maintained for 30 days.

17                  MEMBER SHORT:  30 days.  Any crimes of  
18 violence where a weapon is used would be kept a  
19 little longer.

20                  CHAIRPERSON MILLER:  Are the --

21                  MEMBER ALBERTI:  Well, let's let --

22                  CHAIRPERSON MILLER:  Okay.  So that's

1 the first one. Do you have an issue with keeping  
2 your footage for every -- you know, your footage  
3 for all days 30 days?

4 MR. JOHNSON: There is no issue with  
5 that. The DVR program customarily keeps footage  
6 for that amount of time.

7 CHAIRPERSON MILLER: Okay. So that's  
8 not controversial. And then the second part is  
9 keeping -- how long you keep footage of crimes of  
10 violence.

11 MR. JOHNSON: So --

12 CHAIRPERSON MILLER: Yes? Well, I  
13 believe that some Members think that should be in  
14 perpetuity.

15 MEMBER ALBERTI: So would you be  
16 willing to -- whenever --

17 CHAIRPERSON MILLER: Archive.

18 MEMBER ALBERTI: So whenever there is  
19 a violent incident, all right, a crime involving  
20 a knife or a gun or assault, a crime, whenever  
21 there is a criminal act or an incident involving  
22 a weapon, we would like you to archive that

1 footage. Put it out to a separate DVD and just  
2 put it on the shelf somewhere and label it and  
3 just put it there. So if we come back in 18  
4 months and ask you for it, you can give it to us.

5 So it's basically downloading it and  
6 then putting it in a filing cabinet, labeling it  
7 and putting it in the filing cabinet. Is that --  
8 I'm not sure I described what kind of incidents  
9 we are looking for, but I think I described what  
10 we would like you to do with that footage.

11 MR. JOHNSON: Yes.

12 MEMBER ALBERTI: So anybody want to  
13 speak to that?

14 MEMBER SHORT: I think you pretty much  
15 hit it on the head.

16 MEMBER ALBERTI: Okay. Thank you.  
17 Are you agreeable to that?

18 MR. JOHNSON: I'm agreeable to that  
19 and that's something that we have instituted  
20 internally from a variety of perspectives  
21 including liability, so --

22 MEMBER ALBERTI: Thank you.

1 MR. JOHNSON: -- that's fine.

2 MEMBER ALBERTI: Right. It could be  
3 helpful to you all.

4 MR. JOHNSON: Yes.

5 MEMBER SILVERSTEIN: Actually, very  
6 helpful to you.

7 MR. JOHNSON: Yes.

8 MEMBER ALBERTI: Yes, thank you.

9 CHAIRPERSON MILLER: Okay. Finally  
10 19. I think -- well, 19 states "A Summary  
11 Suspension (Status) Hearing date shall be  
12 scheduled for Wednesday, September 16, 2015 at a  
13 time to be set by the Board."

14 And I want to ask you what you hope  
15 and/or expect to have then at that (Status)  
16 Hearing?

17 MS. GEPHARDT: To me? So I guess my  
18 question would be if the licensee is able to  
19 revise the security plan and do the training  
20 according to what we have talked about here today  
21 before the 16th of September, is that a  
22 possibility? What -- sort of what are we looking

1 at here in terms of how this could roll out?

2 CHAIRPERSON MILLER: Okay. All right.

3 So I think, all right first of all, where we are

4 today is you have given us a "Offer in

5 Compromise" that we have gone over thoroughly.

6 And I think that most of the concerns were

7 addressed in this hearing.

8 There are a few, as far as I can see,

9 outstanding questions which the Board may need to

10 discuss. One dealing with performers. One

11 dealing with, you know, their training and then

12 reporting. One dealing with how often changes in

13 employment should be reported. And then the

14 other dealing with, I think, the question of

15 escorting non-violent aggressors.

16 That's in my notes and people may have

17 others, but what I would anticipate is that the

18 Board will have a little discussion on that and

19 talk to its Legal Counsel and we can come back to

20 you on that.

21 And in the meantime, I believe that

22 you -- it's our OIC. Okay. So you make your --

1 you are amenable to the changes. You want to  
2 change them. You know the Board is totally on  
3 board with that. We are not forcing you to make  
4 changes, but it sounds like we are all pretty  
5 much in this together and we are just making it a  
6 little safer for the public that you would have  
7 an OIC that hopefully the Board could approve  
8 today.

9 The other issues though deal with  
10 revising the security plan and training, which  
11 can take -- I don't know how quickly you could --  
12 first, you have to revise the security plan, as  
13 Board Members have said, and then have the  
14 training go along with the security plan.

15 And then the Board usually meets 48  
16 hours --

17 MEMBER JONES: I wouldn't even try, I  
18 wouldn't even try, but you guys have some things  
19 that you owe us, right? We need some time to  
20 review the factors and information that you send  
21 us in order for us to provide you some feedback  
22 related to our acceptance of those items, in that

1 sense.

2 So the burden is really on you and how  
3 quickly you can turn these items around to meet  
4 our expectations. There is probably going to be  
5 a little bit of a give and take in terms of going  
6 back and forth with iterations to get a better  
7 understanding. We will make every effort to try  
8 and turn those things around in a reasonable  
9 amount of time, but you can't give us something  
10 on Tuesday and expect for it to be turned around  
11 to you on a Wednesday.

12 It's just not fair, it's not  
13 appropriate and it's not in line with our  
14 expectations of what we are expecting to get from  
15 you. So just keep that in mind when you are  
16 pulling together this information to give it to  
17 us. We need time to review it. We are going to  
18 be reviewing it thoroughly.

19 All right? It's not something that we  
20 take lightly. You have been with us before. You  
21 understand what we do. Not in this capacity, but  
22 I think you understand what we might need. So we

1 are looking at name-for-name. We are going to be  
2 correlating documents. So it takes time and  
3 we've got seven Board Members that take their due  
4 diligence very seriously when it comes to this  
5 matter.

6 So don't expect to give us something  
7 on Tuesday and expect to have an answer on  
8 Wednesday or Thursday, that's just the best way I  
9 can say it.

10 MS. GEPHARDT: One other question that  
11 I had about what the Board is looking for. Are  
12 they required, are you requiring them to submit  
13 the training materials?

14 MEMBER JONES: Yes.

15 MS. GEPHARDT: Before the actual  
16 training occurs?

17 MEMBER JONES: That's our preference.

18 MEMBER ALBERTI: That's our  
19 preference.

20 MS. GEPHARDT: Okay.

21 MEMBER SHORT: Again, it will be in  
22 accordance with the security plan.

1                   MEMBER ALBERTI: Right. So we need  
2 the security plan and that package.

3                   MR. HAFFNER: Right. So what I'm  
4 hearing is a couple different steps. We actually  
5 have to submit the security plan, get your  
6 feedback and then plan the training in accordance  
7 with the feed -- the security plan that you  
8 approve?

9                   MEMBER ALBERTI: And then we are going  
10 to see who is trained and make sure that that  
11 correlates with your employee list and all of  
12 that.

13                  MR. HAFFNER: So three different steps  
14 actually.

15                  MEMBER ALBERTI: So I don't know if  
16 it's -- my sense is that it's not necessary to  
17 schedule a Status Hearing now. I mean, I think  
18 that, you know, once we are satisfied with the  
19 materials and everything that you have fulfilled  
20 on this list, then we can issue an order to allow  
21 you to open. I don't know if we have to have a  
22 hearing for that.

1                   And then, at that point, we, the  
2 Board, will determine whether or not it is  
3 necessary and whether it is necessary to have a  
4 follow-up. But I don't think now is the time to  
5 do that.

6                   I mean, I'm not even sure.  
7 Personally, at this point right now, I'm not sure  
8 what we would do in a follow-up right now. So I  
9 think that as things evolve we would -- we might  
10 see a purpose for a follow-up.

11                   MS. GEPHARDT: Okay.

12                   MR. HAFFNER: So if I may impress upon  
13 the Board, you know, the club has been closed for  
14 the past week. And in light of the conversation  
15 that we have been having with OAG, we made  
16 several affirmative steps to address what we saw  
17 as and with what the Board sees as, frankly, as  
18 shortfalls as a shortfall in the security plan  
19 and the way that the security staff handled the  
20 incident.

21                   So what I'm asking you is in light of  
22 the steps we have been taking, in light of the

1 positive conversations that we have been having  
2 with the city and in light of Mr. Johnson's  
3 indications that by and large we are willing to  
4 accept the sum total of the suggestions being  
5 made by the Board, if there could be a way that  
6 we could open immediately pending -- and have  
7 these issues that are still pending be resolved  
8 in the interim?

9 So what I'm saying is we operate and  
10 still meet the requirements and the obligations  
11 the Board is imposing upon us.

12 Frankly, this is a --

13 CHAIRPERSON MILLER: We would have to  
14 talk about that, but, to me, it doesn't seem as  
15 insurmountable as in some other cases. You  
16 already have a security plan. You are talking  
17 about revising it in very specific ways. So if  
18 you could get that done by Friday or something,  
19 then the Board has a couple of days to review it.

20 MR. JOHNSON: And the training?

21 CHAIRPERSON MILLER: And the training.  
22 I don't know. No, Monday, Tuesday. I mean, I

1 don't know. Maybe not. We usually talk about 48  
2 hours, I thought, but that to me seems more  
3 palatable than saying that you can open without  
4 any of this happening when, in fact, the Board  
5 has found that there is some danger here, that's  
6 my opinion.

7 But the same with the training. It  
8 sounds like you already had some training done,  
9 so I don't know how difficult that is to do the  
10 training augments. I don't know. But as soon as  
11 you give them to us, we do have a practice of  
12 reviewing them within, I thought, 48 hours. It  
13 depends how complicated it is. So, yes. Okay.

14 So there aren't any promises. We  
15 can't make any promises. You know, the quicker  
16 you do these things and do them right, because  
17 sometimes people do them quickly and then they  
18 mess it up, because they are doing it quickly and  
19 then that really delays things. So I wouldn't  
20 advise that.

21 Any other comments on that?

22 MEMBER ALBERTI: No. I have one

1 question before we wrap up quickly.

2 CHAIRPERSON MILLER: So what I --

3 MEMBER ALBERTI: I would like to  
4 reserve that.

5 CHAIRPERSON MILLER: All right. Well,  
6 as far as wrapping up, where I think we are at is  
7 tell me, Board Members, if you think otherwise.  
8 We had a few questions we wanted to discuss again  
9 with respect to giving items to the parties. Do  
10 you agree with that?

11 MEMBER ALBERTI: I agree.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER ALBERTI: We will go back and  
14 recess and then come back out.

15 CHAIRPERSON MILLER: Okay.

16 MS. GEPHARDT: Madam Chair?

17 CHAIRPERSON MILLER: Yes?

18 MS. GEPHARDT: Since this is our Offer  
19 in Compromise --

20 CHAIRPERSON MILLER: It is.

21 MS. GEPHARDT: -- I know that I have  
22 been writing down some of the changes that we

1 have talked about.

2 CHAIRPERSON MILLER: Yes.

3 MS. GEPHARDT: Do you want us to go  
4 change it now and then bring it to you for your  
5 vote or --

6 CHAIRPERSON MILLER: If you have a  
7 computer, you can work it. I think that might  
8 make sense, because -- I don't know, however,  
9 what you are suggesting, but while we are  
10 discussing --

11 MS. GEPHARDT: Okay.

12 CHAIRPERSON MILLER: -- I think -- and  
13 you might want to reiterate what you think the  
14 changes are before you --

15 MS. GEPHARDT: Okay.

16 CHAIRPERSON MILLER: -- do it. I  
17 don't know. But then we would have a final  
18 document to read.

19 MS. GEPHARDT: Okay.

20 MEMBER RODRIGUEZ: Madam Chair?

21 CHAIRPERSON MILLER: Yes?

22 MEMBER RODRIGUEZ: I was going to say

1 we are not into punitive, we are into progress.

2 CHAIRPERSON MILLER: Yes.

3 MEMBER RODRIGUEZ: That's what we are  
4 interested in.

5 MS. GEPHARDT: All right.

6 MEMBER RODRIGUEZ: Progress working  
7 together.

8 CHAIRPERSON MILLER: Unless you don't  
9 feel the need to do that. If you are pretty  
10 secure about what you think the changes are, we  
11 don't have to go through it, it's up to you.

12 MS. GEPHARDT: I mean, yes, I just  
13 took notes on what the changes should be and what  
14 we talked about.

15 CHAIRPERSON MILLER: Okay.

16 MS. GEPHARDT: What we agreed upon.  
17 So --

18 CHAIRPERSON MILLER: They were pretty  
19 small, I think.

20 MS. GEPHARDT: Yeah, I mean, I can --  
21 it won't take long to fix it.

22 CHAIRPERSON MILLER: Okay. So --

1 MEMBER ALBERTI: So can I ask my  
2 question?

3 CHAIRPERSON MILLER: Oh, sure.

4 MEMBER ALBERTI: Before we go back to  
5 talk? So in your security plan, do you have a  
6 diagram of where the cameras are and what the  
7 coverage is?

8 MR. JOHNSON: So we have that -- we  
9 have those documents. They were furnished  
10 previously. I don't have them with me. I do  
11 have the camera layouts and angles, as well as an  
12 individual who you can see what that actual  
13 picture looks like as well as a diagram of where  
14 security are station. I can provide that.

15 MEMBER ALBERTI: Yes. I kind of would  
16 like to just -- I would like to see that.

17 MR. JOHNSON: Okay.

18 MEMBER ALBERTI: I mean, I'm not sure  
19 I would -- well, I'll talk to the rest of my  
20 Board Members, whom I'm sure will be open they  
21 are open, but I might want one as well.

22 MEMBER JONES: As well showing ingress

1 and egress.

2 MR. HAFFNER: I'm sorry, I couldn't  
3 hear you.

4 MEMBER JONES: Also showing our exits  
5 and egress.

6 MR. JOHNSON: Yes. So we have a floor  
7 plan. It's like he said, it has been submitted.  
8 We have an exhibit that shows each and every  
9 camera angle and that has been submitted as well  
10 prior. We can submit it again.

11 MEMBER ALBERTI: Yes, okay, because  
12 I'm not sure where it is and that would be great.  
13 Thank you.

14 CHAIRPERSON MILLER: Okay. I'm going  
15 to now take a roll call vote on deliberating in  
16 closed meeting.

17 MEMBER ALBERTI: Are you sure, are we  
18 deliberating?

19 CHAIRPERSON MILLER: We're discussing  
20 as Board Members.

21 MEMBER ALBERTI: Okay. Fine.

22 CHAIRPERSON MILLER: As Chairperson of

1 the Alcoholic Beverage Control Board for the  
2 District of Columbia and in accordance with DC  
3 Official Code Section 2-574(b) of the Open  
4 Meetings Act, I move that the ABC Board hold a  
5 closed meeting for the purpose of seeking legal  
6 advice from our counsel and deliberate upon those  
7 finite issues that we have mentioned with respect  
8 to Case No. 15-251-00155, Stadium.

9 Is there a second?

10 MEMBER RODRIGUEZ: Second.

11 CHAIRPERSON MILLER: Mr. Rodriguez  
12 seconded the motion. I'll now take a roll call  
13 vote on the motion before us now that it has been  
14 seconded.

15 Mr. Alberti? Oh, Mr. Brooks?

16 MEMBER BROOKS: I agree.

17 CHAIRPERSON MILLER: Mr. Alberti?

18 MEMBER ALBERTI: I agree.

19 CHAIRPERSON MILLER: Mr. Rodriguez?

20 MEMBER RODRIGUEZ: I agree.

21 CHAIRPERSON MILLER: Ms. Miller  
22 agrees.

1 Mr. Silverstein?

2 MEMBER SILVERSTEIN: I agree.

3 CHAIRPERSON MILLER: Mr. Short?

4 MEMBER SHORT: I agree.

5 CHAIRPERSON MILLER: Mr. Jones?

6 MEMBER JONES: I agree.

7 CHAIRPERSON MILLER: Okay. The motion  
8 passes by a 7-0-0 vote.

9 I hereby give notice that the ABC  
10 Board will recess this proceeding to hold a  
11 closed meeting in the ABC Board conference room  
12 pursuant to DC Official Code Section 2-574(b) of  
13 the Open Meetings Act and we will return shortly.

14 MR. JOHNSON: Thank you.

15 MR. HAFFNER: Thank you.

16 CHAIRPERSON MILLER: Okay.

17 (Whereupon, the above-entitled matter  
18 went off the record at 7:56 p.m. and resumed at  
19 8:15 p.m.)

20 Okay. We are back on the record. We  
21 had said that we would get back to you with  
22 feedback on just a few outstanding issues related

1 to the Offer in Compromise, so that you can then  
2 complete your task.

3 Okay. The first question that we  
4 deliberated on in closed session was about  
5 performers, whether or not they should be  
6 included in the requirements regarding training  
7 and reporting of change in employment. And it is  
8 the consensus of the Board that they be included  
9 as employees in all the requirements that apply  
10 to the other employees with respect to --

11 MEMBER SHORT: Isn't it the core?

12 CHAIRPERSON MILLER: The core, thank  
13 you. The core performers. Those who are there  
14 on a regular basis who are routinely there, say  
15 on a weekly basis.

16 MEMBER ALBERTI: Yes, I think if they  
17 are routinely there --

18 CHAIRPERSON MILLER: Not every  
19 employee.

20 MEMBER ALBERTI: -- on a weekly basis.

21 MEMBER RODRIGUEZ: Right. That's it.

22 CHAIRPERSON MILLER: Okay.

1                   MEMBER ALBERTI: Then we are  
2 considering them part of the core performers.

3                   MR. HAFFNER: And we are happy to do  
4 that.

5                   CHAIRPERSON MILLER: Okay.

6                   MEMBER ALBERTI: I figured you would  
7 like that.

8                   CHAIRPERSON MILLER: And the second  
9 one, the second question that was outstanding was  
10 the Board's view with respect to how often  
11 Stadium should report employment changes. And  
12 the consensus of the Board is that that could be  
13 done on a quarterly basis.

14                   And the third issue, I believe, that  
15 was somewhat outstanding related to No. 8, when  
16 we were talking about escorting non-violent  
17 patrons, whether that should be changed. And the  
18 Board's view is that your No. 8 is acceptable in  
19 the Offer in Compromise as is and we anticipate  
20 based on your representation earlier that you  
21 would be addressing in your security plan how you  
22 deal with non-violent individuals that are

1 ejected by the club.

2 Okay. That's it. Unless you have any  
3 other questions, that's the only issues that we  
4 felt we hadn't resolved.

5 Mr. Jones?

6 MEMBER JONES: So just to clarify, as  
7 far as No. 8, it kind of speaks to the latitude  
8 that you were indicating would be useful in that  
9 regard.

10 MR. HAFFNER: Thank you.

11 CHAIRPERSON MILLER: Okay. If there  
12 aren't any questions then, the Board is going to  
13 proceed in the conference room to do other work  
14 we still have to do today and then we will hope  
15 to see or are expecting to see a revised Offer in  
16 Compromise that we can vote on tonight.

17 MS. GEPHARDT: Oh, okay.

18 CHAIRPERSON MILLER: Does that work  
19 for you all?

20 MR. HAFFNER: All right.

21 MS. GEPHARDT: That's great.

22 CHAIRPERSON MILLER: Okay.

1 MS. GEPHARDT: All right. Thank you.

2 CHAIRPERSON MILLER: Thank you.

3 MS. GEPHARDT: Yes, that's great.

4 CHAIRPERSON MILLER: Did you hear me?

5 I didn't have it on. Did you hear me?

6 COURT REPORTER: Yes.

7 CHAIRPERSON MILLER: Okay. Okay. So  
8 the Board will recess again, at this time. If  
9 you have any questions, you know, you can ask Ms.  
10 Jenkins.

11 MS. GEPHARDT: Okay.

12 CHAIRPERSON MILLER: Okay. Thanks.

13 MEMBER ALBERTI: I suspect that that's  
14 already underway.

15 MS. GEPHARDT: Yes.

16 (Whereupon, the above-entitled matter  
17 went off the record at 8:19 p.m. and resumed at  
18 9:08 p.m.)

19 CHAIRPERSON MILLER: Okay. We are  
20 back on the record at 9:08 p.m. and the Board was  
21 provided with an Offer in Compromise which I  
22 believe is the final version of the parties. And

1 I would just like to confirm that that's the case  
2 for the record. Would you --

3 MR. HAFFNER: That is the case.

4 CHAIRPERSON MILLER: Okay.

5 MS. GEPHARDT: Yes, that is the case.

6 CHAIRPERSON MILLER: All right. Good.

7 Okay. Then we have here the final Offer in  
8 Compromise. And I'm going to move approval of  
9 this Offer in Compromise. Do I have a second?

10 MEMBER SHORT: Second.

11 CHAIRPERSON MILLER: Okay. Mr. Short  
12 has seconded the motion. Any comments? Okay.  
13 Then there is a motion that has been seconded to  
14 approve the Offer in Compromise.

15 All those in favor say aye.

16 ALL: Aye.

17 MEMBER JONES: Can I raise this point  
18 of clarification?

19 CHAIRPERSON MILLER: Okay.

20 MEMBER JONES: Is there anything  
21 distinguishing about the title or nature of this  
22 document, i.e., Version 1, Version 2, Rev. 1,

1 Rev. 2 to confirm that it is not to be confused  
2 with the previously submitted document related to  
3 the OIC in this matter?

4 CHAIRPERSON MILLER: Okay. We are  
5 going to be getting -- the copy that I believe is  
6 before all of us, and that's why we asked, is not  
7 a signed copy. But I believe the signed copy  
8 will be different from any version that we have  
9 seen, I mean, other than this one.

10 MEMBER JONES: Okay.

11 CHAIRPERSON MILLER: That will  
12 distinguish it from --

13 MEMBER JONES: So --

14 CHAIRPERSON MILLER: -- anything else.

15 MEMBER ALBERTI: In that it will have  
16 signatures.

17 CHAIRPERSON MILLER: Yes. They will  
18 affirm by their signature that that is the  
19 correct one.

20 MEMBER ALBERTI: But we are also --

21 MEMBER JONES: We are approving the  
22 language as it is in the document that we are not

1 sure or have not confirmed is or isn't the final  
2 version?

3 CHAIRPERSON MILLER: I'm not -- okay.  
4 I think you might not have been on the dias when  
5 I actually started maybe and I asked them if this  
6 was the final that was just distributed by Ms.  
7 Jenkins to us.

8 MEMBER JONES: So when you say the --  
9 this --

10 CHAIRPERSON MILLER: The document that  
11 is before us.

12 MEMBER JONES: -- all right, is there  
13 anything distinguishing about this this from the  
14 earlier this that was distributed?

15 CHAIRPERSON MILLER: The changes that  
16 we recognized in the document.

17 MEMBER JONES: So can we at least  
18 reference one item in there that clearly denotes  
19 that this is distinguishing the new document from  
20 the one that was previously submitted since we  
21 are here on the dias?

22 CHAIRPERSON MILLER: Okay.

1 MEMBER JONES: As a matter of record?

2 CHAIRPERSON MILLER: Sure. For  
3 instance, No. 4 adds "and on a quarterly basis  
4 thereafter commencing December 31, 2015"  
5 referencing provision of names and employment  
6 status personnel. This one has the update.

7 MEMBER JONES: Excellent. Do the  
8 parties agree that that is the -- that that  
9 reading of Item 4 comports with your  
10 understanding of what the final revision for the  
11 Offer in Compromise is related to this matter  
12 that we are reviewing and voting on today?

13 MR. HAFFNER: Correct.

14 MEMBER JONES: Okay.

15 MS. GEPHARDT: That is my  
16 understanding, yes.

17 MEMBER SHORT: Madam Chair?

18 MEMBER JONES: Okay. Thank you.

19 CHAIRPERSON MILLER: There are other  
20 changes in here. I didn't reference them all,  
21 but --

22 MEMBER SHORT: Madam Chair?

1 MEMBER ALBERTI: Correct.

2 CHAIRPERSON MILLER: -- but you wanted  
3 one that distinguished it, correct?

4 MEMBER JONES: I just wanted to make  
5 sure we had something that, on the record --

6 CHAIRPERSON MILLER: Yes.

7 MEMBER JONES: -- clearly  
8 distinguishes the current version from any other  
9 previously submitted version --

10 CHAIRPERSON MILLER: Okay.

11 MEMBER JONES: -- as being the final.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER SHORT: Could they sign it now  
14 and that would finalize all of this? They are  
15 sitting right there beside each other.

16 MS. GEPHARDT: Sure.

17 CHAIRPERSON MILLER: Can you sign it  
18 now?

19 MEMBER ALBERTI: Actually, that would  
20 be great because they sign it and we should vote  
21 on it. That would be great. Thank you, Mr.  
22 Short.

1 MEMBER SHORT: Thank you.

2 MS. GEPHARDT: Go ahead.

3 MEMBER ALBERTI: That was truly  
4 inspired and quite obviously, but we didn't come  
5 up with it.

6 MEMBER SHORT: It's rubbing off. It's  
7 rubbing off.

8 MEMBER ALBERTI: It provides someone  
9 else's greatest functioning at this late hour.

10 MEMBER SHORT: I'm trying to catch on.

11 MEMBER ALBERTI: I'm shaking my head  
12 going how did I miss that?

13 MS. GEPHARDT: Oh, okay.

14 MEMBER ALBERTI: Okay. So --

15 MS. GEPHARDT: It's a signed document.

16 MEMBER ALBERTI: -- if you submit that  
17 to the Board and -- okay. Madam Chair?

18 CHAIRPERSON MILLER: Oh, thank you.  
19 All right.

20 MEMBER ALBERTI: I think we've got it.

21 CHAIRPERSON MILLER: I'll see if this  
22 purports with what I have. You don't mind

1 waiting here another 20 minutes while I read it  
2 do you? No, I'm going to just --

3 MS. GEPHARDT: Those jokes aren't  
4 funny.

5 CHAIRPERSON MILLER: All right.

6 MEMBER JONES: Speak for --

7 MEMBER ALBERTI: Reality sometimes is  
8 just not funny.

9 MS. GEPHARDT: Yes, right, exactly.

10 CHAIRPERSON MILLER: All right. So  
11 for the record, I have compared it to the draft  
12 that I have and the changes that I'm aware of  
13 that were made in it and it is the same.

14 I believe. Okay. All right. So  
15 there was a motion, I believe that was seconded  
16 to approve this Offer in Compromise. Any other  
17 comments?

18 Not hearing any, all those in favor  
19 say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those  
22 opposed? All those abstaining? The motion

1 passes 7-0-0. Okay. So that completes the case  
2 for today and we will look forward to the  
3 documentation that you will be submitting.

4 MS. GEPHARDT: Yes.

5 MR. HAFFNER: Yes.

6 CHAIRPERSON MILLER: And get back to  
7 you. Okay. All right. Thank you.

8 MEMBER RODRIGUEZ: Let's make it  
9 happen, let's make it happen.

10 MS. GEPHARDT: Thank you.

11 CHAIRPERSON MILLER: All right. Then  
12 that completes this case. The Board is going  
13 into recess though to pursue some other business  
14 and we will be back shortly. Thank you. The  
15 optimist in me says, right? Thank you.

16 (Whereupon, the Summary Suspension  
17 Hearing in the above-entitled matter was  
18 concluded at 9:15 p.m.)

19  
20  
21  
22

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