

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Jefferson Grill, Inc.,	
t/a Macombo Lounge	Fact Finding
5335 Georgia Ave, NW	Hearing
Retailer CN	(Status)
License No. 771	
Case No. 14-251-00227	
Assault charge	

October 29, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairman Ruthanne Miller, presiding.

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
MICHAEL SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member

ALSO PRESENT:

JOHN SUERO, Investigator

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(9:56 a.m.)

CHAIR MILLER: Okay, the next case I'm going to call is a Fact Finding Hearing from Macombo Lounge. Case Number 14-251-00227.

Macombo Lounge is located at 5335 Georgia Avenue, Northwest. License Number 771 in ANC 4D. So when you're ready if you would identify yourselves for the record please?

MR. CLAYTON: Yes. Good morning, Robert Clayton general Counsel for Macombo Lounge. Present also is Michael Woodfolk, the managing member of the Jefferson Grill and Spike Club, LLC, which owns the grill.

CHAIR MILLER: Okay.

LT. LAMOND: Lieutenant Shane Lamond, D.C. Metropolitan Police Department in the Fourth District.

INVESTIGATOR SUERO: Investigator John Suero.

CHAIR MILLER: Okay, thank you.

1 Thank you for coming in.

2 I don't expect this will be a long
3 hearing, but there was an incident that we
4 read about in the investigators reports where
5 one of the security guards was stabbed while
6 trying, as I understand it, while trying to
7 prevent someone from coming into the
8 establishment. And we just wanted to follow
9 up on this a little bit more.

10 Mr. Suero, if you can give a
11 report, unless anybody else has any questions
12 they want to ask offhand right now, you might
13 want to recap what happened?

14 INVESTIGATOR SUERO: Absolutely.

15 CHAIR MILLER: Okay.

16 INVESTIGATOR SUERO: On Saturday
17 July the 26th, 2014 at about 3:44 in the
18 morning a call was received on the ABRA
19 hotline from the Metropolitan Police
20 Department advising that a security member of
21 Macombo Lounge staff had been stabbed or cut
22 while in the process of putting out a patron.

1 I responded to the hospital, Washington
2 Hospital Center, to speak with the victim as
3 the establishment had already closed.

4 I spoke to the victim who advised
5 that around 2:11 that morning he and another
6 security member of Macombo Lounge had
7 prevented two individuals from entering the
8 establishment because they had previously been
9 banned for a prior incident.

10 I believe an incident that
11 happened in May where an individual was beaten
12 severely inside the establishment. And I
13 believe that individual was banned from the
14 establishment.

15 They put him out, a couple minutes
16 later he again attempted to return. This was
17 at the outside door.

18 And at that point apparently he,
19 using an object, we don't know what the object
20 was at this particular point, he cut the
21 security guard on the side. He received some
22 stitches. And at that point he walked across

1 the street.

2 I should let you know, I reviewed
3 the video, which is very, which is pretty
4 clear, of some of the incident. Some of it's
5 off camera, but you can see that the
6 individual had something in his right hand.
7 He moved to where the security guard was
8 standing inside the door a little bit, on the
9 outside a little bit, but you can only see him
10 partially, and at some point, during this
11 interchange, he is cut.

12 And the individual cut him and
13 his, the person who he was with, the other
14 male, walked across Georgia Avenue, and they
15 are not seen again. So that's generally what
16 occurred.

17 CHAIR MILLER: Right, thank you.
18 And was the assailant ever caught?

19 LT. LAMOND: He was not caught.

20 CHAIR MILLER: No?

21 LT. LAMOND: Case is still open.

22 CHAIR MILLER: Okay. Do you want

1 to add something before we ask any other
2 questions?

3 LT. LAMOND: Just one thing that
4 stood out. We were not notified to respond to
5 the Macombo Lounge. The call was initially
6 received as a walk-in victim at WHC MedStar.

7 By the time the officers had
8 responding to the club it was already closed
9 and they had to wait until it was open to
10 obtain the video. But we never received a 911
11 call or any radio run for the Macombo Lounge
12 itself, it was for the, at the hospital.

13 CHAIR MILLER: Okay. So the
14 better practice would have been for them to
15 notify you right away then you could have
16 gotten into the area sooner?

17 LT. LAMOND: That is correct.

18 CHAIR MILLER: Okay.

19 LT. LAMOND: We could have
20 responded to the initial location where the
21 incident occurred.

22 CHAIR MILLER: Yes, Mr.

1 Silverstein?

2 MEMBER SILVERSTEIN: The question
3 I'd like everyone to answer is, this
4 individual had been barred from the place from
5 an earlier incident and has not been arrested
6 yet? Do you have an ID on them and have you
7 worked with them to determine who this
8 individual was --

9 LT. LAMOND: No, the individual is
10 not identified. And we weren't made aware
11 that he was barred.

12 I don't believe it was a written
13 barring notice, I think he was verbally
14 barred. Or they were put out of the club
15 before.

16 MEMBER SILVERSTEIN: Okay.

17 LT. LAMOND: But --

18 MEMBER SILVERSTEIN: Hopefully
19 we'll learn more about this because if we work
20 together on this, if they have the ID, there
21 should be no reason to, that we can't at least
22 have an arrest warrant out there.

1 LT. LAMOND: Absolutely. The
2 suspect is not identified, so we don't have
3 any information on the identity of the
4 suspect.

5 CHAIR MILLER: Mr. Clayton, just
6 to follow up on Mr. Silverstein's comment, I
7 mean it sounded like this person was singled
8 out to be barred so did you all have a photo
9 of him and a name for the guards to bar him?

10 MR. CLAYTON: No, this person was
11 visually identified because of what occurred
12 previously in May. We don't have a name or an
13 address for this individual.

14 The person who blocked, initially
15 blocked the door was at the location the night
16 of the May incident, the cause of the fight.
17 So he recognized visually.

18 Also, Mr. Woodfolk present behind
19 the bar and saw this gentleman try to enter,
20 and also visually recognized who he was. But
21 his name, we don't know a name or an address
22 of this individual.

1 CHAIR MILLER: But do you have a
2 photo?

3 MR. CLAYTON: Just the videotape.

4 CHAIR MILLER: Oh, the videotape.

5 MR. CLAYTON: We don't have a
6 actual, just the videotape footage. That's
7 all we have.

8 MEMBER SILVERSTEIN: Would the
9 videotape footage provide a reasonable photo
10 or provide something for the police to use on
11 one of their alerts?

12 MR. CLAYTON: Possible, but the
13 police have been given the video footage.

14 MEMBER SILVERSTEIN: Why haven't
15 they?

16 MR. CLAYTON: They have been.

17 CHAIR MILLER: They have.

18 LT. LAMOND: Yes, I believe
19 detectives did retrieve the video.

20 MEMBER SILVERSTEIN: Good.

21 CHAIR MILLER: Okay.

22 MR. CLAYTON: And could I please

1 respond to one comment that was made?

2 CHAIR MILLER: Yes.

3 MR. CLAYTON: Mr. Woodfolk himself
4 personally called 911 before this matter, this
5 incident escalated into a stabbing.

6 When the gentleman first tried to
7 enter the club and would not respond to the
8 initial security guards statements that you
9 can't come in, Mr. Woodfolk noticed that it
10 was escalating and he then immediately called
11 911 and said that we have an incident here,
12 it's not a fight or anything, but it may turn
13 into something. And that was in Mr.
14 Woodfolk's statement that he gave to the ABRA
15 investigator.

16 But I just want to clarify that we
17 did make initial call well before this
18 incident escalated to an actual physical
19 confrontation.

20 CHAIR MILLER: And what was MPDs
21 response?

22 LT. LAMOND: I beg your pardon?

1 CHAIR MILLER: What was MPDs
2 response to that call?

3 MR. CLAYTON: Well they did not
4 respond to the scene before it turned into a
5 stabbing.

6 CHAIR MILLER: Okay.

7 MR. CLAYTON: Now the time lapse
8 between when all this occurred was probably
9 five to ten minutes.

10 CHAIR MILLER: Okay.

11 MR. CLINGAN: So I don't know if
12 that would have been a sufficient response
13 time given for the MPD to respond. But a call
14 was made to 911 about something possibly
15 escalating to a physical confrontation.

16 CHAIR MILLER: Yes, Mr. Rodriguez.

17 MEMBER RODRIGUEZ: I have a
18 question about, are 911 calls recorded?

19 LT. LAMOND: Yes they are.

20 MEMBER RODRIGUEZ: So that would
21 be a matter of record then?

22 LT. LAMOND: That is correct, yes.

1 MEMBER RODRIGUEZ: If that call
2 was made to verify the testimony. That would
3 be clear for me to know.

4 CHAIR MILLER: Do you have a
5 response?

6 LT. LAMOND: I do not, I was not
7 aware of this. We do, obviously, have access
8 to 911 recordings as well as a chronological
9 account of all calls that were made.

10 Like I said, I wasn't aware of
11 this until now, so obviously I don't have it
12 at this point --

13 CHAIR MILLER: Okay.

14 LT. LAMOND: -- but that's easily
15 something I can obtain.

16 CHAIR MILLER: Okay. All right.

17 MEMBER ALBERTI: Are we at the
18 point where, any Board questions?

19 CHAIR MILLER: Sure, yes.

20 MEMBER ALBERTI: Okay, I wasn't
21 sure where we were.

22 CHAIR MILLER: This is kind of --

1 MEMBER ALBERTI: Well, you know, I
2 didn't know if the response of the Licensee
3 was done asking questions or talking.

4 MR. CLAYTON: We're done.

5 MEMBER ALBERTI: Okay, you're
6 ready?

7 MR. CLAYTON: Yes.

8 MEMBER ALBERTI: Okay, thank you.
9 So, actually a question for Mr. Woodfolk. So
10 after the security guard was stabbed, walk me
11 through what happened after that?

12 MR. WOODFOLK: After the --

13 MEMBER ALBERTI: Did he come back
14 inside?

15 MR. WOODFOLK: He came back to
16 tell me, he said I think I've been cut. And
17 he pulled his shirt up and he showed there was
18 some blood under his arm.

19 I said, do you need me to call 911
20 for an ambulance? He said no, I'm going to
21 have a friend take me to the hospital. And a
22 friend did drive him --

1 MEMBER ALBERTI: Was that an
2 employee or friend?

3 MR. WOODFOLK: A friend that was
4 there.

5 MEMBER ALBERTI: So what happened
6 with your operations after that? I know it
7 was kind of late, you close at 3 o'clock I
8 guess and now it's close to 2:30 or something
9 like that.

10 MR. WOODFOLK: Right, that was
11 pretty close to the time we were closing.

12 MEMBER ALBERTI: So did you cease
13 operation, what happened after that?

14 MR. WOODFOLK: I can't remember
15 exactly what happened after that. I think we
16 did close at that particular time, but I don't
17 remember.

18 MEMBER ALBERTI: You don't
19 remember? How many security guards were left
20 that point?

21 MR. WOODFOLK: We have two. One
22 left and then we had, so we only had one left

1 at that point.

2 MEMBER ALBERTI: And you don't
3 remember if you closed?

4 MR. WOODFOLK: Exactly what time.

5 MEMBER ALBERTI: Okay, all make my
6 comments now. Here's what's bothering me, you
7 were aware that a crime had occurred, somebody
8 had been stabbed. Serious violation.

9 I'm troubled that you didn't make
10 a second call to 911. You know your first
11 call was there was something maybe happening,
12 but once the crime happens I would expect you
13 to call 911. All right?

14 Let me step back for a second.
15 First of all I want to commend you for the
16 video, all right. That's great. You've been
17 cooperative and I recognize that, all right.

18 But the reason I personally wanted
19 you here, I recommend you to this fact
20 finding, was to hear, because I was concerned
21 that you didn't call 911 after this. The
22 other thing that I find troubling is you

1 didn't remember if you closed.

2 You've got obviously one incident,
3 you know that there are, these guys are still
4 in the neighborhood, you only have one
5 security guard left, you got to be safe. I
6 mean I don't know who, I don't know how you
7 were going to handle another incident if they
8 came back after your doorman left.

9 So I'm just reminding you to be
10 more cautious, more mindful. And it's not,
11 how do I say this? It doesn't reflect badly
12 on you if you call the police, all right.

13 If you had called the police you
14 probably wouldn't be here. We'd go, oh, the
15 owner did everything he could to make sure the
16 police were informed to prevent this, he threw
17 the guys out, you did everything, up unto that
18 point, up unto the point of not calling the
19 police you did everything right.

20 So I, that's just my view of
21 things. I wanted to let you know that. Thank
22 you.

1 MR. WOODFOLK: Can I respond?

2 MEMBER ALBERTI: Sure.

3 MR. WOODFOLK: The police were
4 there. Actually the police came in and asked
5 me where the person that was stabbed, where he
6 was. And I told them he's gone to the
7 hospital.

8 So the police did come. And I
9 believe it was a result, again, when I asked,
10 when I made the call and I said, there are two
11 guys trying to get in that were barred from
12 the club, it's not in a fight yet but I think
13 it's going, it's about to escalate, that's
14 what I told 911.

15 So between that time and the time
16 that it went outside where the, my security
17 guard got stabbed and he came back in, I do
18 remember the lights being on and then the
19 police showed up. But he was already gone.

20 So they came in and asked me a
21 bunch of questions about who they were and
22 watched the video. I have to refer to my

1 statement, I can't remember exactly what time
2 it was. I know it was after 2:00.

3 MEMBER ALBERTI: Well the incident
4 happened after 2:00.

5 MR. WOODFOLK: Right, and usually
6 we have our clocks set ten minutes --

7 MEMBER ALBERTI: Right. The
8 reason I'm asking is because it's not clear
9 whether they came in because of your first
10 call or they came in because they were alerted
11 by the hospital that they had a stabbing
12 victim.

13 MR. WOODFOLK: Well --

14 MEMBER ALBERTI: In which case we
15 know that they, we know that after they were
16 alerted by the hospital they came back to your
17 establishment to talk to you.

18 MR. WOODFOLK: The police was
19 there before he got to the hospital.

20 MEMBER ALBERTI: Okay, I don't
21 know that. So, and maybe Lieutenant Lamond
22 can shed some light on, do you have any

1 information on that, Lieutenant?

2 LT. LAMOND: I personally was not
3 on the scene, I did speak to the officer. But
4 reviewing the police report there's a clear
5 note in here, at the time of this report the
6 club was closed and the video footage was
7 unable to be viewed. I'll write a follow-up
8 with the owner, Mike, tomorrow to obtain video
9 footage.

10 MEMBER ALBERTI: All right, so
11 we're getting conflicting information here and
12 I'm not going to get into that, all right.
13 But you heard my concerns and if you did it
14 right then fine, if you didn't you're going to
15 learn from this, all right?

16 I mean that's really, this is sort
17 of a warning to you that either do it right
18 next time or continue what you're doing. I'm
19 not going to get into whose right and whose
20 wrong here, that's not why I'm here.

21 I just want to make sure that, we
22 have this dialogue so you understand what we

1 expect of you. And like I said, you did a lot
2 of things right. That's very clear, okay?
3 Thank you.

4 MR. WOODFOLK: Thank you.

5 CHAIR MILLER: Mr. Suero, do you
6 have any comments as to how anything could
7 have been done better or are the things, what
8 your take is?

9 INVESTIGATOR SUERO: What I want
10 to say, let me preface it by first saying that
11 fortunately, miss-fortunately I have been the
12 investigator assigned for the last three major
13 incidents that have occurred in Macombo
14 Lounge.

15 November of last year a young lady
16 was stabbed and killed outside Macombo Lounge.
17 The incident in May, there was also my
18 investigation of the individual who was
19 assaulted by almost the entire crowd in
20 Macombo Lounge, took quite a beating. And
21 then of course this incident.

22 The first floor is a very small

1 confined space, extremely small. Any group of
2 people in there makes it even seem smaller.

3 Safety wise it's a mess. It's
4 very small, there's a lot of people in a
5 confined space and the crowd that you get is
6 the crowd that you get, okay.

7 You can't do anything much about
8 that, but I would say that two securities
9 guards is difficult to maintain order in that
10 type of environment, in that amount of space
11 with two security officers.

12 CHAIR MILLER: Anybody want to
13 comment on that? That's an important point,
14 whether you have enough security.

15 MR. CLAYTON: Well weekends we do
16 have a third security guard, on the weekends.

17 CHAIR MILLER: Okay.

18 MEMBER ALBERTI: But he wasn't
19 there that night? Because I'm hearing there
20 were only two people there that night. So I'm
21 troubled by these conflicts and information
22 I'm getting here quite frankly.

1 MR. CLAYTON: This was a Friday.

2 MEMBER ALBERTI: Yes, it's a
3 weekend, right? Friday is the weekend to me.
4 I mean in the country I grew up Friday is a
5 weekend.

6 MR. CLAYTON: Generally we do have
7 a third security guard on weekends.

8 MEMBER ALBERTI: Okay.

9 MR. CLAYTON: But this weekend, of
10 all weekends, there was not a third guard.

11 MEMBER ALBERTI: Okay.

12 CHAIR MILLER: I mean I'd like to
13 say, you know, I feel sorry for the loss, that
14 the guard suffered that injury and so we're
15 not here to punish you for, you know, the
16 guards been punished and hurt, but we just
17 want to make sure, send a message that things
18 can be as safe as they can be and that's why
19 I was asking that of Mr. Suero.

20 And this case kind of demonstrates
21 when you got one security guard out, then you
22 really need to have, it sounds like you need

1 to have a third given your history of violence
2 there, that may or may not be your fault, but
3 it seems to be an issue at your place that you
4 need to protect against.

5 And then the communication with
6 MPD, I can't tell whether that was sufficient
7 or not. I mean based on what you're saying,
8 you called and then it took that amount of
9 time and they got there before the guard was
10 at the hospital.

11 But, again, it's just something,
12 that's an easy thing to do, always call MPD,
13 you know. Yes?

14 MEMBER SILVERSTEIN: Mr. Woodfolk,
15 you have an establishment here that is a
16 troubled establishment and it's not your fault
17 that people, that rowdy folks want to go out
18 on a Friday and Saturday night and if your
19 place wasn't there they'd go somewhere else.
20 They're not going to sit home and watch
21 television.

22 So you're in the situation where

1 you need to work very closely with the police,
2 you need to have strong security. You need to
3 do everything that you can to make it as safe
4 as possible.

5 We understand and we sympathize
6 with the challenges that you have. And you
7 need to know, personally, the police officers
8 in your area. You need to work with them.

9 Maybe Lieutenant Lamond is not the
10 person that is your point of contact, but you
11 need one or two points of contact at MPD that
12 if there's a problem, you need to even have
13 their cell number and call them, and say, hey,
14 I got a real problem here or something's
15 brewing, help me out or get somebody here. Or
16 when something happens call them and get them
17 there as quickly as you can.

18 When you have a troubled
19 establishment, when there is a pattern of
20 violence, like this, and in this case you did
21 everything right until it came to that
22 communication with the police. You need to

1 work more closely with them, they're not your
2 enemies, they're your friends and they can
3 certainly help.

4 Something more quickly, you might
5 have been able to apprehend this individual.
6 We don't know that, but it sure as heck will
7 be a lot better off if you work more closely
8 with the folks from your local district.

9 CHAIR MILLER: Okay, anything else
10 anyone wants to add? I would just say, I
11 think Mr. Silverstein expressed it well, but
12 I also say that the other thing you might have
13 not done right is not have that extra security
14 guard, so I would suggest that you make sure
15 you have those three for your own safety, you
16 know. That's what we really care about.

17 Okay, any other comments? Okay,
18 well thank you very much.

19 MR. CLAYTON: I want --

20 CHAIR MILLER: Yes?

21 MR. CLAYTON: I just want to add
22 one quick, we will be participating in the

1 Police's Control Services Program. So we will
2 have police officers at least in the presence
3 of the club so, to deter some of this
4 activity.

5 CHAIR MILLER: Do you mean the
6 RDO, is that what you mean?

7 MR. CLAYTON: The Patrol Services
8 School and Security Board, the reimbursable
9 program agreement.

10 MEMBER SILVERSTEIN: Yes.

11 CHAIR MILLER: Great.

12 MEMBER SILVERSTEIN: Good.

13 CHAIR MILLER: How are you going
14 to participate in that? Are you going to have
15 them on weekends or when are you going --

16 MR. CLAYTON: Yes.

17 CHAIR MILLER: Great.

18 MR. CLAYTON: When we have the
19 highest concentration of patrons.

20 MEMBER ALBERTI: Have you started
21 that?

22 CHAIR MILLER: Okay.

1 MR. CLAYTON: It's effective
2 within 30 days, so by November we should have
3 the program up and running.

4 MEMBER ALBERTI: Okay, yes,
5 because you have to give notice to the police
6 officers. But you've given them notice?

7 MR. CLAYTON: Yes.

8 MEMBER ALBERTI: You filled out
9 the applications on behalf --

10 MR. CLAYTON: Filled out, yes.

11 MEMBER ALBERTI: Thank you.

12 CHAIR MILLER: So when that's up
13 and running, when that's a done deal, would
14 you also notified us so we have a record that
15 that's what you're doing?

16 MR. CLAYTON: Yes.

17 CHAIR MILLER: That would be
18 terrific. Okay, anything else? Thank you
19 very much, appreciate you coming down.

20 MR. CLAYTON: Thank you.

21 INVESTIGATOR SUERO: Thank you.

22 MR. WOODFOLK: Thank you.

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(Whereupon, the above-entitled
matter went off the record at 10:18 a.m.)

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