

1                   GOVERNMENT OF THE DISTRICT OF COLUMBIA  
 2                   ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
 3                   ALCOHOLIC BEVERAGE CONTROL BOARD

4   - - - - -X  
 5   IN THE MATTER OF:                   :  
 6   Connie M. Dickens,                   :  
 7   t/a Dan's Café                       :  
 8   2315 18th Street Northwest       : Case 15-251-00156  
 9   License #785                         : Fact Finding  
 10  Retailer CT                         : Hearing  
 11  ANC 1C,                               :  
 12  Assault Inside of                   :  
 13  Establishment                        :  
 14  - - - - -X

15   Wednesday, November 4, 2015

16  
 17                   Whereupon, the above-referenced matter  
 18 came on for hearing at the Alcoholic Beverage  
 19 Control Board, Reeves Center, 2000 14th Street,  
 20 N.W., Suite 400S, Washington, D.C. 20009.

21  
 22

1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 JAMES SHORT

6 MICHAEL SILVERSTEIN

7 RUTHANNE MILLER

8

9

10 ALSO PRESENT:

11 DUNCAN BEDLION

12 Metropolitan Police Department Lieutenant

13 FELICIA DANTLZER

14 ABRA Investigator

15 CHRISTOPHER DIORIO

16 Metropolitan Police Officer

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

2 [4:03 p.m.]

3 MS. MILLER: Case No. 15-251-00156  
4 regarding Dan's Café, located at 2315 18th Street  
5 Northwest, License No. 785 in ANC 1C.

6 And first of all -- well, let me ask you  
7 all to identify yourselves for the record.

8 MR. BEDLION: Good afternoon, Lieutenant  
9 Duncan Bedlion, Metropolitan Police Department.

10 MS. DANTZLER: Good afternoon, Felicia  
11 Dantzler, ABRA Investigator.

12 MS. MILLER: Okay. And I notice that  
13 there is nobody here on behalf of Dan's Café.  
14 And Dan's Café was certain invited to come to  
15 this fact finding hearing and I'm sorry that  
16 they're not going to get to hear from you all,  
17 but we would like to hear from you. In any  
18 event, we would like to know the facts and then  
19 determine where to go from here.

20 And I believe Police Chief Cathy Lanier  
21 asked us to hold a fact finding hearing on this,  
22 I believe. And I apologize for delaying this

1 hearing half an hour. We were hoping that the  
2 establishment would show up and they haven't.  
3 And they haven't called to notify us that they're  
4 on their way or anything to that effect.

5 So we're going to look to you then, now  
6 to let us know about the incidence related to  
7 this case. However you want to proceed, either  
8 one of you. Whatever one of you wants to go  
9 first.

10 MS. DANTZLER: Okay. I'll start first.

11 MS. MILLER: Okay.

12 MS. DANTZLER: This incident, this  
13 assault incident came by way of MPD by providing  
14 ABRA with a DD251 which stated in short that on  
15 May the 16th, 2015, Officer Christopher Diorio  
16 was driving in the 2300 block of 18th Street  
17 North by West when he was flagged down by Ms.  
18 Erin Rudy who stated that she was assaulted while  
19 patronizing Dan's Café, which is located at 2315  
20 18th Street North by West.

21 Officer Deniro -- sorry, Diorio, produced  
22 his findings to PB421. Stated that while Ms.

1 Erin Rudy was inside the establishment Witness  
2 No. 1 is Ms. Rudy, and she stated that while  
3 inside Dan's Café she was assaulted by one of the  
4 employees who was later identified as Anton  
5 Dickens.

6           Officer Diorio stated that he had trouble  
7 obtaining information as it relates to the  
8 employees of Dan's Café. They refused to  
9 cooperate with his investigation. He also added  
10 that he had trouble identifying patrons from  
11 employees because the employees of the  
12 establishment did not have any identifying  
13 markings on their clothing.

14           So additionally, later in the month of  
15 Saturday, on Saturday, June the 20th, I visited  
16 the establishment and I spoke with Rick Patterson  
17 who identified himself as the doorman. Mr.  
18 Patterson stated he was working on the night of  
19 May the 16th, 2015 when he was asked, when  
20 another employee had asked him to assist in  
21 escorting two females off the premises.

22           Mr. Patterson stated once inside he

1 observed two females dancing on top of the tables  
2 and he ordered them to get down. And Mr.  
3 Patterson went on to say that each of the females  
4 reluctantly complied.

5           Also on that Saturday, June 20th, 2015, I  
6 interviewed Anton Dickens who is listed as the  
7 suspect in these proceedings, who stated that he  
8 was working on the night of the incident and he  
9 was working as a bar back. He stated whether he  
10 recalls is that the females were with a group of  
11 -- well, it was two females in the group and that  
12 he was asked to help get the females and the  
13 males out of the establishment because they were  
14 causing -- because they were disorderly inside.  
15 And Mr. Dickens went on to say that when he went  
16 to have one of the females -- escort one of the  
17 females out, another female pushed him in his  
18 back. And Mr. Dickens stated that at that time  
19 he turned around and pushed the female as she had  
20 pushed him.

21           And then the males involved, the males in  
22 the group, turned on him and became aggressive

1 towards him. Mr. Patterson stated that he was  
2 actually the one who contacted or flagged down  
3 MPD and asked for their assistance.

4 Mr. Dickens stated that he recalls that  
5 there was one working camera. However, when I  
6 spoke with Mr. Patterson he told me that there  
7 were no working cameras inside the establishment.

8 I did try to make an attempt on several  
9 occasions to contact the complainant, Ms. Rudy,  
10 as well as two of the witnesses, Ms. Mina Lee and  
11 Mr. Grant Lagasse. I tried to make contact with  
12 them to get their side of the story, however I  
13 was unsuccessful at making contact. And that  
14 concludes my testimony.

15 MS. MILLER: Thank you. Okay.

16 MR. BEDLION: Good afternoon. Just to  
17 preface, I was not planning on testifying today.  
18 Officer Diorio is stuck in training and unable to  
19 make it.

20 MS. MILLER: Okay.

21 MR. BEDLION: I'll just share with you my  
22 general impressions of my interaction with Dan's

1 Café if you'd like to hear it.

2 MS. MILLER: Yes.

3 MR. BEDLION: I was only involved with  
4 one interaction. I typically, my role as a  
5 nightlife coordinator, I will make business  
6 checks on various ABC establishments throughout  
7 the District of Columbia, particularly when  
8 something like a fact finding hearing comes up or  
9 other issues. I made a business check at Dan's  
10 Café approximately two weeks ago. Being the  
11 nature that it's just an informal business check  
12 I didn't document or complete a report.

13 But I did introduce myself to an elderly  
14 African/American male who identified himself as  
15 the owner and manager. I asked him if he was the  
16 ABC manager and he did not seem familiar with the  
17 term. I asked him if he had his ABC  
18 identification card. He said he did not.

19 Some of the other observations I made was  
20 that there were empty kitchen -- or excuse me,  
21 empty ketchup style squeeze bottles with alcohol  
22 in them that customers were squirting into clear

1 plastic cups. At that point I notified  
2 Investigator Keith Gethers and asked him to check  
3 on the establishment. And that's an approximate  
4 summary of my observations on that night.

5 MS. MILLER: Did you want to follow up,  
6 Mr. Silverstein?

7 MR. SILVERSTEIN: Could you repeat that  
8 (indiscernible)\*\*08:24? Squeeze bottles of  
9 ketchup? What is the anticipation there?

10 MR. BEDLION: Well, yeah. They were  
11 clear so you could see that it wasn't ketchup,  
12 but some kind of clear liquid. You know,  
13 alcohol. I'm not sure what type, but they were  
14 squeezing into plastic cups and again, it was  
15 just a general business check so unfortunately  
16 the details are sparing.

17 MS. MILLER: Who did the squeezing? The  
18 servers, the bartenders, or the patrons?

19 MR. BEDLION: It appeared to be the  
20 patrons, similar to a pitcher of beer coming out.  
21 It was that group of individuals.

22 MS. MILLER: Oh, okay.

1 MR. BEDLION: That was --

2 MR. SHORT: No identifying marks on  
3 those?

4 MR. BEDLION: Not that I observed.

5 MR. ALBERTI: Can I ask when you reported  
6 this to Mr. Gethers?

7 MR. BEDLION: I reported it the moment I  
8 walked out of the establishment.

9 MR. ALBERTI: So, no, just about the date  
10 so I know when I follow up with him --

11 MR. BEDLION: Unfortunately I don't have  
12 the date. It wasn't something I documented in a  
13 report. It was --

14 MR. ALBERTI: So it was within the last  
15 two weeks?

16 MR. BEDLION: It was approximately two  
17 weeks ago. And it would have been a Friday or  
18 Saturday.

19 MR. ALBERTI: Thank you.

20 MS. MILLER: Okay. Mr. Silverstein, go  
21 right ahead.

22 MR. SILVERSTEIN: We have a place here

1 that has an investigative record that is not as  
2 clean as can be. The last thing on the record  
3 was January of 2007. And yet we have this  
4 incident and we have Officer Diorio telling  
5 Investigator Dantzler that there's been three or  
6 four assaults on staff -- by staff members on  
7 people recently.

8 First of all, undergone a change in  
9 management, change in format, anything like that  
10 that you know about? Is there anything on your  
11 radar concerning, perhaps, a pattern of  
12 activities recently that we should know about?

13 MR. BEDLION: The only incident that I'm  
14 aware of is this most current one. I do  
15 understand it to be a bar that's frequented by  
16 people that are in college or just out of  
17 college, and that that was a concern for some of  
18 the officers in the area, as far as the --

19 MR. SILVERSTEIN: You mean underage?

20 MR. BEDLION: Not under -- no record of  
21 it being underage, but at 21 or just above 21,  
22 and there was concern about that large percentage

1 of that age range, and that there were a couple  
2 of scuffles related to the establishment.

3 But as far as reported incidents or  
4 change in management recently, I'm unaware of.  
5 Sorry.

6 MR. SILVERSTEIN: Does Investigator  
7 Dantzler have anything on that? I mean, we have  
8 something in 2007 and then all of a sudden, hey  
9 there's something going on here. Is there  
10 anything more that you could add to our  
11 knowledge?

12 MS. DANTZLER: No, I was -- when Officer  
13 Diorio mentioned that and I looked at the  
14 history, and I didn't see what he was -- you  
15 know, had alleged. What came to mind was did  
16 they know the reporting process if, you know,  
17 whether or not to report those incidents to ABRA.

18 But the establishment generally, since  
19 I've been here, only operates maybe a Thursday,  
20 but definitely a Friday and a Saturday. It's not  
21 a seven day a week operation.

22 MS. MILLER: Mr. Short.

1 MR. SHORT: Lieutenant, your name again,  
2 please?

3 MR. BEDLION: Duncan Bedlion.

4 MR. SHORT: Lieutenant Bedlion, thank you  
5 for your service, sir. And thank you for taking  
6 time to be here with us today.

7 Is this your normal beat assignment? And  
8 if so, how long you been there?

9 MR. BEDLION: No, it's not a -- I have a  
10 unique role. I'm specifically assigned as a  
11 night life coordinator within Metropolitan Police  
12 Department, so I'm tasked with overseeing  
13 specific areas that have a high concentration of  
14 ABC establishments, to include Adams Morgan. So  
15 I do frequent the Adams Morgan neighborhood at  
16 least once or twice a week.

17 MR. SHORT: How long have you been doing  
18 that?

19 MR. BEDLION: Six months.

20 MR. SHORT: Six months. Fairly new.

21 MR. BEDLION: Fairly new. Correct.

22 Still learning a lot.

1 MR. SHORT: Again, thank you very much  
2 and be safe out there.

3 MR. BEDLION: Thank you.

4 MR. SHORT: Thank you, Madam Chair.

5 MS. MILLER: Oh, great. Okay. All  
6 right, Mr. Alberti? Did you want to ask a  
7 question?

8 MR. ALBERTI: I would ask to stream this  
9 off because we have an officer in route. Just  
10 FYI. But I have one quick question. So,  
11 Officer, have any arrests been made at this  
12 establishment?

13 MR. BEDLION: Not that I'm aware of.

14 MR. ALBERTI: So we don't have any police  
15 reports that would have generated an  
16 investigation by this agency?

17 MR. BEDLION: If there are any I don't  
18 have any knowledge of them.

19 MR. ALBERTI: Okay. Great. Thank you.

20 MS. MILLER: Let me follow up on, what's  
21 your role with night life?

22 MR. BEDLION: It involves relating to

1 specific training for night life issues, certain  
2 uniform and equipment for members working the  
3 night time entertainment areas, being a liaison  
4 with other government agencies to include ABRA,  
5 DDOT, and basically trying to be proactive as far  
6 as how we can improve our night life policing.

7 MS. MILLER: So does it come on your  
8 radar if there are certain establishments that  
9 have more violence than others and more trouble  
10 in any way?

11 MR. BEDLION: Yes. However I'm tasked  
12 with six specific areas.

13 MS. MILLER: Okay.

14 MR. BEDLION: So from those areas  
15 specifically I would know more about  
16 establishments that have come on my radar as far  
17 as (indiscernible)\*\*13:48.

18 MS. MILLER: Oh, okay. So this  
19 particular one is not in your area? Or is it?

20 MR. BEDLION: It is but I haven't --  
21 outside of this incident I'm not familiar with  
22 any type of assault or arrests.

1 MS. MILLER: Okay. I guess Officer  
2 Diorio is on the way?

3 MR. ALBERTI: Yeah, can we maybe suspend  
4 our hearing and --

5 MR. SHORT: We've got the investigator  
6 right there.

7 MR. ALBERTI: Well --

8 MR. SHORT: When he was called --

9 MR. ALBERTI: I'm not sure --

10 MS. MILLER: If we've run out of  
11 questions then --

12 MR. ALBERTI: Look, I would recommend  
13 that we suspend this, go do whatever we can in  
14 the back, and when the officer comes we'll  
15 reconvene and ask him questions. I think it's  
16 premature to ask our investigators because they  
17 may not have had a chance to do a full  
18 investigation. I think we, as a Board, should  
19 follow up with the investigative staff and ask  
20 them what their plans are in investigating this  
21 establishment. But I'm not sure -- I think it's  
22 premature to ask Mr. Gethers questions on this

1 place right now.

2 MS. MILLER: No, I was really asking  
3 Lieutenant Bedlion. I didn't know whether -- I  
4 don't know whether you want to stay for when  
5 Officer Diorio comes or do you want us to finish  
6 asking him questions (indiscernible)\*\*15:04 at  
7 this point.

8 MR. BEDLION: I think Officer Diorio is  
9 going to give you the more specific detailed  
10 information. I was only testifying to fill in.

11 MR. ALBERTI: Okay.

12 MS. MILLER: Okay. Okay.

13 MR. BEDLION: But he'll provide more.

14 MS. MILLER: Okay.

15 MR. ALBERTI: So that's even better.

16 MS. MILLER: Yeah. If we don't have any  
17 more -- but I just want to be clear about your  
18 granted -- you said that there would come on your  
19 radar, though, in your position as dealing with  
20 night life if an establishment had a lot of  
21 trouble.

22 MR. BEDLION: That's correct.

1 MS. MILLER: Okay. But this one really  
2 hasn't. So as far as you know this was the only  
3 incident even though we'll ask Officer Diorio  
4 about previous ones that he might be aware of.

5 MR. BEDLION: Yes, this is the only one I  
6 have knowledge of, but he might be able to tell  
7 you more.

8 MS. MILLER: And I just want to ask you  
9 another question as far as how does this rate in  
10 your mind. I don't know how much you know about  
11 the incident but as far as how troublesome is  
12 this in the scheme of things, in your view?

13 MR. BEDLION: Well, I'm not sure how to  
14 give it a rating, but anytime we have violence or  
15 there's an incident within an ABC establishment  
16 that requires a heavy police presence, it's  
17 always a concern because of the resources that it  
18 does require.

19 MS. MILLER: Okay. Thank you. All  
20 right. Any other questions for Lieutenant  
21 Bedlion? All right. Okay. Then thank you very  
22 much for coming down and I guess we can suspend

1 the hearing until Officer Diorio comes.

2 MR. ALBERTI: I'm sure Ms. Dantzler will  
3 be pleased to come back.

4 MS. DANTZLER: Yes.

5 MR. BEDLION: Yes. Thank you.

6 MS. MILLER: Thank you very much. We  
7 really appreciate your coming down here.

8 MR. BEDLION: Thank you.

9 MR. ALBERTI: Thank you, Officer.

10 [Recess.]

11 MS. MILLER: Okay. We'll go back to  
12 Dan's Café. And if you could identify yourself  
13 for the record, sir?

14 MR. DIORIO: Yes. I'm Officer  
15 Christopher Diorio, D-I-O-R-I-O.

16 MS. MILLER: Okay. Thank you. Sir, we  
17 heard you were stuck in traffic.

18 MR. DIORIO: Yeah, I finally made it up  
19 here.

20 MS. MILLER: Yes, right. Well, we're  
21 glad you made it.

22 Okay. And I do notice that you're the

1 officer that's referenced in the ABRA case  
2 report.

3 MR. DIORIO: Yeah, I'm the reporting  
4 officer.

5 MS. MILLER: Okay.

6 MR. DIORIO: Licensing unit.

7 MS. MILLER: I mean, if you want to just  
8 start and just address, you know, what your  
9 involvement was and what you found out and --

10 MR. DIORIO: Okay. So I'm assigned to a  
11 night life unit, which is basically our area of  
12 concentration is the 23 and 2400 blocks of 18th  
13 Street, known as Adams Morgan.

14 MS. MILLER: Uh-huh.

15 MR. DIORIO: So we deal with, you know, a  
16 lot of these ABRA issues and, you know, a lot of  
17 incidents that occur in the bars or around the  
18 bars. The night of this assault that's in  
19 question is I remember the way that we first came  
20 about it is we actually saw a patron walking away  
21 from the bar, visibly angry; didn't really  
22 understand why so we approached him, you know,

1 because he seemed like he was actually maybe  
2 someone that was causing a problem.

3           When we spoke to him he immediately  
4 apologized, said sorry, I'm just angry.  
5 Something just happened inside Dan's Café. And  
6 he explained that his friend had got hit in the  
7 face.

8           So upon further investigation we were  
9 able to get the complainant, and a couple other  
10 friends that were with them, and they -- you  
11 know, different witnesses said different things.  
12 One witness was adamant that she was hit.  
13 Another one said that -- kind of gave more  
14 insight in the sense that, you know, trying to  
15 get everyone in the bar out of the bar. And in  
16 the process of that she -- complainant was struck  
17 in the face. And the complainant herself said  
18 she really wasn't sure whether it was intentional  
19 or not.

20           So they did give a lookout for the  
21 individual, and I know at the time -- I don't  
22 remember the exact lookout now, but at the time

1 of the incident we were able to respond to the  
2 bar and find the individual that they were  
3 speaking about. He identified himself as we were  
4 trying to investigate and talk to him and get his  
5 version of what was going on.

6 Other employees were -- and from my  
7 understanding they were also employees. I'm not  
8 really sure. Kept coming in and intervening and  
9 asking why we were questioning him and this and  
10 that, instead of letting us do our investigation.

11 So you know, in the end we took the  
12 report. But because of the, you know, the  
13 complainants, the complaint was kind of unsure  
14 you know, whether it was intentional or not, we  
15 decided you know, although there was an injury,  
16 you know, based on the insignificance of the  
17 injury we decided that we weren't going to make  
18 an arrest at that time. So we left it as an open  
19 case but I did take my report on it.

20 And one of the bigger concerns is that  
21 the individual that identified as the person who  
22 did strike her in the face, was not -- you know,

1 according to, you know, according to all the  
2 parties involved he was trying to get them to  
3 leave the bar, and it did take place around  
4 closing time. However, he was a bar back. He  
5 wasn't security. So as far as why he was putting  
6 his hands on anybody, you know, in that extent  
7 was kind of unusual thing.

8           You know, and so you know, then when we  
9 asked for security cameras they said that they  
10 didn't have any. And that's basically the extent  
11 to that incident. However there was another  
12 incident that I don't know if you have questions  
13 about that, I could hold off or I can explain to  
14 you --

15           MS. MILLER: Okay.

16           MR. DIORIO: -- how this has kind of been  
17 a recurring issue with this bar, the other  
18 incident.

19           MS. MILLER: I have a quick question. Do  
20 you know why they were trying to get people out  
21 of the bar?

22           MR. DIORIO: I think it occurred around

1 2:30.

2 MS. MILLER: Was it?

3 MR. DIORIO: Which is just, that's when  
4 bars tend to close.

5 MS. MILLER: Okay.

6 MR. DIORIO: Between 2:30 and 3:00,  
7 that's when all the establishments are closing,  
8 so.

9 MS. MILLER: Okay. Yeah, I guess you can  
10 go on and then we can --

11 MR. DIORIO: Well, I just want to bring  
12 up the other CCN. Sorry, I was at training so I  
13 didn't have a chance to --

14 MS. MILLER: Okay.

15 MR. DIORIO: -- get to a computer and  
16 print it out.

17 MS. MILLER: Okay.

18 MR. DIORIO: There was another report I  
19 took earlier in the year on January 3rd. CCNs  
20 are 15001166. And that was another accusation  
21 made regarding assault on one of the patrons.  
22 And at this time, the time we were flagged down

1 and the complainant reached us, the establishment  
2 completely shut the doors and you know, wouldn't  
3 allow us access. Or, you know, it had just  
4 closed so I mean, in my opinion there was  
5 probably someone in there. However, they  
6 weren't' answering the door and we were never  
7 able to actually talk to any of the employees at  
8 the time.

9 MR. SILVERSTEIN: Actually actively  
10 interfering with an MPD investigation? They shut  
11 the doors and would not allow a police officer  
12 in?

13 MR. DIORIO: Well, I don't know -- I  
14 wouldn't say actively -- they actively  
15 intervened. I can't really speak to what their  
16 intent was, whether they knew that we were  
17 approaching. This was kind of occurring at the  
18 exact same time. Like while she came -- while  
19 the woman came to approach us to tell us, we were  
20 approaching them, they were closing up.

21 MR. SILVERSTEIN: This was not something  
22 you're reading from someone else. You were

1 involved in it?

2 MR. DIORIO: I was also reporting officer  
3 on this incident.

4 MR. SILVERSTEIN: So you were involved in  
5 this as officer in route?

6 MR. DIORIO: Yes.

7 MR. SILVERSTEIN: This was the 3rd of  
8 January?

9 MR. DIORIO: This was the 3rd of January.

10 MS. MILLER: What was the woman's  
11 complaint at that time?

12 MR. DIORIO: So she had said, again, it  
13 was similar, in a similar extent, that they were  
14 closing up the bar and there were words exchanged  
15 outside of the bar when the bartender pushed her  
16 out of the -- pushed her out of the  
17 establishment. And she said that he, you know,  
18 he made some threat, some kind of vague threats  
19 and most specifically said that he actually  
20 picked her up and threw her to the ground.

21 And this is a case that I know was  
22 followed up by Detective Boyd who I know later on

1 we had -- you know, because at the time we  
2 weren't able to find any of the suspects or you  
3 know, any of the employees to really get a  
4 specific like idea of who it was. But we were  
5 able to follow up and I don't think that it was  
6 ever closed. Or to my knowledge it wasn't  
7 closed. But yeah, again, like I said. And then  
8 there's no camera or anything and there was no  
9 way we were really able to get to them. There  
10 was another accusation where someone other than  
11 the security was putting their hands on someone.  
12 It just seems to be a recurring issue with the  
13 bar.

14 MR. SILVERSTEIN: So, Officer Diorio,  
15 there are two incidents here where there are  
16 accusations that members of the staff laid hands  
17 on employees -- laid hands on customers, and did  
18 so in a violent manner.

19 MR. DIORIO: Correct.

20 MR. SILVERSTEIN: Are there any others?  
21 Is there anything else that you can tell us about  
22 the recent operations of Dan's Café?

1           MR. DIORIO: Well, those were the only  
2 two -- those are the two major incidents as far  
3 as the only two that I've took a report on. The  
4 only thing I could say is recently -- you know,  
5 we've had discussions with the security many  
6 times. Like, listen, you know, we're right there  
7 in the block. All it takes is for someone to  
8 either call 911, we'll respond in seconds, or  
9 just come and flag us down.

10           So most recently the security officer did  
11 -- not the officer. The security doorman,  
12 security guard. I'm not really sure what his  
13 exact role was. Did flash us down, and I don't  
14 remember the exact date because there wasn't a  
15 report taken. But he used a flashlight to get  
16 our attention and basically by the time I got --  
17 I got over, which is almost directly across the  
18 street, I see a male, a white male, exiting the  
19 establishment and the security guard kind of  
20 pushing him as he's already exiting on his own  
21 free will.

22           Later on, after talking to the person,

1    apparently he was refusing to leave at first.  
2    But I guess what my concern was that after he did  
3    the right thing by flagging us down, he then  
4    decided to take his own hands, after the  
5    gentleman was already leaving at that point,  
6    where the incident was no longer -- you know,  
7    didn't need to be escalated to any other level.  
8    And you know, in that incident we talked to both  
9    the patron that was leaving and the security  
10   guard.  Nobody wanted to necessarily pursue any  
11   charges or anything, you know, anything other  
12   than just had everyone go home and kind of just  
13   leave it like that.

14           MR. SILVERSTEIN:  And approximately when  
15   was that?

16           MR. DIORIO:  That was probably maybe  
17   three, four weeks ago.  I can't recall, exactly.

18           MR. SILVERSTEIN:  We have a pattern of  
19   bad action.  Nothing further.

20           MS. MILLER:  Mr. Short.

21           MR. SHORT:  Good afternoon, Officer.

22           MR. DIORIO:  Good afternoon.

1 MR. SHORT: Your name again is?

2 MR. DIORIO: Officer Diorio, D-I-O-R-I-O.

3 MR. SHORT: Diorio, okay. Officer  
4 Diorio, as I thanked the lieutenant officer, I  
5 thank you for your service.

6 MR. DIORIO: Thank you.

7 MR. SHORT: And keeping us safe out here.  
8 How long have you had this beat; this assignment?

9 MR. DIORIO: Well, now I've been there  
10 for over a year; just a little bit over a year.  
11 At the time of the incident I guess it was more.  
12 It was closer to, I don't know, maybe six months.

13 MR. SHORT: So is it your testimony, or  
14 it's your statement that in this one year that  
15 you've had the beat you've had three incidents  
16 there at this ABC establishment?

17 MR. DIORIO: Yes.

18 MR. SHORT: Are you aware of any others,  
19 you know, when you're not working or --

20 MR. DIORIO: Not specifically. Not that  
21 I have. I mean, I know just talking to other co-  
22 workers I know that they've expressed kind of

1 frustration with the bar, but I don't know any  
2 specific incidents, like or any kind of you know,  
3 what exactly they were frustrated with.

4 MR. SHORT: Okay. Now on the January 3rd  
5 incident you're saying you saw them close the  
6 doors, then you knocked on the door and they  
7 refused to let you in?

8 MR. DIORIO: No, I did not knock on the  
9 door, but I saw them close it and there were  
10 other officers on scene. I don't remember who it  
11 was but basically we weren't able to get in touch  
12 with them.

13 MR. SHORT: Well, just for your  
14 information, they were supposed to have been here  
15 today, the ownership of this establishment. So  
16 currently there is also a problem with them just  
17 not responding to D.C. officials, or abiding by  
18 rules and laws. They just shut the doors or  
19 don't show up, and it just goes away, because  
20 their history would show we only had one incident  
21 there with ABRA. And that was back in what,  
22 2007?

1 MR. SILVERSTEIN: Yes.

2 MR. SHORT: So that's what the history  
3 shows. It shows that they are good business,  
4 they are straight shooters, and -- so probably  
5 your information today and the lieutenant's  
6 information will lead us to think that that's not  
7 the case.

8 MR. DIORIO: Right.

9 MR. SHORT: This is a problematic club.

10 MR. DIORIO: Yes.

11 MR. SHORT: Thank you very much. That's  
12 all I have, Madam Chair.

13 MS. MILLER: Mr. Alberti?

14 MR. ALBERTI: Officer Diorio, thank you  
15 for coming. You may not be able to answer my  
16 questions but I'll ask them anyways.

17 You've been there twice for two separate  
18 incidents. Do you get a sense of how many  
19 security staff they have?

20 MR. DIORIO: Yeah, actually and that's  
21 one of the issues is, there's only one individual  
22 I know who I've dealt with and talked to, I mean,

1 just as just a, you know, a local business and  
2 being on my beat. And to my knowledge I don't  
3 recall him ever wearing any kind of identifiable  
4 security shirt or if he's, you know, part of any  
5 kind security agency. But yeah, no. As far as I  
6 know there's only one individual that to me has  
7 ever identified himself.

8           However, there are other individuals that  
9 hang around the place and from past -- from these  
10 other incidents I later learned one was a  
11 bartender and then one was the bar back. But  
12 they kind of just hang outside and you know, they  
13 don't -- as far as I know they're not security.

14           MR. ALBERTI: Okay. And so this one  
15 individual is the same individual you saw in both  
16 incidents that you responded to?

17           MR. DIORIO: Right. He was the doorman  
18 at that time. He wasn't the -- in those two  
19 incidents he wasn't the individual that was being  
20 accused of any kind of, you know, committing any  
21 type of assault. But he was the one that was  
22 present at the time.

1           MR. ALBERTI: Right. This is a kind of a  
2 leading question because I have information from  
3 a past hearing that there was a son involved  
4 there. A large guy, he was described in the  
5 transcript, who was acting sort of as an enforcer  
6 and security.

7           MR. DIORIO: Right.

8           MR. ALBERTI: And this is years past.  
9 Any sense that this same individual may be there  
10 or --

11           MR. DIORIO: I do have this sense. I  
12 know when we interviewed -- on the event that  
13 occurred on January 3rd, and when we interviewed  
14 the patrons there, I think they were regular --  
15 it was my understanding they were regular  
16 customers there. And they didn't have no exact  
17 names or anything, but it was to their belief  
18 that the bartender, the one that assaulted the  
19 female, was the son of the owner.

20           MR. ALBERTI: Okay.

21           MR. DIORIO: And he was a rather large  
22 gentleman and, you know, very well built. And

1 so.

2 MR. ALBERTI: Okay. Thank you. That's  
3 helpful. Thank you.

4 MS. MILLER: Did you talk to the security  
5 about their not handling patrons that way, that  
6 the with regard to this shouldn't be handling any  
7 patrons or you shouldn't be pushing anybody  
8 further out the door or anything like that? Have  
9 you had those kind of conversations with them?

10 MR. DIORIO: Yeah. I've had multiple  
11 conversations. Just with the doorman. And like  
12 I said, like this last instance that we did end  
13 up doing a report on, that was the frustrating  
14 thing is that he almost did the right thing. But  
15 then when we showed up he decided to, you know,  
16 still put in his own hands. You know, where as  
17 if, you know, if the guy is not posing any kind  
18 of physical threat to anyone inside, even if he  
19 is breaking the law, you know, you've already got  
20 our attention and we're already responding. At  
21 that point you know, there's no need for any more  
22 intervention from security because, you know, if

1 you told him to leave and he didn't leave then  
2 that's unlawful entry and we'll take it from  
3 there.

4 MS. MILLER: When you refer to the  
5 doorman, is he a security?

6 MR. DIORIO: Well, like I said, he works  
7 the door. I know he checks IDs. As far as what  
8 he does in a security capacity, most -- the two  
9 incidents that, you know, I took reports on, he  
10 is not the one acting as the security. It was  
11 the bartender and the bar back who were acting as  
12 security in those instances.

13 MS. MILLER: But is there -- did you know  
14 who the security was, or is?

15 MR. DIORIO: I assumed it's the doorman.  
16 But I don't know of any way to confirm it. Like  
17 I mean, he identified himself as like the  
18 doorman. At least, you know, from the report;  
19 the supplemental report I read and even the  
20 investigation.

21 MS. MILLER: So is it totally legal to  
22 push somebody that way? You know, when you

1 observe the doorman pushing the patron?

2 MR. DIORIO: In that instance you know, I  
3 felt like because the manner when the gentleman  
4 was leaving, he didn't seem like he was posing a  
5 threat and he wasn't resisting in any way. So to  
6 me it was the doorman who was committing the  
7 assault.

8 MS. MILLER: Right.

9 MR. DIORIO: But you know, I mean,  
10 obviously like we didn't get -- because both  
11 parties were kind of just like, all right, let's  
12 just -- we just want to go home, you know, I just  
13 want him to leave and the guy said, I don't want  
14 anything to do with this. I don't need to file a  
15 report. It wasn't investigated to that full  
16 extent. So I don't know what exactly the  
17 gentleman was doing inside other than just  
18 refusing to leave. But from what I saw right as  
19 I arrived on scene -- I mean, he actually even  
20 had his hands up after the guy pushed him, like  
21 kind of why are you pushing me.

22 And at that point you know, we happened

1 to be right there so we kind of, before it  
2 escalated to anything else, we just broke it up.

3 MS. MILLER: Well, have you talked to  
4 them since the most recent incident, which I  
5 guess is May?

6 MR. DIORIO: Well, just that one --

7 MS. MILLER: This incident.

8 MR. DIORIO: Just that one incident. And  
9 that's when I said again, I said, I don't  
10 understand, you know, you got our attention.

11 MS. MILLER: Right.

12 MR. DIORIO: So why did you go ahead  
13 afterwards? And, you know, he seemed to -- you  
14 know, he seemed to understand but you know, I've  
15 had this conversation with him in the past and I  
16 always kind of thought he understood. So.

17 MS. MILLER: I mean, because there are  
18 different solutions to problems and so one of my  
19 questions is, you know, education and were you  
20 able to feel like, okay now -- they didn't know  
21 before so now they know that they shouldn't be  
22 doing that.

1           MR. DIORIO: Well, it was a long time  
2 between -- between this past, this incident that  
3 just occurred, and you know, and the actual  
4 reported incident that occurred in May. So to my  
5 knowledge it seemed like it was. Like we haven't  
6 had anybody approach us saying that this person  
7 did that or this person did this.

8           MS. MILLER: Right.

9           MR. DIORIO: So it wasn't until recently  
10 that the issue came up again. And, you know, it  
11 just happened. Coincidentally it just happened  
12 to be right when I was contacted this year.

13          MS. MILLER: So are the cases closed on  
14 these?

15          MR. DIORIO: Not to my knowledge. I  
16 mean, we didn't make an arrest with it and they  
17 were put down as an offense report.

18          MS. MILLER: Uh-huh.

19          MR. DIORIO: So I don't know if the  
20 detective's final conclusion was after, you know,  
21 regarding the January incident, and I don't  
22 believe it was ever closed as far as this more

1 recent incident.

2 MS. MILLER: And do you have any  
3 recommendations or suggestions with respect to  
4 what this agency should do?

5 MR. DIORIO: Well, first off, the  
6 security cameras to me is paramount because you  
7 know, as an officer, like you know, we don't want  
8 to have open cases. We want -- you know, if an  
9 offense occurs we want to make the arrest or, you  
10 know, whatever we have to do to close the case  
11 right then and there.

12 The issue is, when we don't witness it  
13 ourselves and because of the nature of, you know,  
14 Adams Morgan, a lot of people are intoxicated,  
15 it's really difficult to get information from,  
16 you know, from everybody and actually find out  
17 exactly what happened. Security cameras help a  
18 lot on that regard. Not having them obviously  
19 doesn't help.

20 MS. MILLER: Okay.

21 MR. DIORIO: The second thing would be  
22 the security. I mean, just in general, I don't

1 know if he's actual, like a licensed security  
2 guard or if he's from an agency that is trained.  
3 But I mean, to have that training I would imagine  
4 would, you know, teach them how to handle these  
5 situations and they'd know, you know, when to --  
6 when they could put their hands on someone or  
7 when they can't or when they need to call us.

8           And then the other thing is just to  
9 increase the amount. If the doorman is in fact  
10 the only security guard, which to my knowledge is  
11 the only one he is, then they need to get  
12 additional ones because who is monitoring the  
13 inside of the bar while he's outside checking  
14 IDs? So --

15           MS. MILLER: Thank you. Yeah. Any other  
16 questions?

17           MS. DANTZLER: Ms. Miller?

18           MS. MILLER: Yes. Yeah.

19           MS. DANTZLER: I've been to Dan's off and  
20 on, probably for the last three years and it's  
21 been usually the same four faces that I see.  
22 It's just four of them. The older gentleman who

1 calls himself the owner, who is actually the dad  
2 of two of the other employees. As Officer Diorio  
3 described one of the brothers, he looks like he  
4 lifts weights, so he's a nice size. And then  
5 there's a smaller one, the other brother who, you  
6 know, cleans the tables. And then the doorman  
7 who stands out front. And I haven't seen anyone  
8 outside of that group as it relates to their  
9 operation.

10 And finally, the role that doorman plays,  
11 I always thought he was just the doorman.  
12 Nothing other than that, because he's come up to  
13 ABRA investigators while were doing the  
14 monitoring for Adams Morgan and I was very  
15 surprised that he thoroughly checks  
16 identifications because he would bring us wads of  
17 fake IDs when he sees us. So if that helps at  
18 all.

19 MS. MILLER: Is it possible they don't  
20 have security? They just have the family working  
21 in different positions, doorman and bar backs?

22 MS. DANTZLER: I would say that. There's

1 no security.

2 MS. MILLER: Okay.

3 MS. DANTZLER: And I only know them by  
4 face because of going there under the times that  
5 I have. But I've never seen anyone with any  
6 clothing that clearly identifies them as an  
7 employee or security.

8 MS. MILLER: Well, do you know what the  
9 capacity of this place is, about? How big a  
10 place are we talking about?

11 MS. DANTZLER: It's a small dark dingy  
12 place. I want to say probably maybe 60 people.

13 MS. MILLER: Okay.

14 MS. DANTZLER: Very dark.

15 MS. MILLER: It's very dark. Okay.

16 Thank you for adding that information. Anyone  
17 else have questions?

18 MR. ALBERTI: I just want to say that  
19 Officer, I share your concerns. Based on your  
20 description I would judge that to be -- just  
21 based on what I'm hearing from you, I would judge  
22 their actions to be excessive force. And so I

1 understand and agree with your concerns. Thank  
2 you for bringing it to our attention.

3 MS. MILLER: And I assume you're going to  
4 keep an eye on them, too.

5 MS. DANTZLER: Yeah. I'll make sure I  
6 relay -- you know, like I said, like, you know,  
7 like for example that last one that we didn't end  
8 up doing a report on, I'll make sure I relay it  
9 to the rest of my unit that anything that occurs,  
10 whether small or not, at least take an ABRA  
11 report because that would keep, you know, a  
12 better track of what's going on there.

13 MS. MILLER: Okay. Thank you. Thank you  
14 for coming down.

15 MR. SHORT: One last --

16 MS. MILLER: Yes, Mr. Short. Yes.

17 MR. SHORT: There was some testimony  
18 earlier of the lieutenant mentioned earlier that  
19 he had seen some bottles of alcohol on the table  
20 that weren't marked, they were like a ketchup or  
21 a condiment type bottle. So they serve  
22 alcohol --

1           MR. DIORIO: Yes. That's again, and to  
2 me like, I don't really know as far as legal, you  
3 know, as far as like what bottle they -- that  
4 occurs. But that's like kind of their gimmick is  
5 that they serve liquor in like empty ketch  
6 bottles. So you go in there and you'll see  
7 patrons literally just like squirting, kind of  
8 like liquor into their mouths. Or I assume it's  
9 liquor because it's like -- it's not beer, so  
10 it's some kind of --

11           MR. SHORT: Alcoholic drink.

12           MR. DIORIO: Yeah, exactly.

13           MR. ALBERTI: I'll just comment that's  
14 not --

15           MS. MILLER: Legal.

16           MR. ALBERTI: That's probably not legal.  
17 Just for us, you need to know.

18           MR. SHORT: You might want to give an  
19 ABRA investigator a call on the hotline.

20           MS. MILLER: I think they did tell our  
21 investigator.

22           MR. SHORT: Well, the lieutenant

1 testified he did.

2 MS. MILLER: Yeah. Yeah. Oh, you mean  
3 if you see it again.

4 MR. SHORT: Yeah. Okay.

5 MS. MILLER: Is that what you mean?

6 MR. SHORT: Definitely.

7 MS. MILLER: yeah.

8 MR. SHORT: I think that's what I meant,  
9 yeah.

10 MS. MILLER: Great. Thank you. Okay,  
11 anybody else?

12 Okay. Well, thank you for, you know,  
13 going through all that traffic and everything to  
14 come down here.

15 MR. DIORIO: No problem. Of course.

16 MS. MILLER: We appreciate it.

17 MR. DIORIO: All right. Thank you.

18 MS. MILLER: Okay. Have a good night.

19 MR. DIORIO: Okay. You too.

20 [Whereupon, the above-entitled matter  
21 concluded at 5:01 p.m.]

22