

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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Case #12-251-00360 :

Roc Bar, LLC :Summary

t/a Roc Bar :Suspension

1426 L Street, N.W. :Hearing

License # 89818 :

Retailer CT :

ANC 2F :

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NOVEMBER 30, 2012

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009, Chairperson Miller, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

ALSO PRESENT

AMY SCHMIDT, OAG

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

9:25 a.m.

CHAIRPERSON MILLER: Okay. Good morning.

I'd like to welcome you to a summary suspension hearing today at the District of Columbia Alcoholic Beverage Control Board. Today is November 30th, 2012.

My name is Ruthanne Miller. I'm the Chairperson.

Joining me today to my far right is Mr. Donald Brooks and to my immediate right is Mr. Nick Alberti.

The Board has three members in attendance for the conduct of business today with three constituting a quorum.

Copies of today's hearing calendar and agenda are available at the receptionist desk.

Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to

1 refrain from any disruptive noises or actions
2 in the hearing room.

3 If you have any electronic
4 devices, pagers, cell phones or such, please
5 make certain that they're turned off to avoid
6 any interruption of the proceedings.

7 I see that the attorneys have come
8 to the table and I assume you have signed in.

9 The Open Meetings Act requires
10 that the public hearing on each case be open
11 to the public. The Board may, consistent with
12 Section 405(b) of the Open Meetings Act, enter
13 a closed meeting during or after the public
14 hearing on a case to consult with an attorney
15 to obtain legal advice, discuss settlement
16 agreements or deliberate upon a decision in an
17 adjudication proceeding.

18 The Board has before it a summary
19 suspension hearing involving Roc Bar, a
20 Retailer's Class CT, located at 1426 L Street,
21 N.W.

22 At issue is a serious incident

1 that occurred November 25th, 2012 that
2 resulted in a stabbing of four persons and
3 other alleged violations.

4 As a result of this incident, the
5 Chief of Police Cathy Lanier closed the
6 establishment pursuant to her authority under
7 D.C. Official Code 25-827. Chief Lanier
8 submitted a letter to ABRA dated November 25,
9 2012 seeking revocation of the establishment's
10 ABC license.

11 The Board voted on November 28,
12 2012 to continue the suspension of the
13 establishment's license.

14 The Respondent requested a hearing
15 under D.C. Official Code 25-826(c).

16 Today, the Board will be hearing
17 testimony from the Office of the Attorney
18 General, the Respondent and their respective
19 witnesses.

20 The purpose of this hearing is so
21 that the Board can determine under D.C.
22 Official Code Section 25-826 whether the

1 operations of the Respondent present an
2 imminent danger to the health and safety of
3 the public.

4 The Board will be announcing its
5 decision at the conclusion of today's
6 hearing.

7 The Board asks that the parties
8 stick to the facts and issues related to the
9 incident. The facts and issues are those
10 contained in the summary suspension notice
11 dated November 28, 2012. The Board is only
12 interested in hearing about those matters that
13 can be used to establish whether the
14 establishment is an imminent danger to the
15 health and safety of the public.

16 The Board will begin the case by
17 hearing the opening statement from the
18 Government represented by Assistant Attorney
19 General Ms. Schmidt followed by the opening
20 statement of Mr. Mpras on behalf of the
21 Respondent.

22 Before we begin with opening

1 statements however, I'd like to ask if there
2 are any procedural matters the parties would
3 like to bring to the Board's attention.

4 MS. SCHMIDT: Yes, there is. We
5 have a proposed offer in compromise for this
6 matter. I gave copies to your general counsel
7 to give to the Board because it's quite
8 extensive and I'll start reading it into the
9 -- I'd like to read it into the record at this
10 point.

11 CHAIRPERSON MILLER: Okay.

12 MS. SCHMIDT: 1. A suspension of
13 the license through Friday, November 30th,
14 2012.

15 2. Prior to the return of the
16 liquor license, ABRA shall inspect the camera
17 system to insure that all cameras are operable
18 and the system is recording with a 30-day back
19 up capability.

20 3. Prior to the return of the
21 liquor license, the Licensee shall familiarize
22 its security employees with the

1 establishment's security procedures to include
2 the functioning camera system, viewing and
3 storage, security positions, incident log
4 completion, ID checks, procedure for
5 contacting MPD and preserving the known crime
6 scene and the prevention of
7 overcrowding/overconsumption.

8 The Licensee shall notify the
9 Board in writing that this requirement has
10 been completed.

11 4. Formal security training for
12 all security employees and the owner within 30
13 days. New employees shall be trained within
14 30 days of their hire.

15 5. Submission of a security plan
16 within 14 days that complies with the
17 requirements of D.C. Code Section 25-403 and
18 which also include video storage for 30 days,
19 uniformed security employees, security
20 positions, how the establishment will handle
21 assaults, fights or verbal altercations that
22 occur on or near the premises, patron ejection

1 protocol, the establishment's process for
2 maintaining an incident log and contacting
3 MPD, employee contact information on file at
4 the licensed premises will be made available
5 to MPD and ABRA and the establishment's
6 process for preserving a known crime scene.

7 6. Security footage shall be
8 provided to ABRA and MPD within 48 hours of
9 being requested. The establishment shall be
10 responsible for having someone who can
11 download the establishment's security footage.

12 7. The Licensee shall review its
13 security plan with all employees within 14
14 days of return of the license.

15 8. Ensure each security personnel
16 at the front door is equipped with an
17 operational handheld metal detector. Also,
18 ensure nightly equipment checks before the
19 start of each shift. To ensure checks are
20 being completed, an equipment check log will
21 be placed with the nightly log book.

22 The establishment shall have a

1 functioning backup handheld metal detector
2 available in case of malfunction of one the
3 regularly used metal detectors.

4 9. A continued summary suspension
5 status hearing will be set within 45 days.

6 10. This matter will be referred
7 to OAG for a show cause.

8 CHAIRPERSON MILLER: Okay. Just I
9 first want to ask Mr. Mpras if this is, in
10 fact, an OIC that the client agrees to.

11 MR. MPRAS: Yes, ma'am, it is.

12 CHAIRPERSON MILLER: Okay. Do you
13 have any other comments, either of you, before
14 the Board poses any questions?

15 MR. LEFANDE: Well, for the
16 Licensee, we'd like to just point out that --

17 CHAIRPERSON MILLER: Did you
18 introduce yourself for the record? I'm sorry.

19 MR. LEFANDE: Nobody did.

20 MR. MPRAS: Nobody did.

21 CHAIRPERSON MILLER: I'm sorry.

22 Let's do that.

1 MS. SCHMIDT: Amy Schmidt,
2 Assistant Attorney General on behalf of the
3 District of Columbia.

4 CHAIRPERSON MILLER: Thank you.

5 MR. MPRAS: Emanuel Mpras
6 representing Roc Bar, LLC.

7 CHAIRPERSON MILLER: Okay.

8 MR. LEFANDE: Matthew LeFande,
9 member of the District of Columbia Bar for and
10 on behalf of Roc Bar, LLC, the Respondent in
11 this matter.

12 CHAIRPERSON MILLER: So, you're
13 two counsels on behalf of Roc Bar? You're
14 both on behalf of Roc Bar?

15 MR. LEFANDE: And the
16 representative.

17 MR. MPRAS: The owner's
18 representative.

19 CHAIRPERSON MILLER: And the owner
20 is here and his name is?

21 MR. MPRAS: Jason McCarther.

22 CHAIRPERSON MILLER: Okay. Thank

1 you.

2 BOARD MEMBER ALBERTI: Maybe it
3 would be best if Mr. McCarther came forward
4 and sat at the table. I think it would be
5 helpful. Thank you.

6 CHAIRPERSON MILLER: So, what I
7 had said before the introductions was are
8 there any other comments either party wants to
9 make about this offer prior to the Board
10 posing any questions?

11 MR. LEFANDE: If I may, Ms. Chair,
12 Matt LeFande again for the Respondent.

13 The Respondent in accepting the
14 terms of the OIC recognizes very much the
15 seriousness of the incident that occurred. We
16 do point out that the operation is a newly
17 licensed establishment that had been only open
18 for 41 days.

19 The operator is a very experienced
20 operator who has never encountered anything of
21 this sort of incident that has occurred here
22 as alleged and we believe that the OIC

1 reflects an immediate proactive effort on the
2 part of the Licensee to ensure the safety of
3 its patrons given the extraordinary events
4 that are alleged to have transpired and that
5 this fairly and reasonably offers a complete
6 remedy to the concerns that were raised within
7 the initial letter by the Chief of Police.

8 We also assert that given the
9 Attorney General's agreement to these remedies
10 that it also reflects their position that the
11 party in enacting these remedies is not a
12 danger to the public and we would ask that the
13 Board take that into consideration in
14 determining whether they accept this.

15 MS. SCHMIDT: I'd just like to
16 clarify. Without the -- I don't know if it
17 came out clearly. The OAG believes that
18 without these remedies they are a danger to
19 the public. I just want to make sure that
20 that's clarified. I'm not sure if it came out
21 the way he intended, but it is a danger. But,
22 now with these remedies, it will not be a

1 danger.

2 MR. LEFANDE: And that's certainly
3 what I meant.

4 MS. SCHMIDT: Yes.

5 CHAIRPERSON MILLER: Okay.

6 MR. LEFANDE: There was no prior
7 indication that any of this sort of incident
8 might transpire given the operator's lengthy
9 experience in this industry in other
10 jurisdictions, but given what has transpired,
11 they immediately and proactively wish to beef
12 up various elements of their operation to more
13 comprehensively address the potential for this
14 sort of incident and I believe we are in full
15 agreement with the Attorney General in that
16 regard.

17 CHAIRPERSON MILLER: Yes.

18 MR. MPRAS: Ma'am, I was going to
19 say Mr. McCarther has already had the new
20 camera system installed. We have the receipt
21 for it. It is operational, fully functional
22 and ready for inspector at ABRA's convenience.

1 CHAIRPERSON MILLER: Okay. All
2 right. I have just a couple of questions and
3 I'm sure other Board Members have some as
4 well.

5 I have heard the parties say
6 without these remedies there is a danger to
7 the public. Okay. And that's the point of
8 these remedies to alleviate that.

9 So, my question is do you have a
10 security plan now?

11 MR. MPRAS: Yes, ma'am, there is a
12 security plan in existence now, but it will be
13 redone again within 14 days to address all the
14 points that are listed in the proposed OIC.

15 CHAIRPERSON MILLER: Okay.

16 MR. MPRAS: Better address them.

17 CHAIRPERSON MILLER: So, can we
18 conclude that without the security plan being
19 redone to address those concerns that there is
20 a danger to the public based on what I've
21 heard you all say? That that's the point of
22 these remedies or not.

1 MR. LEFANDE: We're trying to
2 address a very serious allegation of an
3 incident that occurred at this establishment
4 unexpected given the operator's prior
5 experience. We cannot necessarily predict the
6 supervening criminal conduct of persons
7 unrelated to the establishment. What the
8 establishment can do is try to minimize the
9 risk of these incidents occurring and better
10 improve their response to them.

11 If we were to proceed to this
12 hearing, one of the points that would be made
13 by the respondent is that while there are
14 various allegations of shortcomings in
15 response to the incident, there is no showing
16 that the operations of the establishment
17 facilitated or contributed to the incident
18 occurring itself.

19 So, we're trying to make for a
20 safer environment given the unknown and
21 unpredictable incidents that might occur, but
22 as far as the operation as an ongoing concern,

1 necessarily the danger in and of itself, that
2 remains to be seen given the very short period
3 of time that it's been open.

4 CHAIRPERSON MILLER: Let me ask
5 Ms. Schmidt because I really want to get to
6 the point.

7 It sounds like these provisions of
8 the OIC are presented to the Board based on a
9 proposition that there will not be any danger
10 to -- to the extent they can be controlled
11 danger to the public when these are
12 instituted, but then we look at number 1 and
13 it says lift the license today and number 5
14 says a security will be provided within 14
15 days.

16 If a security plan is going to
17 address the concerns so that there's not a
18 danger to the public, why would the Board life
19 the license today?

20 MR. MPRAS: Ma'am, if I may --

21 CHAIRPERSON MILLER: Wait. Wait a
22 minute. I did --

1 MR. MPRAS: I'm sorry.

2 CHAIRPERSON MILLER: Okay. Unless
3 you want to, I did ask Ms. Schmidt this
4 question first.

5 MS. SCHMIDT: I'll let Mr. Mpras.

6 CHAIRPERSON MILLER: Okay.

7 MR. MPRAS: Ma'am, we do have a
8 security plan to give you today and my
9 previous statement was that we did this in
10 order to comply with our OIC and we will
11 resubmit it at a later date when we -- within
12 two weeks when we evaluate how it's working
13 and identify any flaws in it to make it --
14 basically, to make it better. To address --
15 to better address safety concerns once we have
16 seen how effective this is.

17 CHAIRPERSON MILLER: Okay. That's
18 a new security plan?

19 MR. MPRAS: Yes, ma'am.

20 CHAIRPERSON MILLER: Okay. But,
21 you're willing to keep working on it to
22 improve it, but --

1 MR. MPRAS: We will have -- yes,
2 ma'am, we will have another one within 14
3 days.

4 CHAIRPERSON MILLER: Your position
5 is that this addresses the imminent danger
6 question?

7 MR. MPRAS: Yes, ma'am, we do.

8 CHAIRPERSON MILLER: How about the
9 number 5 that says -- where's the -- what I'm
10 showing -- that shows number 5. There's a
11 provision in here that says that you're going
12 to review with the employees. When will that
13 happen?

14 MR. MPRAS: I'm sorry. The
15 employees --

16 CHAIRPERSON MILLER: When would
17 the employees be familiarized with this plan
18 if the license were to be issued today?

19 MR. MPRAS: It will be done this
20 evening. They've already been informed that
21 there's a meeting scheduled.

22 CHAIRPERSON MILLER: Okay. Okay.

1 So, the Board doesn't as of now have the
2 security plan?

3 MR. MPRAS: I'm sorry. No.

4 CHAIRPERSON MILLER: No.

5 MR. MPRAS: I am ready to present
6 it to you.

7 CHAIRPERSON MILLER: Okay. Is
8 there anything you want to say about it or you
9 just want to give it to our attorney for us to
10 review?

11 MR. MPRAS: No, I'm happy to
12 present it right now.

13 CHAIRPERSON MILLER: Okay. Okay.
14 I didn't know if you were going to address
15 that at all. Otherwise, I'm going to ask my
16 fellow Board Members if they want to ask some
17 questions. Okay. Mr. Alberti.

18 BOARD MEMBER ALBERTI: Good
19 morning, everyone.

20 To the Licensee, I appreciate the
21 fact that you come forward with some proactive
22 items that are aimed at mitigating the

1 problems that occurred that night and curing
2 the problems that occurred that evening.

3 But, I would like to address a
4 comment made by the attorneys. I'm not sure
5 who it was, but when I read this report if the
6 allegations are true, what it says to me is
7 that the establishment was unprepared to deal
8 with the unexpected and violent behavior of
9 the patrons.

10 We understand people and alcohol
11 when they mix can act badly. We see it all
12 the time, but what we expect of our Licensees
13 is to be prepared to address that behavior and
14 from what I see in this report, if it's true,
15 the Licensee was completely unprepared.

16 So, I have reservations about
17 allowing the Licensee to reopen without the
18 Board having been able to review and comment
19 on the security plan or comment in the sense
20 that letting the Licensee know what we're
21 comfortable with and what we're not in the
22 security plan.

1 So, those are my comments on the
2 security plan.

3 In terms of reviewing the cameras,
4 I will point out that not only would our
5 inspector being reviewing the cameras for
6 functionality and ability to record for 30
7 days, but they would also be reviewing them to
8 make sure that the coverage of the
9 establishment is adequate. That all of the
10 necessary, in their estimation necessary
11 portions of the establishment are covered by
12 the security cameras and to that end, they may
13 have suggestions that we would like the
14 Licensee to consider in terms of altering the
15 positioning of the cameras.

16 I do have a question. Is your
17 intent to put a diagram of the security
18 cameras and the coverage of the cameras in the
19 security plan? To include it in the security
20 plan?

21 MR. MPRAS: Yes, sir, the
22 placement of the security cameras will be

1 submitted in a diagram and field of vision we
2 can describe it.

3 BOARD MEMBER ALBERTI: That's
4 always helpful to us. Thank you.

5 We still have 13 cameras. Is that
6 correct? Or how many cameras are --

7 MR. MPRAS: Sixteen.

8 BOARD MEMBER ALBERTI: Let me step
9 back and ask. You said you installed a new
10 security system. What does that entail?

11 MR. MPRAS: Sixteen cameras. High
12 resolution.

13 BOARD MEMBER ALBERTI: Is it dark
14 in this club? Do they need to be infrared or
15 is it -- and maybe that's where we'll allow
16 the inspector to judge whether there's going
17 to be -- when it's dark, if they're going to
18 be able to see what's going on.

19 MR. MPRAS: Yes, I'm not an
20 electronic's expert, but they're specified as
21 indoor high quality --

22 BOARD MEMBER ALBERTI: Okay.

1 Well, we can have the --

2 MR. MPRAS: -- resolution cameras.

3 BOARD MEMBER ALBERTI: --

4 inspector take a look at that.

5 MR. MPRAS: And --

6 BOARD MEMBER ALBERTI: Okay.

7 Continue.

8 MR. MPRAS: -- and then again, the
9 security procedures in the plan will evolve in
10 cooperation with ABRA and per the
11 recommendations from the inspectors.

12 BOARD MEMBER ALBERTI: So, these
13 are all new cameras?

14 MR. MPRAS: Yes.

15 BOARD MEMBER ALBERTI: And it's a
16 new recording system?

17 MR. MPRAS: Yes.

18 BOARD MEMBER ALBERTI: DVD, hard
19 drive. Okay.

20 MR. MPRAS: One terabyte.

21 BOARD MEMBER ALBERTI: Pardon?

22 MR. MPRAS: One terabyte system.

1 BOARD MEMBER ALBERTI: One
2 terabyte. So, that should be enough for 16
3 cameras.

4 MR. MPRAS: Yes.

5 BOARD MEMBER ALBERTI: What I
6 understand to cover for 30 days. Yes. Okay.
7 I'm starting to learn from this all over and
8 over again from other licensees.

9 There is some mention that the
10 Licensee has the third floor and this CT
11 license is to operate on the third floor.

12 So, these 16 cameras, where are
13 they located? Well, not specific. Okay. Let
14 me just simplify it because we'll get that
15 from the inspector.

16 What I'd like to know right now
17 what floors?

18 MR. MCCARTHER: All floors.

19 BOARD MEMBER ALBERTI: All right.
20 All floors. So, how many cameras are on the
21 third floor?

22 MR. MCCARTHER: Three.

1 BOARD MEMBER ALBERTI: Three?

2 Okay. So, essentially today, you will only
3 have 13 cameras for this establishment as it
4 operates. Okay. Let's make sure we have an
5 understanding there and maybe that should be
6 specified in the security plan. You mention
7 the 16, but let's be specific about --

8 MR. MPRAS: Where they're located?

9 BOARD MEMBER ALBERTI: Yes, where
10 they're located. So, I guess the diagram will
11 do that. So, we understand.

12 MR. MPRAS: When --

13 BOARD MEMBER ALBERTI: It was
14 actually functioning towards the operation of
15 this establishment.

16 MR. MPRAS: And the new security
17 plan will be received much, much sooner than
18 two weeks.

19 BOARD MEMBER ALBERTI: Okay.

20 MR. MPRAS: Without a doubt.

21 BOARD MEMBER ALBERTI: I have no
22 other questions or comments right now.

1 BOARD MEMBER BROOKS: I have just
2 one question. The security staff, do they
3 have uniforms now?

4 MR. MCCARTHER: Right now --

5 BOARD MEMBER BROOKS: Yes.

6 MR. MCCARTHER: -- polo shirts,
7 collared polo shirts right -- right now.

8 BOARD MEMBER BROOKS: Okay. And
9 is security mentioned at any place on their
10 shirts?

11 MR. MCCARTHER: On the back.

12 BOARD MEMBER BROOKS: Okay. Thank
13 you.

14 CHAIRPERSON MILLER: I just have a
15 couple of questions more.

16 I'm pretty sure I heard you say
17 and I think the report supports that a lot of
18 this problem was because the establishment
19 wasn't prepared for this type of violent
20 incident and so, you know, looking at the --
21 as I look at the OIC, I think there's a good
22 plan in here, but I want to know why I should

1 feel comfortable that they're going to be
2 prepared tonight. I mean we talk about formal
3 training within 30 days. You know, that
4 sounds great. I'm not saying that it takes 30
5 days, but I think just I would like you to
6 address, you know, why it would be tonight
7 that we could feel comfortable that they would
8 have the adequate training or by when.

9 MR. LEFANDE: If I could just
10 address that by expanding upon a point that
11 Board Member Mr. Alberti made and there are a
12 couple of things that were said there.

13 There was curing a problem and
14 mitigating a problem and I think that's a very
15 important distinction. Is that we -- in these
16 -- any of these programs that come before the
17 Board, any of these Licensees, I think it
18 would be disingenuous for anyone to suggest
19 that they're curing the problem because we're
20 trying to predict the future. We're trying to
21 address the unknown and this is instead an
22 issue of percentages.

1 We have a newly opened Licensee
2 who wrote a security plan, went through a
3 licensing process, received approval from the
4 Board to operate and based very much within
5 the confines of the operator's experience over
6 many, many years in other jurisdiction and
7 then something extraordinary happened and
8 we're here today to continue to improve upon
9 the mitigation of these potentialities.

10 And that's a very important point.
11 That we don't offer -- we don't posit to you
12 that this is a cure for anything, but instead
13 that this is an improvement upon the process
14 as we go forward.

15 And a necessary part of that
16 process is being in operation. That these
17 folks if they acted inactfully in their
18 response, it perhaps was because it was a very
19 new-opened operation and this evolution cannot
20 occur in a vacuum. They necessarily must be
21 open and operational for the process to
22 improve and for the persons to become more

1 adept at dealing with the issues as they
2 arise.

3 Now, we all are here today very
4 experienced in these matters to discuss what
5 should be done, but in that process, you have
6 to have boots on the ground actually doing
7 things to foster that evolution and if the
8 doors are shuttered, I don't think that
9 necessarily can occur and with this, it has
10 been a very important teaching moment for
11 everyone involved in the operation itself and
12 we are acting vigorously to improve upon what
13 appeared at the onset to everyone involved to
14 be a sufficient operational regime.

15 But, to simply shutter the doors
16 and expect an improvement sometime in the
17 future I don't think that that works. I think
18 that it has to be open and that the evolution
19 has to occur through the experience and the
20 training that goes on in the course of the
21 operation.

22 CHAIRPERSON MILLER: Okay. I

1 understand there's a difference between
2 mitigation and curing and, you know, some
3 things take 30 days. Some things really take
4 less, too, maybe to just address so there
5 would be no imminent danger, but if we look at
6 number 3 which is familiarizing the security
7 employees with the procedures, et cetera, I
8 mean what is that process going to be. How
9 long does that take? How many -- what kind of
10 training is that?

11 MR. LEFANDE: Oh, there's a
12 bifurcating process. There's very much going
13 to be a meeting with the management and the
14 staff members tonight before anything get
15 opened.

16 We are at the moment making
17 arrangements for formalized training that is
18 going to be ongoing, but again, to have
19 somebody simply sit there and be lectured to
20 for the next two weeks and not have an
21 opportunity to put that into practice, I think
22 stymies rather than facilitates the evolution

1 process.

2 CHAIRPERSON MILLER: And I
3 understand that, but this is prior to the
4 return of the license that the Licensee is
5 going to familiarize its security employees
6 with the following and if you're talking about
7 doing that tonight, I mean what does that
8 mean. Who is going to do that?

9 MR. LEFANDE: Well, that is a
10 little inartfully written, but it is to say
11 that the license will be returned. The
12 training will go on this evening before the
13 operations commence.

14 So, perhaps we have the cart
15 before the horse there just in the way that
16 it's written, but instead, they expect that if
17 they are permitted to open this evening, there
18 will be an extensive staff meeting to go over
19 these points. Tomorrow. Oh, I'm sorry.

20 MS. SCHMIDT: Tonight's the 30th.
21 Today's the 30th. They will not be open until
22 tomorrow night.

1 MR. LEFANDE: Won't be open until
2 tomorrow night.

3 CHAIRPERSON MILLER: So --

4 MR. LEFANDE: So, they're not.
5 Okay. I'm sorry. I misunderstood.

6 CHAIRPERSON MILLER: Well, number
7 1, suspension of the license through Friday,
8 November 30th.

9 MR. LEFANDE: And I think we're
10 stipulating and I -- I misunderstood. I --

11 CHAIRPERSON MILLER: Okay. Right.
12 So, you mean tomorrow.

13 MR. LEFANDE: I thought they were
14 open tonight. Yes.

15 CHAIRPERSON MILLER: You want to
16 open tomorrow night.

17 MR. LEFANDE: But, they're going
18 to open tomorrow night.

19 CHAIRPERSON MILLER: Oh, so,
20 there's a little more time. Okay. So, but
21 still --

22 MR. LEFANDE: I apologize. I

1 misread that. The same --

2 CHAIRPERSON MILLER: -- who's
3 going to this? Who's doing this training? I
4 mean who -- can you give us a better comfort
5 level with respect to the training that's
6 going to go on if you were to -- before the
7 return of the license?

8 MR. LEFANDE: The formal -- the
9 familiarization that's going to go on this
10 evening is going to be through the management
11 guidance. The formal training is going to be
12 conducted by a Department of Criminal Justice
13 Services training school that's licensed in
14 Virginia to conduct all sorts of security and
15 law enforcement training and they're being
16 contracted to complete that training.

17 CHAIRPERSON MILLER: So, I mean
18 tomorrow if you want to open tomorrow night,
19 I'm asking you how is the training in number
20 3 going to be handled so that the Board would
21 feel comfortable that the employees had the
22 training that's described in number 3?

1 MR. LEFANDE: Well, again, this is
2 an informal training that is going to review
3 the incident that occurred, review the new
4 security plan with these members and review
5 the terms of the OIC with those members from
6 the management to the employees. They're
7 going to bring in a more didactic and, you
8 know, perhaps more skilled formal instructor
9 within I guess it's the next couple of weeks.

10 MR. MPRAS: Yes.

11 MR. LEFANDE: Yes, as soon as that
12 can be scheduled with the training, the DCGS
13 training school to get everyone in the same
14 room and have that done. So, yes, again,
15 there's a formal training -- informal
16 proceeding that's going on this evening and
17 then a formalized and ongoing proceeding with
18 that sort of didactic training within the next
19 two weeks and then continuing onward from
20 there at regular intervals.

21 CHAIRPERSON MILLER: Do you check
22 for IDs now or did you?

1 MR. LEFANDE: I don't check for
2 IDs.

3 CHAIRPERSON MILLER: The owner. I
4 mean there's something. For instance, this
5 includes ID checks. Are employees already
6 trained in ID checks? Are they going to be
7 refreshed in their training?

8 MR. MCCARTHER: Be refreshed in
9 their --

10 MR. LEFANDE: And that's fairly
11 represented in the original security plan and
12 we don't see any allegation that there was
13 some shortcoming in the ID checking procedure
14 that was --

15 CHAIRPERSON MILLER: Okay. I just
16 want to understand the training that's going
17 to go on that's described prior to the return
18 of the liquor license as proposed. Is there
19 a procedure written down for contacting MPD
20 and preserving a crime scene? Is there --

21 MR. LEFANDE: I talked to MPD.
22 It's certainly something that's addressed in

1 the original security plan.

2 CHAIRPERSON MILLER: It's in the
3 security plan.

4 MR. LEFANDE: And we are
5 continuing to expand upon that point in the
6 new -- in the subsequent provisions.

7 CHAIRPERSON MILLER: Is preserving
8 the crime scene in the security plan?

9 MR. MPRAS: No, ma'am, that will
10 be in the updated version.

11 CHAIRPERSON MILLER: Okay. So, if
12 you were -- as represented in number 3, this
13 is one of the things that you're going to
14 familiarize the employees with prior to the
15 return of the liquor license.

16 MR. MPRAS: This is something that
17 we will discuss with them this evening.

18 CHAIRPERSON MILLER: But, we don't
19 know what you're procedure is.

20 MR. MPRAS: No, ma'am, it's not in
21 the current security plan.

22 CHAIRPERSON MILLER: Okay.

1 MR. MPRAS: You don't have it in
2 front of you yet, but you will have it as
3 early as next Monday.

4 CHAIRPERSON MILLER: Monday.

5 MR. MPRAS: And Mr. LeFande and I
6 will be there this evening conducting the
7 training and we both have numerous years of
8 law enforcement experience including
9 preserving a crime scene and we will properly
10 instruct them as to what to do and not do.
11 Which you will hear about in the updated
12 security plan.

13 CHAIRPERSON MILLER: And you will
14 put that in writing. Is that what you said?

15 MR. MPRAS: Yes, we will.

16 CHAIRPERSON MILLER: Submit it on
17 Monday. How about the overcrowding and
18 overconsumption? Prevention of overcrowding
19 and overconsumption.

20 MR. MPRAS: That is addressed.

21 But --

22 MR. LEFANDE: That's addressed in

1 the original --

2 MR. MPRAS: In the original.

3 MR. LEFANDE: -- security plan.

4 MR. MPRAS: Yes, ma'am.

5 MR. LEFANDE: And again, there
6 doesn't appear to be any allegation that that
7 sort of a thing contributed to the incident
8 that occurred.

9 CHAIRPERSON MILLER: When you say
10 the original security plan, do you mean the
11 plan you just gave to the Board?

12 MR. MPRAS: No, that is the
13 original security plan.

14 CHAIRPERSON MILLER: That is the
15 original one.

16 MR. MPRAS: This is a CT. It was
17 not required. This is the --

18 CHAIRPERSON MILLER: That's what I
19 thought. Okay.

20 MR. LEFANDE: Not to shine myself
21 here too much, but both attorneys here are --
22 have extensive D.C. and Federal law

1 enforcement experience and we have certainly
2 well situated through each crime scene --

3 MR. MPRAS: Preservation.

4 MR. LEFANDE: Preservation for the
5 -- and we certainly have done that for lots of
6 other agencies. So, these particular two
7 attorneys are well situated to address that
8 issue and the process of trying to do this
9 informal training.

10 CHAIRPERSON MILLER: I guess I'll
11 just ask one more probably on that. Can you
12 briefly describe how you would preserve a
13 known crime scene?

14 MR. LEFANDE: The first step in
15 crime scene is to maintain the status quo.
16 Within the Metropolitan Police General Orders,
17 there is a hierarchy of things that must be
18 done that must necessarily cause precedence
19 over another.

20 For instance, upon arrival in such
21 a situation, we find it necessary to treat the
22 injured and that treating the injured would

1 take precedence over preserving the crime
2 scene.

3 Also, would be to apprehend any --
4 to discontinue any further violence that may
5 be being committed by other persons.

6 Once what we call the scene is
7 secure, then you try to isolate that and that
8 is no one in or out to the scene and just
9 simply allow the crime scene to become a time
10 capsule where whatever had just transpired is
11 not contaminated by persons coming in
12 afterwards, by things being moved, by
13 additional people handling items that may be
14 done for evidentiary value in terms of
15 fingerprints or DNA or photographs and
16 maintain that crime scene and prevent other
17 persons from coming into it until such time as
18 the responders escalate from the initial
19 police scout cars to supervisors to the
20 detectives to mobile crime and let those
21 people take over from that point.

22 CHAIRPERSON MILLER: Okay. Thank

1 you. All right. Any other questions?

2 BOARD MEMBER BROOKS: Yes, I do.

3 CHAIRPERSON MILLER: Yes, Mr.

4 Brooks.

5 BOARD MEMBER BROOKS: Yes, a

6 couple more, Madam Chair.

7 For security, how many security

8 staff do you have presently?

9 MR. MCCARTHER: Eight.

10 BOARD MEMBER BROOKS: Eight.

11 MR. MCCARTHER: Including myself.

12 BOARD MEMBER BROOKS: Including

13 yourself. Do you plan on adding more?

14 MR. MCCARTHER: I have. Yes.

15 BOARD MEMBER BROOKS: How many

16 more?

17 MR. MCCARTHER: Three more.

18 BOARD MEMBER BROOKS: Three more.

19 So, it would be a total of 11 including

20 yourself.

21 And who's the chief of security?

22 MR. MCCARTHER: Sulimane. Suli --

1 I can't pronounce his last name. Sulimane.

2 MR. MPRAS: I'll have it. One
3 second. Mr. Rakmin. Sulimane Rakmin.

4 BOARD MEMBER BROOKS: Okay. And
5 what kind of experience does he have?

6 MR. MCCARTHER: He has about 15.
7 A little bit over 15 years just in Washington,
8 D.C.

9 BOARD MEMBER BROOKS: Okay. And
10 let me see. Counsel, you indicated that the
11 owner has prior experience in running or
12 owning restaurants.

13 MR. LEFANDE: As I understand it,
14 many years of -- well, he can speak to that
15 obviously.

16 BOARD MEMBER BROOKS: Yes, he can.

17 MR. LEFANDE: So, I don't want to
18 speak on his behalf, but yes, he's
19 owned/operated bars in Montgomery County for
20 many, many years.

21 BOARD MEMBER BROOKS: Okay. And
22 finally, the camera system now, it is

1 operating now?

2 MR. MCCARTHER: Yes, now.

3 BOARD MEMBER BROOKS: Okay. Thank
4 you, Madam Chair.

5 CHAIRPERSON MILLER: Okay.

6 Questions, Mr. Alberti.

7 BOARD MEMBER ALBERTI: I have a
8 question, but I'm going to proceed it with a
9 comment.

10 Go back to item 3, the quandary I
11 have is that I trust that you would
12 familiarize the security team with your
13 security procedures before you open. However,
14 I also trust that the Licensee has every
15 intention of putting in place adequate
16 security procedures. I trust that the
17 Licensee is experienced enough to do that. I
18 trust that he is getting the best advice from
19 his counsels with regards to that. All
20 right.

21 But, I guess my mantra for awhile
22 has been trust but verify and so, my quandary

1 is I'm not -- I can't -- unless I really see
2 this, unless I see a security plan, I hear all
3 this stuff, but I don't really know that I'm
4 really understanding what the security
5 procedures are going to be and what's being
6 put in place.

7 So, as a Board Member, I'm taking
8 a more cautious approach here. Which is some
9 more information about the camera system, how
10 it's working, what it's covering, what the
11 security plan really says, what's really on
12 the mind of the Licensee based on what we see
13 in the security plan before they open.

14 So, what's your reaction to the
15 Board taking a more cautious approach here?

16 MR. LEFANDE: We wouldn't expect
17 you to do otherwise. I think you'd be remiss
18 in your duties if you weren't being cautious
19 and expect some verification with regards to
20 what is being proposed.

21 Mr. Mpras and I just got here.
22 You know, we got called in when there was a

1 problem. Nobody calls us to set up the bar.
2 That's not what we do for a living. We come
3 in when there's a crisis.

4 There has been a serious
5 allegation here and the owner has acted
6 reactively, but also proactively in that
7 regard.

8 I again posit to the Board if you
9 want to know if these cameras are working, you
10 can't do it in an empty room. I mean if, you
11 know, everything looks -- the field of view
12 looks fine and then all of a sudden you
13 actually want to use it one day and it just
14 shows somebody's backside the entire night, we
15 haven't accomplished anything.

16 And necessarily in order to verify
17 the performance, it has to be as an operation
18 and not a shuttered empty room and we posit to
19 the Board that there's certainly every
20 mechanism available to it to verify that these
21 things are getting done and that the operation
22 is likely going to be subject to intense

1 scrutiny from both the Board, the -- well, the
2 Board, the investigators, the OIG and these
3 attorneys.

4 But, to close the operation and
5 expect an evolution I think is not possible.
6 In that, they have to be open. These improve
7 procedures have to be evaluated going forward
8 and that the verification necessarily has to
9 be in the process of them being operational.
10 Otherwise, you're not verifying really
11 anything.

12 MR. MPRAS: And, Mr. Alberti, in
13 number 9 of the proposed offer in compromise,
14 this would be a summary suspension. There
15 would be a continued status 45 days for that
16 purpose.

17 MR. LEFANDE: And, of course, the
18 operation is subject to ongoing administrative
19 inspection as any other one is. If the Board
20 wishes to ask Mr. Moosally to get his
21 investigators out there more often, it's
22 absolutely their prerogative and we think

1 that's appropriate given the circumstances.

2 BOARD MEMBER ALBERTI: Madam
3 Chair, I just have one last comment. I would
4 -- what I'm hearing is that the Licensee
5 doesn't agree with the cautious steps I would
6 like to take. Which is having a chance to
7 review the security plan before -- having a
8 chance to -- having an -- the cautious steps
9 I would like to take is having at least --
10 one-on-one just having an opportunity to
11 review the security plan before the Licensee
12 reopens. I can see that they don't agree with
13 that, but I just want to say that this -- that
14 the Agency and the Board work diligently to do
15 reviews like this as quickly as possible. All
16 right.

17 I think in almost all cases we
18 have dealt fairly with Licensees in getting
19 people out there as quickly as possible,
20 getting things reviewed as quickly as
21 possible. I mean I know investigators have
22 worked on weekends to help us review cameras,

1 help us review security plans, have our staff.
2 General counsel has booked on weekends to do
3 this. They don't have to. All right. The
4 Board has worked, taken their time outside of
5 the meetings to do this. So, we do this as
6 quickly as possible and I will leave you with
7 that.

8 MR. LEFANDE: If I just may
9 address one point in his first sentence that
10 the -- we certainly do not want to deprive
11 anyone on the Board any opportunity to review
12 what our intentions are.

13 We also want to have the
14 opportunity to implement what we think is
15 going to be appropriate remedial process.

16 If there's some shortcoming in our
17 proposal that you, you know, think of at 3:00
18 tomorrow morning, there's nothing that I can
19 see that stops that from getting back to us
20 and that being incorporated informally as we
21 go forward.

22 I know that I wake up in the

1 middle of the night and think of something I
2 should have said at this hearing today and I
3 see nothing -- absolutely nothing wrong with
4 somehow Mr. Moosally hearing that, you know,
5 you think that something should be done and
6 that getting back to us without the need for
7 recitals of the terms of the Open Meetings
8 Act.

9 I mean if you got a good idea, we
10 want to hear it. We want your participation
11 and we want to make you comfortable with the
12 operation of this establishment.

13 We just posit to you that we need
14 to get in there and get back to business so
15 that those things can -- what we think we have
16 right now can be implemented. We see some
17 things that can be fixed right now.

18 If you've got some ideas you come
19 up with after the close of this meeting, I'm
20 sure they can get back to us somehow without
21 some formal process.

22 BOARD MEMBER ALBERTI: Okay.

1 Thank you. I have nothing more.

2 CHAIRPERSON MILLER: Okay. Mr.
3 Brooks? Okay.

4 I didn't hear the attorneys for
5 the Licensee say they didn't think we should
6 review the security plan. I'm not sure if
7 that's what Mr. Alberti meant.

8 But, you have given us a security
9 plan. I think that the one option is -- I
10 mean I think the Board will retire and decide,
11 you know, what it wants to do. But, one
12 option would be to review the security plan if
13 we can do it this morning or today.

14 I understood in response to my
15 questions that you would have procedures for
16 contacting MPD to the Board in writing by
17 Monday.

18 I just want to ask what does that
19 mean though? Are there procedures? What do
20 they --

21 MR. MPRAS: There are procedure
22 there.

1 CHAIRPERSON MILLER: There are.

2 MR. MPRAS: Yes, but the thing is
3 they were done and MPD was called by one of
4 the managers of the club, but we need to
5 address their communication better amongst the
6 results.

7 CHAIRPERSON MILLER: Better.
8 There are procedures?

9 MR. MPRAS: There are procedures
10 and our intent is to improve the security plan
11 by Monday.

12 CHAIRPERSON MILLER: Right. Okay.

13 MR. MPRAS: And we'd welcome your
14 feedback on that.

15 CHAIRPERSON MILLER: Okay. And
16 also, do you say the procedures for preserving
17 a crime scene? I know they were described on
18 the record here what you would say --

19 MR. MPRAS: Those will be included
20 in what you receive on Monday.

21 CHAIRPERSON MILLER: On Monday.

22 MR. MPRAS: As described.

1 CHAIRPERSON MILLER: Okay. Are
2 there any other comments before --

3 MS. SCHMIDT: None from the
4 Attorney General.

5 CHAIRPERSON MILLER: Okay. I
6 would ask the Board if you want to recess and
7 decide how we want to proceed on this? Okay.

8 Speaking of the Open Meetings Act,
9 as Chairperson of the Alcoholic Beverage
10 Control Board for the District of Columbia and
11 in accordance with Section 405 of the Open
12 Meetings Amendment Act of 2010, I move that
13 the ABC Board hold a closed meeting for
14 seeking legal advice from our counsel on this
15 case and deliberating upon it for the reasons
16 cited in Section 405(b)(13) of the Open
17 Meetings Amendment Act of 2010 and this is the
18 case of Roc Bar.

19 Do I have a second?

20 BOARD MEMBER BROOKS: Second.

21 CHAIRPERSON MILLER: Now that the
22 motion's been seconded, I'll take a roll call

1 vote.

2 Mr. Brooks?

3 BOARD MEMBER BROOKS: I agree.

4 CHAIRPERSON MILLER: Mr. Alberti?

5 BOARD MEMBER ALBERTI: I agree.

6 CHAIRPERSON MILLER: Ms. Miller

7 agrees. The motion is passed.

8 We hereby given notice that the
9 ABC Board will hold a closed meeting in the
10 ABC Board conference room now pursuant to the
11 Open Meetings Amendment Act of 2010 and then
12 we'll let you know how we'll proceed.

13 MR. LEFANDE: Thank you.

14 (Whereupon, at 10:13 a.m., a
15 recess was taken until 11:05 a.m.)

16 CHAIRPERSON MILLER: Okay. The
17 Board is back on the record.

18 We had a chance to consider the
19 security plan, look at the proposed OIC and
20 confer with counsel.

21 So, at this point, I would like to
22 make a motion and then just discuss the OIC a

1 little bit under motion.

2 I would move that we reject the
3 proposed OIC.

4 Do I have a second?

5 BOARD MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Thank you and
7 the reason being is that this calls for --
8 well, this proposed OIC has some very good
9 elements in it that the Board would like to
10 work with, but it calls for the license to be
11 lifted tomorrow prior to the Board really
12 being able to make sure that an adequate
13 security plan is in place, adequate procedures
14 are in place that have been described,
15 adequate training that's been described.

16 There's a lot of good things that
17 are described in this proposed OIC, but with
18 such a serious incident as had occurred with
19 violence and injuries and as our normal course
20 of action, we lifted a suspension upon certain
21 elements being in place and I appreciate, you
22 know, the attorney for the Licensee has said,

1 you know, some things take longer and then
2 we'll be improving the situation. However,
3 certain elements have to be in place before
4 the Board would lift the suspension.

5 Are there other comments on that?

6 Okay. I think then that basically does
7 reflect the view of the Board.

8 There's a motion that's been
9 seconded to reject the proposed OIC. All
10 those in favor say aye.

11 (Ayes.)

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining. Then the vote
14 is 3 to 0 to 0 to reject that OIC.

15 Are the parties ready to go
16 forward with a hearing or are there any other
17 preliminary matters?

18 MS. SCHMIDT: We have another
19 preliminary matter then.

20 CHAIRPERSON MILLER: Okay. Ms.
21 Schmidt.

22 MS. SCHMIDT: In the event that

1 you were going to reject this OIC, we were
2 conferring during the break and we're
3 proposing that items 2 through 10 remain the
4 same. However, item number 1 has been changed
5 to read: A suspension of this license through
6 Wednesday, December 5th, 2012 with a status
7 hearing being set on that date to make sure
8 that all these have been completed before the
9 granting back of the license that day.

10 CHAIRPERSON MILLER: Okay.

11 MR. LEFANDE: Just to clarify,
12 Madam Chair, we're not asking today to opt to
13 modify the OIC, but instead set the matter for
14 status on Wednesday for further consideration
15 of the existing OIC with modification of 1 as
16 the Attorney General suggests and see where we
17 stand then with an expectation we would not
18 have an evidentiary hearing on that date
19 because -- so, if we could just have -- set it
20 for status on Wednesday and see where we stand
21 there.

22 CHAIRPERSON MILLER: So, I believe

1 the Board would be amendable to setting this
2 for status.

3 MS. SCHMIDT: I'm sorry. I think
4 you misunderstood. We're asking that the
5 Board accept the OIC today, but there will be
6 a status hearing on Wednesday to insure that
7 all these items have been completed by
8 Wednesday.

9 CHAIRPERSON MILLER: Okay. So, I
10 don't have anything in writing at this point
11 with the change. So, I want to make sure that
12 we understand what you're -- if you are asking
13 us to vote on another OIC.

14 You're saying that paragraphs 2
15 through 20 would remain the same. Is that
16 correct? In substance basically be the same.

17 MR. LEFANDE: Yes, ma'am.

18 CHAIRPERSON MILLER: But, 1 is
19 different?

20 MR. LEFANDE: One would be
21 Wednesday, December 5th, 2012. Allowing us to
22 complete all the steps and give the Board

1 proof that everything has been put in place.

2 CHAIRPERSON MILLER: Okay.

3 MR. LEFANDE: Then, you know, the
4 Board would possibly have us back for a status
5 hearing to insure that everything has been
6 submitted to their satisfaction.

7 CHAIRPERSON MILLER: That later --
8 that 45 days. Is that what you're referring
9 to?

10 MR. MPRAS: No.

11 MR. LEFANDE: No, the 5th.

12 CHAIRPERSON MILLER: The 5th.

13 MR. LEFANDE: We'd come back on
14 the 5th to make sure that you have everything
15 to your satisfaction. But, it would be
16 submitted prior to then.

17 CHAIRPERSON MILLER: Okay. So,
18 all supplemental additions to the security
19 plan, procedures, to training would be
20 submitted prior to the 5th. In time -- it
21 needs to be submitted in time for the Board to
22 review it before the 5th.

1 MR. LEFANDE: I plan on having
2 everything to you on Monday morning.

3 CHAIRPERSON MILLER: Okay. Great.
4 By Monday. All right. And then on the 5th,
5 the Board would -- yes, we will have evaluated
6 the materials and be able to make a
7 determination on the 5th. Okay.

8 And are you waiving your right to
9 a hearing on this matter then?

10 MR. LEFANDE: Yes, we are.

11 CHAIRPERSON MILLER: Okay. All
12 right.

13 MR. MPRAS: Pursuant to the
14 acceptance of the OIC.

15 MR. LEFANDE: Of the OIC.

16 CHAIRPERSON MILLER: Pursuant to
17 the -- right.

18 MR. MPRAS: Right.

19 MR. LEFANDE: Right.

20 CHAIRPERSON MILLER: Okay. Number
21 1 is a little bit vague, but it is number 1
22 that all materials will be submitted by Monday

1 the 3rd and by the 5th, the status hearing at
2 which time the Board will make a determination
3 based on those materials on whether to open
4 the establishment. Okay. Right. All right.

5 Anything else?

6 BOARD MEMBER ALBERTI: I just want
7 to make sure --

8 CHAIRPERSON MILLER: We would need
9 to vote on that, I guess, as this is a new
10 proposed OIC.

11 Do you have a question though?

12 BOARD MEMBER ALBERTI: That
13 includes a review in cooperation with
14 recommendations by our investigator on the
15 security system -- the security cameras.

16 MR. MPRAS: The camera system,
17 yes, sir.

18 BOARD MEMBER ALBERTI: Okay.

19 MR. MPRAS: And it's available for
20 inspection at any time.

21 BOARD MEMBER ALBERTI: Okay. And
22 I have a question for Ms. Schmidt.

1 MS. SCHMIDT: Yes.

2 BOARD MEMBER ALBERTI: So, Ms.
3 Schmidt, we'll be getting security plans soon
4 for review. Will you be reviewing it also?

5 MS. SCHMIDT: I will.

6 BOARD MEMBER ALBERTI: And
7 providing the Board with recommendations?

8 MS. SCHMIDT: Usually, I defer to
9 the Board on this. Usually -- I will be
10 reviewing it. However, only for something
11 blatantly. I'm not an expert in security.
12 I'm not an expert in security plans. I don't
13 claim to be and I --

14 BOARD MEMBER ALBERTI: Well, as
15 the prosecutor in this case, I would ask that
16 you review it and provide the Board with
17 recommendations. I would really like to have
18 input from the Government on this matter.

19 MS. SCHMIDT: That's fine.

20 BOARD MEMBER ALBERTI: Thank you.

21 MR. MPRAS: We'll make sure to
22 provide her with a copy.

1 BOARD MEMBER ALBERTI: Thank you.

2 CHAIRPERSON MILLER: Okay. I mean
3 I think that that does address our concerns
4 that we discussed this morning and I think you
5 understand them so that you'll be able to
6 supplement so that we'll be able to have the
7 information we need to make sure that the
8 problems are addressed adequately. Okay.

9 Any other questions? Any other
10 comments from parties?

11 Okay. Then I would move that we
12 accept the new OIC as presented. Do I have a
13 second?

14 BOARD MEMBER ALBERTI: I'll
15 second.

16 CHAIRPERSON MILLER: Any
17 discussion? All those in favor say aye.

18 (Ayes.)

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining?

21 Then the motion passes by a vote
22 of 3 to 0 to 0.

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Thank you.

So, the Board will now recess. We
may be returning for a couple of short items.

(Whereupon, at 11:13 a.m., the
hearing was adjourned.)

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