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

10:49 a.m.

CHAIRPERSON MILLER: Okay. The next case on our calendar is a Summary Suspension Status Hearing. Case No. 12-251-00360. Roc Bar located at 1426 L Street, NW. License No. 89818, in ANC 2F.

When you're ready, will the parties please introduce themselves for the record.

MS. SCHMIDT: Good morning. Amy Schmidt, Assistant Attorney General on behalf fo the District of Columbia. I'm accompanied by Investigator Tyrone Lawson of ABRA.

MR. MPRAS: I'm Emanuel Mpras representing Roc Bar.

MR. McCARTHER: Jason McCarther, owner of Roc Bar.

CHAIRPERSON MILLER: Okay. Do you want to start or Ms. Schmidt as to where we are at this point?

MS. SCHMIDT: A brief synopsis is

1 on Monday, Mr. Mpras sent me an ABRA copy of
2 the security plan. I made my comments and
3 they're incorporated in the security plan.
4 Investigator Lawson went out yesterday to
5 inspect the cameras which is the subject of a
6 supplemental report 12-251-00360A. And based
7 on Investigator Lawson's inspection we just
8 have three quick amendments which the licensee
9 has agreed to make. The record they will be
10 made.

11 First of all, the number of radios
12 I think you said 11?

13 MR. MPRAS: No, 12.

14 MS. SCHMIDT: There will be 12
15 radios.

16 MR. MPRAS: They have been ordered
17 and all 12 will be in place today.

18 CHAIRPERSON MILLER: The plan says
19 less? What does it say?

20 MR. MPRAS: Less, yes.

21 CHAIRPERSON MILLER: The plans say
22 how many, 11?

1 MR. MPRAS: There will be one for
2 every security person and one at every bar.
3 So, that would be 11. There will be 12 just
4 in case one goes down.

5 CHAIRPERSON MILLER: Oh, okay.
6 And, Mr. Lawson, is that what you suggest or
7 no?

8 MR. LAWSON: My reading of the
9 security plan there is supposed to be 12.

10 CHAIRPERSON MILLER: Okay.

11 MR. LAWSON: I mentioned to Mr.
12 Mpras that the security plan it states that
13 security staff is supposed to be a minimum of
14 eight staff members and one at each bar which
15 is three bars. But there's also a clause in
16 the security plan that states that the general
17 manager is supposed to have a radio also.

18 CHAIRPERSON MILLER: Okay. But
19 you both agree that 12 is the right number?

20 MR. LAWSON: Yes. Yes, ma'am.

21 CHAIRPERSON MILLER: Okay.

22 MR. MPRAS: And at the front door

1 there are two people there and there's no need
2 to have two radios in one stationary place.

3 CHAIRPERSON MILLER: Okay.

4 MR. MPRAS: But there will be 12.

5 CHAIRPERSON MILLER: Okay.

6 MR. LAWSON: Okay. If Mr. Mpras
7 could amend the security plan to reflect that
8 because -- Madam Chair, I just don't want
9 another investigator to go in and see that
10 they're supposed to have a certain number and
11 they're short and they end up in a security
12 plan violation.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: So, what you're
15 saying is that -- I think Mr. Mpras what
16 you're committing, you're committing to is the
17 security person not at the door, inside, each
18 of those will have their own radio.

19 MR. MPRAS: Yes, sir.

20 MEMBER ALBERTI: And then the
21 front door will have one radio.

22 MR. MPRAS: Correct.

1 MEMBER ALBERTI: Is that okay?

2 Okay. So, you need to reflect that. So, you
3 need to reflect that --

4 MR. MPRAS: We're committing to
5 having 12 radios and everyone who is inside
6 will have their own radio security-wise.

7 MEMBER ALBERTI: Okay. So, you
8 need to reflect that and update the plan to
9 reflect that. Because I think Mr. Lawson is
10 trying to protect you from someone coming out
11 and reading this very literally and saying,
12 you guys don't have it.

13 MR. MPRAS: But there will be 12
14 radios in place today.

15 MEMBER ALBERTI: Okay. Great.

16 MS. SCHMIDT: And the second
17 matter is, an amendment of the certificate of
18 occupancy. I believe right now the
19 certificate of occupancy says 40.

20 MR. LAWSON: Seats.

21 MS. SCHMIDT: 40 seats. However,
22 we realize, we know that -- we realize that

1 the actual capacity is more than 40 seats so
2 Mr. Mpras he can make representations to that.

3 MR. MPRAS: I've spoken to the
4 DCRA and what it is if it's seating it
5 requires times the space of standing as far as
6 the certificate of occupancy being issued.
7 But, Mr. McCarther will go to DCRA and have it
8 amended today.

9 CHAIRPERSON MILLER: To what?

10 MR. MPRAS: To -- it should be 120
11 approximately standing.

12 CHAIRPERSON MILLER: Okay. They
13 will reflect standing?

14 MR. MPRAS: Yes, you can get them
15 to differentiate and that's what we're going
16 to do just to keep it clear.

17 CHAIRPERSON MILLER: Okay.

18 MS. SCHMIDT: I'm sorry, so that
19 will be 160 then or --

20 MR. MPRAS: No, it's 40 seated so,
21 three times 40, 120.

22 MS. SCHMIDT: So, 120 including

1 the 40 seated?

2 MR. MPRAS: No.

3 MS. SCHMIDT: That's what I'm
4 asking.

5 MR. MPRAS: So, the occupancy
6 alone would be 40 if they were seated as in
7 fine dining. Standing it would be three times
8 that approximately.

9 MS. SCHMIDT: But if people are
10 standing and sitting. How many is that?
11 That's my question. I'm not being difficult.

12 MEMBER ALBERTI: Mr. Mpras, she's
13 correct. Usually what DCRA -- we interpret
14 DCRA as saying that there are two separate
15 numbers that need to be added together to get
16 the capacity. So, if the capacity standing
17 without any seating is 120 then the two
18 numbers -- I'm not telling you what to put
19 down but the two numbers should be 40 and --

20 MR. MPRAS: 80.

21 MEMBER ALBERTI: -- 80. But you
22 need to figure this out with DCRA.

1 MR. MPRAS: Exactly. That's why
2 Mr. McCarther is going to go today after this
3 proceeding and have it taken care of.

4 MEMBER ALBERTI: Okay.

5 CHAIRPERSON MILLER: I think the
6 number of people need to know is what's the
7 number of people that can be in the
8 establishment, right? So, if you're doing a
9 clicker or whatever it is, you know, right?

10 MEMBER ALBERTI: I think what
11 they're committing to is going to DCRA and
12 getting that standing number from DCRA.

13 MR. MPRAS: Yes.

14 MEMBER ALBERTI: And having that
15 reflected on your C of O so that you know --
16 the employees know what the proper capacity
17 is. Whatever it is, it will come from DCRA
18 and be reflected on your C of O. Is that --

19 MR. MPRAS: Yes.

20 MEMBER ALBERTI: Okay. Very good.

21 MR. MPRAS: And it will be
22 submitted to ABRA as soon as it is issued by

1 DCRA.

2 CHAIRPERSON MILLER: Okay. That's
3 fine, but I think we're also saying that it
4 may be confusing to have standing and seating
5 and if DCRA which I would think they would,
6 would just have a maximum capacity number. I
7 don't know what they do. You can find out,
8 you know. That would be ideal because that
9 would control the number of people in the
10 establishment. Okay.

11 MS. SCHMIDT: And the last point
12 is just that just to clarify that training is
13 to be paid for by the establishment. In other
14 words, I think there's a section --

15 MR. LAWSON: Post-training.

16 MS. SCHMIDT: Post-training, yes.

17 MR. LAWSON: And probably for
18 security.

19 MR. MPRAS: The training for
20 current staff was completed this past Monday
21 and all new staff will be trained within 30
22 days per the security plan.

1 CHAIRPERSON MILLER: Can you
2 elaborate on what kind of training they had,
3 was completed?

4 MR. MPRAS: The security training
5 basically.

6 CHAIRPERSON MILLER: Right.

7 MR. MPRAS: Everything specified
8 in the -- they were -- they were trained on
9 the security plan and then they were given
10 some instruction in verbal judo and I'm not --
11 I don't have the lesson plan, but --

12 CHAIRPERSON MILLER: On verbal
13 judo. What?

14 MR. MPRAS: Diffusing situations
15 verbally.

16 CHAIRPERSON MILLER: Oh, okay.
17 And who did the training?

18 MR. MPRAS: The training was --

19 CHAIRPERSON MILLER: Was what?

20 MR. MPRAS: Matt LaFande.

21 CHAIRPERSON MILLER: Matt LaFande.

22 Okay.

1 MR. MPRAS: And he's a certified
2 trainer with Virginia-DC JS.

3 CHAIRPERSON MILLER: Okay. Thank
4 you.

5 I think the Board has some
6 questions. Mr. Brooks.

7 MEMBER BROOKS: Yes, I do.

8 Getting back to I guess it's page
9 3 that they're not numbered the pages.

10 MR. LAWSON: I was just going to
11 point that out, Mr. Brooks, because I was
12 going to ask them to get the revised plan
13 numbered.

14 MEMBER BROOKS: Yes, that would
15 help. But mandatory training. I just want to
16 be sure that we all are on the same page. It
17 says all bartenders are required to receive
18 the training within 30 days of employment.
19 Failure to provide proof of training may
20 result in termination.

21 Now, who provides the training?

22 MR. MPRAS: The bartenders take

1 the training on their own and are provided
2 with a certificate that they must bring to the
3 establishment.

4 MEMBER BROOKS: Okay. And who is
5 the provider of training?

6 MR. MPRAS: There are numerous --

7 MEMBER BROOKS: Numerous.

8 MR. MPRAS: -- sources. Actually,
9 ABRA published a list. There's more than a
10 dozen, at least that give the training.

11 MEMBER BROOKS: Okay. Now, is it
12 done on line?

13 MR. MPRAS: I believe no, no. It's
14 classroom training.

15 One of the certified trainers, for
16 example, is the manager of 930 Club Jean
17 Homza.

18 MEMBER BROOKS: Okay. I have
19 another question but --

20 CHAIRPERSON MILLER: Okay. Go
21 ahead.

22 MEMBER BROOKS: On a different

1 category. Okay.

2 MEMBER ALBERTI: I would suggest
3 that we hear a summary of Mr. Lawson's report
4 before we get more questions.

5 MEMBER BROOKS: Yes.

6 MEMBER ALBERTI: This way we don't
7 kind of overlap.

8 MEMBER BROOKS: Yes.

9 MEMBER ALBERTI: And I think it
10 might be best. That's my suggestion as to how
11 we proceed.

12 MEMBER BROOKS: I agree.

13 MEMBER ALBERTI: Okay. Is that
14 okay?

15 MR. LAWSON: I met with Mr.
16 McCarther yesterday and inspected the cameras.
17 He showed me that he was able to manipulate
18 the camera and show from the time that we
19 entered the establishment which was about a
20 half an hour or so prior to him manipulating
21 the system and he ran it from the point that
22 we entered and walked through the

1 establishment.

2 Now, I have to say that the
3 cameras do not show every blind spot. It's
4 probably unreasonable to expect them to show
5 every blind spot, cover every blind spot
6 because there are columns there and things
7 that are blocking. But there was one
8 particular camera that concerned me. An
9 outside camera. If you look on the exhibits
10 it should be camera number nine, I think. You
11 look on the monitor, I think Exhibit Number 2.
12 I'm sorry, hang on a second. It's the monitor
13 Exhibit Number 4. The third camera down from
14 the farthest left is camera number 9.

15 MEMBER ALBERTI: Photo 4?

16 MR. LAWSON: Exhibit -- Photo of
17 the camera monitor.

18 MEMBER ALBERTI: Oh, okay. So,
19 Exhibit 4.

20 CHAIRPERSON MILLER: Exhibit 4.

21 MR. LAWSON: Exhibit 4 says camera
22 monitor.

1 MEMBER ALBERTI: Give me a moment.

2 Okay.

3 MR. LAWSON: If you look to your
4 farthest left row --

5 MEMBER ALBERTI: Right.

6 MR. LAWSON: -- the third down.
7 That is an outside camera. Now, if you go to
8 the next exhibit page, number 5, if you see
9 where the arrows are pointing to the cameras
10 and you see an overhang that's underneath of
11 the cameras. That camera view is being
12 blocked by one of those overhangs. So, I
13 would recommend that they probably have some
14 camera extensions the mounts so that they can
15 push the camera further out to show down on
16 the sidewalk area. If he would arrange with
17 his technician to have that done so that that
18 camera view will show more of the sidewalk in
19 front of the establishment instead of the
20 blocked overhang or speak to the landlord and
21 see if they can move the overhang because --
22 MEMBER ALBERTI: Or remount it on

1 the overhang.

2 MR. LAWSON: Yes.

3 MEMBER ALBERTI: Whatever is
4 necessary is what you're suggesting.

5 MR. LAWSON: Yes. Because that's
6 -- that's not doing the establishment a lot of
7 good to have it blocked like that. But other
8 than that, the cameras -- most of the cameras,
9 not all of them, most of them were infrared
10 cameras, particularly the new ones that he had
11 installed and they are a good quality, high
12 quality indoor/outdoor cameras. He did not
13 have any camera on the rear of the
14 establishment but his security plan only
15 requires that he has 13 cameras.

16 The rear of the establishment is
17 basically leads up -- the fire exit leans out
18 toward a narrow walkway and the end of the
19 gate is locked and secured by a lock that's
20 owned by the landlord that Mr. McCarther
21 stated that he didn't have access to but, you
22 know, I strongly urged him to speak to the

1 landlord about getting access to that because
2 that could be potentially a fire hazard.
3 Especially, if there's a situation where
4 there's another incident and they want to let
5 people out two different doors, they only
6 have one front door right now to let somebody
7 out. The security plan says that they're
8 supposed to let people out separately,
9 separate areas at separate times.

10 MEMBER ALBERTI: So, is that the
11 only other fire exit?

12 MR. LAWSON: Yes. And the only
13 other exits are the front.

14 MEMBER ALBERTI: How large is that
15 alley?

16 MR. LAWSON: Literally, it's
17 probably about this wide.

18 MEMBER ALBERTI: And how long is
19 it?

20 MR. LAWSON: It's probably I would
21 say 20 feet. Twenty feet by roughly about
22 five feet wide.

1 MEMBER ALBERTI: So, people really
2 aren't getting very far from the building if
3 there's an emergency?

4 MR. LAWSON: Well, that is --
5 leads out to 15th Street.

6 MEMBER ALBERTI: I know, but if
7 the gate is locked.

8 MR. LAWSON: No, they can't get
9 out.

10 MEMBER ALBERTI: You can't get out
11 to the street.

12 MR. LAWSON: No, sir.

13 MEMBER ALBERTI: So, if there's an
14 emergency and people want to exit the back
15 they're in the alley?

16 MR. LAWSON: Yes. And that is the
17 only establishment that feeds to that area.
18 So, it's not like they share that exit or that
19 walkway with another establishment.

20 MEMBER ALBERTI: Yes. Okay.

21 MR. LAWSON: So, Mr. McCarther
22 showed me that they had five radios on hand

1 with the chargers. He stated that two of them
2 was at his residence, that he would bring the
3 other two back immediately. And he did show
4 me the hand-held manometers that will be used.
5 And he manipulated it to show me that it was
6 operable. He had two brand new hand-held
7 manometers.

8 And I did speak with him regarding
9 the certificate the C of O. He said he had
10 recently gotten a C of O for the third floor,
11 but I had mentioned to him about obtaining a
12 different C of O with an increased occupancy
13 if he was going to have more people in there
14 than what his current occupancy stated which
15 is 40 seats.

16 MEMBER ALBERTI: Okay.

17 MR. LAWSON: So, he said he would
18 do it.

19 CHAIRPERSON MILLER: This camera
20 over the front is that newly placed or was
21 that one there before?

22 MR. LAWSON: That I don't know.

1 MR. McCARTHER: That one was there
2 before. It wasn't working.

3 CHAIRPERSON MILLER: Okay. So, it
4 wasn't working.

5 MR. MPRAS: Fixed it, yes.

6 CHAIRPERSON MILLER: Okay. I'm
7 concerned about this fire hazard without being
8 able to exit out the rear.

9 MR. McCARTHER: I'll try to get a
10 key from the landlord so at this point I'm
11 just going to take cutters and cut the lock
12 off.

13 CHAIRPERSON MILLER: Okay.

14 MR. McCARTHER: I mean, whatever
15 repercussions I have with the landlord, I'll
16 deal with that with them.

17 CHAIRPERSON MILLER: I mean, I
18 would think it would be a violation of --

19 MR. McCARTHER: Well, I've left
20 messages and --

21 CHAIRPERSON MILLER: But you have
22 to have a building that's built that way with

1 two egresses in it.

2 MR. MPRAS: You'll remove it
3 today.

4 MR. McCARTHER: I'll remove it
5 today.

6 CHAIRPERSON MILLER: Okay. What
7 about the cameras placement over -- can you
8 move that?

9 MR. McCARTHER: Yes, I can move
10 that, yes. I can have that moved.

11 CHAIRPERSON MILLER: You can move
12 that?

13 MR. McCARTHER: Yes, I can move it
14 personally.

15 CHAIRPERSON MILLER: Okay. When
16 can you move it?

17 MR. McCARTHER: I can do that
18 today.

19 CHAIRPERSON MILLER: Okay.

20 MR. McCARTHER: I can just mount
21 it up. I can mount it up more so it shoots
22 out on the street.

1 CHAIRPERSON MILLER: Okay. Good.

2 Okay. So, we get back to Board
3 questions.

4 MR. MPRAS: Sure.

5 CHAIRPERSON MILLER: Okay. Mr.
6 Brooks.

7 MEMBER BROOKS: Yes, I just had a
8 question. Just a procedure point of view if
9 the bottle service. Who does the pouring on
10 bottle service? Is it the customer himself
11 who pours his own booze or is it the servers?

12 MR. McCARTHER: Cocktail waitress,
13 the server.

14 MEMBER BROOKS: Cocktail waitress
15 does all the pouring for the bottle service?

16 MR. McCARTHER: Yes, she -- I tell
17 her to as possible do all the pouring but we
18 know when it gets really, really busy
19 sometimes, the customer might get impatient
20 and pour his own drink. So, I try to schedule
21 enough servers and I know how many tables we
22 have booked so, therefore, I schedule enough

1 servers to accommodate every customer. So, I
2 don't have them pouring.

3 MEMBER BROOKS: So, each time a
4 customer wants a drink he has to summons the
5 cocktail waitress?

6 MR. McCARTHER: I mean, yes and
7 no. We know they're not going to do that.
8 So, to the best of my knowledge, you know, I
9 have a manager on each floor. So not only is
10 a manager tending to the tables, the cocktail
11 server is also attending the tables. So, you
12 have two sets of eyes on that floor tending to
13 customers. So, we can -- if the manager
14 pouring the drinks and the cocktail waitress
15 pouring the drinks and we're there before the
16 drink is even empty asking, you know, hey,
17 when you're done would you like another drink?

18 MEMBER BROOKS: Okay. I see
19 you're saying to offer pouring service but if
20 they refused, they can?

21 MR. McCARTHER: Yes, they can
22 refuse but then again it takes away from the

1 whole experience of the bottle service. If
2 you're paying for bottle service so you're
3 going to be catered to.

4 MEMBER BROOKS: Sure.

5 MR. McCARTHER: So, I really don't
6 have that problem with a customer saying, no,
7 I don't want to be catered to.

8 MEMBER BROOKS: Okay. Thank you,
9 Madam Chair.

10 CHAIRPERSON MILLER: Okay.

11 Others?

12 MEMBER ALBERTI: Let's stay with
13 bottle service. What is the maximum number of
14 people you can accommodate for bottle service?

15 MR. McCARTHER: There's four
16 tables on the first and four tables on the
17 second floor.

18 MEMBER ALBERTI: And how many at
19 each table?

20 MR. McCARTHER: Probably fit five
21 people at each table.

22 MEMBER ALBERTI: Okay. Is that

1 the 40 --

2 MR. McCARTHER: Yes, it is.

3 MEMBER ALBERTI: Let's make sure
4 we're consistent with what DCRA and you agreed
5 to. Okay.

6 The security training that was
7 completed by the staff, all right. Mr.
8 LaFande did this training?

9 MR. McCARTHER: He did.

10 MEMBER ALBERTI: And he is --
11 again, what are his credentials?

12 MR. MPRAS: He's certified by the
13 Virginia Department of Criminal Justice
14 Services as an instructor.

15 MEMBER ALBERTI: In security
16 training?

17 MR. MPRAS: Correct. In police
18 training. So, basically, the same thing.
19 Security -- they can train security guards.
20 They can train special conservatives to peace.
21 They can train certain law enforcement forces
22 and --

1 MEMBER ALBERTI: Do we have
2 certificates or some proof of who was
3 training?

4 MR. MPRAS: Certificates will be
5 provided. The names were taken down and the
6 certificates were printed out and provided to
7 the staff or to the establishment for the
8 staff.

9 MEMBER ALBERTI: And is there any
10 documentation on what the training included?

11 MR. MPRAS: You mean as a lesson
12 plan for curriculum of some type?

13 MEMBER ALBERTI: Yes, outlining
14 anything. I'm asking you.

15 MR. MPRAS: The majority was spent
16 making sure they understood the security plan
17 and procedures and then there was some
18 instruction in D.C. law and then the verbal
19 judo basically having a few situations. But
20 I don't have with me any type of -- any type
21 of manual and I don't believe that there's any
22 approved manual for the District.

1 UNIDENTIFIED PERSON: There isn't,
2 no.

3 MEMBER ALBERTI: I'll ask the
4 question. Mr. McCarther, did you take the
5 training?

6 MR. McCARTHER: Yes, I did.

7 MEMBER ALBERTI: Okay. And just
8 recently with your employees?

9 MR. McCARTHER: Yes.

10 MEMBER ALBERTI: And are you
11 satisfied that is adequate?

12 MR. McCARTHER: Yes, I mean, we
13 went through the entire plan, especially the
14 part where you guys requested that we did the
15 crime --

16 MR. MPRAS: Crime scene.

17 MR. McCARTHER: Crime scene
18 preservation. Yes.

19 MEMBER ALBERTI: Okay. I have
20 questions/comments about the security plan to
21 we understand it.

22 Let's go to page 4 not including

1 the cover page. So, page 4, Cameras and
2 Coverage Areas.

3 Now, this may just be me being
4 reading this too literally or something, I'm
5 not sure. But in the first paragraph it says,
6 Photos can be retrieved and viewed for 30
7 days. So, I assume that your DVRs are going
8 to have a recording capacity of 30 days. Is
9 that correct? Is that what I understand from
10 that?

11 MR. MPRAS: Yes.

12 MEMBER ALBERTI: Okay. Then it
13 says all incidents will be burned onto a disk
14 and for flash drive and kept on file for 30
15 days. Well, maybe this is just a safeguard
16 but it seems to me -- I'm not understanding
17 this, I guess, because if it's on the DVD
18 already why does it need to be off-loaded to
19 something else and only saved for the same
20 period of time?

21 MR. MPRAS: We're referring to an
22 additional 30 days on this.

1 MEMBER ALBERTI: Oh, so could you
2 make that clear?

3 MR. MPRAS: Yes.

4 MEMBER ALBERTI: So, this is an
5 additional 30 days?

6 MR. MPRAS: Correct.

7 MEMBER ALBERTI: So, this would be
8 saved for 60 days from the date of the
9 incident?

10 MR. MPRAS: Correct.

11 MEMBER ALBERTI: Okay. If you
12 would make that clear in the security plan?

13 MR. MPRAS: Yes.

14 MEMBER ALBERTI: Okay. Glad I
15 asked.

16 CHAIRPERSON MILLER: Yes.

17 MEMBER ALBERTI: And I appreciate
18 you putting that in there.

19 Okay. There seems to be some
20 inconsistency about when people will be
21 wanted. On page 8 it says Sundays through
22 Thursday there will be one security personnel

1 checking IDs and one wanding individuals. But
2 I think when I read this and I'm trying to
3 find it in my notes but on page 9 -- give me
4 just a moment.

5 MR. LAWSON: I think you're
6 looking for ID checking procedures under that?

7 MEMBER ALBERTI: The days of the
8 week. There's another place where it lists
9 the days of the week that you'd be wanding and
10 it only says Thursday through --

11 MR. LAWSON: Communication
12 equipment, security equipment procedures
13 underneath.

14 MEMBER ALBERTI: Yes, it says
15 parties and status and during special events
16 you'll be using the wands. So, what is it?
17 You tell me. Is it just Fridays and Saturdays
18 and special events or is it every day that
19 you'll be wanding people?

20 MR. MPRAS: The wands are going to
21 be used on the heavy nights, on Friday and
22 Saturday nights at all times. The wands will

1 be available and will always be at the front
2 door for use on Wednesday -- on the nights
3 that they're open. Wednesday and Thursday
4 they're open right now Wednesday through
5 Saturday but wandering will not take place at
6 all times on Wednesday and Thursday depending
7 on the type of event they have booked.

8 Wednesday and Thursday sometimes
9 are private events. They know who they are
10 dealing with so they've dealt with these --
11 they're groups booking parties, things like
12 that.

13 MEMBER ALBERTI: I got you. So,
14 one is available but not required.

15 MR. MPRAS: On --

16 MEMBER ALBERTI: On Sunday through
17 Thursday?

18 MR. MPRAS: Correct.

19 MEMBER ALBERTI: Okay.

20 MR. MPRAS: On Fridays and
21 Saturdays they will be used.

22 MEMBER ALBERTI: Can you make that

1 clear on page 8?

2 MR. MPRAS: I will.

3 CHAIRPERSON MILLER: What are the
4 two sections --

5 MEMBER ALBERTI: Page 8 and I'm
6 also looking at page 11. Communication
7 equipment, security equipment and procedures.
8 Thank you, Mr. Lawson, for that.

9 And it says midway down, it says
10 wanding used on Friday, Saturday and during
11 special events.

12 CHAIRPERSON MILLER: Right.

13 MEMBER ALBERTI: So, that's when
14 they're required and it just needs to be made
15 clear on page -- and this is for your own
16 protection.

17 MR. MPRAS: On page 8 --

18 MEMBER ALBERTI: I don't want you
19 coming in with some confusion later on. It
20 was, you know, it's for your protection to
21 make it clear that the first part on page 8,
22 the second paragraph is that they're available

1 on Sunday through Thursday but not required to
2 be used, which I think is a good idea. I
3 think it's an excellent idea.

4 On page 8 --

5 CHAIRPERSON MILLER: Yes, it's not
6 numbered.

7 MEMBER ALBERTI: -- inside and
8 outside deployment.

9 CHAIRPERSON MILLER: Inside and
10 outside.

11 MEMBER ALBERTI: And I'm not
12 counting the title page when I count pages.

13 MR. MPRAS: The revised version
14 will have page numbers.

15 MEMBER ALBERTI: Mine does now.
16 Okay.

17 CHAIRPERSON MILLER: Okay. So,
18 it's the second paragraph and it's Monday
19 through Thursday and has the wandering
20 individual in it. Is that going to be
21 clarified with the --

22 MEMBER ALBERTI: Right, right.

1 So, that someone doesn't interpret it as
2 having them required to be used.

3 CHAIRPERSON MILLER: Right.

4 MEMBER ALBERTI: They'll just be
5 available. Okay. Okay.

6 Now, again, this may just be me
7 but at the bottom of page 8 we have. The
8 manager will call 911 immediately if the
9 incident appears to be violent or a medical
10 emergency. Where I'm going to be going here
11 is it appears that we have different
12 definitions of what an incident is that needs
13 to be reported to MPD. And I'll point that
14 out, so that's where I'm going.

15 So, we have at the bottom of page
16 8, the last paragraph, the violent or medical
17 emergency. And then on page 9 it appears and
18 says, all assaults must be reported to MPD.
19 It seems that -- why not just say all -- why
20 not just give a constant definition of what
21 kind of incidents must be reported to MPD?
22 Okay. And a medical emergency is not

1 necessarily an assault.

2 MR. MPRAS: No, but a medical
3 emergency you wouldn't call MPD, you would
4 call 911.

5 MEMBER ALBERTI: Right. Right.
6 So, why not keep it consistent from page to
7 page?

8 CHAIRPERSON MILLER: Could you
9 clarify?

10 MEMBER ALBERTI: On page 9 it
11 implies that only assaults must be reported to
12 MPD. On page 8 it implies that violent or
13 medical emergencies must be. To me, I would
14 prefer consistent reference to the kinds of
15 things that need to be reported to MPD. And
16 let me get to the last one there on page 14.
17 And if I'm not clear let me know. All right.

18 If the situation appears to be
19 uncontrollable management shall contact MPD.
20 Again, it's like when are they contacting MPD?
21 Is it medical emergencies and violent
22 incidents or it just uncontrollable incidents?

1 I'm looking for some consistent wording in
2 those three sections.

3 MR. MPRAS: I understand we're
4 differentiating. I mean, if we see a violent
5 incident happening or a medical emergency
6 outside they're going to call 911 and report
7 it. 911 will dispatch what's necessary,
8 whether it be an ambulance or police.

9 An assault is something totally
10 different and that's something that will be
11 reported directly to MPD.

12 MEMBER ALBERTI: So, if I'm
13 understanding you're saying incidents that are
14 violent in nature, a medical emergency, an
15 assault or an uncontrollable situation will of
16 those would warrant calling MPD?

17 MR. MPRAS: 911 call.

18 MEMBER ALBERTI: Okay.

19 CHAIRPERSON MILLER: I think Mr.
20 Alberti may just be saying that maybe you can
21 just clarify somewhere --

22 MR. MPRAS: We'll change all that

1 to a 911 call, so it's uniform across the
2 board.

3 MEMBER ALBERTI: Yes, why don't
4 you put in a phrase --

5 CHAIRPERSON MILLER: When you have
6 to call the police. When you have to call the
7 police.

8 MEMBER ALBERTI: Yes, exactly.
9 That's a good idea. Summarize that some place
10 in here as these are the kinds of things that
11 you will call MPD so it's all listed in one
12 spot.

13 MR. MPRAS: Understood.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER ALBERTI: So, we don't get
16 in a debate sometime in the future as to
17 whether you should have called MPD or not.
18 And, again, it helps you.

19 MR. MPRAS: No, I appreciate the
20 fact.

21 MEMBER ALBERTI: What's expected.

22 MR. MPRAS: Usually I'll go over

1 something like this in about two weeks. Just
2 put it together.

3 MEMBER ALBERTI: No, I understand.
4 I understand. Okay. And let me see if
5 there's anything else. I think there's one
6 other thing.

7 Okay. I just want to make sure I
8 understand on page 15 which is Crime Scene
9 Preservation. The last bullet there. It says
10 cordon off area in question to prevent any
11 disturbance of that area until MPD or ABRA
12 arrive and are taken to the area. What's that
13 mean? I know what I think it means, you tell
14 me what it means?

15 MR. MPRAS: At that point it
16 becomes their crime scene. They are the ones
17 that inspect it, investigate it and then
18 decide when it's clear.

19 MEMBER ALBERTI: And there will be
20 no removal of anything? Is that what it means
21 by not --

22 MR. MPRAS: Cordoning everything

1 in question means nothing in route.

2 MEMBER ALBERTI: Okay. No glass,
3 no cleaning up?

4 MR. MPRAS: That means nothing in
5 or out, period.

6 MEMBER ALBERTI: Okay. Won't be
7 disturbed. Okay.

8 I don't have any other questions
9 right now.

10 CHAIRPERSON MILLER: Mr. Brooks?

11 MEMBER BROOKS: No.

12 CHAIRPERSON MILLER: Okay. Mr.
13 Lawson, I want to thank you for all your hard
14 work on this and in a very short period of
15 time. And I want to ask you if you can offer
16 an opinion. I'm going to read off all the
17 amendments that we have come out here that
18 should be made to the security plan. And then
19 I wanted to ask you if all this happens and in
20 your opinion it would be safe to open the
21 establishment.

22 It appears that most of these

1 things can be done today but, Mr. Mpras, you
2 can tell me. Okay. I've been taking notes on
3 what we've been saying and I want to read them
4 back for everybody's clarification and
5 correction or whatever. Okay.

6 So, first is the security plan
7 will be amended to reflect that there will be
8 12 radios.

9 MR. MPRAS: Right.

10 CHAIRPERSON MILLER: I do have a
11 question about that. You were talking about
12 who has the radios, who doesn't. Is that in
13 the security plan, you know, each staff
14 person?

15 MR. MPRAS: Yes, there will be
16 radios, all the security inside and there will
17 be one at each bar and one at the front door
18 but that's not specified but can be added.

19 CHAIRPERSON MILLER: Okay. I
20 think it should be clear who has the radios.
21 I mean personally I think this is a really
22 good security plan. I appreciate all the

1 input that went into it. So, we're actually
2 just making it a really good tight plan and it
3 should work for you well in the future. Okay.

4 So, it will be amended to reflect
5 that there will be 12 radios and indicate
6 where they'll be.

7 It will be amended to reflect that
8 the mandatory training of the employees will
9 be paper by the establishment?

10 MR. MPRAS: Yes, ma'am.

11 CHAIRPERSON MILLER: Okay. So, I
12 know there's a section on mandatory training
13 and it will be in there. Okay.

14 The numbers will be paginated.
15 Okay.

16 It will be clarified that the
17 video will be saved for an additional 30 days
18 so it will be accessible for 60 days total.

19 MR. MPRAS: Yes, ma'am, whenever
20 an incident occurs that will be burned and
21 saved.

22 CHAIRPERSON MILLER: Right. Okay.

1 So, the additional time will be only when
2 there's an incident. Correct? Okay.

3 MS. SCHMIDT: Maybe it should be
4 more than 30. If it's saved why only for 30
5 days because sometimes it doesn't get to ABRA,
6 you know, we don't even get the report. We
7 don't get the incident report for, you know,
8 a month or so. So, maybe can make it 90, you
9 know.

10 MR. MPRAS: But the incident
11 report done by the investigator usually
12 requests the footage.

13 MS. SCHMIDT: Okay.

14 MS. SCHMIDT: I'm just wondering
15 sometimes.

16 MEMBER ALBERTI: Well, I mean,
17 sometimes we don't. MPD comes in and we don't
18 get a police report for 30 days.

19 MS. SCHMIDT: Yes.

20 MEMBER ALBERTI: Is there any
21 problem with this? You need limits because
22 you don't want to save this forever.

1 MS. SCHMIDT: Right.

2 MEMBER ALBERTI: But is there any
3 problem with 90 days?

4 CHAIRPERSON MILLER: What?

5 MS. SCHMIDT: An additional 60
6 days.

7 MEMBER ALBERTI: So, it's a total
8 of 90 days from the incident?

9 MR. MPRAS: Sixty additional days
10 is fine.

11 CHAIRPERSON MILLER: Sixty days
12 additional. Okay.

13 MEMBER ALBERTI: Thank you.

14 CHAIRPERSON MILLER: All right.

15 You will just add a clarification
16 somewhere about what incidents have to be --
17 what types of incidents have to be report to
18 MPD, even though you describe it in different
19 parts and, say, you know, emergency, medical,
20 assault, violent, whatever so it's clear.

21 Okay.

22 Then in additional to that

1 separate from the security plan you'll obtain
2 a new -- you'll contact DCRA today to obtain
3 a C of O?

4 MR. McCARTHER: I am going there
5 after this.

6 CHAIRPERSON MILLER: Okay. We're
7 not sure, do you think you'll be able to get
8 one today?

9 MR. McCARTHER: I -- I don't see
10 that that will be a problem.

11 CHAIRPERSON MILLER: Okay. All
12 right. So, you'll get a new C of O reflecting
13 the capacity in the establishment and then
14 move camera number 9 in the front entrance so
15 that it's not blocked and can capture the
16 front of the establishment.

17 And then finally you will unlock
18 the back gate so that rear egress is
19 available.

20 MR. McCARTHER: Yes.

21 CHAIRPERSON MILLER: Okay.

22 MS. SCHMIDT: I have one more to

1 be discussed. And that training to be
2 provided by the establishment by Roc Bar?

3 MR. MPRAS: You hit that on number
4 2 already.

5 MS. SCHMIDT: That was number 2.
6 I understand.

7 MR. MPRAS: Training will be paid
8 by Roc Bar.

9 MR. LAWSON: Yes, I think she's
10 talking about the bartender or --

11 MS. SCHMIDT: No. The security
12 training that is paid --

13 MR. MPRAS: Mandatory training
14 paid by Roc Bar.

15 MS. SCHMIDT: Okay. She had that,
16 okay. Thank you.

17 CHAIRPERSON MILLER: Are you
18 clear?

19 MS. SCHMIDT: Yes, we're fine.
20 Okay.

21 CHAIRPERSON MILLER: Okay. That's
22 it. That's what I have. Did I forget

1 anything? Okay.

2 So, I wanted to ask Mr. Lawson.
3 Those actions being taken today, do you have
4 any concern with the establishment opening
5 after that's completed?

6 MR. LAWSON: No, ma'am. I believe
7 Mr. McCarther is genuinely working to resolve
8 and to satisfy the Board's request and to, you
9 know, make the establishment a lot more safer
10 to avoid the incident that occurred that
11 brought this about. So, I'm confident that
12 he'll work with ABRA on satisfying any other
13 issues/concerns the Board may have.

14 CHAIRPERSON MILLER: And would you
15 be available to check on the camera today?

16 MR. LAWSON: Yes, ma'am.

17 CHAIRPERSON MILLER: Okay. So,
18 you can tell us that it has been to your
19 satisfaction?

20 MR. LAWSON: Yes, ma'am.

21 CHAIRPERSON MILLER: Okay. Ms.
22 Schmidt, do you have any --

1 MS. SCHMIDT: No, nothing further.

2 CHAIRPERSON MILLER: Okay. Now,
3 Mr. Alberti.

4 MEMBER ALBERTI: Now, Ms. Miller,
5 so I understand Investigator Lawson is going
6 to go out and look at the camera in the front,
7 right?

8 MR. LAWSON: Yes, sir.

9 MEMBER ALBERTI: Will you be
10 checking the rear exit at some point --

11 MR. LAWSON: Yes, sir.

12 MEMBER ALBERTI: -- in the future?

13 MR. LAWSON: Yes, sir.

14 MEMBER ALBERTI: If it's not today
15 but when can we have a commitment to have that
16 rear exit opened?

17 MR. McCARTHER: I'll cut it off
18 today, yes.

19 MEMBER ALBERTI: Okay. Updated
20 security plan, when would we have that?

21 MR. MPRAS: The changes are
22 minimal. I can have that for you by the end

1 of the day today.

2 MEMBER ALBERTI: Okay. When are
3 we bringing them back? Did we settle on a day
4 we're going to bring them back?

5 MR. MPRAS: There was a status --

6 MEMBER ALBERTI: Forty-five days.

7 MR. MPRAS: -- forty-five days.

8 MEMBER ALBERTI: We'll have a
9 status. All right. So, we can make sure
10 these things are there to our satisfaction at
11 that status report -- at that status time. I
12 mean, we'll be looking at all this.

13 CHAIRPERSON MILLER: Mr. Lawson is
14 going to make sure that --

15 MEMBER ALBERTI: Well, we're going
16 to be expecting Mr. Lawson to check on these
17 things and he'll let us know --

18 MR. MPRAS: Forty-five days to
19 insure that everything is still being complied
20 with.

21 MEMBER ALBERTI: Right, right.
22 Okay.

1 And, Mr. Lawson, you will check on
2 the camera and the back gate, correct?

3 MR. LAWSON: Yes, sir.

4 MEMBER ALBERTI: There's one other
5 thing I'd like for you to confirm for me.

6 MR. LAWSON: Okay.

7 MEMBER ALBERTI: And that is we
8 have a claim of additional radios being
9 purchased. When do you expect that to happen?

10 MR. McCARTHER: 2:00 today.

11 MEMBER ALBERTI: Okay. So, if you
12 would check to make sure that they have the
13 required number of radios?

14 MR. LAWSON: Yes, sir.

15 MEMBER ALBERTI: I'd like you to
16 do that.

17 Could you also provide Mr. Lawson
18 with a list of employees so he can correlate
19 it with the certificates?

20 MR. McCARTHER: Yes.

21 MEMBER ALBERTI: And you'll be
22 providing the certificate to us --

1 MR. McCARTHER: As soon as I get
2 them.

3 MEMBER ALBERTI: Okay. So, as
4 soon as you have the certificates, hook up
5 with Mr. Lawson and he'll come out and
6 coordinate with the list of employees with the
7 certificates to confirm that. All right.

8 Again, we're going to be taking a
9 look at all of this in 45 days. All right.
10 I'm trusting that you're going to proceed to
11 do this.

12 And how soon will we have a new, I
13 guess, C of O and floor plan that goes along
14 with that to DCRA?

15 MR. McCARTHER: I'm guessing I'll
16 have a new C of O today.

17 MEMBER ALBERTI: Well, again --

18 MR. McCARTHER: I mean, I won't
19 know until --

20 MEMBER ALBERTI: By the time you
21 come back in 45 days.

22 MR. MPRAS: You're going to try to

1 get it today.

2 MR. McCARTHER: I'm going to try
3 and get it today.

4 MEMBER ALBERTI: Right. Again, so
5 hear me out.

6 The expectation is that in 45 days
7 when you come back.

8 MR. McCARTHER: Okay.

9 MEMBER ALBERTI: That you will
10 have the C of O and whatever documents you
11 have to provide to DCRA to show them you --
12 they require the floor plan, I'd like to see
13 that. And the C of O.

14 Now, my advice to you is to start
15 working with DCRA today because it doesn't
16 always happen over night.

17 MR. McCARTHER: Okay.

18 MEMBER ALBERTI: Ms. Schmidt is
19 over there cringing.

20 MS. SCHMIDT: It's all reflected
21 in the --

22 MEMBER ALBERTI: Yes. Okay.

1 That's what I have.

2 CHAIRPERSON MILLER: Okay. Mr.
3 Brooks, anything else?

4 MEMBER BROOKS: No.

5 CHAIRPERSON MILLER: Okay. This
6 is what I would suggest and Board Members feel
7 free to speak if you see it differently. But
8 I would suggest that the licensee make all
9 these changes that they represented they can
10 make today except I understand that DCRA is
11 out of your control. If you can get it,
12 great, you know. But other than that, we're
13 going to be here all day if you can submit
14 that to us we can then consider lifting the
15 suspension, you know, for tonight. But once
16 we have that information we can make our
17 determination.

18 MR. MPRAS: The accepted security
19 plan to be submitted today and the C of O when
20 it's available. Is there anything -- the only
21 other thing would be Mr. Lawson's --

22 CHAIRPERSON MILLER: Mr. Lawson

1 will go out and make sure the camera has been
2 moved. That's a real easy thing. And the
3 lock. You said you were going to do that
4 today.

5 MR. McCARTHER: Okay.

6 MEMBER ALBERTI: Ms. Miller, just
7 to be fair to the licensee. If you run into
8 difficulty moving that camera for some reason
9 because I know it's never a sure thing when
10 you're dealing with mechanics, electronics.
11 I'm not sure what your plan is for moving it
12 and when you expect to have it moved. All
13 right. We're hopeful that you can do it
14 today. You've represented you can. But I
15 understand --

16 MR. McCARTHER: I'm going to try
17 and move it today.

18 MEMBER ALBERTI: Right, right.
19 And Mr. Lawson will be able to evaluate, you
20 know, what attempts have been made today. But
21 if for some reason you run into problems, we
22 would like an update as to when it will be

1 done and what your plan is for getting that
2 done.

3 MR. McCARTHER: Okay. Thank you.

4 MR. MPRAS: Madam Chair if I may
5 ask, if everything is submitted minus the C of
6 O to the Board's satisfaction, may the
7 licensee be permitted to open under its
8 current C of O?

9 CHAIRPERSON MILLER: Oh, yes, I
10 think so. If you can't get a new C of O
11 today?

12 MR. MPRAS: Yes, ma'am.

13 CHAIRPERSON MILLER: That would be
14 my opinion.

15 MEMBER ALBERTI: I think Mr.
16 Lawson has a comment.

17 CHAIRPERSON MILLER: Okay.

18 MR. LAWSON: His current C of O is
19 for two floors. He indicated to me when I
20 spoke to him a couple of weeks ago before this
21 incident that he has a new C of O for three
22 floors. Now, if they want to submit the new--

1 because I think he wants to operate on this
2 third floor.

3 MR. MPRAS: We'll be applying for
4 that after this.

5 CHAIRPERSON MILLER: It wasn't
6 clear what --

7 MR. LAWSON: Right.

8 CHAIRPERSON MILLER: -- you were
9 asking for what you had in order to open.

10 MR. MPRAS: As it is right now.

11 CHAIRPERSON MILLER: So, it would
12 be just the first two floors?

13 MR. MPRAS: Yes, ma'am.

14 MEMBER ALBERTI: With whatever
15 exists as the C of O now you'll operate on two
16 floors.

17 MR. MPRAS: Correct.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER BROOKS: Just two floors?

20 CHAIRPERSON MILLER: Yes. Just
21 what the C of O authorizes. Yes. Okay.

22 MEMBER ALBERTI: Well, what we've

1 approved.

2 MR. MPRAS: Exactly. Exactly.

3 What's on the license.

4 MEMBER ALBERTI: Yes, right.

5 CHAIRPERSON MILLER: Exactly.

6 Thank you.

7 So, we're here all day if you have
8 any questions and Ms. Jenkins is here.

9 MR. MPRAS: We'll have the other
10 security plan shortly and then they can set up
11 a time with Mr. Lawson.

12 CHAIRPERSON MILLER: Okay. Good.
13 Any other questions?

14 Okay. Thank you very much.

15 MR. MPRAS: Thank you.

16 MR. LAWSON: Thank you.

17 MS. SCHMIDT: For the record if
18 all this is done, the Government need not
19 reappear today, is that correct?

20 CHAIRPERSON MILLER: Correct.

21 MS. SCHMIDT: Okay. Thank you.

22 CHAIRPERSON MILLER: Thank you

1 very much.

2 The Board is going to take a break
3 before it's next case.

4 (Whereupon, off the record from
5 11:34 a.m. to 4:38 p.m.)

6 CHAIRPERSON MILLER: Before the
7 Board does its meeting agenda, I would like to
8 return to the case of Roc Bar, LLC, located at
9 1426 L Street, NW. And that's Case No. 12-
10 251-00360.

11 This is the case in which the
12 Board suspended the license of Roc Bar on
13 November 28th and they were here for a hearing
14 on November 30th whereby they represented
15 changes that they would make to improve the
16 safety of their establishment and then a
17 hearing was held this morning on December 5th
18 and at that hearing it was apparent that they
19 had made a lot of progress but needed to do a
20 little bit more before the Board would lift
21 the suspension.

22 So, at the hearing this morning

1 the Board set forth several conditions to be
2 met prior to lifting the suspension.

3 At this point, I would move that
4 we lift the suspension contingent upon
5 confirmation that the camera has been placed
6 according to the conditions, that the radios
7 are in place and that the gate has been
8 unlocked.

9 Those are three things that we
10 haven't had confirmation yet on but expect to
11 get shortly. And the licensee is making final
12 changes to the security plan.

13 So, at this point I guess if I
14 would rephrase it that we do lift the
15 suspension but it's contingent upon
16 confirmation of those items that I mentioned
17 and our approval of the final security plan.
18 And I would suspect that that would be
19 tomorrow but that's not within our control.

20 So, I would also move that this be
21 sent to OAG for a Show Cause Hearing. That
22 would be Investigative Report No. 12-251-00360

1 and 12-251-00360A be forwarded to the Office
2 of the Attorney General for consideration of
3 whether further enforcement action should be
4 taken. And also that the Respondent return
5 for a second Summary Suspension Status Hearing
6 on January 23rd, 2013, at 9:30 a.m. to insure
7 compliance with the conditions that will be in
8 the order and that were gone over with the
9 licensee at today's Status Hearing.

10 Are there any comments?

11 MEMBER BROOKS: None.

12 CHAIRPERSON MILLER: Okay. Do I
13 have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks
16 has seconded the motion.

17 All those in favor say aye.

18 (AYE)

19 CHAIRPERSON MILLER: All those
20 opposed?

21 All those abstaining?

22 MEMBER JONES: I abstain.

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CHAIRPERSON MILLER: Then the vote
is three, zero, one to approve the motion.
(Whereupon, the above matter was
concluded at 4:41 p.m.)

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