

Capital Reporting Company  
In the Matter of: Caribbean Vibes, Inc. t/a Club Timehri 07-25-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
: :  
Caribbean Vibes, Inc. :  
t/a Club Timehri :  
2439 18th Street, NW :  
Retailer CT : Show Cause  
License No. 77730 : Hearing  
ANC 1C :  
Case No. 12-251-00103 :  
Failed to Comply with Security :  
Plan, Allowed the Establishment :  
To be Used for an Unlawful or :  
Disorderly Purpose :  
-----x

July 25, 2012

The Alcoholic Beverage Control

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

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT

LOUISE PHILLIPS, OAG

MICHAEL STERN, OAG

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<p style="text-align: right;">2</p> <p>1                   CONTENTS</p> <p>2</p> <p style="text-align: right;">PAGE</p> <p>3 Opening Statement for the Government           6</p> <p>4 Closing Statement for the Government           26</p> <p>5</p> <p>6 WITNESSES</p> <p>7 Vincent Parker                                       7</p> <p>8</p> <p>9 Governor's Exhibits</p> <p>10 1 Investigative report of Vincent Parker       21</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">4</p> <p>1 do it.</p> <p>2           CHAIRPERSON MILLER: Because we don't have</p> <p>3 another case to pass to at this point.</p> <p>4           MS. PHILLIPS: Oh, I'm sorry.</p> <p>5           CHAIRPERSON MILLER: That's okay. It's not</p> <p>6 your fault.</p> <p>7           MS. PHILLIPS: Okay. Madam Chair, he's on</p> <p>8 his way up. Okay. I guess Mr. Moussali (ph) noticed</p> <p>9 him in the lobby.</p> <p>10          CHAIRPERSON MILLER: Okay. All right. Then</p> <p>11 we'll wait for him.</p> <p>12          MS. PHILLIPS: Thank you for your indulgence.</p> <p>13          CHAIRPERSON MILLER: Okay. I believe I</p> <p>14 called the case 12-251-00103, Club Timehri, 2439 18th</p> <p>15 Street, N.W., License No. 77730, in ANC 1C.</p> <p>16          MR. STERN: Mike Stern representing the</p> <p>17 District of Columbia.</p> <p>18          CHAIRPERSON MILLER: Okay. There is no one</p> <p>19 at the table representing the Licensee at this time at</p> <p>20 10:10. Mr. Stern, do you have any knowledge whether</p> <p>21 the Licensee will attend this hearing?</p> <p>22          MR. STERN: I do not. When we were here for</p>
<p style="text-align: right;">3</p> <p>1                   P R O C E E D I N G S</p> <p>2   10:06 a.m.</p> <p>3           CHAIRPERSON MILLER: The next case on our</p> <p>4 calendar is scheduled for 10:00. It's now 10:06. It's</p> <p>5 Case No. 12-251-00103, a show cause hearing for Club</p> <p>6 Timehri, located at 2439 18th Street, N.W., License No.</p> <p>7 77730, in ANC 1C.</p> <p>8           Would the parties in this case please come</p> <p>9 forward?</p> <p>10          MS. GREEN: I see that Mr. Stern is not here.</p> <p>11 I can step in on behalf of the District if it's</p> <p>12 necessary. I'm not sure I can do a whole show cause but</p> <p>13 I may not need to if the other side is not here.</p> <p>14          CHAIRPERSON MILLER: Why not? You have the</p> <p>15 burden of proof. Do you want to call him?</p> <p>16          MS. GREEN: I can.</p> <p>17          CHAIRPERSON MILLER: Okay. Look --</p> <p>18          MS. GREEN: I just mean -- we pass then.</p> <p>19          CHAIRPERSON MILLER: Our next case is at</p> <p>20 11:00. So do you want to give him a call, Ms. Phillips,</p> <p>21 and then let one of our legal staff know?</p> <p>22          MS. PHILLIPS: Yes, if you have it. Glad to</p>	<p style="text-align: right;">5</p> <p>1 the -- we were here previously to set this in for an</p> <p>2 OIC. I had contact with the owner at that time. He</p> <p>3 said he was going to appear for that hearing. I have</p> <p>4 not heard from him since then. He didn't appear at</p> <p>5 that hearing.</p> <p>6           CHAIRPERSON MILLER: Okay.</p> <p>7           MR. STERN: I haven't heard from him since</p> <p>8 then.</p> <p>9           CHAIRPERSON MILLER: Okay. Then are you</p> <p>10 prepared to present your case?</p> <p>11          MR. STERN: We are, though I would ask, if I</p> <p>12 may have about five minutes?</p> <p>13          CHAIRPERSON MILLER: Okay.</p> <p>14          MR. STERN: That'd be fine. Thank you.</p> <p>15          CHAIRPERSON MILLER: Sure.</p> <p>16          CHAIRPERSON MILLER: Mr. Stern, I just want</p> <p>17 to make sure you're not waiting --</p> <p>18          MR. STERN: Yes. I'm -- we're reading.</p> <p>19          CHAIRPERSON MILLER: Are you ready?</p> <p>20          MR. STERN: Yes.</p> <p>21          CHAIRPERSON MILLER: Because I didn't --</p> <p>22          MR. STERN: I'm sorry; I didn't know you were</p>

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<p style="text-align: right;">6</p> <p>1 still waiting.</p> <p>2 CHAIRPERSON MILLER: Okay.</p> <p>3 MR. STERN: I mean, with --</p> <p>4 CHAIRPERSON MILLER: I was waiting for a</p> <p>5 signal from you. So I just -- you know, sometimes that</p> <p>6 happens; you're waiting for me, I'm waiting for you.</p> <p>7 Okay. So we're ready to -- you're ready to proceed? Do</p> <p>8 you have any opening statements?</p> <p>9 MR. STERN: Yes. In this case, the</p> <p>10 government's evidence will show that on Saturday, March</p> <p>11 10th, 2012 at approximately 1:45 to 2:00 a.m. in the</p> <p>12 morning, there was an altercation at Club Timehri. In</p> <p>13 that altercation, two men were arguing. One man ended</p> <p>14 up stabbing the other. The security guards at that time</p> <p>15 did not break up the fight, but later escorted the</p> <p>16 victim to the door and allowed him to walk out the</p> <p>17 establishment without calling the police or an</p> <p>18 ambulance for medical assistance or</p> <p>19 ABRA.</p> <p>20 That investigation further revealed that on</p> <p>21 the night in question the establishment was not using</p> <p>22 metal detectors. And in fact, the metal -- one -- the</p>	<p style="text-align: right;">8</p> <p>1 MR. STERN: Yes. Investigator, if you can</p> <p>2 give us your name, spelling your last name for the</p> <p>3 record?</p> <p>4 MR. PARKER: My name is Investigator Vincent</p> <p>5 Parker. The last name is P-A-R-K-E-R.</p> <p>6 MR. STERN: And Mr. Parker, are you employed?</p> <p>7 MR. PARKER: Yes, sir. I'm an ABRA</p> <p>8 investigator.</p> <p>9 MR. STERN: Okay. And in the course of your</p> <p>10 duties, did you have occasion to become known with the</p> <p>11 establishment known as Club Timehri?</p> <p>12 MR. PARKER: Yes, sir.</p> <p>13 MR. STERN: Okay. Did you investigate</p> <p>14 instances that occurred at Club Timehri on March 10th,</p> <p>15 2012 --</p> <p>16 MR. PARKER: Yes, sir.</p> <p>17 MR. STERN: -- in the early morning hours?</p> <p>18 MR. PARKER: Yes.</p> <p>19 MR. STERN: Okay. Can you tell us how you</p> <p>20 became involved with Club Timehri?</p> <p>21 MR. PARKER: On Saturday, March 10th, 2012 at</p> <p>22 approximately 2:09 a.m., ABRA received a phone call</p>
<p style="text-align: right;">7</p> <p>1 metal detector was inoperable. The establishment's</p> <p>2 security plan calls for the use of metal detectors for</p> <p>3 everyone who enters the establishment. And that -- the</p> <p>4 evidence will show that the establishment violated</p> <p>5 their own security plan.</p> <p>6 The evidence will also show that because the</p> <p>7 establishment allowed -- did not respond quickly to</p> <p>8 break up the fight and did not offer any medical</p> <p>9 assistance or attempt to call the police, they were</p> <p>10 allowing their establishment to be used for a</p> <p>11 disorderly purpose, unlawful purpose.</p> <p>12 For these reasons, at the conclusion of the</p> <p>13 case we will ask that the Board fine the establishment</p> <p>14 involved in the two charges in the notice and fine the</p> <p>15 establishment \$4000 and suspend the establishment for</p> <p>16 ten days, all of which should be served. That will be</p> <p>17 the government's evidence.</p> <p>18 CHAIRPERSON MILLER: Okay. Thank you. Do</p> <p>19 you swear the truth, the whole truth, nothing but the</p> <p>20 truth?</p> <p>21 MR. PARKER: I do.</p> <p>22 CHAIRPERSON MILLER: Thank you.</p>	<p style="text-align: right;">9</p> <p>1 from MPD on the ABRA hotline, indicating that a male</p> <p>2 had been stabbed at the establishment.</p> <p>3 MR. STERN: Okay. Thank you. Did you -- in</p> <p>4 the course of your investigation, did you learn how</p> <p>5 that MPD learned of the incident?</p> <p>6 MR. PARKER: The MPD officers who made the</p> <p>7 call (inaudible) they were officers on the street in</p> <p>8 the area down where Club Timehri is located. I'm also</p> <p>9 including PSA officers in that area.</p> <p>10 MR. STERN: Okay.</p> <p>11 MR. PARKER: They were outside in the street</p> <p>12 and they observed the victim.</p> <p>13 MR. STERN: Observed the victim, did you say?</p> <p>14 MR. PARKER: Yes, sir.</p> <p>15 MR. STERN: And do you know approximately</p> <p>16 where they observed the victim? Was he at the</p> <p>17 establishment at the time?</p> <p>18 MR. PARKER: He was outside of the</p> <p>19 establishment located -- and we're not clear but it was</p> <p>20 on 18th Street. So</p> <p>21 MR. STERN: Okay. And was the -- was he with</p> <p>22 personnel from the establishment?</p>

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10	<p>1 MR. PARKER: No, sir. He was with his male          2 cousin.          3 MR. STERN: Okay. What was it -- in the          4 course of your investigation, did you learn how the          5 altercation occurred?          6 MR. PARKER: Reports from the witnesses of          7 the establishment, as well as the victim of the assault          8 -- was that he -- the victim accidentally stepped on a          9 male's shoe inside of the establishment while dancing.          10 The male whose shoe he stepped on and the victim became          11 involved in a physical altercation. During the course          12 of that physical altercation, the male victim was          13 stabbed with an unknown object.          14 MR. STERN: Okay. Did the witnesses tell you          15 what the response of the establishment was to that?          16 MR. PARKER: Outside of Club Timehri, I made          17 contact with Niger Frasier (ph), who identified himself          18 the cousin of the victim. Mr. Frasier stated that he          19 witnessed the assault -- or he witnessed the fight          20 between his cousin and the male suspect. He stated          21 that he escorted his cousin out of the establishment          22 after the fight --</p>	12	<p>1 Frasier. I then made contact with the establishment. I          2 spoke to -- I initially spoke to Chris Well (ph), who's          3 the owner of the establishment. Mr. Well stated that          4 he was not at the establishment at the time of this          5 incident.          6 I fully questioned Mr. Wells if surveillance          7 cameras were at the establishment. And he advised me          8 that Club Timehri did not have any surveillance          9 cameras. The next contact at the establishment was with          10 McKinley Walker, Jr. He's an ABC manager. He also          11 serves as the head of security at Club Timehri. My          12 conversation with          13 Mr. Walker: "Would you describe the incident          14 at approximately 1:45 a.m.?" Mr. Walker stated that          15 club security escorted the male out of the          16 establishment for fighting.          17 Mr. Walker stated that once outside the          18 establishment, he observed that the male victim was          19 bleeding profusely. And Mr. Walker stated that MPD          20 officers then arrived. He didn't state --          21 MR. STERN: Okay. Did you speak to Ms. Lau          22 (ph) at the establishment?</p>
11	<p>1 MR. STERN: Okay.          2 MR. PARKER: -- after Mr. Lewis was stabbed.          3 Mr. Lewis and --          4 MR. STERN: And did he say whether or not the          5 establishment attempted to diffuse the altercation?          6 MR. PARKER: Mr. Frasier didn't mention any          7 attempt.          8 MR. STERN: Okay. Did he mention -- did he          9 say whether or not any medical assistance was offered          10 to the victims?          11 MR. PARKER: Mr. Frasier stated that once he          12 got Mr. Lewis outside the establishment, they flagged          13 down the MPD officers in the area. And that was the          14 first contact they had.          15 MR. STERN: So the establishment didn't offer          16 any medical assistance?          17 MR. PARKER: According to Mr. Frasier.          18 MR. STERN: Okay. Now, did you also find out          19 whether or not the establishment was guarding against          20 armed individuals entering the establishment?          21 MR. PARKER: So my initial contact on the          22 scene was with the MPD officers, as well as Mr.</p>	13	<p>1 MR. PARKER: I didn't speak to Ms. Lau, nor          2 the security guard at Club Timehri.          3 MR. STERN: And does -- did Ms. Lau mention          4 whether or not the establishment was using any sort of          5 device to detect metal being brought into the --          6 MR. PARKER: Ms. Lau stated that the metal          7 detecting wand was not in use on the night of this          8 incident. Whereas, previously, during my conversation          9 with Mr. Walker, he stated that the metal-detecting          10 wand was in use.          11 MR. STERN: Okay. And did Ms. Lau say that          12 she in fact was checking people as they come in -- came          13 into the establishment?          14 MR. PARKER: Yes, sir. She stated that she          15 was checking the female patrons' bags privately.          16 MR. STERN: And as the person checking the          17 patrons, was she using a wand?          18 MR. PARKER: She was not.          19 MR. STERN: Okay. Now, did you have an          20 opportunity to review the establishment's security          21 plan?          22 MR. PARKER: I did. Page 7 of the security</p>

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14	<p>1 plan states that metal detectors are fully utilized and 2 all guests are subject to body searches or pat downs. 3 MR. STERN: Okay. Did you -- in the course 4 of your investigation, did you also determine whether 5 the crime scene where the incident occurred was being 6 preserved? 7 MR. PARKER: During my visit, myself and 8 Supervisor Craig Stewart visited the establishment. We 9 observed a bloody shirt in the trash can. I just 10 photographed it and attached it to the investigative 11 report. There was also blood splatters on the floor 12 inside the establishment (inaudible) the door, on the 13 steps leading into the establishment. 14 During a later conversation with MPD 15 Detective Jackson, she stated that one of the employees 16 of the establishment informed her that he was directed 17 to clean up the blood inside the establishment. 18 MR. STERN: Okay. Were -- did the 19 establishment have any documentation of the incident? 20 MR. PARKER: At the time of my visit, which 21 was right after the incident, there was -- there was no 22 documentation.</p>	16	<p>1 - don't have copies for everybody but I understand -- 2 CHAIRPERSON MILLER: We do have copies. 3 MR. STERN: That's what I was going to say, 4 "But you have copies of those." 5 CHAIRPERSON MILLER: While I'm speaking, I 6 want to welcome Mr. Jones, our Board member who just 7 joined us on the dais. 8 MR. JONES: Thank you, Madam Chair. 9 MR. STERN: Okay. I would move the admission 10 of government's Exhibit No. 1, which is marked as 11 Exhibit 5 to the report. I'm not hearing any 12 objection. 13 CHAIRPERSON MILLER: Government -- not hear 14 any objection, no. Government Exhibit No. 1, which is 15 Exhibit 5-2 of Mr. Parker's report and his -- 16 MR. STERN: Now, I will also show you what 17 I'll have marked in the future as government's Exhibit 18 No. 2. Can you identify what that is? 19 MR. PARKER: This is the photograph taken by 20 Supervisor Stewart of the bloody t-shirt in the 21 trashcan at Club Timehri. 22 MR. STERN: Thank you. Move for admission of</p>
15	<p>1 MR. STERN: Okay. Thank you. On -- did you 2 prepare a report in this matter? 3 MR. PARKER: Yes, sir. I did. 4 MR. STERN: Okay. And I'm going to show you 5 -- did that report also include a copy of the security 6 plan? 7 MR. PARKER: Yes, sir. It did. 8 MR. STERN: Okay. Let me show you what I 9 have marked as government's Exhibit No. 1. Can you 10 identify what that is? 11 MR. PARKER: This is Club Timehri's manager's 12 security operation and procedures. 13 MR. STERN: Okay. And is that the security 14 plan you were talking about? 15 MR. PARKER: Yes, sir. 16 MR. STERN: And that is part of your report? 17 MR. PARKER: Yes, sir. 18 MR. STERN: And can you tell from looking at 19 it, where in your report that would be? 20 MR. PARKER: In my investigative report, that 21 is Exhibit No. 5. 22 MR. STERN: Okay. Thank you. I've got the -</p>	17	<p>1 government's Exhibit No. 2. 2 CHAIRPERSON MILLER: Is government Exhibit 3 No. 2 attached to Mr. Parker's report as well or no? 4 MR. STERN: Okay. Any -- 5 MR. PARKER: I believe that's Exhibit No. 10. 6 MR. STERN: Government's Exhibit No. 3, tell 7 me what that is. 8 MR. PARKER: This is a photograph taken 9 (inaudible) by Supervisor Stewart on the steps leading 10 into Club Timehri. 11 MR. STERN: And what is the relevance of that 12 photograph? 13 MR. PARKER: There are blood stains on the 14 steps -- 15 MR. STERN: Okay. 16 MR. PARKER: -- of the establishment. 17 MR. STERN: I'd like to show you what I've 18 marked as government's Exhibit No. 4. And if you can 19 say what that is? 20 MR. PARKER: Yes, sir. No. 4 is also the 21 steps leading to the establishment. It's just a closer 22 shot of the blood stains on carpet.</p>

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18	<p>1 MR. STERN: Okay.</p> <p>2 MR. PARKER: I don't think there is --</p> <p>3 CHAIRPERSON MILLER: I'm sorry. What -- are</p> <p>4 we looking at Exhibit No. 4 of the report?</p> <p>5 MR. STERN: Yes. No, no. What number is</p> <p>6 that in the report?</p> <p>7 MR. PARKER: Well, the wider angle is Exhibit</p> <p>8 No. 2 in the report. And I actually think they're both</p> <p>9 attached with Exhibit No. 2. Both show blood stains on</p> <p>10 the --</p> <p>11 MR. STERN: Okay. Now</p> <p>12 CHAIRPERSON MILLER: How many pages of</p> <p>13 Exhibit No. 2 to Mr. Parker's report that you're</p> <p>14 referencing, three pages, two pages?</p> <p>15 MR. PARKER: Just three pages.</p> <p>16 CHAIRPERSON MILLER: Three pages. Okay.</p> <p>17 MR. STERN: Thank you. Can you tell me what</p> <p>18 the injuries were to the victim?</p> <p>19 MR. PARKER: The victim sustained a stab</p> <p>20 wound in the tricep, also had a puncture wound.</p> <p>21 MR. STERN: Okay. When you were at the</p> <p>22 establishment on the 10th at 2:40 in the morning, did</p>	20	<p>1 CHAIRPERSON MILLER: Mr. Stern, I just want</p> <p>2 to be clear about the exhibits. Did you -- you made</p> <p>3 reference to, I think, Exhibits 10, 3 and 2, attached</p> <p>4 to the investigative report. But I don't believe you</p> <p>5 moved them after the --</p> <p>6 MR. STERN: Exhibit 5, Exhibit 2, and Exhibit</p> <p>7 10, I believe, were -- are the exhibits from the</p> <p>8 investigative reports. I was going to give them to the</p> <p>9 reporter as government's Exhibit 1, 2, 3, and 4 for the</p> <p>10 record, if that pleases the Board.</p> <p>11 CHAIRPERSON MILLER: I'm not sure I'm clear.</p> <p>12 MR. STERN: Okay.</p> <p>13 CHAIRPERSON MILLER: Exhibit 1 --</p> <p>14 MR. STERN: Alternatively --</p> <p>15 CHAIRPERSON MILLER: Yeah.</p> <p>16 MR. STERN: Did you write a report in this</p> <p>17 case?</p> <p>18 MR. PARKER: Yes, sir. I did.</p> <p>19 MR. STERN: And the case report that you</p> <p>20 wrote, is that the report in the record?</p> <p>21 MR. PARKER: The case report was</p> <p>22 investigative - - investigation number 12-251-00103.</p>
19	<p>1 you have an occasion to check out -- to examine the</p> <p>2 metal detector?</p> <p>3 MR. PARKER: Yes, sir. I did. After --</p> <p>4 MR. STERN: What did you find?</p> <p>5 MR. PARKER: After speaking with Mr. Walker</p> <p>6 and Ms. Lau and getting their contradictory statements</p> <p>7 about the metal detector, I asked Mr. Walker to</p> <p>8 retrieve the metal detector wand that he alleged was</p> <p>9 being used that night. After Mr. Walker got it, I</p> <p>10 asked him to wand me as he would wand patrons entering</p> <p>11 the establishment. Mr. Walker wanded me. The metal-</p> <p>12 detecting wand did not alarm. I had my regular key</p> <p>13 ring that I always keep in my pocket that has four</p> <p>14 metal keys, as well as a small metal screwdriver.</p> <p>15 And once the metal-detecting wand did not</p> <p>16 alarm on that which was in my pocket, then I examined</p> <p>17 the metal-detecting wand closer and saw that the power</p> <p>18 light was not -- was not on. I made the determination</p> <p>19 was the metal-detecting wand was not operable on the</p> <p>20 night itself.</p> <p>21 MR. STERN: Thank you. That's all the</p> <p>22 questions I have for you, officer.</p>	21	<p>1 MR. STERN: And the listed attachments, were</p> <p>2 they part of the report?</p> <p>3 MR. PARKER: Yes, sir. They were.</p> <p>4 MR. STERN: Okay. We would the admission of</p> <p>5 the investigative report in its entirety. That way it</p> <p>6 can save us having to separately number the exhibits</p> <p>7 that we used.</p> <p>8 CHAIRPERSON MILLER: I think that's a good</p> <p>9 idea.</p> <p>10 MR. STERN: Thank you.</p> <p>11 CHAIRPERSON MILLER: If there are no</p> <p>12 objections, the report with all the exhibits is</p> <p>13 admitted. Okay.</p> <p>14 MR. STERN: Thank you. No further questions.</p> <p>15 CHAIRPERSON MILLER: Board questions? Mr.</p> <p>16 Nophlin?</p> <p>17 MR. NOPHLIN: Investigator Parker, did you</p> <p>18 look at -- do they have cameras?</p> <p>19 MR. PARKER: No, sir. They did not have</p> <p>20 surveillance cameras at the time of this incident.</p> <p>21 MR. NOPHLIN: I'm -- should have read the</p> <p>22 plan - - security plan but were they supposed to have</p>

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22	<p>1 cameras in?</p> <p>2 MR. PARKER: Surveillance cameras were not in</p> <p>3 the security plan requirement at the time of this</p> <p>4 incident. Subsequent to this incident, there's been a</p> <p>5 supplemental investigation. And they have installed</p> <p>6 surveillance cameras. But at the time of this</p> <p>7 incident, there were no surveillance cameras at the</p> <p>8 time and they were not required at that time.</p> <p>9 MR. NOPHLIN: They weren't required?</p> <p>10 MR. PARKER: Yes.</p> <p>11 MR. NOPHLIN: Okay. The other question I</p> <p>12 have is the exhibit, in terms of the blood that you saw</p> <p>13 that was reported, how do we know that that blood</p> <p>14 wasn't there before?</p> <p>15 MR. PARKER: The photographs are just photos</p> <p>16 of the blood stains on the carpet -- on the concrete at</p> <p>17 the time. This exhibit -- the -- they were consistent</p> <p>18 with what was the statement from witnesses, that the</p> <p>19 man was bleeding profusely. And the blood appeared</p> <p>20 fresh in that they were bright red.</p> <p>21 MR. NOPHLIN: Okay.</p> <p>22 MR. PARKER: The determination of MPD's</p>	24	<p>1 MR. PARKER: No, sir. They didn't. Mr.</p> <p>2 Walker, the security -- the ABC manager and also the</p> <p>3 security manager stated that once the male was outside,</p> <p>4 MPD arrived on the scene before he could call police.</p> <p>5 So he stated that the police were there before he was</p> <p>6 able to make the call after he was aware of the</p> <p>7 incident.</p> <p>8 MR. ALBERTI: Thank you very much.</p> <p>9 CHAIRPERSON MILLER: Other Board questions?</p> <p>10 (No audible response.)</p> <p>11 CHAIRPERSON MILLER: Mr. Parker, do you know,</p> <p>12 was the perpetrator arrested in this case?</p> <p>13 MR. PARKER: As of the time of the report, he</p> <p>14 was not.</p> <p>15 CHAIRPERSON MILLER: With respect -- yeah,</p> <p>16 with respect to the subsequent incident, the suspension</p> <p>17 hearing, which then required for surveillance cameras</p> <p>18 to be installed. How many cameras were required, do</p> <p>19 you recall?</p> <p>20 MR. PARKER: I did not complete the</p> <p>21 supplemental report in this case. That would be Case</p> <p>22 Report 12-251- 00103A. I reviewed the case when it was</p>
23	<p>1 investigation of if those blood stains matched the</p> <p>2 victim, that was something that they were working on at</p> <p>3 the time. But</p> <p>4 MR. NOPHLIN: Oh, and the last -- I'm sorry,</p> <p>5 one more pertaining to that. Police did the report?</p> <p>6 MR. PARKER: Excuse me?</p> <p>7 MR. NOPHLIN: The -- there was a police</p> <p>8 report?</p> <p>9 MR. PARKER: Yes, sir.</p> <p>10 MR. NOPHLIN: And it coincides with your</p> <p>11 report?</p> <p>12 MR. PARKER: Yes.</p> <p>13 MR. NOPHLIN: Okay. Thank you. Thank you,</p> <p>14 Madam Chair.</p> <p>15 CHAIRPERSON MILLER: Other questions? Mr.</p> <p>16 Alberti?</p> <p>17 MR. ALBERTI: Mr. Parker, one question. In</p> <p>18 your report it doesn't mention anywhere in here who</p> <p>19 called the police. So maybe it mentions and maybe I</p> <p>20 missed it, but in your conversations with any of the</p> <p>21 employees, did any of them report to you that they --</p> <p>22 that they called the police?</p>	25	<p>1 going -- when it was taking place. And I do understand</p> <p>2 that they did install cameras. But as far as specifics</p> <p>3 of the location and number, I'm not aware.</p> <p>4 CHAIRPERSON MILLER: Okay. We got that in</p> <p>5 our records then. And I'm just curious if you have any</p> <p>6 idea how much it costs for a surveillance camera to be</p> <p>7 installed.</p> <p>8 MR. PARKER: Various amount pretty much. A</p> <p>9 specific amount? I guess it would depend on the size</p> <p>10 of the storage device, the closed number of cameras,</p> <p>11 the clarity of the cameras, other type of features that</p> <p>12 the cameras have, if they are able to pan (inaudible).</p> <p>13 Those systems are very pricey.</p> <p>14 CHAIRPERSON MILLER: Okay. So if you don't</p> <p>15 feel comfortable giving a ballpark, that's fine. I was</p> <p>16 just curious, you know, with respect to how much money,</p> <p>17 you know, this establishment may have expended since</p> <p>18 this bad incident to comply with, you know, and prevent</p> <p>19 future incident. Okay. Other questions?</p> <p>20 (No audible response.)</p> <p>21 CHAIRPERSON MILLER: Okay. Thank you very</p> <p>22 much. Any other witnesses, Mr. Stern?</p>

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<p style="text-align: right;">26</p> <p>1 MR. STERN: No other witness for the                  2 government's side.                  3 In this case, the government contends that we                  4 have --                  5 CHAIRPERSON MILLER: Oh, you're excused.                  6 MR. STERN: The government contends that we                  7 have proved the two violations charged in this case,                  8 the first violation that they violated the security                  9 plan is rather obviously, I would -- I would contend.                  10 The security plan calls for the use of handheld metal                  11 detectors. The metal detectors were either not in use                  12 or not operable at the time. Though, I think since the                  13 person who was supposed to be using it allowing females                  14 to enter said that she was not using it, I believe that                  15 is credible evidence that it was not being used at all.                  16 As to the second charge, which is allowing                  17 the establishment to be used for an unlawful or                  18 disorderly purpose, in this incidence, what happened                  19 here was there was an altercation. Two men were                  20 fighting. There was enough time passed that one of                  21 them had an opportunity to take out a knife and stab                  22 the other gentleman. The gentleman then -- there was</p>	<p style="text-align: right;">28</p> <p>1 period of almost three weeks. But I believe the                  2 additional ten days should be separate and apart from                  3 that because of the establishment's attitude towards                  4 the obeying the law and their failure to even come in                  5 here and discuss the charges.                  6 CHAIRPERSON MILLER: Could -- I'm sorry.                  7 Could you just say one more time the basis for unlawful                  8 use of the premises?                  9 MR. STERN: Well, I think it is the totality                  10 of the circumstances. The establishment did not have                  11 enough security guards on site to be able to even break                  12 up the altercation during the entire -- this was not a                  13 flash incident. There was an altercation between two                  14 men. One of the men had the occasion to go to his                  15 pocket -- he obviously didn't have it in his hand at                  16 all times -- and pull some sort of object out and cut                  17 the -- and stab the other establishment [sic].                  18 And then without the establishment ever                  19 coming to the aid of the party or detaining the person                  20 who did it, the gentleman -- the victim had an                  21 opportunity to exit the establishment and walk away                  22 from the establishment towards the police to obtain</p>
<p style="text-align: right;">27</p> <p>1 enough time for the gentleman then to be escorted                  2 outside, apparently unobserved by the staff.                  3 The staff did nothing about it, even though                  4 he was bleeding profusely. And even the people at the                  5 door didn't call the police or ABRA or an ambulance or                  6 offer any medical assistance whatsoever to a man who                  7 ended up bleeding all over the front steps of the                  8 establishment. When an establishment completely ignores                  9 the safety of their patrons, I think the Board should                  10 find that they have allowed that establishment to be                  11 used for an unlawful purpose.                  12 We would ask that, if the -- if the Board                  13 fines against the establishment on both allegations, a                  14 fine of \$2000 per violation, which would be a total of                  15 \$4000, be imposed and, because of the seriousness of                  16 the offense and the lack -- apparent lack of interest                  17 on the part of the establishment by not showing up                  18 here, either for the status hearing or for their trial                  19 dates, ask that they be suspended for a total of ten                  20 days additional.                  21 Though, I would note that they have -- this                  22 was summarily closed and they did -- were closed for a</p>	<p style="text-align: right;">29</p> <p>1 assistance. I think that when they completely ignore                  2 the safety of their patrons, they are allowing the                  3 establishment to be used for unlawful or disorderly                  4 purpose.                  5 CHAIRPERSON MILLER: Okay. Thank you.                  6 Anything else?                  7 (No audible response.)                  8 CHAIRPERSON MILLER: All right. Then the                  9 record is closed in this case.                  10 And Mr. Stern, do you want to file for                  11 Proposed Findings of Facts and --                  12 MR. STERN: We will waive.                  13 CHAIRPERSON MILLER: Okay. Then that                  14 completes the hearing in this case. I'll read the                  15 Closed Meetings Acts instructions.                  16 As Chairperson of the Alcoholic Beverage                  17 Control Board for the District of Columbia and in                  18 accordance with Section 405(b) of the Open Meetings                  19 Amendment Act of 2010, I move that the ABC Board hold a                  20 closed meeting for the purpose of seeking legal advice                  21 from our counsel on Case No. 12-251-00103, Club                  22 Timehri, per Section 405(b)(4) of the Open Meetings</p>

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<p style="text-align: right;">30</p> <p>1 Amendment Act of 2010 and deliberating upon this case                  2 for the reasons cited in Section 405(b)(13) of the Open                  3 Meetings Amendment Act of 2010.                  4 Is there a second?                  5 BOARD MEMBER: Second.                  6 CHAIRPERSON MILLER: Now that the motion's                  7 been seconded, I'll call the roll call vote on the                  8 motion. Mr. Nophlin?                  9 MR. NOPHLIN: I agree.                  10 CHAIRPERSON MILLER: Mr. Brooks?                  11 MR. BROOKS: I agree.                  12 CHAIRPERSON MILLER: Mr. Alberti?                  13 MR. ALBERTI: I agree.                  14 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.                  15 Silverstein?                  16 MR. SILVERSTEIN: I agree.                  17 CHAIRPERSON MILLER: Mr. Jones?                  18 MR. JAMES: I agree.                  19 CHAIRPERSON MILLER: And then the vote to                  20 approve the motion is 6-0-0. And I hereby give notice                  21 that the ABC Board will hold a closed meeting in the                  22 ABC Board conference room today pursuant to the Open</p>	<p style="text-align: right;">32</p> <p style="text-align: center;">1 CERTIFICATE OF NOTARY PUBLIC                  2                  3 I, BRADLEY ANGLIN, the officer before whom the                  4 foregoing hearing was taken, do hereby certify that the                  5 testimony appearing in the foregoing transcript was                  6 recorded by me and thereafter reduced to typewriting                  7 under my direction; that said transcription is a true                  8 record of the testimony given by said parties; that I                  9 am neither counsel for, related to, nor employed by any                  10 of the parties to the action in which this was taken;                  11 and, further, that I am not a relative or employee of                  12 any counsel or attorney employed by the parties hereto,                  13 nor financially or otherwise interested in the outcome                  14 of this action.                  15                  16                  17                  18                  19 _____                  20 BRADLEY ANGLIN                  21 Notary Public in and for the                  22 DISTRICT OF COLUMBIA</p>
<p style="text-align: right;">31</p> <p>1 Meetings Amendment Act of 2010 and issue an order                  2 within 90 days. Thank you very much.                  3 MR. STERN: Thank you.                  4 MR. ALBERTI: Mr. Parker, was there a mike in                  5 the witness stand?                  6 MR. PARKER: I believe it was.                  7 MR. ALBERTI: It was? Okay. I just saw an                  8 extra mike out here and it made me nervous that --                  9 PARTICIPANT: It's there. It's on.                  10 MR. ALBERTI: There is one? Great, thank                  11 you.                  12 CHAIRPERSON MILLER: Our next show cause                  13 hearing is scheduled for 11:00 a.m. So are the parties                  14 here on this case?                  15 (No audible response.)                  16 CHAIRPERSON MILLER: No? So anyway, so we                  17 will recess then until 11:00 a.m. It's now 10:44.                  18 (WHEREUPON, at 10:44 a.m., the hearing was                  19 concluded.)                  20                  21                  22</p>	<p style="text-align: right;">33</p> <p style="text-align: center;">1 CERTIFICATE OF TRANSCRIPTION                  2                  3 I, MIRANDA PENNACHI, hereby certify that I am not                  4 the Court Reporter who reported the following                  5 proceeding and that I have typed the transcript of this                  6 proceeding using the Court Reporter's notes and                  7 recordings. The foregoing/attached transcript is a                  8 true, correct and complete transcription of said                  9 proceeding.                  10                  11                  12                  13                  14 _____                  15 Date MIRANDA PENNACHI                  16 Transcriptionist                  17                  18                  19                  20                  21                  22</p>

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<p>_____</p> <p style="text-align: center;">\$</p> <p>_____</p> <p><b>\$2000</b> 27:14</p> <p><b>\$4000</b> 7:15 27:15</p> <p>_____</p> <p style="text-align: center;">0</p> <p>_____</p> <p><b>00103A</b> 24:22</p> <p>_____</p> <p style="text-align: center;">1</p> <p>_____</p> <p><b>1</b> 2:10 15:9 16:10,14 20:9,13</p> <p><b>1:45</b> 6:11 12:14</p> <p><b>10</b> 17:5 20:3,7</p> <p><b>10:00</b> 3:4</p> <p><b>10:06</b> 3:2,4</p> <p><b>10:10</b> 4:20</p> <p><b>10:44</b> 31:17,18</p> <p><b>10th</b> 6:11 8:14,21 18:22</p> <p><b>11:00</b> 3:20 31:13,17</p> <p><b>12-251</b> 24:22</p> <p><b>12-251-00103</b> 1:8 3:5 4:14 20:22 29:21</p> <p><b>14th</b> 1:14</p> <p><b>18th</b> 1:6 3:6 4:14 9:20</p> <p><b>1C</b> 1:8 3:7 4:15</p> <p>_____</p> <p style="text-align: center;">2</p> <p>_____</p> <p><b>2</b> 16:18 17:1,3 18:8,9,13 20:3,6,9</p> <p><b>2:00</b> 6:11</p> <p><b>2:09</b> 8:22</p> <p><b>2:40</b> 18:22</p> <p><b>2000</b> 1:14</p>	<p><b>2010</b> 29:19 30:1,3 31:1</p> <p><b>2012</b> 1:12 6:11 8:15,21</p> <p><b>21</b> 2:10</p> <p><b>2439</b> 1:6 3:6 4:14</p> <p><b>25</b> 1:12</p> <p><b>26</b> 2:4</p> <p>_____</p> <p style="text-align: center;">3</p> <p>_____</p> <p><b>3</b> 17:6 20:3,9</p> <p>_____</p> <p style="text-align: center;">4</p> <p>_____</p> <p><b>4</b> 17:18,20 18:4 20:9</p> <p><b>405(b)</b> 29:18</p> <p><b>405(b)(13)</b> 30:2</p> <p><b>405(b)(4)</b> 29:22</p> <p>_____</p> <p style="text-align: center;">5</p> <p>_____</p> <p><b>5</b> 15:21 16:11 20:6</p> <p><b>5-2</b> 16:15</p> <p>_____</p> <p style="text-align: center;">6</p> <p>_____</p> <p><b>6</b> 2:3</p> <p><b>6-0-0</b> 30:20</p> <p>_____</p> <p style="text-align: center;">7</p> <p>_____</p> <p><b>7</b> 2:7 13:22</p> <p><b>77730</b> 1:7 3:7 4:15</p> <p>_____</p> <p style="text-align: center;">9</p> <p>_____</p> <p><b>90</b> 31:2</p> <p>_____</p> <p style="text-align: center;">A</p> <p>_____</p> <p><b>a.m</b> 3:2 6:11 8:22 12:14 31:13,17,18</p>	<p><b>ABC</b> 12:10 24:2 29:19 30:21,22</p> <p><b>able</b> 24:6 25:12 28:11</p> <p><b>ABRA</b> 6:19 8:7,22 9:1 27:5</p> <p><b>accidentally</b> 10:8</p> <p><b>accordance</b> 29:18</p> <p><b>According</b> 11:17</p> <p><b>Act</b> 29:19 30:1,3 31:1</p> <p><b>action</b> 32:10,14</p> <p><b>Acts</b> 29:15</p> <p><b>actually</b> 18:8</p> <p><b>additional</b> 27:20 28:2</p> <p><b>admission</b> 16:9,22 21:4</p> <p><b>admitted</b> 21:13</p> <p><b>advice</b> 29:20</p> <p><b>advised</b> 12:7</p> <p><b>against</b> 11:19 27:13</p> <p><b>aid</b> 28:19</p> <p><b>alarm</b> 19:12,16</p> <p><b>Alberti</b> 1:17 23:16,17 24:8 30:12,13 31:4,7,10</p> <p><b>Alcoholic</b> 1:2,13,14 29:16</p> <p><b>allegations</b> 27:13</p> <p><b>alleged</b> 19:8</p> <p><b>allowed</b> 1:9 6:16 7:7 27:10</p> <p><b>allowing</b> 7:10</p>	<p>26:13,16 29:2</p> <p><b>altercation</b> 6:12,13 10:5,11,12 11:5 26:19 28:12,13</p> <p><b>Alternatively</b> 20:14</p> <p><b>am</b> 32:9,11 33:3</p> <p><b>ambulance</b> 6:18 27:5</p> <p><b>Amendment</b> 29:19 30:1,3 31:1</p> <p><b>amount</b> 25:8,9</p> <p><b>ANC</b> 1:8 3:7 4:15</p> <p><b>angle</b> 18:7</p> <p><b>ANGLIN</b> 32:3,19</p> <p><b>Anything</b> 29:6</p> <p><b>anyway</b> 31:16</p> <p><b>anywhere</b> 23:18</p> <p><b>apart</b> 28:2</p> <p><b>apparent</b> 27:16</p> <p><b>apparently</b> 27:2</p> <p><b>appear</b> 5:3,4</p> <p><b>appeared</b> 22:19</p> <p><b>appearing</b> 32:5</p> <p><b>approve</b> 30:20</p> <p><b>approximately</b> 6:11 8:22 9:15 12:14</p> <p><b>area</b> 9:8,9 11:13</p> <p><b>arguing</b> 6:13</p> <p><b>armed</b> 11:20</p> <p><b>arrested</b> 24:12</p> <p><b>arrived</b> 12:20 24:4</p> <p><b>assault</b> 10:7,19</p>
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