

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

-----:
IN THE MATTER OF: :
: :
Heritage Management Service, : Summary
LLC, t/a Heritage India/ : Suspension
The Zanzibar :
1901 Pennsylvania Avenue, NW : Hearing
Retailer CR :
License No. 90050 :
Chief of Police Closure :
Case No. 15-251-00001 :
-----:

January 15, 2015

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

PRESENT:

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- JAMES SHORT, Member
- MICHAEL SILVERSTEIN, Member
- HECTOR RODRIGUEZ, Member

ALSO PRESENT:

AMY SCHMIDT, DCOAG

APPEARANCES:

On Behalf of Heritage India:

SCOTT ROME, ESQ.

STEPHEN WHELAN, ESQ.

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P R O C E E D I N G S

10:14 a.m.

1
2
3 MS. MILLER: Okay. I'm going to start
4 with the opening remarks. Good morning. We're
5 here for a Special Summary Suspension Hearing and
6 we are the District of Columbia's Alcoholic
7 Beverage Control Board. Today is January 15th,
8 2015. My name is Ruthanne Miller. I'm the
9 chairperson. Joining me to my far right is Mr.
10 Donald Brooks. Next to Mr. Brooks is Mr. Nick
11 Alberti and to my immediate right is Mr. Hector
12 Rodriguez. To my immediate left is Mr. Mike
13 Silverstein and next to Mr. Silverstein is Mr.
14 Jim Short. We have six members in attendance for
15 business this morning and three constitute a
16 quorum.

17 Copies of today's hearing calendar and
18 agenda are available at the receptionist's desk.
19 Please be aware that these proceedings are being
20 recorded by a court reporter. Accordingly we
21 must ask that you refrain from any disruptive
22 noises or actions in the hearing room. If you

1 have any electronic devices, pagers, cell phones
2 or such please make certain that they're turned
3 off to avoid any interruption of the proceedings.

4 Okay, also I'll say the Open Meetings
5 Act. It requires that the public hearing on the
6 case be open to the public and the Board may
7 consistent with section 405(b) of the Open
8 Meetings Act enter a closed meeting during or
9 after the public hearing on a case to consult
10 with an attorney, to obtain legal advice, discuss
11 settlement agreements or deliberate upon a
12 decision in an adjudication proceeding.

13 So we have one case before us today
14 and it is a Summary Suspension Hearing involving
15 Heritage India, a Retailer's Class CR located at
16 1901 Pennsylvania Avenue, NW. This is case
17 number 15-251-00001. On January 3, 2015,
18 multiple altercations occurred between patrons
19 that resulted in the stabbing of one patron
20 inside the establishment. As a result of this
21 incident, the Chief of Police, Cathy Lanier,
22 closed the establishment pursuant to her

1 authority under DC Official Code Section 25-827.
2 Chief Lanier submitted a letter to ABRA dated
3 January 3rd, 2015 seeking revocation of the
4 establishment's ABC license. The Board voted 6-0
5 on January 7, 2015 to continue the suspension of
6 the establishment's license. The respondent
7 requested a hearing on January 9, 2015 under DC
8 Official Code 25-826(c).

9 Today, the Board will be hearing
10 testimony from the Office of the Attorney
11 General, the respondent, and the respective
12 witnesses. The purpose of the hearing is so that
13 the Board can determine under DC Official Code
14 Section 25-826 whether the operations of the
15 respondent present an imminent danger to the
16 health and safety of the public. The Board will
17 be announcing its decision at the conclusion of
18 today's hearing. The Board ask that the parties
19 stick to the facts and issues related to the
20 incident, the facts and issues of those contained
21 in the Summary Suspension Notice dated January 7,
22 2015 and the investigative report case number 15-

1 251-0001. The Board is only interested in
2 hearing about those matters that can be used to
3 establish whether the establishment is an
4 imminent danger to the health and safety of the
5 public. The Board will begin the case by hearing
6 the opening statement from the government
7 represented by Assistant Attorney General, Amy
8 Schmidt, followed by the opening statement of
9 Scott Rome, counsel for the respondent. Before
10 we begin I just want to double check if there are
11 any procedural matters that the parties want to
12 bring to the Board's attention.

13 MS. SCHMIDT: None from the
14 government.

15 MR. ROME: None.

16 MS. MILLER: Okay. Then if you're
17 ready to proceed.

18 MS. SCHMIDT: Yes, I am. All right.
19 Good morning. Continued operation of Heritage
20 India Zanzibar represents an imminent danger to
21 the health and safety of the citizens of the
22 District of Columbia. Events leading to the

1 disaster that occurred on January 3rd, 2015 were
2 because of Mr. Tuli's mismanagement of the
3 establishment and his failure to keep the
4 citizens safe. That evening a patron was stabbed
5 inside of the establishment. He had to go to
6 emergency surgery because of extensive injuries
7 including a punctured lung. The alleged
8 perpetrator was then caught by MPD. The reason
9 why the government's stating that Mr. Tuli has
10 mismanaged the situation is that first of all, he
11 had insufficient security for the amount of
12 people he expected that evening. Even though he
13 told ABRA investigators initially that there was
14 just a birthday party at the establishment that
15 night, eventually it came out after much prodding
16 that there was a promotion out -- there was a
17 promotion with an outside promoter for a female
18 star of Love and Hip-Hop to appear and there were
19 lines down Pennsylvania Avenue that night because
20 of that promotion and there were only four
21 security officers for the 250 to 275 people that
22 were there that evening even though their

1 security agreement stated that there was supposed
2 to be one security person for every 50 patrons in
3 the establishment and it was also promotion that
4 night because patrons were wearing wristbands for
5 special drink promotions which will be testified
6 to later by Investigator Dantzler and that
7 security was not even identifiable.

8 They had no uniforms and, in fact,
9 what they did wear was confusing because one of
10 the security officers as you will see in the
11 photographs was wearing a hoodie that said police
12 on it. That this led to -- the second reason was
13 Ms. Dantzler that there was a six minute fight.
14 A minute fight in a bar is a long time but a six
15 minute fight is unbelievable and very unusual and
16 you will see a videotape of that evening -- of
17 the events of that evening and you will see and
18 in that videotape some of the things you will see
19 are: a man swinging two champagne bottles, the
20 victim joining into the fight, a female swinging
21 a belt buckle at other female patrons, tables
22 being turned over, buckets of ice being thrown at

1 patrons and a glass being thrown.

2 Sargeant Darnell Benton of the
3 Metropolitan Police Department will testify as to
4 when he arrived at the chaotic scene that he
5 arrived to that night at 1901 Pennsylvania Avenue
6 South -- NW and he will also testify that there
7 were many, there were many units -- police units
8 there that were diverted from other parts --
9 sectors of the city. An ABRA investigator will
10 also testify as to his viewing of the videotape.
11 He will be conduct -- and he would also testify
12 that when he went to the back room where the
13 altercation took place he saw tables turned over,
14 broken glass, pieces of hair extensions and wigs
15 scattered on the floor. And he will also state
16 how that evening he was the only one who could
17 operate the videotape that evening, that no one,
18 from Mr. Mendez, Mr. Tuli, nor any of his
19 employees could operate the videotape for them
20 that evening. And most importantly you will also
21 see on the tape, Mr. Tuli standing by while the
22 employees were mopping up blood from the floor

1 and he didn't try to stop them. In fact, it was a
2 female who was later determined to be the
3 victim's girlfriend who told them to stop and you
4 will see the gesturing, you will be able to see
5 the gesturing in that videotape.

6 Investigator Felicia Dantzler will
7 testify as to the photographs she took in the
8 establishment that night including the knife
9 which may have been used to stab the victim and
10 was found inside the establishment. Even if it
11 wasn't used to stab the victim, there should not
12 be a knife inside the establishment. There were
13 also a lack of security uniforms and the
14 promotion bands and the pictures of the chaotic
15 scene and the included tables and the flung hair.
16 Unfortunately, some of us do remember an incident
17 over Thanksgiving 2011 where Mr. Tuli's previous
18 establishment, Heritage India Brasserie Lounge in
19 DuPont Circle, there again there was fighting
20 inside the club which spilled out onto
21 Connecticut Avenue. At that time there were
22 three stabbing victims and two gunshot victims.

1 Also in June of that year there was
2 another -- there was another incident at that
3 same -- at that same establishment on Connecticut
4 Avenue where there was a fight that started
5 inside the establishment and then the people
6 poured out and they started getting into fight --
7 and there were fights -- there were multiple
8 altercations in the street including hitting
9 people at the valet stand at the door at the Café
10 Citron which was next door. At that time, he
11 gave - he agreed not to use any outside
12 promoters and not to be open after midnight. And
13 he also submitted a security plan which was the
14 same -- which is similar to the security plan he
15 had now but it shows that -- it still shows that
16 he is not able to host these types of events that
17 happened on January 3rd. In May, he was given a
18 second chance and this is -- in May he was given
19 a second chance and non withstanding his previous
20 history this is - and therefore, the
21 government's requesting that he remain suspended
22 until the -- until a Show Cause Hearing.

1 MS. MILLER: Okay. Thank you. Mr.
2 Rome.

3 MR. ROME: Thank you Board members.
4 I'm Scott Rome here on behalf of the licensee and
5 with me is Mr. Stephen Whelan from my office,
6 another attorney, and Mr. Tuli himself. We have
7 heard what the Attorney General has said. We
8 have watched the video, spoken with my client at
9 length and we all understand that what happened
10 on that night is not acceptable. My client,
11 myself, we are not here today to minimize what
12 happened on that night. We are not here to say
13 that it wasn't serious. My client understands
14 that there will be a price to pay for that. He
15 understands the seriousness of being understaffed
16 on that night and understands that if that
17 understaffing led to violence then that is a
18 horrible result and at some point there'll be a
19 Show Cause and he'll have to pay a price for that
20 and there's no argument as to that.

21 The standard today that we have to
22 stay focused on though is whether the continued

1 operation presents an imminent danger to the
2 health and safety of the public. And without
3 minimizing what happened on that night we plan to
4 put on evidence to demonstrate how the continued
5 operation will be different -- will be very
6 different and that the government has stressed
7 and it's in the report and it was admitted at the
8 time that they were understaffed, and the
9 understaffing is what we will show is what led to
10 the inability to stop the violence immediately
11 which is what needs to happen and we understand.

12 Now, whatever did happen on that
13 night, the alleged stabbing and the rest, we
14 believe that it is not the most relevant thing.
15 We certainly understand your need to find out
16 what happened. We certainly understand you, your
17 want to see the video and support that and the
18 video will be shown, but that is only relevant as
19 to show how the operations in the future could or
20 could not prevent something like that from
21 happening. And so the most important witness that
22 we're going to put on today besides Mr. Tuli, who

1 we understand is very important, is Mr. Dave
2 Bailey, who is a former ABRA investigator and a
3 former supervisor with ABRA who is going to be
4 the Head of Security from this day going forward
5 for the establishment.

6 You will hear evidence from Mr. Bailey
7 about his history both with -- within ABRA and
8 outside of ABRA and how he's going to put that to
9 use at this establishment. Now it is true that
10 Mr. Bailey has worked with Mr. Tuli in the past,
11 but the evidence will show that those were for
12 big events such as New Year's Eve, New Year's Day
13 and when he did work on those events there were
14 no issues whatsoever and so that's why we believe
15 the evidence will show that when he is working as
16 the Head of Security, he's the person to answer
17 to, things will be different. We'll lay out a
18 number of the things that were presented
19 yesterday in the OIC and how Mr. Bailey is going
20 to implement those steps.

21 Now you'll also hear from Mr. Tuli
22 about his long history in the hospitality

1 industry and how one or two isolated events
2 shouldn't define his over 30 years of service and
3 how he's been serving the public for years and
4 years. And I believe that when you hear from Mr.
5 Tuli, you hear about his family, potentially hear
6 from his wife who's also here today, and, you
7 know, about his steps to operate at one point up
8 to five businesses at the same time in the city,
9 you'll see that he has the ability to run a
10 business. But I understand from yesterday there
11 were questions about whether Mr. Tuli can be
12 trusted in that role, so we're going to put him
13 on the stand and let him demonstrate to you why
14 we believe he can be trusted. But also, and I
15 think just as importantly, we'll have Mr. Dave
16 Bailey as a backstop to that as someone else that
17 you can trust, as someone else who's been through
18 these issues with larger clubs, with smaller
19 clubs, and with, you know, ABRA itself.

20 So what we plan to show through that
21 and through questioning of Investigator Jones,
22 who was there, is that the errors that occurred

1 on that night were errors of understaffing and
2 errors of not having police detail present, which
3 will be fixed in the future and we'd like to show
4 how a remedy of that will go a long way towards
5 showing that this won't happen in the future and
6 they understand that the operations will be
7 completely different in the future with the steps
8 that were demonstrated yesterday and with a
9 number of other steps.

10 The government mentions in their
11 opening specific things that they believe helped
12 lead to this such as the understaffing, the lack
13 of uniforms, the lack of officers on the scene
14 and these are all type of errors that can be
15 addressed and that we will address today. This
16 is not the type of case, and I've been here for
17 some of those before, where the establishment
18 itself has been alleged to have somehow
19 participated or the establishment itself has
20 taken some actions that led to this. In this
21 case, we believe it's more of an inaction by the
22 establishment and what we plan to show is through

1 Mr. Bailey and through Mr. Tuli how that inaction
2 will be changed in the future and how they will
3 be able to address these things in a completely
4 different manner through all the steps that we're
5 going to put in place. And, you know, just to sum
6 up, the question still needs to be, as I'm sure
7 you know, whether they're an imminent danger to
8 the health and safety of the public and whether
9 there was a fight on one night we believe --
10 while it is relevant, yes -- is not the be all
11 and end all of whether there's an imminent danger
12 in the future. And that's going to have to be
13 whether you trust their operations to go forward
14 and we believe that we can show through Mr.
15 Bailey, through Mr. Tuli, and through our
16 questions to Mr. Jones, the investigator, that
17 they can be trusted for the future.

18 MS. MILLER: Okay. Thank you very
19 much. All right, Ms. Schmidt, are you ready to
20 proceed?

21 MS. SCHMIDT: Yes. The government
22 calls Sergeant Darnell Benton.

1 MS. MILLER: Good morning, Sergeant.

2 MR. BENTON: Good morning.

3 MS. MILLER: Thank you for coming.

4 Let me just swear you in. Do you swear to tell
5 the truth, the whole truth and nothing but the
6 truth?

7 MR. BENTON: I do.

8 MS. MILLER: Thank you.

9 DIRECT EXAMINATION

10 MS. SCHMIDT: Sergeant Benton, can you
11 please state your name and your rank and by whom
12 you're employed?

13 MR. BENTON: I'm Sergeant Darnell
14 Benton currently employed by the Metropolitan
15 Police Department Second District.

16 MS. SCHMIDT: And how long have you
17 been with the Metropolitan Police Department?

18 MR. BENTON: Twenty-six years.

19 MS. SCHMIDT: And were you at 1901
20 Pennsylvania Avenue, NW in Washington, DC on
21 January 3rd, 2015?

22 MR. BENTON: Yes.

1 MS. SCHMIDT: And why were you there?

2 MR. BENTON: I received an order of a
3 stabbing at 1901 Pennsylvania Avenue.

4 MS. SCHMIDT: And what did you find
5 out about the stabbing?

6 MR. BENTON: Once on the scene, I
7 observed the victim on the corner of 19th and Penn
8 -- Pennsylvania. There were also other units on
9 the scene, a Club Zone Action Team.

10 MS. MILLER: Excuse me, Sergeant,
11 would it be possible for you to speak louder or
12 speak into the microphone more. We're having
13 trouble hearing you.

14 MR. BENTON: Okay. Responded to 19th
15 and Penn in reference to a stabbing. Once on the
16 scene I observed the victim laying on the ground
17 of 19th and Penn. I immediately instructed the
18 officers to tape off the area and begin to secure
19 the crime scene. Prior to me getting to the
20 scene, there were already 14 officers on the
21 scene from the Club Action Team, that's the CAT
22 team. They had taped off the area but it wasn't

1 big enough. We had to call additional units in
2 to maintain the patrons from walking through the
3 crime scene and patrons were trying to leave out
4 the club at the time on, you know, medics was on
5 the scene and we were trying to secure the area.
6 Eventually the patrons were let out the back door
7 of the club in which time I believe it was the
8 victim's girlfriend or wife was talking to some
9 other patrons and began smashing the window of a
10 vehicle of the suspect or the alleged suspect
11 vehicle.

12 MS. SCHMIDT: Okay. Can we back up.
13 Can you tell us what did your officers tell you
14 about what happened, about the stabbing itself?

15 MR. BENTON: They stated there was a
16 fight that occurred inside the club. The suspect
17 was last seen leaving out the front door. A
18 lookout was broadcast and he was stopped at 18th
19 and I Street. We cleared the security area and
20 secured the crime scene. While doing so the
21 patrons were trying to leave out the front door
22 and walking through the crime scene. We began to

1 secure the front area at which time one patron
2 with a camera became belligerent and tried to
3 walk through the crime scene. He was arrested.
4 Other officers inside -- I did make my way inside
5 -- begin to talk to club workers I believe and
6 they figured out another way to let the patrons
7 out, which was a back door entrance. While doing
8 so, a large crowd came out of the back door I
9 believe, looked -- it looked like a garage area
10 and the victim's wife or girlfriend got into a
11 confrontation with another patron out there at
12 which time she thought that the suspect's vehicle
13 was there and she began to break the window out.
14 She was immediately arrested by officers on the
15 scene.

16 MS. SCHMIDT: Was there, just a couple
17 quick. Was there a reimbursable detail on duty
18 there that night?

19 MR. BENTON: No.

20 MS. SCHMIDT: And to your knowledge
21 was - does Heritage India Zanzibar have a
22 contract with MPD for reimbursable detail?

1 MR. BENTON: No.

2 MS. SCHMIDT: And were any weapons
3 recovered there?

4 MR. BENTON: There was a knife -
5 small knife, maybe three feet from the stairwell
6 but there was also a weapon recovered on the
7 scene where the suspect was stopped at.

8 MS. SCHMIDT: And based on your
9 experience, how do you think the club handled the
10 situation -- the security of the club handled the
11 situation that night?

12 MR. BENTON: Just like I said, it was
13 understaffed. It wasn't handled well, no.

14 MS. SCHMIDT: No further questions for
15 this, from this witness.

16 MS. MILLER: Okay. Cross?

17 CROSS EXAMINATION

18 MR. ROME: I'll be very brief. Thank
19 you for coming in. I appreciate your time. You
20 mentioned that there was no reimbursable detail
21 that night, correct?

22 MR. BENTON: Correct.

1 MR. ROME: Do you believe that
2 reimbursable detail would have helped in a
3 situation like this?

4 MR. BENTON: Yes, I believe so.

5 MR. ROME: Okay. Have you worked as
6 a reimbursable detail officer in the past?

7 MR. BENTON: No. I've worked as a
8 supervisor to collect the paperwork to go by and
9 ensure that the officers are on the scene.

10 MR. ROME: And in your experience even
11 having two reimbursable detail officers on the
12 scene would make a difference in a situation like
13 this?

14 MR. BENTON: Yes, because if the
15 officers can't take the action they can easily
16 call on the radio and units will respond.

17 MR. ROME: Do you know how long after
18 the fight you arrived at the scene?

19 MR. BENTON: Maybe five or ten
20 minutes.

21 MR. ROME: Okay. And if there were
22 reimbursable detail there, how long do you think

1 that response time would be?

2 MR. BENTON: I wouldn't be sure, I
3 mean there was officers on the scene prior to me
4 getting there. But I mean it would be a quick
5 response.

6 MR. ROME: All right. Did you speak
7 with any specific security members of the
8 establishment that night?

9 MR. BENTON: No, I didn't.

10 MR. ROME: Do you know if Mr. Dave
11 Bailey was working that night?

12 MR. BENTON: No, I don't.

13 MR. ROME: Do you know Mr. Bailey?

14 MR. BENTON: No, I don't.

15 MR. ROME: Okay. When you arrived -
16 so there were no -- there were no weapons
17 recovered inside of the establishment as far as
18 you know.

19 MR. BENTON: Not to my knowledge.

20 MR. ROME: So -- I don't have any
21 further questions.

22 MS. MILLER: Okay. Board questions.

1 Mr. Short?

2 MR. SHORT: Good morning, Sergeant
3 Benton.

4 MR. BENTON: Good morning.

5 MR. SHORT: And thank you for your 26
6 years of service to the District of Columbia. On
7 the evening of this stabbing or cutting, you're
8 testifying that there were no weapons found in
9 the club or were there weapons found in the club?

10 MR. BENTON: It was a weapon, a knife,
11 found outside of the club.

12 MR. SHORT: Can you give us the
13 approximate location?

14 MR. BENTON: Three feet from the steps
15 I would say.

16 MR. SHORT: From the entrance to -- or
17 rear or front entrance?

18 MR. BENTON: Front entrance.

19 MR. SHORT: So the knife was found
20 three feet from the

21 MR. BENTON: From the front entrance.

22 MR. SHORT: Front entrance. Okay.

1 MR. BENTON: Small knife, but another
2 knife was found where the suspect was arrested
3 at.

4 MR. SHORT: The suspect who had been
5 in the club?

6 MR. BENTON: Yes.

7 MR. SHORT: And when he was arrested
8 he had a knife on him?

9 MR. BENTON: He didn't have it on him.
10 He must have dropped it but they somehow linked
11 it to him.

12 MR. SHORT: Okay. So that means two
13 weapons were identified with the club that night.

14 MR. BENTON: Yes.

15 MR. SHORT: Are you familiar with the
16 club's security of searching or wandering or how do
17 they make sure weapons -- or how do they supposed
18 to make sure weapons don't get into the
19 establishment?

20 MR. BENTON: Not this particular club,
21 but from some of the other clubs, some of them
22 have the wands. Some of them actually physically

1 search the people, make the females open their
2 pocketbooks and -- to make sure that no weapons
3 get inside.

4 MR. SHORT: But you're not familiar
5 with whether this licensee does that or not?

6 MR. BENTON: No, I'm not familiar with
7 that.

8 MR. SHORT: Okay. Since you've been
9 Sergeant in charge of the -- or supervising the
10 reimbursable details have you ever had to go to
11 this club before or do you have any history that
12 you can relate to this club?

13 MR. BENTON: No.

14 MR. SHORT: Restaurant.

15 MR. BENTON: No, I've never been in
16 this club before.

17 MR. SHORT: How long have you been in
18 the Second District in this area?

19 MR. BENTON: I've been with the Second
20 District since 08. In 2008, yes.

21 MR. SHORT: Okay. So approximately
22 the whole total number of officers who had to be

1 involved with this incident at the restaurant
2 that night, how many officers were occupied that
3 could have been doing other things in the city?

4 MR. BENTON: Well the CAT team's, that
5 whole unit was there. That was 14 members.

6 MR. SHORT: Fourteen members of CAT.

7 MR. BENTON: All the lower end units,
8 208, 207, 206 and we had to call a couple upper
9 end units with officers that had the cameras
10 mounted on them so we could record stuff also.

11 MR. SHORT: So how many would you say
12 -- approximately how many officers were summoned
13 for this incident? Approximately.

14 MR. BENTON: Approximately I would say
15 maybe 20-28.

16 MR. SHORT: Twenty-eight? In your 26
17 years, I guess you've seen a lot violence or
18 you've been called to scenes of violence. How
19 would you categorize this as violence-wise, that
20 you've seen in your career when it comes to
21 restaurants and nightclubs?

22 MR. BENTON: I can't really classify

1 how violent it went. I mean I've seen so much
2 but.

3 MR. SHORT: Okay, well I won't hold
4 you to that. You mentioned the crime scene and
5 that it was compromised.

6 MR. BENTON: Yeah.

7 MR. SHORT: Could the establishment,
8 the licensee or the restaurant done anything
9 better or different to have assisted the MPD in
10 getting this crime scene to a point where it
11 would be useful to the prosecution of the person
12 who was arrested?

13 MR. BENTON: Well I believe if --

14 MR. SHORT: Could you speak up a
15 little bit more, please, Sergeant.

16 MR. BENTON: I believe if the security
17 was properly trained they could better assist us
18 with helping secure the scene as far as helping
19 us secure the doors and figuring out another way
20 for the patrons to come out. Things happen and
21 people get erratic and they want to get out of
22 the area, so --

1 MR. SHORT: Okay.

2 MR. BENTON: I don't know their
3 procedure. Different clubs have different
4 procedures. Some of the bouncers they'll go hands
5 on, but some won't. So I don't know the
6 procedures at this club. Like I say, I've never
7 been to this club before.

8 MR. SHORT: Could we use the word or
9 could the word panic have described how the
10 patrons were coming out of the club? They were
11 in a panic?

12 MR. BENTON: Yes.

13 MR. SHORT: Which could have caused
14 more injuries. Luckily there wasn't any more but
15 panic is a terrible thing isn't it when it comes
16 to public safety?

17 MR. BENTON: Yes. You know, people
18 saw a dramatic offense that occurred inside the
19 club and they wanted to get out so it's just a
20 small doorway leading up so it could have caused
21 more injuries.

22 MR. SHORT: Thank you very much,

1 Sergeant. That's all I have, Madam Chair.

2 MS. MILLER: Thank you very much. Mr.
3 Silverstein.

4 MR. SILVERSTEIN: Thank you for your
5 service. Thank you for all your time on --

6 MR. BENTON: Thank you.

7 MR. SILVERSTEIN: - helping with
8 public safety in the city, Sergeant. You say
9 that 28 or more officers were summoned for this
10 incident?

11 MR. BENTON: Yeah, some of the cars
12 were 10-4. We had to send some cars to the
13 hospital because once the victim found out what
14 hospital he went to we had people going to the
15 hospital so we had quite a few units down there.

16 MR. SILVERSTEIN: And you had -- you
17 pulled units out of, this was in 20 --

18 MR. BENTON: That's 208. We pulled
19 207.

20 MR. SILVERSTEIN: 208. That's where
21 I live, but you also pulled units out of 207 and
22 206?

1 MR. BENTON: Yes, and --

2 MR. SILVERSTEIN: So large parts of
3 the area including the area surrounding the White
4 House had resources pulled to respond to this
5 incident, is that correct?

6 MR. BENTON: Correct. We had units
7 pulled from Georgetown, units pulled from 14th and
8 K, and units pulled from Connecticut Avenue. The
9 CAT team major area of concern is Connecticut
10 Avenue but they ended up all -- the total CAT
11 team ended up on that scene down there.

12 MR. SILVERSTEIN: And at what time did
13 this occur or what was the time frame of the
14 initial incident and the -- or approximately?

15 MR. BENTON: I want to say
16 approximately what -- two, one or two o'clock.
17 I'm not sure.

18 MR. SILVERSTEIN: So essentially this
19 was in what one would consider prime time in the
20 nightclub oriented or the club zones.

21 MR. BENTON: Yes, around two.

22 MR. SILVERSTEIN: This is when you're

1 most needed to control crowds and other incidents
2 elsewhere.

3 MR. BENTON: Yes. Around two o'clock
4 when the clubs let out we usually have units
5 monitor different areas where we kind of expect
6 the clubs to get -- once the clubs let out some
7 clubs the crowds tend to just hang around and
8 maulinger, so we have units monitoring that area
9 just to make sure that nothing happens.

10 MR. SILVERSTEIN: That's the time of
11 the push out when, in fact, you are the most
12 needed everywhere.

13 MR. BENTON: Yes.

14 MR. SILVERSTEIN: Could you describe
15 for me, just paint me a word picture of the scene
16 when you got there.

17 MR. BENTON: When I got there the
18 victim was laying on the ground. We had to get
19 officers to push people back from him. They had
20 it taped off small so I had them take the tape
21 down and just go wide, make the scene a lot
22 larger. Once the crowd was let out the back door

1 then there became another issue with trying to
2 control that crowd and you had a couple patrons
3 that were still angry and then you had people
4 that witnessed it that didn't want to be
5 detained, didn't want to talk about it. We had
6 to deal with that issue and then that's basically
7 it.

8 MR. SILVERSTEIN: Did you feel a sense
9 of danger in there, a sense of fear that you or
10 your men and women might be in danger in a
11 situation like this?

12 MR. BENTON: Well in that situation we
13 usually have officers pair up two by two. I mean
14 it's always danger but I didn't feel any danger,
15 no.

16 MR. SILVERSTEIN: Did you feel fear
17 for the people who were in there?

18 MR. BENTON: Yeah.

19 MR. SILVERSTEIN: Was there a
20 promoter? Were there people waiting outside to
21 get in when this happened? What was the --

22 MR. BENTON: I don't recall. I got

1 there --

2 MR. SILVERSTEIN: You did not arrive
3 with the first crew.

4 MR. BENTON: I did not arrive there
5 when they had a line outside.

6 MR. SILVERSTEIN: And if you were to
7 suggest anything that - based on what you went
8 through that we could do, say, look at things
9 that to you were red flags that created this
10 beyond -- one thing you mentioned was that they
11 were understaffed.

12 MR. BENTON: Correct.

13 MR. SILVERSTEIN: Anything else?

14 MR. BENTON: I don't know the club
15 limit. I don't know how many people the club
16 holds. Some clubs have counters outside to limit
17 the access of -- so it's not overcrowded, so I
18 don't know how the crowd was actually inside the
19 club. When you have people that are in close
20 quarters and you're drinking they kind of get
21 agitated so I don't know the limit that the club
22 holds but it was a large crowd there that night.

1 MR. SILVERSTEIN: Is there anything I
2 haven't asked that I should have? Thank you,
3 sir.

4 MS. MILLER: Mr. Rodriguez.

5 MR. RODRIGUEZ: Sergeant Benton, thank
6 you for coming by and we appreciate meeting you.
7 I've had in my family two officers in my family,
8 not in Washington but in other places, and I know
9 the danger although you minimize it to yourself
10 but I know the danger that police officers face
11 every day on a call because you never know what's
12 going to happen and this is a case where you
13 really don't know what's going to happen. Crowds
14 are panicking and everything. I want to focus on
15 the weapons a little bit. You mentioned that
16 there's two weapons that were identified. You
17 mentioned that there was a small weapon about two
18 feet from the entrance to the club.

19 MR. BENTON: Yes.

20 MR. RODRIGUEZ: What kind of weapon
21 was that? I, you know --

22 MR. BENTON: It was a knife.

1 MR. RODRIGUEZ: A knife, and --

2 MR. BENTON: Like a pocket knife.

3 MR. RODRIGUEZ: And was that -

4 MS. MILLER: I'm sorry. What kind of
5 knife?

6 MR. BENTON: A pocket knife.

7 MS. MILLER: A pocket knife?

8 MR. BENTON: Yes.

9 MR. RODRIGUEZ: How long was the blade?

10 MR. BENTON: I didn't really look at
11 it. I mean it was closed, you know, but it was --

12 MR. RODRIGUEZ: Would you suspect at
13 least that that weapon was used by the
14 perpetrator or in the fight?

15 MR. BENTON: I couldn't tell you that.

16 MR. RODRIGUEZ: Okay. The second
17 weapon, I'd like to know more a little bit about
18 that. That was confiscated outside?

19 MR. BENTON: That was confiscated
20 where the suspect was stopped at. I didn't go up
21 there to physically see it but I believe the
22 forensic science people took pictures of it.

1 MR. RODRIGUEZ: Outside and it is
2 suspected or it has been established that that
3 was the perpetrator's knife?

4 MR. BENTON: I believe it's been
5 established because the -- I believe it had blood
6 on it and the --

7 MR. RODRIGUEZ: It had blood on it.

8 MR. BENTON: Yes.

9 MR. RODRIGUEZ: How long was the blade
10 on that knife?

11 MR. BENTON: Like I said I didn't go
12 up to that scene. I was still managing this
13 scene. The forensic science people took photos
14 of it and recovered it so I couldn't tell you
15 exactly the size of that knife.

16 MR. RODRIGUEZ: Okay, Sergeant. Thank
17 you.

18 MS. MILLER: Others? Mr. Brooks.

19 MR. BROOKS: Yes. Thank you, Madam
20 Chair. Sergeant Benton, did you say something
21 earlier about some of them letting patrons out
22 the back door?

1 MR. BENTON: Yes. Once we got on the
2 scene patrons were still in the club and they
3 were trying to come out -- still trying to come
4 out. Like I said one guy got belligerent and he
5 was trying to cross through the crime scene. He
6 was placed under arrest. At that time some of
7 the officers had talked to some of the employees
8 of the club and they let them out of a back way
9 to the club, which exited out on Pennsylvania
10 Avenue by the garage area.

11 MR. BROOKS: So, were those patrons
12 considered witnesses?

13 MR. BENTON: Well, yeah, they were
14 considered witnesses but you had some that
15 refused to talk. They just wanted to get out of
16 there, some that we did stop. We stopped some
17 guy; he had bruises on his hands so we knew he
18 had to possibly be involved in the fight. We
19 detained him, the girlfriend was detained or the
20 wife and another female who stated that she told
21 them to stop cleaning up the blood, she was
22 stopped also and they were all taken to the

1 detective office and --

2 MR. BROOKS: Okay, finally, did you
3 have opportunity to speak to the owner if he was
4 there?

5 MR. BENTON: No.

6 MR. BROOKS: Okay. Did you speak with
7 any other employees?

8 MR. BENTON: No, I did not.

9 MR. BROOKS: Okay. Thank you, Madam
10 Chair.

11 MS. MILLER: Thank you. Mr. Alberti.

12 MR. ALBERTI: Good morning, Sergeant
13 Benton. Forgive me if I go over some ground that
14 we've already covered. So you, when you arrived
15 you went inside and there was a large crowd, is
16 that correct?

17 MR. BENTON: No, I didn't. When I
18 arrived I was immediately trying to secure that
19 crime scene area.

20 MR. ALBERTI: Okay.

21 MR. BENTON: Once I arrived on the
22 scene the victim was still laying on the ground.

1 MR. ALBERTI: Did you go in
2 eventually?

3 MR. BENTON: Later on in the night
4 after everybody's left and the crime scene --

5 MR. ALBERTI: Okay, so did any of your
6 officers go in?

7 MR. BENTON: The reporting officer was
8 inside, yes, sir.

9 MR. ALBERTI: Okay. Did you talk to
10 them about how large the crowd was or anything to
11 that effect?

12 MR. BENTON: No. I could see the
13 crowd. Once I got there the crowd was still
14 trying to come out. I never went inside the club
15 but once I got there and we secured the front
16 door because that was part of the crime scene --

17 MR. ALBERTI: Do you have a sense of
18 how many people might have been inside?

19 MR. BENTON: I couldn't tell you that
20 honestly.

21 MR. ALBERTI: You said that the crime
22 scene had been compromised. Do you know, I mean

1 - can you tell me why you came to that
2 assessment, how you came to that assessment?

3 MR. BENTON: Once we put up tape
4 you're not to let anybody enter that crime scene.
5 People were trying to come under the tape because
6 that was the only way out at the time.

7 MR. ALBERTI: Mm-hmm.

8 MR. BENTON: So once we secured the
9 front door and taped off a large area we had to
10 figure another way to get them out of the club,
11 so they talked to some of the workers and ended
12 up letting them out of a back door which was
13 outside of the tape.

14 MR. ALBERTI: Okay. So were there any
15 people -- was there a crime scene inside?

16 MR. BENTON: Yes.

17 MR. ALBERTI: And was that compromised
18 in any way?

19 MR. BENTON: Just by whatever one of
20 the witnesses said they tried to clean it up but
21 that was taped off on the inside also.

22 MR. ALBERTI: Okay. So you have a

1 witness' testimony that someone was cleaning it
2 up and that's how you know it was compromised?

3 MR. BENTON: Yes. The same witness
4 that the detective interviewed.

5 MR. ALBERTI: Okay. Great. All right.
6 This evening a lot of officers were summoned.
7 Was anyone there on reimbursable detail?

8 MR. BENTON: No.

9 MR. ALBERTI: No? Okay. Do you know
10 if they've had reimbursable detail in the past?

11 MR. BENTON: No. Like I say I'm not
12 familiar with this club and the only Zanzibar I
13 know about was Southwest Waterfront.

14 MR. ALBERTI: So, are you familiar with
15 -- so you're not familiar with this club and so
16 are you familiar with or do you have any
17 information about what has happened like past
18 weekends? What may have been happening there?
19 This particular crowd in past weekends, are the
20 police aware of this? I mean do you know
21 anything about the history of - the recent
22 history of that club.

1 MR. BENTON: This particular club?

2 MR. ALBERTI: That club. Yeah.

3 MR. BENTON: I mean, I've seen fliers
4 where they had some type of parties there but
5 that's been it.

6 MR. ALBERTI: But you have no other
7 knowledge of what the crowds -- how large the
8 crowds have been in the past.

9 MR. BENTON: No. Like I said I've
10 been -

11 MR. ALBERTI: Do you remember what the
12 fliers said at all?

13 MR. BENTON: One was some type of
14 flier speed date or something like that.

15 MR. ALBERTI: Okay.

16 MR. BENTON: Somebody threw a party in
17 there for speed dating or singles or something
18 like that. I've driven by that place. I've
19 never seen anything like it was that night so
20 like I say the only Zanzibar that I was familiar
21 with was the one that was in Southwest. I didn't
22 know that it was here and --

1 MR. ALBERTI: Oh, you're thinking
2 about Zanzibar. All right. (Laughs.) All
3 right. Very good. I have no further questions.
4 Thank you, Sergeant.

5 MR. RODRIGUEZ: I have one last one,
6 Madam Chair.

7 MS. MILLER: All right, Mr. Rodriguez.

8 MR. RODRIGUEZ: Yes, Sergeant Benton.
9 I failed to ask you one more question and that is
10 about the nature of the crowd and I want to ask
11 you did you detect any gang activity, you know,
12 in terms of the crowd?

13 MR. BENTON: I didn't detect any gang
14 activity but, you know, you had people from
15 different areas of the city there and I mean it
16 was just a large crowd. The guy that was stabbed
17 -- the people that was with him got emotional and
18 things just happened outside once I got there,
19 so.

20 MR. RODRIGUEZ: Okay. So it was a one
21 on one kind of thing that began.

22 MR. BENTON: Yes.

1 MR. RODRIGUEZ: Okay. Thank you, sir.

2 MS. MILLER: Mr. Short.

3 MR. SHORT: Again, thank you, Sergeant
4 Benton.

5 MR. BENTON: Okay.

6 MR. SHORT: And I know you aren't a
7 public assembly expert but would you have any
8 idea of the number of people that you might have
9 -- that you observed? How large a crowd was it?

10 MR. BENTON: Like I said I couldn't
11 really tell you that. It was just a large crowd.
12 Pennsylvania Avenue's usually empty at night.
13 Cars were parked on both sides of the streets and
14 in the other block. The crowd that -- even when
15 I got there once the crowd came out the back door
16 it was still fairly a lot of people.

17 MR. SHORT: Very large group?

18 MR. BENTON: Yes.

19 MR. SHORT: Thank you. That's all I
20 have, Madam Chair.

21 MS. MILLER: Okay. I just have a few
22 questions. So you testified I think that there

1 were 28 officers who arrived at the scene?

2 MR. BENTON: Twenty, for I know 14,
3 definitely 14 from the CAT unit. Some of our
4 cars were 10-4 and you have maybe -

5 MR. SHORT: 10-4 where you get that?

6 MR. BENTON: Two officers per car and
7 you sometimes have three to four cars in each
8 PSA, so I know we called 207, 206, two or three
9 upper end units, and two officers with the
10 cameras to the scene.

11 MS. MILLER: Okay. Two officers with
12 cameras?

13 MR. BENTON: Yes.

14 MS. MILLER: Oh. Okay. Did you have
15 a specific role that you were to perform there?

16 MR. BENTON: Well basically I was just
17 supervising the scene, ensuring that the officers
18 canvassed the area to see if they had any
19 witnesses, detained the witnesses, ensure that I
20 had an officer go to the -- follow the ambulance
21 to the hospital, get any information they could
22 about the victim till the detectives could get

1 there so he can coordinate and eventually
2 apprehend the suspect, yes.

3 MS. MILLER: Okay. And did you
4 interview any witnesses?

5 MR. BENTON: No, I did not.

6 CHAIR MILLER: You supervised that?

7 MR. BENTON: Yes, I mean, I had them
8 detain the three witnesses that we stopped. They
9 actually had them right by my vehicle and once
10 the detective got on the scene and she began
11 interviewing I stood there and I heard the one
12 young lady stated that she told one of the guys
13 to stop cleaning up the blood and she kept on
14 talking to the detective at that time. She was
15 put in the vehicle along with a couple other
16 people and taken to the Second District for
17 further interview.

18 MS. MILLER: Okay. And did you have an
19 opportunity to observe the security at the club?

20 MR. BENTON: I think I saw one person
21 standing outside because I never went inside
22 until later on. I think it was a female. And

1 that's it.

2 MS. MILLER: Right. So you didn't see
3 what was inside, you just saw what the security
4 was outside?

5 MR. BENTON: Well I just saw that one
6 outside. Once we secured the doors nobody could
7 go back in so she was probably caught on the
8 outside. She had on I believe a black jacket and
9 black pants and I think she did have a hoodie on.
10 I'm not sure.

11 MS. MILLER: And how did you know she
12 was security?

13 MR. BENTON: She said she was.

14 MS. MILLER: She said?

15 MR. BENTON: Mm-hmm.

16 MS. MILLER: Okay. And did you draw
17 any impressions about the adequacy of their
18 security?

19 MR. BENTON: No.

20 MS. MILLER: Okay. And I think that you
21 said earlier that having RDO would have made a
22 difference?

1 MR. BENTON: Yes.

2 MS. MILLER: What difference? What do
3 you mean? What difference would it have made?

4 MR. BENTON: Like I said if officers
5 were working outside of most club details if they
6 have a problem before they take any action
7 they'll call for other units to respond and once
8 they make the call usually a supervisor will go
9 down there also. If more units are needed, then
10 we'll call more units to try to control the
11 situation.

12 MS. MILLER: So are you saying that if
13 there was RDO, the police would have come sooner?

14 MR. BENTON: I'm pretty sure. If an
15 officer calls and put out that he's in trouble
16 and he needs some assistance usually they'll be
17 there, and usually when officers work club
18 overtime they usually have friends that work the
19 section. They might ride by just to check on
20 them or they might be actually just sitting out
21 here to check on them or talk with them.

22 MS. MILLER: Okay. Thank you. Okay.

1 Are there any other Board questions? Questions
2 on the Board questions?

3 MS. SCHMIDT: Just one quick question.
4 What happened to the alleged perpetrator?

5 MR. BENTON: He was placed under
6 arrest and transported to the Second District.

7 MR. SILVERSTEIN: I'm sorry?

8 MR. BENTON: He was placed under
9 arrest and transported to the Second District.

10 MS. SCHMIDT: And how was he -- and
11 where was he arrested?

12 MR. BENTON: I believe 18th and I, NW,
13 a block up from the club.

14 MS. SCHMIDT: And do you know the
15 circumstances surrounding his arrest?

16 MR. BENTON: All I know is there was
17 a lookout broadcast. At the time the patrol
18 wagon was responding down from 18th on I Street
19 and observed a suspect matching the description.
20 He was stopped. The officers noticed some blood
21 on his shoes I believe. He was detained and the
22 detectives took the witnesses up there to see if

1 they could identify him and I believe he was
2 identified.

3 MS. SCHMIDT: Okay. No further
4 questions.

5 MR. ROME: I just have a few questions
6 based on the questions of the Board and the
7 Attorney General. Thank you again for your time.
8 You said that wanding is done at a number of
9 these clubs in your experience.

10 MR. BENTON: Yes.

11 MR. ROME: And do you believe that
12 double wanding would make a difference in a
13 situation like this? Like two check points?

14 MR. BENTON: I think double wanding
15 and physically checking them. I mean yeah, some
16 other clubs have had incidents that happened and
17 those are some of the improvements that they
18 made. They physically check them. They have a
19 male and a female guy outside physically checking
20 them. They also wand them and that's to ensure
21 that they don't have any weapons coming into the
22 club.

1 MR. ROME: And they did have male and
2 female security present when --

3 MR. BENTON: I saw a female security
4 officer.

5 MR. ROME: And you're aware of the
6 layout of the restaurants, that you have to go
7 down those long stairs and then go into it.

8 MR. BENTON: I'm just aware. You
9 know, that's the first time I ever went in.

10 MR. ROME: Okay. And if they wanded
11 at the top of those stairs and then at the bottom
12 on the entrance, that would be an effective
13 security measure in your mind?

14 MR. BENTON: It could be.

15 MR. ROME: Now in your past experience
16 with wanding, people will often drop their
17 weapons before they get to the security check.

18 MR. BENTON: If they know there's some
19 type of wand, a metal detector there they won't
20 even bring it to the club. If they get there and
21 they have a weapon on them you might see them
22 leave and come back.

1 MR. ROME: Okay.

2 MS. MILLER: I'm sorry. Could you
3 speak up? That was --

4 MR. BENTON: I said if they get there
5 and they know that there's some type of metal
6 detector or wand and they had a weapon on
7 them, they might leave and maybe put it back in
8 their vehicle and come back.

9 MR. ROME: They might also drop it,
10 you know, outside of the scene so they don't
11 enter with it.

12 MR. BENTON: Possibly.

13 MR. ROME: We don't know if that's
14 what happened with the knife that was found
15 outside the scene here or not.

16 MR. BENTON: No.

17 MR. ROME: Now Board member Short
18 asked you about the level of violence that you
19 saw when you got there but when you got there the
20 violence was all concluded, is that correct?

21 MR. BENTON: Yes.

22 MR. ROME: And there was a, the crowd

1 may be unruly in trying to get out but there was
2 no violence from what you saw.

3 MR. BENTON: No.

4 MR. ROME: Okay. And would you say
5 this is an older crowd than you had seen at some
6 of the other establishments or about the same as
7 what you typically see?

8 MR. BENTON: I wouldn't say older
9 crowd but young and old I would say.

10 MR. ROME: Young and old. Okay.

11 MS. MILLER: I'm sorry. Could you
12 repeat that?

13 MR. BENTON: Young and old. It wasn't
14 an older crowd.

15 MS. MILLER: Young and old.

16 MR. BENTON: Yeah. I would say the
17 thirties maybe.

18 MR. ROME: But certainly there are
19 some establishments that cater to a crowd younger
20 than their thirties.

21 MR. BENTON: Yes.

22 MR. ROME: And you say that you're not

1 particularly familiar with this club. Is it safe
2 to say that if they had been, if there had been
3 these type of incidents in the past or something
4 more minor than this but something still
5 important you would have known about it?

6 MR. BENTON: Yes.

7 MR. ROME: And in those other
8 instances when you've seen fliers for events and
9 other things have you heard any word of any
10 incidents arising out of those events?

11 MR. BENTON: No.

12 MR. ROME: And also the flier that you
13 did mention was I believe a speed dating. In
14 your experience that's not the type of event that
15 would lead to potentially violent incidents?

16 MR. BENTON: I don't think so.

17 MR. ROME: Also you said that MPD had
18 the suspect under control when you arrived. They
19 had him contained?

20 MR. BENTON: A lookout was broadcast
21 and he was stopped a block away.

22 MR. ROME: And are you aware that it

1 was the establishment security that led the
2 officers to that suspect?

3 MR. BENTON: No.

4 MR. ROME: Okay. You don't know if
5 that's true or not true, you just don't know.

6 MR. BENTON: Don't know.

7 MR. ROME: Okay. And the whatever
8 security staff was there when you arrived was
9 cooperative?

10 MR. BENTON: Like I said I didn't go
11 inside when they interviewed. It was just one
12 security staff member outside. Once the detective
13 got on the scene I walked down to the door and
14 just looked inside the club and something else
15 happened, I had to respond to another location.

16 MR. ROME: Okay. But from what you
17 witnessed and from what you heard from others
18 there's no evidence that the establishment was
19 uncooperative?

20 MR. BENTON: No.

21 MR. ROME: And so you do feel this was
22 really an issue of understaffing on the night at

1 issue?

2 MR. BENTON: It's possible, yes.

3 MR. ROME: All right. I have nothing
4 else.

5 MS. MILLER: Okay. Any other
6 questions.

7 MS. SCHMIDT: None for me.

8 MS. MILLER: None for you. Okay. Thank
9 you very much, Sergeant.

10 MS. SCHMIDT: With the Court's
11 indulgence I'm going to sign out the officer.

12 MS. MILLER: Okay. Ms. Schmidt.

13 MS. SCHMIDT: Yes.

14 MS. MILLER: I just wanted to ask you
15 if you might just remind us what witnesses you
16 have just so that we can, you know, what might be
17 an appropriate question for maybe a later witness
18 than an earlier witness so.

19 MS. SCHMIDT: I can just give you a
20 little brief overview what they're going to
21 testify to. Investigator Earl Jones will be
22 testifying as to the videotape --

1 MS. MILLER: Okay.

2 MS. SCHMIDT: and what he saw and
3 Investigator Dantzler will be testifying as to
4 the photographs and to some of her conversations
5 with the owner.

6 MS. MILLER: Okay, great. Thank you.
7 So who are you calling next?

8 MS. SCHMIDT: ABRA Investigator Earl
9 Jones.

10 MS. MILLER: Okay. Mr. Jones. Good
11 morning.

12 MR. JONES: Good morning.

13 MS. MILLER: Do you swear to tell the
14 truth, the whole truth, nothing but the truth?

15 MR. JONES: Yes, I do.

16 MS. MILLER: Thank you.

17 DIRECT EXAMINATION

18 MS. SCHMIDT: Investigator Dantzler
19 will be sitting at the table to help me operate
20 the videotape.

21 MS. MILLER: That's perfectly fine.

22 (Laughs.)

1 MS. SCHMIDT: Investigator, can you
2 please state your name and your, by whom you're
3 employed?

4 MR. JONES: Earl Jones. I'm employed
5 with the Alcoholic Beverage Regulation
6 Administration.

7 MS. SCHMIDT: And how long have you
8 been with ABRA?

9 MR. JONES: Since September of 2009.

10 MS. SCHMIDT: Okay and were you at the
11 Heritage Zanzibar on January 3?

12 MR. JONES: Yes, ma'am.

13 MS. SCHMIDT: And about what time were
14 you there?

15 MR. JONES: Responded probably
16 approximately around 1:30.

17 MS. SCHMIDT: And why were you there?

18 MR. JONES: I got a call to respond
19 from my supervisor about a stabbing that had
20 taken place at the establishment.

21 MS. SCHMIDT: And what did you see
22 when you got there?

1 MR. JONES: Myself and Investigator
2 Dantzler responded to the location. Parked in
3 the middle of Pennsylvania Avenue I observed
4 probably about eight or nine squad, MPD squad
5 cars that were on Pennsylvania Avenue close to
6 the club. There was the entire corner of
7 Pennsylvania Avenue and I'm sorry I don't know
8 the cross street of what Heritage India is on. I
9 don't know that side street. But that corner was
10 all, was taped off as a crime scene all the way
11 up to the front door. I made contact with one of
12 the officers that was on the scene, Officer
13 Miller, and he explained to me what had taken
14 place.

15 MS. SCHMIDT: And what did he tell you
16 had taken place?

17 MR. JONES: He told me that probably
18 about twenty minutes before we arrived that there
19 was a large brawl inside and that an individual,
20 a male individual had been stabbed and had been
21 taken to the hospital.

22 MS. SCHMIDT: Okay. And what was the

1 security situation like that night?

2 MR. JONES: There were four members,
3 four security members that were staffed that
4 night.

5 MS. SCHMIDT: And about how many
6 people were in the club that night?

7 MR. JONES: I can't tell you
8 approximately how many was there. I can tell you
9 how many we were told were there.

10 MS. SCHMIDT: Yes, I'm sorry. How many
11 people were you told that were there?

12 MR. JONES: We were told between 250
13 and 275.

14 MS. SCHMIDT: And who told you that?

15 MR. JONES: Mr. Tuli as well as the
16 head of security at that time was Mr. Davis,
17 Rodney Davis.

18 MS. SCHMIDT: And the four members
19 that were there, did they tell you where posted
20 that night?

21 MR. JONES: Actually one of the
22 members wasn't there so I don't know who the

1 other member was. I know when we arrived on the
2 scene there was a female security member who was
3 still stationed at the top of the stairwell prior
4 to going down to the front door of the club, so
5 from what I'm understanding that was her post.
6 Mr. Davis, who stated he was also outside as well
7 and then there was another individual who was
8 posted inside.

9 MS. SCHMIDT: Did Mr. Davis tell you
10 where the individuals were post, what their
11 assignments were that night?

12 MR. JONES: Well you have two sides to
13 the restaurant so as soon as you walk in there's
14 a main dining area with a bar area so there was
15 one posted there and then there was on from what
16 I understood that was either stationed towards
17 the rear dining area or kind of roaming.
18 Something to that degree.

19 MS. SCHMIDT: And were you told if
20 there were any pat-downs or wands used that night
21 or what the procedure was?

22 MR. JONES: Yes. I was told that there

1 were pat-downs and I'm not familiar, I'm not too
2 sure about the wand situation. I know that, I
3 believe that I was told that they did use wands
4 at some point but I think they went directly to
5 pat-downs because the crowd became so large at
6 some point.

7 MS. SCHMIDT: And was there any
8 reimbursable detail there that night?

9 MR. JONES: No, ma'am. They don't
10 have reimbursable detail.

11 MS. SCHMIDT: So when you got there,
12 what did you do next, so what'd you do once you,
13 after you spoke to Mr. Davis?

14 MR. JONES: Well when I got there I
15 spoke to Officer Miller and we were allowed to
16 the first thing, you know, we have to ask MPD if
17 we can cross the crime scene. We were allowed to
18 enter into the crime scene. At that point in
19 time, Officer Miller explained to me that there
20 was a weapon that was found at the top of the
21 stairwell and that was a pocket knife at the top
22 of the stairwell.

1 MS. SCHMIDT: When you say top of the
2 stairwell, was it inside the club or outside the
3 club?

4 MR. JONES: No. This was outside of
5 the club. There's, the club is underground, so
6 you have a stair, there's and again, pardon me
7 because I can't recall the cross street of what
8 the club is on but it's Pennsylvania Avenue and
9 again if someone could say that to me I'd
10 appreciate it but I can't remember the cross
11 street to it.

12 MS. SCHMIDT: Nineteenth.

13 MR. JONES: Nineteenth, okay. So 19th
14 and Pennsylvania and you have the club, the top
15 of the stairwell is on street level and then you
16 go down a number of stairs to go down to the
17 front door of the club. Right there at the top
18 of the stairwell was where the pocket knife was
19 found.

20 MS. SCHMIDT: I am now going to hand.
21 May I approach the witness?

22 MS. MILLER: Yes. So does Mr. Rome

1 have a copy of that?

2 MS. SCHMIDT: This is in the report.
3 Number 4.

4 MR. ROME: Okay.

5 MS. SCHMIDT: I'm going to hand what
6 is marked as Government Exhibit number 4.

7 MR. JONES: Yes.

8 MS. SCHMIDT: And is that an accurate
9 depiction of the club that you saw that night?

10 MR. JONES: That's one, yeah, that's
11 one picture of it. Yes, ma'am.

12 MS. SCHMIDT: And could you please
13 describe for the Board what exactly, the
14 stairwell goes down so I just want to make sure
15 that.

16 MR. SHORT: Can we see what picture
17 he's looking at?

18 MS. SCHMIDT: Exhibit number 4. So
19 again, back to what you were saying, so the knife
20 would be found outside that?

21 MR. JONES: Yes. The knife was
22 recovered at the top of the stairwell prior to

1 going down.

2 MS. MILLER: For the record, could you
3 just explain when you're saying Exhibit number 4,
4 what exactly you mean?

5 MS. SCHMIDT: Exhibit number 4 that's
6 attached to the Investigative Report which is
7 part of the record.

8 CHAIR MILLER: Okay, so, right. We have
9 the Investigative Report and then there are a
10 series of -

11 MS. SCHMIDT: Photographs.

12 MS. MILLER: Pic, photographs.

13 MS. SCHMIDT: That's Exhibit number 4.

14 MS. MILLER: Okay. And it's number 4,
15 photo number 4.

16 MS. SCHMIDT: Yes.

17 MS. MILLER: Okay.

18 MS. SCHMIDT: Well it's marked as
19 Exhibit number 4. MS. MILLER: Got it. Okay.

20 Thank you. And I'm sorry, then what is that
21 depicting?

22 MS. SCHMIDT: Where the knife was

1 recovered.

2 MS. MILLER: What?

3 MR. SHORT: That's where the knife was
4 recovered.

5 MS. MILLER: Oh, thank you.

6 MR. JONES: Where the knife was
7 recovered as well as the top of the stairwell
8 going down to the front door.

9 MS. MILLER: Right. Good. Okay.
10 Thank you.

11 MR. ROME: I'm just asking to see the
12 colored version because the version that I have
13 is the black and white copy so I just need to
14 take a look.

15 MS. MILLER: Okay.

16 MS. SCHMIDT: I'm sorry. We were
17 speaking about when the knife was recovered, what
18 happened next?

19 MR. JONES: At that point I spoke with
20 Investigator Dantzler and told her that I was
21 going inside and I asked her if she could take
22 pictures of the crime scene out front, which is

1 the picture that you have there as well as
2 there's another shot I believe of the side of the
3 front of the club on street level. I don't know
4 the exact Exhibit number because I don't have it
5 in front of me. At that point, I went inside and
6 I made contact with Mr. Rodney Davis, who was
7 the, I was told he was the head of security,
8 asked him what had taken place.

9 MS. SCHMIDT: And what did Mr. Rodney
10 Davis tell you about, I'm sorry, about that
11 evening?

12 MR. JONES: Mr. Davis stated that
13 there was a series of altercations that had taken
14 place. He said that there were two females that
15 were fighting. He also said that there were two
16 males that were fighting and subsequently one was
17 stabbed and then he said that that male victim
18 was taken to the hospital.

19 MS. SCHMIDT: And did he say any, okay,
20 and did he say anything about a videotape or did
21 you ask him about the videotape? About the
22 camera, I'm sorry, about the camera system?

1 MR. JONES: Yeah. I mean I asked him
2 was there video available and I was told that
3 there was.

4 MS. SCHMIDT: And so how were you able
5 to obtain the video that evening?

6 MR. JONES: I had asked Mr. Davis as
7 well as Mr. Tuli where the video equipment was
8 housed and they brought me back to a rear office
9 area and they attempted to work the surveillance
10 system but could not.

11 MS. SCHMIDT: And how did you
12 eventually get to view the video?

13 MR. JONES: Well, they asked me if I
14 could do it and then I sat down and I got it to
15 work.

16 MS. SCHMIDT: And what else did Mr.
17 Tuli say about that evening?

18 MR. JONES: Mr. Tuli told me that, he
19 said that there was a, there were two females
20 that were fighting. He said that he had gotten
21 involved and tried to stop them and then I asked
22 him, I said well did anything else take place and

1 he said he wasn't aware and I said well there was
2 a male that was stabbed inside. I said are you
3 aware of that and he said he was made aware of
4 that later on but he didn't have any idea of that
5 had taken place and then I asked him was there
6 any promotions that were going on and at that
7 time Mr. Davis had stated that they were just
8 having DJ playing music and then maybe --

9 MS. SCHMIDT: Mr. Davis or Mr. Tuli?
10 I'm sorry.

11 MR. JONES: Mr. Davis. Because they
12 were both sitting next to each other.

13 MS. SCHMIDT: Okay.

14 MR. JONES: And then a few minutes
15 later Mr. Tuli had indicated that there was a
16 model that was supposed to appear on that evening
17 and I asked him who was the model and he couldn't
18 recall her name but he did show me who she was
19 and she was a female from a reality series, but
20 she never got inside because the altercation had
21 taken place. She was waiting outside, never made
22 it inside.

1 MS. SCHMIDT: Okay. Okay, one second.
2 Okay, I'm now handing you what's marked number,
3 as Exhibit number 17 in the Investigative Report.
4 Can you tell the Board what that is?

5 MR. JONES: This is the reality I
6 guess TV model or individual that was supposed to
7 film with them that evening.

8 MS. SCHMIDT: And did Mr. Tuli say
9 anything about the number of people came to see?

10 MR. JONES: No. He wasn't aware of --

11 MS. SCHMIDT: Did Mr. Tuli say
12 anything about the number of people who had come
13 in to see the model that night?

14 MR. JONES: No, he didn't. He wasn't
15 aware of the number of people. He said that,
16 matter of fact, he and Mr. Davis stated that
17 probably around 12:00, 12:30 there was a large
18 crowd that had showed up and they just were, he
19 said they were unaware that they were going to be
20 there. He said that they were, he admitted to,
21 you know that they were kind of overwhelmed
22 because they were understaffed with security and

1 they just weren't aware that this crowd was going
2 to show up.

3 MS. SCHMIDT: Did he say if the crowd
4 was going to get in at all or anything?

5 MR. JONES: I'm sorry.

6 MS. SCHMIDT: Did he say, did he
7 mention anything about if the crowd was all able
8 to enter at one time or they had to wait to get
9 in or a line or --

10 MR. JONES: No. There was, from what
11 I understood that there was a line. It was
12 orderly. Everybody was pat down and they were
13 allowed to enter after being patted down.

14 MS. SCHMIDT: Okay. At this time
15 we're going to go to camera number 11. We're
16 going to go fast forward. We're setting up the
17 tape right now to fast forward to 1:00. We don't
18 need to see, it starts at midnight and I don't
19 think the court needs to see the whole hour.
20 Thank you. I'd like to start about 1:05. About
21 1:05. Okay. Investigator Jones, maybe you
22 better come back here. Can you see, because you

1 need to see this tape and you cannot see it from
2 where you're sitting.

3 MS. MILLER: That's fine. You can go
4 to the table and testify from the table. Let
5 him operate it.

6 MS. SCHMIDT: Why don't you let him
7 operate it. Or do you want to operate it? Excuse
8 me with these logistical issues.

9 MS. MILLER: Right. That's fine.

10 MR. SILVERSTEIN: Ms. Schmidt, while
11 we work this out may I ask if everyone stipulates
12 that the times on here are correct or are they
13 off by twenty minutes or while we're trying to
14 work this out can we -

15 MR. TULI: It is the same times.

16 MS. SCHMIDT: This is real time
17 according to -

18 MR. ROME: For now the timing is
19 correct.

20 MS. MILLER: And is this the estab --

21 MR. ROME: It might be a minute or two
22 off in either direction but we don't know any big

1 discrepancies between.

2 MR. SILVERSTEIN: Okay. That's fine.
3 Often there can be great discrepancies and simply
4 so that we're all on the same page.

5 MS. MILLER: This is the
6 establishment's video?

7 MS. SCHMIDT: Yes. Let me stress. Is
8 this, okay, Investigator Jones, is this the video
9 that you obtained from the establishment that
10 night?

11 MR. JONES: Yes, ma'am.

12 MS. SCHMIDT: And this is the same
13 video you viewed that evening at the
14 establishment?

15 MR. SHORT: Can't hear you.

16 MS. MILLER: Mr. Jones, you need to be
17 nearer a microphone or something.

18 MS. SCHMIDT: Yeah, is this, now this
19 is the same tape you saw that evening?

20 MR. JONES: Yes, ma'am.

21 MS. SCHMIDT: Okay, and let's start at
22 1:05. Let's start at 1:05 again. F8, I think

1 you said you. How do we get back there? Try
2 clicking again. F8. Well it's up there. That's
3 not it. We need to get Mr. Hager. I apologize.

4 CHAIR MILLER: I think Ms. Dantzler
5 just went to do that.

6 MS. SCHMIDT: And we took this, this
7 is the videotape they gave you and then and you
8 brought it back to ABRA correct?

9 MR. JONES: Yes, ma'am.

10 MR. ROME: Not always easy to operate.

11 MS. SCHMIDT: Oh, these cameras. No.

12 MR. SHORT: I guess I just need to
13 know who provided Investigator Jones with this?
14 Was it the club or?

15 MS. SCHMIDT: The club. Oh, I'm
16 sorry.

17 MR. SHORT: Did the club provide this
18 to you?

19 MR. JONES: Yes, sir. Yes, sir. I
20 reviewed the video while I was conducting my
21 investigation.

22 MR. SHORT: So you saw it on the very

1 same night?

2 MR. JONES: Yes, sir. I probably sat
3 there for about two and a half hours and MPD was
4 coming in at the same time and they were asking
5 me can you go to this camera angle, we're looking
6 for this guy, we're looking, you know, they were
7 looking for the suspect because he claimed that
8 he was never in the club.

9 MR. SHORT: Mm-hmm.

10 MR. JONES: So I was kind of the
11 technician that night while I was doing my
12 investigation.

13 MR. RODRIGUEZ: Now that you know the
14 perpetrator, right, would you be identifying him
15 as the tape rolls?

16 MR. JONES: Yes, sir.

17 MR. RODRIGUEZ: Thank you.

18 MR. SHORT: I guess, Investigator
19 Jones, I need to know was this the same gentleman
20 that was arrested at 18th and I with the blood on
21 his shoes?

22 MR. JONES: Yes, sir.

1 MS. SCHMIDT: Camera 11.

2 MR. JONES: Now I want to advise the
3 Board that the video is pretty choppy so there
4 are going to be times where I have to go back and
5 explain things because it skips a lot. Just the
6 pixelated, it gets very pixelated and choppy.

7 MS. MILLER: Okay.

8 MS. SCHMIDT: Okay. I'm going to ask
9 an open ended question. Can you please explain
10 the video as you go along?

11 MR. JONES: Yes.

12 MR. ROME: That's fine.

13 MS. SCHMIDT: That's the easiest way.

14 MS. MILLER: Okay. Fine.

15 MS. SCHMIDT: 1:05. Okay start there,
16 yeah.

17 MR. ROME: Whatever helps the
18 understanding we're not going to object.

19 MS. MILLER: Okay, great.

20 MR. SHORT: Investigator Jones, while
21 they're doing that, what part of the club would
22 this have been videoed in?

1 MR. JONES: The total altercation took
2 place in the, I call it a rear dining area. When
3 you walk into the club there's a large dining
4 area with a bar to the left. Directly behind the
5 bar is a wall with a separate dining, actually
6 two separate dining areas behind that wall and so
7 that's where the altercations took place behind,
8 on the left side of the club behind the wall.

9 MR. SHORT: Are any of the exhibits
10 that were issued to us be a part of that
11 testimony?

12 MR. JONES: I'm sorry, sir?

13 MR. SHORT: Would any of the pictures
14 that were provided in the exhibits.

15 MR. JONES: What you just showed was
16 exactly that rear dining area.

17 MR. SHORT: That's Exhibit number 13?

18 MS. MILLER: My understanding is Ms.
19 Dantzler's going to go through those photos too.

20 MS. SCHMIDT: Yes, we'll get to those
21 photos and we will go through those photos.

22 MR. SHORT: Okay.

1 MR. SHORT: Thank you, Madam Chair.

2 MS. MILLER: Sure.

3 MS. SCHMIDT: If you think it's a good
4 stopping point we'll stop when you tell us to
5 stop.

6 MR. JONES: Okay, so what I need you
7 to do is could you go backwards a little bit,
8 Bill, please? Go to 1:05 if you could. Yes, sir.
9 Okay go back a little bit more. Rewind a little
10 bit more. Okay. A tad bit more. That's fine.
11 That's fine. Okay. Freeze it right here, please.
12 Okay.

13 MS. SCHMIDT: What do you see there?

14 MR. JONES: Actually I need you to go
15 just a little, because, a little bit more,
16 forward. Right here. Okay. So initially what
17 was reported to me by MPD was that they were
18 looking for an individual who had a COOGI jacket
19 on as well as an individual with a bubble vest on
20 with a hoodie with a hat on. The individual with
21 the COOGI jacket stated that he was only in the
22 establishment for a couple of minutes to pick up

1 his girlfriend's purse and he stated that he did
2 not know who the subject was and the subject when
3 they finally detained him stated to MPD that he
4 was never inside of the establishment. So here
5 we have COOGI jacket here and we have bubble vest
6 man here with the hat to the back with his
7 hoodie. So if you can go forward, Bill, please.

8 MS. MILLER: Wait a second. I'm
9 sorry. So you're pointing doesn't show up on our
10 screens so could you just --

11 MR. ALBERTI: So is COOGI the guy with
12 the hat and long hair?

13 MR. JONES: This is COOGI jacket right
14 here.

15 MR. ALBERTI: Would you describe him
16 for us?

17 MS. SCHMIDT: Is that COOGI?

18 MR. JONES: That's him.

19 MS. SCHMIDT: Okay.

20 MR. JONES: He's a shorter individual,
21 short haircut, brown skin, heavy, heavysset. The
22 individual that has the, that is the suspect is

1 taller, a little taller than he is, again brown
2 skin. He has a beard. He's dressed with a black
3 hoodie. He has on like a gray bubble vest jacket
4 and his hat is on backwards.

5 MR. ALBERTI: Okay. So we're at
6 1:03:44 and the COOGI guy is in the lower right
7 hand corner, is that correct?

8 MR. JONES: He's where the arrow is,
9 right here.

10 MR. ALBERTI: Oh, right there. Right
11 sort of in the center frame. Right in the center
12 in front of the guy with the long, he's in front
13 of the guy with the hat and long hair.

14 MR. JONES: Yes, sir.

15 MR. ALBERTI: Is that correct?

16 MR. JONE: Yes, sir.

17 MR. ALBERTI: Okay.

18 MR. JONES: The suspect is over here
19 with the hat to the back.

20 MR. ALBERTI: Directly across the frame
21 to the left, right?

22 MR. JONES: Yes, sir. Yes, sir.

1 MR. ALBERTI: Thank you.

2 MR. SHORT: With the white hat, yeah.

3 MR. ALBERTI: Right there.

4 MS. MILLER: Oh, okay. I can see that
5 now.

6 MR. ALBERTI: So I think we have it
7 for the record.

8 MR. JONES: He told MPD he was never
9 in the club.

10 MR. ALBERTI: Thank you.

11 MR. JONES: So this was the point in
12 time where I'm operating the video and we're
13 looking for this guy which that's how I ended up
14 staying in the club for two and a half hours
15 because I'm looking for this guy. So anyway,
16 okay, can we go forward?

17 MS. MILLER: Thank you.

18 MR. JONES: So they indicated that
19 they never knew each other.

20 MS. MILLER: Who? I'm sorry, but?

21 MR. JONES: So here's a clear picture.

22 MS. MILLER: Who didn't know each

1 other, Mr. Jones?

2 MR. JONES: The COOGI, the guy with
3 the COOGI jacket.

4 MS. MILLER: Okay.

5 MR. ALBERTI: Who we just saw at
6 3:09:57, or 37:57.

7 MR. JONES: Now you see them together
8 and they're talking. They're both right here.

9 MS. MILLER: And the suspect?

10 MR. ALBERTI: Right there. Right
11 there. 04:10 we see them together.

12 MR. JONES: Oh, that's not a good
13 stopping point. Okay, go ahead. Right there.
14 Okay. So you've got COOGI jacket here with the
15 arrow. You've got the suspect here and this is
16 COOGI jacket's girlfriend. Okay. Go ahead,
17 Bill.

18 MR. SHORT: Well, he's a female she's
19 acquainted with, right?

20 MR. JONES: Well, yes, that's what we
21 know.

22 MR. SHORT: All right. Thank you.

1 MR. JONES: Yes, sir. So --

2 MR. SHORT: They're acquainted.

3 MR. JONES: So now what I need you to
4 do, Bill, I need you to rewind a little bit
5 because now I want to show everyone the victim.
6 I need you to rewind, take me back to 1:04 if you
7 can.

8 MR. ALBERTI: Again, what area of the
9 club is this?

10 MR. JONES: This is the, again I call
11 it the rear dining area, so this is the dining
12 area behind the bar.

13 MR. ALBERTI: Okay.

14 MR. JONES: To the left of the club.

15 MR. ALBERTI: All right.

16 MR. JONES: Okay. So. Okay, so stop.
17 Stop. So the victim, COOGI jacket has his hand
18 around the victim, here. Now what's going to
19 happen here is the victim is going to pass the
20 gentleman with the bubble vest. The gentleman
21 with the bubble vest is going to have words with
22 him and then he's going to go this friend who is

1 behind him. Go ahead, Bill. So now they're
2 having, he's having words with him. And so now
3 the victim is behind him and he's talking to his
4 friend here. These two. So at, within the next
5 couple of seconds his friend is going to give a,
6 he's going to give a gesture like don't do that.
7 He's going to do one of these numbers and you'll
8 see that on the video. Go ahead, Bill.

9 MS. SCHMIDT: For the record, what was
10 the gesture?

11 MR. JONES: He's going to give a --

12 MS. SCHMIDT: How would you describe
13 the gesture?

14 MR. JONES: He's going to give a don't
15 do it, the stop --

16 MS. SCHMIDT: How would you, how are
17 you moving your hand?

18 MR. JONES: I'm slashing my throat
19 actually.

20 MS. SCHMIDT: Just for the record.

21 MR. JONES: Go ahead, Bill. So the
22 bubble vest, the victim is moving his way towards

1 this way. You'll see his friend do the hand
2 gesture right there.

3 MR. SHORT: There it is.

4 MR. ALBERTI: Oh, okay. Yeah.

5 MR. JONES: Okay. So now I've kind of
6 established who's who. What's going to happen
7 now is the suspect, the suspect is already up in
8 this area. He's already moved out. The victim is
9 going to move forward towards the right side of
10 the camera way. You'll see a skirmish start to
11 happen. The victim is going to come back towards
12 the left of the camera and then he appears with
13 no shirt on at all and no hat. Go ahead, Bill.

14 MS. SCHMIDT: Is this the same version
15 of the tape you saw?

16 MR. JONES: No. It's gotten, this is

17 --

18 MR. ROME: We watched the version that
19 was provided to us and it was smooth. It wasn't
20 choppy.

21 MR. JONES: Yeah. It wasn't like
22 this.

1 MR. ROME: It wasn't choppy like this.

2 MR. JONES: It wasn't like this at
3 all.

4 MR. ROME: So it must be something
5 with this equipment.

6 MR. SHORT: How convenient.

7 MR. JONES: There's nothing here.

8 MR. SHORT: There's a guy without his
9 shirt.

10 MS. MILLER: Yeah.

11 MR. SHORT: Why would he take his
12 shirt off?

13 MR. ALBERTI: Maybe he was too hot.

14 MR. SHORT: Ready to rumble.

15 MR. ALBERTI: He got stabbed is that,
16 that's why. He got stabbed. He knew where he
17 was. When he got his shirt off.

18 MR. SHORT: He was already stabbed?

19 MR. ALBERTI: Yeah. He took his shirt
20 off after he got stabbed.

21 MR. SHORT: Oh. I thought he got his
22 shirt off to rumble. Sometimes guys take their

1 shirt off to rumble but.

2 MR. ALBERTI: Yeah, it looks like he
3 took his shirt off.

4 MR. SHORT: So nobody said anything
5 that he got stabbed at that point.

6 MR. ALBERTI: He didn't look like he
7 had the shirt that was going to go straight
8 through.

9 MS. SCHMIDT: Unfortunately the one
10 version we have that's loaded on Investigator
11 Dantzler's computer is the only one that seems to
12 be working correctly. Is there any way of
13 bringing her --

14 MR. RODRIGUEZ: Was the guy without
15 his shirt already stabbed or was he just getting
16 ready to rumble?

17 MR. JONES: He had been stabbed at
18 that point.

19 MR. RODRIGUEZ: Huh?

20 MR. JONES: He had been stabbed at
21 that point and he had wrapped his shirt around
22 his waist.

1 MR. RODRIGUEZ: Okay.

2 MR. ALBERTI: Okay. Well, we'll ask
3 questions about that later.

4 MR. SHORT: One question I would like
5 to ask. Did you observe any security at all in
6 any of these videos?

7 MS. MILLER: All right, I think we're
8 getting out of order, though. How, let's figure
9 out how we're going to proceed here.

10 MR. SILVERSTEIN: Right. We're still
11 on direct.

12 MS. SCHMIDT: We're just trying to
13 figure out technically how to proceed.

14 MS. MILLER: Okay. Do you need a few
15 minutes to talk to Mr. Hager about that?

16 MS. SCHMIDT: Can we take a five
17 minute break, Madam? Yeah, so we'll try a
18 different laptop, see if it might work.

19 MS. MILLER: What?

20 MS. SCHMIDT: Might try a different
21 laptop and see if it works any better.

22 MS. MILLER: Okay. Do you want five

1 minutes or so?

2 MS. SCHMIDT: Five minutes? Yes,
3 thank you.

4 MS. MILLER: Okay.

5 (Whereupon, the above-entitled matter
6 went off the record at 11:39 a.m. and resumed at
7 12:00 p.m.)

8 MS. MILLER: So we're back on the
9 record and the government's going to proceed with
10 Mr. Jones addressing the video. (Video playing.)
11 Thank you.

12 MR. JONES: So if you freeze it here.
13 So ad roll to the right, this is the victim here.
14 The individual that we have, or do you need us to
15 go backward again so you can go back to where we
16 started? Do you all need for us to go back again
17 so you can kind of, be clearer for you to see
18 from the beginning?

19 MS. MILLER: Okay. Thank you, yeah.

20 MR. JONES: Okay. Okay, so you
21 clearly see COOGI jacket, well, right there in
22 the middle. So this is at 1:02. So if you fast

1 forward a little bit. Go ahead. A little bit.
2 Okay. So now in the middle of your frame you
3 have with the hat to the back of arrow, this is
4 your suspect. This is the guy with the COOGI
5 jacket on. Go ahead, please.

6 MR. ALBERTI: He's pointing at
7 somebody, was he pointing at?

8 MR. JONES: So this is your victim
9 here. He's coming around the corner. Go ahead.
10 So they clearly know each other, the guy with the
11 COOGI jacket and the victim. They clearly know
12 each other. Go ahead, sir. The victim makes his
13 way around to the side of the suspect. The
14 suspect seems to have words with him and now the
15 victim is in back of the suspect.

16 MR. ALBERTI: Oh, and she's waving him
17 off. Yeah. There's a problem between the two of
18 them then.

19 MR. JONES: The suspect makes his way
20 towards the right of the screen and out of the
21 camera's view while the victim is speaking with
22 his friend in the middle of the screen. At this

1 point all of the friends of the victim are
2 talking to the victim. Evidently they're
3 speaking of something. They're now looking
4 towards the front of where the individual with
5 the bubble vest is. The victim starts to make
6 his way. He's here at the right of the screen
7 here. The individual with the, the suspect is
8 out of camera's view. Now you'll see the
9 suspect, you'll see the victim leave out of the
10 camera's view. There's an altercation that
11 ensues. So now as you see, now the altercation
12 ensues. This is the victim's friend. The victim
13 has come this way, now he's over here which is
14 now all of his friends are back here by the
15 victim. You'll see shortly the victim will show
16 up with no shirt on here. This individual was
17 with also with the victim who has now, he has two
18 champagne bottles in his hand.

19 MS. SCHMIDT: Why don't you freeze that
20 for a second.

21 MR. JONES: Here's a chair. A female
22 picks up a chair. She takes off her shoes and

1 they begin to hit someone with the chair, the
2 individual here with the chair with shoes. Here's
3 the victim right here with the shirt off now.
4 The fight is starting here again. Left side of
5 your screen. The victim is now, you can see he's
6 got his shirt around his waist.

7 MR. JONES: And that he only has
8 enough to give two punches and he's done. So now
9 that's where it freezes up. You got to go back
10 in. I don't know if it's going to work but you
11 go to go back all the way out because it's not
12 going to do it right there. You have to go all
13 the way out and then come back in.

14 MR. SHORT: So the victim's already
15 been stabbed and he's punching.

16 MR. JONES: You're going to have to go
17 back to the files. Yeah, you got to go back to
18 the file.

19 MR. ALBERTI: May I ask, you know,
20 we're spending a lot of time on this. What are
21 we, what is your intent to show?

22 MS. SCHMIDT: The intent is to show

1 the chaos that was in the club and how there was
2 lack of security to stop it and most important
3 then at the end there will be a montage of the
4 mob and cleaning up blood.

5 MR. ALBERTI: And, excuse me, Ms.
6 Miller, for interjecting here, and that's okay
7 but, you know, we're spending a lot and here I'm
8 wondering if I need to see all these details of,
9 I mean, you know, I didn't see. I saw the size
10 of the crowd. I didn't see any security in that
11 things. So I mean those are the things that if
12 that's what you wanted to show why don't you move
13 through and point those things out. I don't need
14 to see, you know, twenty seconds of the guy
15 standing there with his shirt off. I mean I'm
16 trying to be more efficient with our time but not
17 hamper your case.

18 MS. SCHMIDT: The fight itself is
19 coming and that's the whole six minutes and
20 that's the part right here.

21 MR. ALBERTI: Okay. All right. I'm
22 just trying to be helpful.

1 MS. SCHMIDT: No, I understand.

2 MR. ALBERTI: Go ahead.

3 MS. SCHMIDT: But once we get. Yes,
4 I forgot to turn it on. We could just go through
5 it but I just, sometimes the Board which is --

6 MR. ALBERTI: That's fine. Others
7 seem to be interested in all the gore. That's
8 fine.

9 MS. SCHMIDT: Thank you. We want to
10 go back to 1:06:47.

11 MR. JONES: 1:06.

12 MS. SCHMIDT: 1:06. Okay. We're back
13 on the record and let's watch until we get to
14 about 1:06:40. Then we can, I'll ask
15 Investigator Jones to start noting at 1:06:40
16 what's beginning to happen.

17 MR. JONES: Yeah, but I think it cuts
18 off.

19 MS. SCHMIDT: Okay. But you know what
20 I'm talking, yeah, yeah. If it does not cut off.

21 MR. JONES: Oh, it's going to cut off.

22 MS. SCHMIDT: Now at this point you

1 can also see Mr. Tuli is in there trying to stop
2 as well and I'm assuming this may be an employee
3 right here as well.

4 MS. MILLER: Could you point again?
5 We didn't see. Oh, okay.

6 MS. SCHMIDT: And that, okay, that
7 woman there. Before it cut off, that woman
8 there, that's the other woman I wanted to ask you
9 about.

10 MR. JONES: So where it cuts off,
11 Bill, you have to go all the way out and then
12 come back in to kind of that same space to try to
13 get the second part of the video.

14 MS. MILLER: Mr. Jones, in the last
15 picture we saw.

16 MR. JONES: Yes, ma'am.

17 MS. MILLER: Where one of the patrons
18 it looked like was striking somebody in a white
19 shirt and white pants. Do you know whether that
20 person was an employee or a patron?

21 MR. JONES: I believe that, you can ask
22 Mr. Tuli, but I believe he was an employee.

1 MS. MILLER: The one with the --

2 MR. JONES: The individual who almost
3 got, I don't know if he got hit or not but it
4 appeared that he did get hit.

5 MS. MILLER: Right. Okay.

6 MR. ROME: We can stipulate to that.
7 He is, indeed, an employee.

8 MS. MILLER: Employee. Thank you.

9 MR. TULI: And there was a, the other
10 guy, a security guy also that came into the scene
11 and then --

12 MR. JONES: So at this point there's
13 going to be a female that's going to pick up a
14 bucket. Okay, so this is Mr. Davis. They just
15 called, the suspect, the victim's friends are
16 telling him hey, my friend got stabbed. They're
17 trying to bring him around to the back of the
18 club.

19 MR. ALBERTI: Who's Mr. Davis now?

20 MR. JONES: He was the head of
21 security at that time.

22 MR. ALBERTI: What's he look like

1 there? Tell me which guy was he?

2 MR. JONES: He was the individual with
3 the black jacket on with the --

4 MR. ALBERTI: Yeah. Thank you, very
5 much. And then he walked out of the side right?

6 MR. JONES: Yes, sir.

7 MR. ALBERTI: Is there anyone else who
8 is security in this film or an employee?

9 MR. JONES: Not that I'm aware of,
10 sir. Well here we go right here, I think right
11 here at the tip of your screen right here. Right
12 there with the arrow.

13 MS. MILLER: Where? Oh, the guy with
14 the pants. I mean the, right.

15 MR. RODRIGUEZ: I think he needs
16 security.

17 MR. ALBERTI: I would advise against
18 those kinds of comments.

19 MR. RODRIGUEZ: Oh, the belt buckle.

20 MS. SCHMIDT: Run it back to 1:09.4
21 for a second.

22 MR. ALBERTI: So just while we have

1 this, because I don't really want to ask too many
2 questions, but the individual who you identified
3 as an employee, do you know if he was working
4 security that night? Did you have the discussion
5 about what his role was?

6 MR. JONES: No. I didn't, again, sir,
7 when I was reviewing the video I was reviewing
8 the video at different parts. I initially --

9 MR. ALBERTI: That's fine. That's
10 fine. I'll ask, I'll ask somebody else what his
11 role was. Thank you. That's why I pointed him
12 out so I can ask somebody what his role was.
13 Thank you.

14 MS. MILLER: I have a question also
15 about though, what we're seeing.

16 MR. JONES: Well, at this point now
17 they're bringing out the, if you could stop it
18 here. Okay. So here you have the victim. He's
19 tucked under here. He has a coat that's been
20 pulled over his head. His friends are escorting
21 him out of the establishment. No security
22 present.

1 MS. MILLER: Are we within the what
2 you called the six minutes of fighting?

3 MS. SCHMIDT: Yes.

4 MS. MILLER: Okay. Where are we in
5 it, do you know, how many minutes?

6 MR. JONES: This is now about five.

7 MS. MILLER: Five.

8 MR. ALBERTI: Yeah, because it started
9 at 1:02, 1:03, right?

10 MR. JONES: Yes, sir. Go ahead, Bill.
11 This here is just a lot of, you know, winded
12 argument, and someone throws a belt again. You
13 know, hit someone with the belt buckle and the
14 shoe and those types of things, which the shoe
15 was left on the table when I got there. And
16 here's the, is the security member right here.

17 MR. ALBERTI: Which one?

18 MR. JONES: The one with the scarf
19 around his neck.

20 MR. ALBERTI: The one with the black
21 and white scarf on his neck?

22 MR. RODRIGUEZ: They're pushing him

1 around.

2 MR. ALBERTI: And who's that? Is that

3 --

4 MR. JONES: This is Mr. Tuli right
5 here.

6 MR. ALBERTI: Mr. Tuli just walked in
7 the frame? Okay. With the security guy. Okay.

8 MS. MILLER: Oh. Thank you.

9 MS. SCHMIDT: What's happening there?

10 MR. JONES: Well there's, obviously
11 there's a fight taking place and outside of the
12 camera's view as well as this woman is still
13 hitting someone with the belt buckle. Security
14 member is here. Shortly after this you'll see
15 two individuals come by with mop handles that
16 will enter the screen.

17 MR. RODRIGUEZ: So is that security
18 member, is that Mr. Davis?

19 MR. JONES: No. Mr. Davis isn't in
20 the, he isn't in the camera view.

21 MR. RODRIGUEZ: Okay.

22 MS. SCHMIDT: Okay, can you go back

1 and just what you saw the mop. Can you tell what
2 those principals are?

3 MR. JONES: It's a mop handle.

4 MS. MILLER: A mop. Okay.

5 MS. SCHMIDT: Just for the record.

6 MR. JONES: Yes. So this is the same
7 employee that was almost got hit or did get hit
8 by the one of the patrons.

9 MR. ALBERTI: The one we saw earlier,
10 right?

11 MR. JONES: Yes, sir. Yes, sir.

12 MR. ALBERTI: Okay. Thank you.

13 MR. JONES: Bill, if you put the arrow
14 on this woman here. So this woman with the arrow
15 is I was told that that was the victim's
16 girlfriend and she's, as you see she's speaking
17 to Mr. Tuli at this time. From what I was under,
18 from what I was understood she advised MPD that
19 she tried to speak with management about not
20 cleaning up the evidence on the floor and that's
21 what she's speaking to at this point in time.

22 MS. SCHMIDT: And do you see any

1 effort by Mr. Tuli to stop the mopping at this
2 point?

3 MR. RODRIGUEZ: He went right by it.

4 MR. JONES: I can't see anything of
5 that nature.

6 MS. SCHMIDT: And is that Mr. Tuli
7 walking away from the mopping area.

8 MR. JONES: Well he's, yeah, he just
9 went out of camera's view to the right.

10 MS. SCHMIDT: By any chance when you
11 --

12 MR. JONES: And this is Mr., that's
13 Mr. Davis, sir, to the, that's right in front of
14 them. It appears he's telling them don't mop.
15 That's what it appears to me and then he comes to
16 Mr. Tuli.

17 MR. ALBERTI: Who's that guy?

18 MR. JONES: This is Mr. Davis, the
19 head of security.

20 MS. SCHMIDT: But are they mopping
21 again?

22 MR. JONES: And he looks like he's

1 telling him, you know.

2 MS. SCHMIDT: But, excuse me, is that
3 gentleman mopping again?

4 MR. JONES: It appears that he is
5 mopping.

6 MS. SCHMIDT: Thank you. I need this
7 because the record will not have it.

8 MR. JONES: Now you have the woman that
9 I spoke of a little earlier who is now trying to
10 grab the mop from the employee and telling him
11 don't mop.

12 MS. SCHMIDT: And where's Mr. Tuli? Is
13 Mr. Tuli near in this scene at all?

14 MR. JONES: No. There's security
15 that's next to her.

16 MS. SCHMIDT: Okay. Thank you.

17 MR. ALBERTI: Does he have a badge on?

18 MR. JONES: Yes, sir.

19 MR. ALBERTI: Did the other, did the
20 other, okay. Never mind. The man who was
21 identified, that Investigator Jones identified as
22 security, the guy with the scarf on his neck,

1 appeared to have a badge on his front and I
2 noticed that in one of the pictures and that's
3 why I was able to identify that.

4 MS. SCHMIDT: There will be testimony
5 to that later.

6 MR. ALBERTI: All right. Great. I'm
7 just asking.

8 MR. JONES: So as when Investigator
9 Dantzler and myself arrived this was a crime
10 scene. So as you see people are walking through
11 the crime scene, the crime scene has been
12 somewhat, it has been cleaned and again I can't
13 confirm what has been cleaned but going off of
14 what I was told from MPD and what I've seen on
15 the video this is the woman that is to the right
16 of the screen who did speak with management or
17 with an employee to say, you know, stop mopping.
18 So the crime scene had been compromised.

19 MR. RODRIGUEZ: Yes, it has.

20 MR. JONES: That's pretty much it from
21 that angle.

22 MS. SCHMIDT: All right. Do you know

1 if they had a security plan in place?

2 MR. JONES: Yes, ma'am.

3 MS. SCHMIDT: And do you, did you
4 detect, see any violations to that security plan
5 that night?

6 MR. JONES: I can't tell you exactly
7 what the security plan says. I don't have it in
8 front of me. I do know that per the security
9 plan from what I remember its they are supposed
10 to have one per 50 patron and that's not what
11 they had on this night that this took place.

12 MS. SCHMIDT: Okay. No further
13 questions at this time.

14 MS. MILLER: Okay. Cross.

15 CROSS EXAMINATION

16 MR. ROME: Sure. Thank you for your
17 time today, Investigator Jones. When you arrived
18 at the establishment on the night of the incident
19 this had all concluded, correct?

20 MR. JONES: I'm sorry. One more time.

21 MR. ROME: Everything that we see on
22 the video had already concluded?

1 MR. JONES: Yes, sir.

2 MR. ROME: Okay. And did you,
3 yourself, witness any violence at the
4 establishment?

5 MR. JONES: No, sir.

6 MR. ROME: And were there still
7 patrons remaining there?

8 MR. JONES: There were a few patrons
9 that were still there, yes, sir.

10 MR. ROME: And was one the individual
11 woman who you pointed out as possibly the
12 girlfriend or the friend of the victim?

13 MR. JONES: No, sir. I believe she
14 was at the hospital.

15 MR. ROME: Okay. So did you ever speak
16 to her about any of this?

17 MR. JONES: No, sir.

18 MR. ROME: Okay. Now when you watched
19 that video, I think you said this but the
20 understaffed security stood out to you? Is that
21 correct?

22 MR. JONES: Yes, sir. Yes, sir.

1 MR. ROME: Okay. Now in your
2 experience a higher level of security would have
3 made a large difference in the incident that
4 happened?

5 MR. JONES: I believe so.

6 MR. ROME: And in your experience
7 having reimbursable detail on the scene would
8 have made a large difference?

9 MR. JONES: I believe so.

10 MR. ROME: Okay. And are you aware of
11 a man named Dave Bailey?

12 MR. JONES: Yes, sir.

13 MR. ROME: And he's here, do you see
14 him here today?

15 MR. JONES: Yes, sir.

16 MR. ROME: When you spoke to security
17 that night was Mr. Dave Bailey there?

18 MR. JONES: No, not that I know of.

19 MR. ROME: Okay. How do you know that
20 individual?

21 MR. JONES: We used to work together
22 as investigators here at ABRA.

1 MR. ROME: Okay. And you trust Mr.
2 Bailey?

3 MR. JONES: Yes, sir.

4 MR. ROME: And if he was to take over
5 the head of security do you believe that would
6 make a large difference?

7 MS. SCHMIDT: Objection. Beyond the
8 scope of direct.

9 MS. MILLER: Do you want him to
10 respond to that?

11 MR. ROME: Sure. I mean that, I can
12 call him as my witness later if that's how you
13 would prefer it but in the interest of efficiency
14 in this type of hearing I think I should be
15 permitted to ask the question.

16 MS. MILLER: I think so anyway. I mean
17 the whole question of security was at issue and I
18 don't think we need to be too limited, so as a
19 Board member I'd like to hear those responses,
20 too, so. Overruled.

21 MR. ROME: Do you believe that having
22 Mr. I'm sorry.

1 CHAIR MILLER: I'm sorry. So the
2 objection's overruled.

3 MR. ROME: Do you believe that having
4 Mr. Bailey as head of security would make a
5 difference?

6 MR. JONES: I do. I do.

7 MR. ROME: And we'll get back into
8 that in a minute but first you also testified
9 that the operator, Mr. Tuli, had told you that he
10 did not expect to have a large of event that
11 night, is that correct?

12 MR. JONES: Yes, sir.

13 MR. ROME: And you mentioned that
14 there was a model that was promoted as being
15 present. Do you know her name?

16 MR. JONES: Well I didn't say she was
17 present. I said that --

18 MR. ROME: You said she was promoted
19 as being present.

20 MR. JONES: Okay.

21 MR. ROME: In other words the promotion
22 said that she would be there.

1 MR. JONES: That she would be there,
2 correct, correct.

3 MR. ROME: And do you know that
4 person's name?

5 MR. JONES: Ashley Moore, I believe.

6 MR. ROME: Were you aware of her before
7 you got involved in this matter?

8 MR. JONES: Yes, sir.

9 MR. ROME: Is that from watching the
10 television show?

11 MR. JONES: No, it's not from watching
12 the television show.

13 MR. ROME: I won't ask any more
14 questions on that. So Mr. Tuli testified to you
15 at the time that he was not aware of, he didn't
16 know about her.

17 MR. JONES: Yes. No, as a matter of
18 fact Mr. Tuli stated that she was a model and so
19 he had no idea who she was.

20 MR. ROME: Oh, and she's not a model?

21 MR. JONES: She's not a model.

22 MR. ROME: Okay. She's just a

1 television performer?

2 MR. JONES: Exactly.

3 MR. ROME: And you believed Mr. Tuli
4 when he said that he didn't know who she was.

5 MR. JONES: I believed him, yes, sir.

6 MR. ROME: Okay. So in your opinion
7 it's reasonable that he didn't expect the level
8 of crowd that appeared on that night?

9 MR. JONES: Can you ask me that
10 question one more time?

11 MR. ROME: The question was in your
12 opinion do you think it was reasonable that Mr.
13 Tuli didn't expect the level of crowd and by that
14 I mean the volume of the crowd that appeared on
15 that night?

16 MR. JONES: If he didn't know who this
17 individual was and I'm assuming what her status
18 may have been at that time then I think it's
19 feasible to think that he wouldn't have accounted
20 for that crowd.

21 MR. ROME: Okay. And in your, have
22 you seen, in the past six months you've been

1 aware of Heritage and Zanzibar operating in that
2 location, correct?

3 MR. JONES: Yes, sir.

4 MR. ROME: And are you aware of any
5 incidents of violence?

6 MR. JONES: Not since they've been
7 open there, sir, no.

8 MR. ROME: Okay. And this seems out of
9 the ordinary from what you've observed at that
10 establishment in the past, correct? I'll start
11 with the level of the volume of people.

12 MR. JONES: Well I don't frequent
13 clubs and I've only been there twice, so and
14 again when we were called to respond 99 percent
15 of the patrons had already gone.

16 MR. ROME: Okay.

17 MR. JONES: So I can't really, I can't
18 comment on it exactly.

19 MR. ROME: Other than what's on the
20 video?

21 MR. JONES: Exactly.

22 MR. ROME: Okay. But it's safe to say

1 that if there had been other violent incidents
2 you would have been there more than twice in the
3 past, you would have been there for those
4 incidents?

5 MR. JONES: If it had happened on our,
6 while we were on night shift, yes, sir.

7 MR. ROME: Okay. And about how often
8 are you on night shift?

9 MR. JONES: It's every other week.

10 MR. ROME: Okay.

11 MR. JONES: It's off shifts.

12 MR. ROME: Now getting back to Mr.
13 Bailey, you worked with that individual when he
14 was on staff at ABRA?

15 MR. JONES: Yes, sir.

16 MR. ROME: And do you know what roles
17 he held while he was here?

18 MR. JONES: While I was here he was an
19 ABRA Investigator. Prior to that, prior to me
20 being employed by ABRA, I was informed that he
21 was an acting supervisor at some point.

22 MR. ROME: And you worked with him as

1 an investigator?

2 MR. JONES: Yes, sir.

3 MR. ROME: Okay. And did you have any
4 issues with his work?

5 MR. JONES: No, sir.

6 MR. ROME: And you're also aware that
7 he went to work for, after he left ABRA, he
8 worked for other large establishments?

9 MR. JONES: Yes, sir.

10 MR. ROME: And have you come into
11 contact with him while he was working at those
12 establishments?

13 MR. JONES: Yes, sir.

14 MR. ROME: Where did you come into
15 contact with him?

16 MR. JONES: Two of the largest ones I
17 know of was

18 Love and Fur Factory.

19 MR. ROME: And those are two of the
20 largest if not the largest clubs in the city?

21 MR. JONES: Then, yes.

22 MR. ROME: Okay. And did you, what

1 role was he, did he have with those places?

2 MR. JONES: From what I understood, he
3 was the head of security there.

4 MR. ROME: And you took it as he had
5 a positive impact at those places?

6 MR. JONES: Yes, sir.

7 MR. ROME: Okay. You've had no issues
8 with Mr. Bailey in the past regarding his
9 operations as a either investigator or member of
10 security staff or supervisor?

11 MR. JONES: No.

12 MR. ROME: And you mentioned a couple
13 of other issues with the understaffing in this
14 case, one being the mismatched uniforms of the
15 security staff. Do you believe that if Mr.
16 Bailey instituted a uniform policy that would be
17 beneficial to the establishment's security?

18 MS. SCHMIDT: Objection. Assumes
19 facts not in evidence.

20 MS. MILLER: Were those facts in
21 evidence somewhere? They sound familiar to me.
22 I, so.

1 MS. SCHMIDT: His argument. They were
2 in his argument. He's not presented any evidence
3 --

4 MS. MILLER: No. I understand.

5 MR. ROME: I'm not assuming that those
6 facts happened. I'm not saying they had uniforms
7 on. The only facts that I've assumed are the
8 ones that said that they had mismatched uniforms
9 which I think he testified to.

10 MS. SCHMIDT: But he's not, yeah, but
11 he is asking questions based on an argument that
12 he made, of his opening argument about Mr. Bailey
13 being head of security. There's been no
14 establishment that that --

15 MS. MILLER: He's saying that Mr.
16 Jones testified that there were mixed mismatched
17 uniforms. Did Mr. Jones testify to that? Did
18 you testify to that, Mr. Jones?

19 MR. JONES: No, I didn't actually.
20 That was Sergeant Benton I believe.

21 MS. MILLER: Oh, okay.

22 MR. JONES: And I don't even know if

1 it was mismatched. I think it was asked what did
2 the security have on, the female security at the
3 top of the stairwell.

4 MS. MILLER: Okay. Thank you.

5 MR. ROME: All right so did you
6 notice, in viewing the video and in speaking to
7 people that were there and of witnessing it
8 yourself, did you notice what the security people
9 were wearing?

10 MR. JONES: Yes, sir.

11 MR. ROME: And were they all
12 identical?

13 MR. JONES: No.

14 MR. ROME: Okay, so in your opinion
15 would making identical uniforms benefit the
16 security in this establishment?

17 MR. JONES: I'm sure that it would,
18 yes.

19 MR. ROME: Thank you. When you were
20 present did you notice any of the security staff
21 or on the video have two-way radios?

22 MR. JONES: Not that I can recall.

1 MR. ROME: And this is a two-level.
2 Well you have to go down a large number of stairs
3 to get to the establishment, is that correct?

4 MR. JONES: Yes.

5 MR. ROME: And so do you believe that
6 two-way radios would greatly assist in handling
7 the situation such as this?

8 MR. JONES: Sure. Sure.

9 MR. ROME: And when security officers
10 left what's in view here they could very well
11 have been going up to the top to speak to the
12 other officers, is that correct?

13 MR. JONES: Yes. That's what I was
14 told actually.

15 MR. ROME: Okay.

16 MR. JONES: Yes.

17 MR. ROME: And do you think radios
18 would greatly assist in not having someone have
19 to run up there?

20 MR. JONES: I think that it would
21 assist but I also think that your, I believe that
22 the members that you have they should be trusted.

1 I mean as you saw in the video you clearly saw
2 one member just get pushed out of the way by a
3 female.

4 MR. ROME: Right. And have you been
5 advised that at least one of those members is
6 being terminated by the establishment?

7 MR. JONES: I don't, I'm not aware of
8 that.

9 MR. ROME: Okay. Now as far as
10 wandering, if Mr. Bailey oversaw a wandering
11 procedure being implemented in your experience
12 would that help the situation?

13 MR. JONES: Sure.

14 MR. ROME: Now if Mr. Bailey instituted
15 a training program and vouched for that training
16 program would you have any reason to not put
17 faith in its effectiveness?

18 MR. JONES: No.

19 MR. ROME: I don't have any further
20 questions at this time but I'll reserve the right
21 to ask questions after the Board.

22 MS. MILLER: All right. Okay.

1 MS. SCHMIDT: I have questions based
2 on just on his.

3 MS. MILLER: Ms. Schmidt, that's what
4 I was thinking about. Did you want to do your
5 redirect now based on the fact that Mr. Rome went
6 into Mr. Bailey's qualifications?

7 MS. SCHMIDT: No. I just have a
8 separate, just a separate redirect. That's all.

9 MS. MILLER: Another redirect, a
10 different redirect. All right. You can.

11 REDIRECT EXAMINATION

12 MS. SCHMIDT: Mr. Jones, are you aware
13 of Mr. Tuli's previous establishments at all?

14 MR. JONES: Vaguely.

15 MS. SCHMIDT: And were you aware of
16 any incidents in any of his previous
17 establishments?

18 MR. JONES: I'm a little aware of
19 there was an incident that took place at his
20 establishment on Connecticut Avenue where there
21 was a I guess a large brawl and that type of
22 thing.

1 MS. SCHMIDT: And do you know
2 approximately when that was, sir?

3 MR. JONES: I can't tell you the time
4 of day, no.

5 MS. SCHMIDT: Okay. And, no further
6 questions at this time.

7 MS. MILLER: Okay. Board questions?
8 Mr. Silverstein.

9 MR. SILVERSTEIN: Thank you, Mr.
10 Jones.

11 MR. JONES: Yes, sir.

12 MR. SILVERSTEIN: I'm going to ask you
13 to turn to the settlement agreement that was
14 signed between the ANC and the establishment on
15 the 14th of May and one specific portion of that
16 settlement agreement. If someone could give him
17 a copy of it. And.

18 MR. ROME: That's the Exhibit to the
19 case report?

20 MR. SILVERSTEIN: It is in the case
21 report, yes, it is. And the part that I would
22 refer you to is under number 9, promoters.

1 MS. MILLER: Mr. Silverstein, is this
2 marked as an Exhibit or not?

3 MR. SILVERSTEIN: It is part of the
4 Investigative Report.

5 MS. MILLER: I know, oh. The body?

6 MR. SILVERSTEIN: And being that it is
7 part of the body of the Investigative Report we
8 can certainly.

9 MS. MILLER: No, I'm not saying you
10 can't refer to it. I just wanted to assist the
11 record in identifying where it is.

12 MR. SILVERSTEIN: It is the settlement
13 agreement between ANC 2(b) and the establishment
14 that was signed on the 14th of May, 2014 that is
15 part of the Investigative Report of this event.
16 Was there, to your knowledge, a promotor that
17 evening and a special event?

18 MR. JONES: From my understanding, Mr.
19 Tuli told me that there was a birthday party
20 taking place and that there was an individual I
21 guess that was promoting the birthday party and
22 other than that it was the reality TV star.

1 MR. SILVERSTEIN: And these were both
2 being promoted? Correct?

3 MR. JONES: Yes, sir.

4 MR. SILVERSTEIN: I would ask you to
5 read into the record under number 9, promoters
6 there is a sentence where there's the word shall
7 be responsible underlined.

8 MR. JONES: Mm-hmm.

9 MR. SILVERSTEIN: Could you read that
10 sentence and then I'll ask you to go to something
11 else.

12 MR. JONES: Sure. Conversely Heritage
13 India, the Zanzibar and its employees shall be
14 responsible for the performing the functions and
15 activities listed below and shall be held
16 accountable and in violation if a promotor,
17 anyone hired or working or a promotor and/or
18 anyone performing as a promotor performs or
19 participates in any of the following functions.

20 MR. SILVERSTEIN: Okay. I'll ask you
21 to go to G, H, and I.

22 MR. JONES: Okay. The letter G on the

1 promotor states ensuring that there is a
2 sufficient number of employees from the listed
3 establishment to maintain the safety and security
4 of patrons and to ensure compliance with the
5 provisions of the establishment's security plan
6 or public safety plan if the establishment is
7 required to have either of these. H controlling
8 and managing all aspects of operations, events
9 and activities. I controlling and managing all
10 establishment employees especially security staff
11 personnel.

12 MR. SILVERSTEIN: Is there anything
13 you can read from that?

14 MR. JONES: There was violations in
15 every last one of them.

16 MR. SILVERSTEIN: And that there had
17 been obviously, we have to give ANC's great
18 weight, there was neighborhood concern prior to
19 this that something of this nature might occur.
20 Is that a fair assumption without being
21 speculation? That there was concern that this
22 not occur?

1 MR. ROME: That's complete speculation
2 unless he spoke to the neighbors.

3 MR. SILVERSTEIN: I'll withdraw.

4 MS. MILLER: Okay.

5 MR. SILVERSTEIN: Okay.

6 MS. MILLER: It's withdrawn.

7 MR. SILVERSTEIN: No further
8 questions.

9 MS. MILLER: Mr. Short.

10 MR. SHORT: Yes, Inspector Jones, on
11 the video we just witnessed where we saw the mop
12 and bucket employees not preserving the crime
13 scene and we saw also Mr. Tuli in that frame --

14 MR. JONES: Yes, sir.

15 MR. SHORT: of the person who was
16 assaulted's female friend.

17 MR. JONES: Yes, sir.

18 MR. SHORT: Would that be considered
19 complexity or some complicity, forgive me, in
20 disturbing or not preserving that crime scene
21 that that all persons who were involved in that,
22 with that be complicity?

1 MR. JONES: Yes, sir.

2 MR. SHORT: Thank you very much.

3 That's all I have.

4 MS. MILLER: Mr. Alberti.

5 MR. ALBERTI: Yes, Mr. Jones, staying
6 on that topic of the crime scene there.

7 MR. JONES: Yes, sir.

8 MR. ALBERTI: It's pretty clear from
9 that video that there was something on the floor
10 that they were being cleaned up, all right. When
11 you arrived did you see anything or did the
12 police indicate that they had found anything in
13 that area?

14 MR. JONES: Prior to being dispatched
15 out we were told, Investigator Dantzler and
16 myself were told that MPD advised our supervisor
17 that there was a possible, well no, there wasn't
18 a possible, there was a clean-up of the crime
19 scene. When we arrived again I entered the
20 establishment. I spoke with Mr. Tuli after I
21 walked the floor because I wanted to see the area
22 and once I got inside there was a separate crime

1 scene area that was taped off of the area that
2 where the incident took place in the rear dining
3 area. That whole area was taped off when I got
4 there. I asked to walk through. I was allowed to
5 walk through. There was glass all over the
6 floor, tables were turned over. There were
7 several pairs of shoes that were, women's high
8 heeled shoes that were found. No blood. So I
9 asked Mr. Tuli, you know, I said there was a
10 stablign that took place here. I said there's no
11 blood. I said, you know, anything, did you guys
12 clean up anything, you know, and he, you know, he
13 stated no.

14 MR. ALBERTI: Okay. Would you repeat
15 that, sir? I want to make sure I heard that.

16 MR. JONES: Which part? The entire
17 thing?

18 MR. ALBERTI: The part there where you
19 asked him about -

20 MR. JONES: Yes. When I walked the --

21 MR. ALBERTI: About what you asked Mr.
22 Tuli and what he responded.

1 MR. JONES: So I, yeah, I asked Mr.
2 Tuli indicated to Mr. Tuli that someone had been
3 stabbed inside of his establishment. I said
4 there's no blood on the floor. I said, you know,
5 did you guys do any kind of, any kind of clean up
6 or anything and he said no.

7 MR. ALBERTI: Okay. Investigator, I
8 mean, do you know, can you give me more details
9 on what Mr. Tuli's response was?

10 MR. JONES: That was the response.

11 MR. ALBERTI: Which was again?

12 MR. JONES: No.

13 MR. ALBERTI: No. Just no.

14 MR. JONES: No.

15 MR. ALBERTI: Thank you. No

16 explanation? Nothing?

17 MR. JONES: No.

18 MR. ALBERTI: Great. What is, was
19 there blood anyplace else in the establishment?

20 MR. JONES: I didn't see any blood
21 anywhere and we walked the floors.

22 MR. ALBERTI: Okay. And the police

1 didn't point out any blood to you?

2 MR. JONES: Well when we got there the
3 officers that were there I'm assuming they were
4 there just to kind of I would say preserve the
5 area.

6 MR. ALBERTI: Right.

7 MR. JONES: They seemed to be new.
8 They seemed to be disinterested so they were just
9 kind of sitting around.MR. ALBERTI: Okay. So
10 you, but you looked throughout the establishment?

11 MR. JONES: Yes, sir.

12 MR. ALBERTI: And you found no blood?

13 MR. JONES: No, sir.

14 MR. ALBERTI: Thank you. So this
15 room, how large is that room that we just saw the
16 video of?

17 MR. JONES: It's probably as long,
18 it's probably as from the back wall to maybe to
19 where the elevators are.

20 MR. ALBERTI: Okay. I'm terrible at
21 distances but maybe we can do that later.

22 MR. JONES: Okay.

1 MR. ALBERTI: How wide?

2 MR. JONES: Maybe 40 feet.

3 MR. ALBERTI: And how wide?

4 MR. JONES: Probably about 30 feet, 25
5 feet.

6 MR. ALBERTI: Okay, so how much of the
7 club does this take up? That's a pretty big
8 room. How much of the club does this take up?

9 MR. JONES: It only takes up probably
10 I guess maybe halfway of it, half of it.

11 MR. ALBERTI: Half of it. All right.
12 About half of the establishment. All right.

13 MR. JONES: Maybe a little less, but
14 somewhere around there.

15 MR. ALBERTI: All right. You watched
16 this video more than we did here.

17 MR. JONES: Yes, sir.

18 MR. ALBERTI: What's your assessment
19 of, can you, do you have an opinion, can you
20 categorize how crowded it was?

21 MR. JONES: In my opinion it seemed to
22 be overcrowded but I can't, again, I can't

1 substantiate that. There were a lot of people in
2 there. And had I shown you the other camera view
3 of the main area you would have seen how many
4 heads were in there. There was a lot of people
5 in there.

6 MR. ALBERTI: Were there many open
7 areas where no one was standing?

8 MR. JONES: No.

9 MR. ALBERTI: That weren't occupied by
10 a chair or a table?

11 MR. JONES: No.

12 MR. ALBERTI: In your conversation
13 with Mr. Tuli about Ashley Moore he said he
14 didn't know she was coming or?

15 MR. JONES: No. He knew she was
16 coming. He knew she was coming.

17 MR. ALBERTI: He knew she was coming.

18 MR. JONES: Yeah. He categorized her
19 as a model because it, honestly it appeared to me
20 he didn't know who she was. He said that she was
21 a model and then he couldn't recall her name
22 because I asked what was her name. He couldn't

1 recall her name.

2 MR. ALBERTI: But he knew someone was
3 coming.

4 MR. JONES: Yes.

5 MR. ALBERTI: That was important to
6 the promotion, is that your sense?

7 MR. JONES: Yes. Yes.

8 MR. ALBERTI: Thank you. Now you
9 spoke about Mr. Bailey.

10 MR. JONES: Yes, sir.

11 MR. ALBERTI: You offered opinions.
12 All right. Have you, besides working for Mr.
13 Bailey have you ever been supervised by Mr.
14 Bailey?

15 MR. JONES: I didn't work for Mr.
16 Bailey.

17 MR. ALBERTI: Oh, you didn't?

18 MR. JONES: No.

19 MR. ALBERTI: Oh. Have you, so you've
20 never, have you ever seen a training program that
21 Mr. Bailey's conducted?

22 MR. JONES: I've been at establishments

1 where I've seen his personnel go into action and
2 it was pretty thorough.

3 MR. ALBERTI: All right. Have you
4 ever seen his training program?

5 MR. JONES: No, I haven't seen the
6 program.

7 MR. ALBERTI: I've seen the end result
8 of it. But, no, sir, I have not seen the
9 program.

10 MR. ALBERTI: All right. All right.
11 Do you know who trained those personnel? Do you
12 know for a fact that it was Mr. Bailey who
13 trained those personnel at those other
14 establishments?

15 MR. JONES: I wasn't there. He told me
16 that he did, but I wasn't there. Yes, sir.

17 MR. ALBERTI: Okay. All right. So
18 you really don't really know how effective Mr.
19 Bailey would be?

20 MR. ROME: Objection. That
21 misrepresents his testimony.

22 MR. SILVERSTEIN: Well, you're

1 absolutely right. It does. It does. All right.
2 Other than having observed an establishment where
3 Mr. Bailey has purported to have trained
4 everyone, do you have any other direct knowledge
5 of how effective Mr. Bailey is as a security rep,
6 in running a security program?

7 MR. JONES: I can only say that the
8 establishments that I know that he's been a part
9 of that I'm aware that they haven't had issues
10 and that they were satisfied with his work.

11 MR. ALBERTI: Okay. Just run down for
12 me who you knew, who you were aware of as having
13 been there on staff that evening and what their
14 roles were, that you know of from your
15 investigation. Whether you know their names or
16 not, run it down for me.

17 MR. JONES: Okay. Mr. Tuli's the
18 owner.

19 MR. ALBERTI: Mm-hmm.

20 MR. JONES: You had an individual who
21 was titled as head of security by the name of
22 Rodney Davis.

1 MR. ALBERTI: All right.

2 MR. JONES: He was the individual with
3 the black jacket on with the black baseball cap
4 that came in the camera's view.

5 MR. ALBERTI: Mm-hmm.

6 MR. JONES: You had another individual
7 who had the badge hanging with the scarf around
8 his neck.

9 MR. ALBERTI: Okay.

10 MR. JONES: And then there was a
11 female security member who was at the top of the
12 stairwell who had, she had on like a black bubble
13 vest with a blue hoodie with police written
14 across the front of it.

15 MR. ALBERTI: Okay.

16 MR. JONES: And I don't know who the
17 fourth was.

18 MR. ALBERTI: What do you meant the
19 fourth?

20 MR. JONES: There were four members.
21 I don't know the fourth --

22 MR. ALBERTI: How do you know there

1 were four members?

2 MR. JONES: That's what I was told.

3 MR. ALBERTI: Okay. You were told
4 that there were four members?

5 MR. JONES: Yes.

6 MR. ALBERTI: Okay. Did you identify
7 anyone else who was there that was staff and not
8 security?

9 MR. JONES: No, sir, because by the
10 time I got there it seemed that everybody had
11 gone.

12 MR. ALBERTI: So we saw a guy with a
13 mop. Do you know who he was?

14 MR. JONES: I can't tell you. I'm
15 assuming that they were employees. I mean there
16 was the same individual.

17 MR. ALBERTI: But you don't know, but
18 you don't know.

19 MR. JONES: Yeah.

20 MR. ALBERTI: All right. Thank you.
21 All right. No further questions. Thank you.

22 MS. MILLER: Okay, Mr. Rodriguez.

1 MR. RODRIGUEZ: Mr. Jones, thank you
2 for your testimony.

3 MR. JONES: Yes, sir.

4 MR. RODRIGUEZ: I'm interested in
5 knowing as much as I can in this case about how
6 those knives got into the club and were used to
7 stab people. Now I'm reading an Exhibit 18 here.
8 It says Security Plan Heritage India Zanzibar.
9 It's dated April 2, 2014 and it says here
10 procedures for permitting patrons to enter and at
11 most times it says the establishment functions as
12 a family oriented restaurant. Everyone is
13 permitted to enter. On nights after 10:00 p.m.
14 the IDs of individuals who do not clearly appear
15 to be at least 30 years of age will be checked
16 and of these only those who have a valid
17 government issued ID showing that they are at
18 least 21 years of age will be permitted to enter.
19 Now it appears that I see nothing here about
20 checking individuals, wanding, frisking
21 individuals. This is an event that's been
22 advertised and probably not geared toward

1 families the way I would understand families.
2 This is a different kind of culture here that's
3 being invited and so my first question then is as
4 far as your knowledge takes you was there wandering
5 at this establishment that night?

6 MR. JONES: From what I was told there
7 was wandering that took place prior to the large
8 crowd arriving at around 12:00 or 12:30 and then
9 from what I understood because they were trying
10 to get the individuals off the street and into
11 the establishment they went hands on so they went
12 pat down.

13 MR. RODRIGUEZ: They were patting
14 individuals?

15 MR. JONES: Yes.

16 MR. RODRIGUEZ: And no wandering?

17 MR. JONES: From what I understood the
18 wand didn't take place after that.

19 MR. RODRIGUEZ: Okay because I'm
20 trying to see how you could have a security plan
21 and first not have any wandering required here
22 according to this and then it didn't take place

1 and that knives were in that establishment and
2 people got stabbed in the establishment and so I
3 am continuing to proceed to find out how this
4 happened and I appreciate, you know, how far your
5 knowledge takes you in this and I'll be pursuing
6 this matter in this hearing.

7 MR. JONES: Yes, sir.

8 MR. RODRIGUEZ: And I thank you for
9 your testimony.

10 MR. JONES: Yes, sir.

11 MS. MILLER: Others? Mr. Jones, I
12 have a couple. Okay. I'm a little bit I don't
13 know if confused is the right word but we heard
14 testimony about two knives being found outside
15 the establishment.

16 MR. JONES: Yes, ma'am.

17 MS. MILLER: And we heard testimony,
18 well we've heard evidence of a stabbing inside
19 the establishment. Is there a theory about the
20 weapon that was used inside for the stabbing that
21 took place?

22 MR. JONES: I don't know if there's a

1 theory. From what I understand it was determined
2 by the crime scene technicians that the pocket
3 knife that was found at the top of the stairwell
4 was supposedly the weapon that was used.

5 MS. MILLER: Okay.

6 MR. JONES: There was a second weapon
7 that was found once they stopped and detained the
8 suspect. There was a second knife that was found
9 and again I have no idea, I have no knowledge
10 about that weapon because that was away from the
11 establishment. I don't know what, if that was
12 used in concert with something else. I have no
13 idea.

14 MS. MILLER: So that second knife was
15 found on the suspect, not on the ground outside?

16 MR. JONES: From what I understood it
17 was found in the area.

18 MS. MILLER: In the area of the
19 suspect.

20 MR. JONES: In the area.

21 MS. MILLER: Okay. Okay. There were
22 a lot of questions about Mr. Bailey, so I just

1 want to follow up on those. How well do you know
2 Mr. Bailey?

3 MR. JONES: I've known Mr. Bailey
4 since I've been employed with ABRA.

5 MS. MILLER: So how long is that?

6 MR. JONES: Five years, ma'am.

7 MS. MILLER: Five years.

8 MR. JONES: Yes, ma'am.

9 CHAIR MILLER: Okay. And he was here
10 with you how many years?

11 MR. JONES: I guess three.

12 MS. MILLER: Three? So did you work
13 with Mr. Bailey as investigators?

14 MR. JONES: Yes, ma'am.

15 MS. MILLER: Okay. Okay. So you gave
16 testimony also about your knowledge of the
17 establishments where he's worked and been in
18 charge of security that that security and the
19 establishments have not had issues.

20 MR. JONES: Yes, ma'am.

21 MS. MILLER: Okay. Do you have an
22 opinion as to if he were in charge of security at

1 this establishment whether this, these type of
2 incident that's at issue today wouldn't occur?

3 MR. JONES: I can't say whether they
4 would or would not occur. I think that with the
5 proper security plan, with the proper training
6 and the proper security members I think that a
7 lot of things can be averted. Any time that you
8 involve alcohol and a lot of individuals things
9 happen, so I can't, I think if you take a lot of
10 these things into, as a precaution I think that
11 more than likely it will not happen.

12 MS. MILLER: Do you think if he is in
13 this position of head of security that, you know,
14 I hesitate about the ultimate question but that
15 the establishment could operate without being an
16 imminent danger to the public?

17 MR. JONES: I don't think that it
18 would be. I think if Mr. Bailey was head of
19 security at Heritage India I do think that, I
20 don't think that they would be that type of
21 situation would take place. Again, you know,
22 you're talking. You can't really stop things,

1 you know, you can do the best that you can.

2 MS. MILLER: Right.

3 MR. JONES: You know, so I can't tell
4 you whether something's going to happen --

5 MS. MILLER: Right.

6 MR. JONES: or whether it's not going
7 to happen.

8 CHAIR MILLER: I understand. It's a
9 tough question. I think that some of this case
10 as I see it goes to trust and I think that
11 there's a question and we haven't heard from Mr.
12 Tuli yet, but there's a question that's on the
13 table whether even with all these conditions he
14 could be trusted because of the history with
15 respect to the other establishment and perhaps
16 breaking, well, whatever, not following rules, so
17 that's why I was asking about Mr. Bailey to the
18 extent that can we look to a director of security
19 such as him and be able to trust that that
20 security will be run I guess in a way that would
21 hopefully prevent imminent danger from occurring
22 at the establishment.

1 MR. JONES: Well I will tell you from
2 what you reviewed on the video, it would look
3 nothing like that. Nothing like that.

4 MS. MILLER: For instance, if there
5 was crime scene, would Mr. Bailey to your
6 knowledge allow the mopping up of a crime scene?

7 MR. JONES: That wouldn't take place
8 and you would have individuals posted at every,
9 in every room and depending on how large the room
10 is it would be two individuals in that room and
11 they would not get pushed around.

12 MS. MILLER: So right, to the best of
13 your knowledge, would Mr. Bailey have adequate
14 numbers of security for whatever is scheduled at
15 the establishment?

16 MR. JONES: Yes, ma'am.

17 MS. MILLER: Have you heard of Tinley
18 Protective Services?

19 MR. JONES: I'm not aware of Tinley
20 Protective Services.

21 MS. MILLER: Okay. And I, just for
22 the record, I asked that because that has been

1 mentioned as a training company possibility for
2 this case. Okay. Any other questions? Mr.
3 Short. Thank you, Mr. Jones.

4 MR. JONES: Yes, ma'am.

5 MR. SHORT: Mr. Jones, in your
6 capacity of working with the restaurants, night
7 clubs, places of entertainment if you have an
8 owner who hires a security person would that
9 security person tell the owner I don't want to do
10 it that way, what you wanted. I want to do it the
11 way I want to do it or does the owner ultimately
12 have the responsibility?

13 MR. JONES: Well it's the owner's
14 responsibility. It's his license, it's his
15 establishment.

16 MR. SHORT: So if the owner is not a
17 person who follows rules and regulations he hires
18 somebody who is very good at what they do and
19 that person gets his paycheck from that same
20 person, could that considered to be questionable
21 looking at history of the people? Looking at
22 histories of businesses because normally, and let

1 me finish, normally what I've noticed in my
2 public life before I became part of the Board is
3 that when you have a owner who has a bad track
4 record doesn't matter who he hires. If his
5 motive is to make as much money as he possibly
6 can then sometimes security and everything goes
7 out of the window. Would you say that could be a
8 true fact or?

9 MR. JONES: That's a fair assessment.

10 MR. SHORT: Thank you very much.

11 That's all I have. Thank you, Madam Chair.

12 MS. MILLER: Okay. Any others?

13 Questions on Board questions?

14 MS. SCHMIDT: None from the
15 government.

16 MS. MILLER: Okay. Thank you, Mr.
17 Jones.

18 MR. JONES: Thank you.

19 MS. MILLER: Okay, so do you have one
20 more witness?

21 MS. SCHMIDT: Yes.

22 MS. MILLER: Maybe we can take one

1 more? Okay, if we could perhaps I would propose
2 that we, the government finish its case and then
3 we take like a half an hour, 40 minutes or
4 whatever lunch break and then the respondent can
5 come and do their case? Okay?

6 MS. SCHMIDT: Does the Board wish to
7 see the video again because before I let Mr.
8 Hager?

9 MS. MILLER: Anybody else need to use
10 the video?

11 MR. ALBERTI: I don't know. Do you have
12 a video you want to show us?

13 MS. SCHMIDT: No. I'm just saying.

14 MS. MILLER: Mr. Jones, this is it.

15 MR. ALBERTI: This video?

16 MS. SCHMIDT: Yes. I'm asking if the
17 Board would, if there's any other, if the Board
18 has any more questions about this video they want
19 to see before I let Mr. Hager go, but we're not
20 showing any more video. We're not introducing any
21 new video, just that video.

22 MR. ALBERTI: Unless you're next

1 witness is going to testify to this video, then
2 no.

3 MS. SCHMIDT: No. Okay. That was my
4 question. Thank you.

5 CHAIR MILLER: Okay.

6 MS. SCHMIDT: All right.

7 MR. ALBERTI: Mr. Rome?

8 MR. ROME: And we won't need it for
9 our case.

10 MS. MILLER: Okay.

11 MR. ROME: We will not need the video
12 for our case.

13 MR. ALBERTI: It's now, it will be in
14 evidence, is that correct?

15 MS. SCHMIDT: Yes.

16 MR. ALBERTI: Great. Thank you. I
17 can watch it at my leisure.

18 MS. MILLER: All right. But if you
19 have any questions about it now is the, her
20 question as she wasn't going to take it away if
21 you were going to have any more questions on it.

22 MR. ALBERTI: I understand and I

1 appreciate the question. I just wanted to clarify
2 where we're at.

3 CHAIR MILLER: Thank you. Thank you,
4 Mr. Hager.

5 MR. HAGER: You're welcome.

6 MS. MILLER: Okay.

7 MS. SCHMIDT: Just want to give Mr.
8 Hager lunch.

9 MS. MILLER: Good. Yeah, we want to
10 get Mr. Hager lunch.

11 MS. SCHMIDT: He's a growing boy.

12 MR. ALBERTI: Misery loves company so
13 if I'm, if I can't eat neither can Mr. Hager.

14 MS. SCHMIDT: The government calls
15 Investigator Felicia Dantzler.

16 MS. MILLER: Do you swear to tell the
17 truth, the whole truth, nothing but the truth?

18 MS. DANTZLER: I affirm.

19 MS. MILLER: Thank you.

20 DIRECT EXAMINATION

21 MS. SCHMIDT: Investigator Dantzler,
22 can you please state your name and your name and

1 by whom you are employed for the record?

2 MS. DANTZLER: Felicia Dantzler. I'm
3 employed with the Alcoholic Beverage Regulation
4 Administration.

5 MS. SCHMIDT: And how long have you
6 been with ABRA?

7 MS. DANTZLER: February 21, 2015 will
8 be the eighth year with the agency.

9 MS. SCHMIDT: Okay and you were at the
10 establishment that evening with Investigator
11 Jones?

12 MS. DANTZLER: Correct.

13 MS. SCHMIDT: Okay. Let's first
14 start with one, and you spoke to Mr. Tuli that
15 evening, correct?

16 MS. DANTZLER: I did.

17 MS. SCHMIDT: And what'd he tell you
18 about the events that evening?

19 MS. DANTZLER: Well when I finally was
20 able to make entry inside of the establishment
21 one of the --

22 MS. SCHMIDT: What was blocking you?

1 Let's go back.

2 MS. DANTZLER: Okay. Once
3 Investigator Jones and myself arrived on the
4 scene we actually arrived at the establishment on
5 the Pennsylvania Avenue side and from my vantage
6 point I noticed that the street was cordoned off
7 at Pennsylvania and 19th Street on the southeast
8 side.

9 MS. SCHMIDT: And so once you got in
10 there.

11 MS. DANTZLER: Prior to actually
12 getting inside of the establishment the entrance
13 is on the 19th Street side. Once I got to the top
14 of the steps I was advised by a member of MPD to
15 watch my step, the reason being there was a knife
16 that was resting at the top of the steps and near
17 the knife was specks of blood.

18 MS. SCHMIDT: Okay. I'm now going to
19 hand to you what's been marked as Government
20 Exhibit number 4 and did you take, and what's
21 that picture of?

22 MS. DANTZLER: Exhibit 4 is a

1 photograph of the top of the stairwell that leads
2 down to the entrance to the establishment.

3 MS. MILLER: Okay. I just want to make
4 the record clear though, this is Exhibit 4 to the
5 Investigative Report.

6 MS. SCHMIDT: Yes. When I call, any
7 exhibit I use will be, is listed in the
8 Investigative Report.

9 MS. MILLER: Okay.

10 MS. SCHMIDT: Any exhibits I refer to
11 today will be exhibits to the Investigative
12 Report. I have no additional exhibits.

13 MS. MILLER: Okay. Thank you.

14 MS. SCHMIDT: Okay, and did you take
15 that picture?

16 MS. DANTZLER: I did.

17 MS. SCHMIDT: And does that picture
18 accurately reflect the scene as you saw it that
19 evening?

20 MS. DANTZLER: Not really. What's
21 missing from this photograph is after, this
22 photograph was taken after the knife was removed

1 from MPD's crime scene search investigator.

2 MS. SCHMIDT: But that photograph
3 represents the, the scene that was there after
4 the knife was removed, correct?

5 MS. DANTZLER: Correct.

6 MS. SCHMIDT: And I'm now handing you
7 what has been marked as Government Exhibit number
8 3. Can you please let the Board know what that
9 is.

10 MS. DANTZLER: Yes. Later in my
11 investigation I was able to reach out to the
12 crime scene officer to ask of him if I could take
13 a picture of the knife that was cordoned off by
14 MPD.

15 MS. SCHMIDT: And is that a picture of
16 that knife?

17 MS. DANTZLER: Yes, it is.

18 MS. SCHMIDT: And is there anything
19 unusual about that picture?

20 MS. DANTZLER: The crime scene search
21 officer used the folder, the manila folder to
22 help me take a picture of the knife which he had

1 placed inside this bag.

2 MS. SCHMIDT: And is there any blood
3 on that knife?

4 MS. DANTZLER: There was one speck of
5 blood that was found on the knife.

6 MS. SCHMIDT: And do you have any, did
7 you do any other investigation to determine that
8 this was the knife that was used in the crime?

9 MS. DANTZLER: No, sir. I mean,
10 correction, no, ma'am.

11 MS. SCHMIDT: Did you walk through the
12 establishment and look for other knives?

13 MS. DANTZLER: Actually I did. Prior
14 to the knife being removed I had took a visual in
15 my head of what the knife looked like. I then
16 asked of the bartender for Heritage to show me
17 the knives that they used inside of the
18 establishment.

19 MS. SCHMIDT: And was that knife
20 different than the knives they used inside the
21 establishment?

22 MS. DANTZLER: Yes.

1 MS. SCHMIDT: Okay. Now I'm now
2 handing you Exhibits 6, 7, 8, and 9. Did you
3 take these pictures?

4 MS. DANTZLER: Yes, I did.

5 MS. SCHMIDT: And when were those
6 pictures taken?

7 MS. DANTZLER: On the night of the
8 incident.

9 MS. SCHMIDT: And what do these
10 pictures represent?

11 MS. DANTZLER: Exhibit 6 is a
12 photograph of the female security person who was
13 outside the establishment. That shows her
14 frontal view. Exhibit 7 shows the female back
15 view. This is how she was dressed on the night of
16 the incident. Exhibit number 8 shows Mr. Davis
17 on the left and another security person to his
18 right. This shows their rear view, how they were
19 dressed on the night of the incident. Exhibit 9
20 shows Mr. Davis who is on the left and the other
21 security person on his right as they were dressed
22 on the night of the incident.

1 MS. SCHMIDT: So just to summarize,
2 these are pictures of what the security personnel
3 was wearing that evening, correct?

4 MS. DANTZLER: Correct.

5 MS. SCHMIDT: And were they uniform at
6 all?

7 MS. DANTZLER: No.

8 MS. SCHMIDT: Could a patron going
9 inside the establishment identify them as
10 security based on those photographs?

11 MS. SCHMIDT: My conclusion is the
12 female security person who was outside the
13 patrons would have some level of comfort knowing
14 that she's a police, I mean security person
15 because I recognized her, the vest that she was
16 wearing it appeared to be a bulletproof vest and
17 it had the word police on it. The Exhibit number
18 --

19 MS. SCHMIDT: Was she a police
20 officer?

21 MS. DANTZLER: Yes and no.

22 MS. SCHMIDT: Well, the yes, can you

1 explain please?

2 MS. DANTZLER: The yes, she stated to
3 me that she is a police officer with DC Housing
4 Authority but I did not see a weapon on her, a
5 gun. And Exhibit number 9 the gentleman who's on
6 the right with the badge I would if I was a
7 patron I would have thought that he was some sort
8 of security person.

9 MS. SCHMIDT: And are you aware of the
10 security procedures used that evening?

11 MS. DANTZLER: Regarding?

12 MS. SCHMIDT: Regarding the patrons
13 coming in that night, like the wanding or any
14 wanding or?

15 MS. DANTZLER: Yes. I was able to
16 speak with the female security person. She
17 stated to me that pat downs were conducted. She
18 also, strike that. I was able to speak with Mr.
19 Davis who stated that pat downs were conducted as
20 well as a wand was used.

21 MS. SCHMIDT: And did you ever, okay.
22 Now going back to any conversation with Mr. Tuli,

1 did he tell you about promotions that night?

2 MS. DANTZLER: Yes. I asked Mr. Tuli
3 were there any promotions or promotional events
4 and Mr. Tuli advised that there was an in-house
5 promotion which was if a male customer brought in
6 six females then they can get a free bottle of
7 champagne. Mr. Tuli went on to say that there
8 was a promotor by the name of Tex Senzo I believe
9 who used Twitter to promote a model who was
10 coming that night. I then asked Mr. Tuli what
11 does a patron receive for this type of promotion
12 and he stated really nothing other than the women
13 were able to get in free all night. Men were able
14 to get in free up until 11:00 p.m. and after
15 11:00 p.m. there was a twenty dollar cover
16 charge. He also stated to me that the promotor
17 provided a DJ as well as he brought his own
18 people.

19 CHAIR MILLER: I'm sorry. What's the
20 last thing you said?

21 MS. DANTZLER: The DJ brought his own
22 people.

1 MS. MILLER: The DJ brought his own
2 people?

3 MS. DANTZLER: Yes.

4 MS. MILLER: What do you mean people?
5 I'm sorry. I just don't understand.

6 MR. ALBERTI: Can we handle that on
7 cross examination?

8 MS. MILLER: Could you clarify?

9 MS. DANTZLER: I understood people
10 meaning that the DJ brought his own entourage
11 with him.

12 MS. MILLER: Thank you.

13 MS. SCHMIDT: I'm handing you what's
14 marked as Government Exhibits number 10 and 11.
15 And could you tell the Board what that is?

16 MS. DANTZLER: Exhibit 10 is the wrist
17 band that I saw at the podium where the female
18 security person was stationed and Exhibit number
19 11 is the Sharpie that security used to identify
20 patrons who were underage. According to Mr.
21 Davis, the yellow bands went to those patrons who
22 were of age to drink alcoholic beverages and the

1 Sharpie was used for those individuals who were
2 underage and they received an X on both hands,
3 the back of both hands.

4 MS. SCHMIDT: And do you know if any
5 of those patrons were there at the time, after
6 10:00 at night?

7 MS. DANTZLER: I don't know.

8 MS. SCHMIDT: I'm now handing you what
9 is marked as Government's Exhibit number 15 and
10 14 I guess. Did you take these pictures?

11 MS. MILLER: I'm sorry. Which Exhibit
12 are you?

13 MS. SCHMIDT: 14 and 15.

14 MS. MILLER: 14 and 15. Thank you.

15 MS. DANTZLER: Yes.

16 MS. SCHMIDT: And what do those
17 pictures represent?

18 MS. DANTZLER: Exhibit 14 depicts
19 debris, broken glass that was on the floor. The
20 doors that you see in this picture lead to the
21 area where some of the fighting that was seen in
22 the video with the, for instance the lady

1 swinging the belt buckle. Beyond the door is
2 where the incident, one of the incidents of
3 fighting occurred. Exhibit number 15 is, depicts
4 someone's wig that was on the floor. This
5 pathway leads to Exhibit number 14.

6 MS. SCHMIDT: No further questions at
7 this time.

8 MS. MILLER: Okay. Cross?

9 MR. ROME: I don't have any cross at
10 this time. I'll --

11 MS. MILLER: Okay. Okay, Board
12 questions. Mr. Silverstein.

13 MR. SILVERSTEIN: One very quick
14 question, Inspector Dantzler. Thank you for your
15 report. Thank you for the photographs
16 especially. We've seen footage up to 1:10, 1:11.
17 You folks weren't there when it happened. There
18 is a period between which the video ended and you
19 got there. How long did it take you to get there
20 from here or where you were? What time did you
21 arrive?

22 MS. DANTZLER: We, Investigator Jones

1 and I rode in the same vehicle and we arrived at
2 approximately 1:30 a.m., which was ten minutes
3 after receiving the call.

4 MR. SILVERSTEIN: It was ten minutes
5 after receiving?

6 MS. DANTZLER: Yes.

7 MR. SILVERSTEIN: That's pretty good,
8 pretty quick. That's all I needed to know.

9 MS. DANTZLER: Okay.

10 MS. MILLER: Yes. Mr. Short.

11 MR. SHORT: Good afternoon, Ms.
12 Dantzler.

13 MS. DANTZLER: Good afternoon.

14 MR. SHORT: It seems you're testifying
15 that about the weapon at the entrance and it
16 seems as though Investigator Jones and your
17 testimony is kind of conflicting. I think Jones
18 testified, Investigator Jones testified that MPD
19 through their forensic identified the knife found
20 at the entrance as being the assault weapon and
21 you said that the knife was gone when you took
22 the pictures and you didn't ask the police

1 officers anything about the knife.

2 MS. DANTZLER: Yes and no. Upon
3 arrival at 1:30 on the scene, took me only
4 probably every bit of six to seconds to walk
5 across the street to where the establishment was
6 and as I walked up to the establishment I was
7 then stopped by an officer, MPD officer, who was
8 protecting the crime scene and told me to watch
9 my step, not to disturb the knife and at that
10 point is when I looked down and saw the knife
11 there.

12 MR. SHORT: Okay.

13 MS. DANTZLER: The distance, the time
14 from me taking the picture we're looking at over
15 an hour or so because they were waiting on the
16 crime scene search investigator to arrive.

17 MR. SHORT: Okay, okay, but did you
18 hear anyone say as Jones testified that the knife
19 was identified by MPD as being the weapon that
20 did the cutting?

21 MS. DANTZLER: No, I did not. I saw
22 a speck of blood on the knife and I saw specks of

1 blood on the ground where the knife was located.

2 MR. SHORT: But you were in the room,
3 so you did hear Jones' testimony.

4 MS. DANTZLER: I did.

5 MR. SHORT: And you're unaware that
6 MPD identified that weapon or that knife?

7 MS. DANTZLER: Right. I'm not aware of
8 that as I was not aware that there were two
9 knives.

10 MR. SHORT: Okay.

11 MS. DANTZLER: That came to light when
12 we had a witness conference that following
13 Monday. Had I known there was a second knife then
14 I would have went to that location as well to see
15 if it matched the knives that I saw at the
16 establishment.

17 MR. SHORT: Well, we thank you for
18 that evening. Apparently you and Jones had to
19 split up. I know how investigations go. You
20 don't want both investigators. You went to one
21 area, he went to another area. You talked to
22 some people, he talked to some people while they

1 were still there.

2 MS. DANTZLER: Right. Correct.

3 MR. SHORT: So I can understand that.

4 Okay. That clears up the conflict with me.

5 Thank you very much, Madam Chair.

6 MS. MILLER: Okay. Others? Mr.

7 Rodriguez.

8 MR. RODRIGUEZ: Investigator Dantzler,

9 thank you for your testimony. Just one question

10 about the victim. Did you speak to the victim?

11 MS. DANTZLER: No, I did not. I did

12 respond to the hospital in an effort to speak

13 with him.

14 MR. RODRIGUEZ: Okay. So you never

15 had a chance to speak to the victim then?

16 MS. DANTZLER: No. I spoke to

17 witnesses that were there at the time, though.

18 MR. RODRIGUEZ: Okay. Thank you.

19 MS. MILLER: Yes, Mr. Alberti.

20 MR. ALBERTI: Okay, Ms. Dantzler, you

21 took pictures of three security personnel.

22 MS. DANTZLER: Yes.

1 MR. ALBERTI: That's correct? Okay.
2 How did you know that they were the security
3 personnel?

4 MS. DANTZLER: Outside of the female
5 who was on the exterior when I arrived I
6 interviewed Mr. Rodney Davis and I asked of him
7 how many people were working security on that
8 night. He told me four and I said that I want to
9 see all four. He then advised me that one of the
10 security persons had left.

11 MR. ALBERTI: What time was this?

12 MS. DANTZLER: The time that the
13 security person left?

14 MR. ALBERTI: Yeah, that, what time
15 were you talking to Mr. Davis?

16 MS. DANTZLER: Approximately 25
17 minutes after I arrived.

18 MR. ALBERTI: So about before 2:00,
19 around 2:00, is that correct?

20 MS. DANTZLER: Yeah, that's about
21 right.

22 MR. ALBERTI: You said you got there at

1 1:30, about 2:00?

2 MS. DANTZLER: Yeah, that's about
3 right.

4 MR. ALBERTI: And by then the fourth
5 security person had left?

6 MS. DANTZLER: Exactly.

7 MR. ALBERTI: Did anyone, do you know
8 anything about whether he was interviewed by
9 police? I'm not, you may not. I'm just asking.
10 What knowledge do you have about information he
11 may have given to anybody?

12 MS. DANTZLER: Mr. Davis actually told
13 me he left before the police arrived.

14 MR. ALBERTI: He told you that the
15 fourth person left before the police arrived?

16 MS. DANTZLER: Correct.

17 MR. ALBERTI: Thank you very much.
18 Geez. Who'd you talk about, you talked about
19 wandering and the like at the front door. Who
20 described to you what procedures were used at the
21 front door?

22 MS. DANTZLER: Well Mr. Davis told me

1 that pat downs were conducted as well as a wand
2 was used. I asked of him well, where's the wand
3 now and he told me that he can get it for me.
4 This is why we were inside the establishment.
5 During the investigation Mr. Davis is being
6 pulled in different directions so that follow-up
7 was something that I was unable to do; however,
8 once I made it to George Washington Hospital
9 where the victim was taken I asked of the
10 witnesses what type of pat down and wand was used
11 on them.

12 MR. ALBERTI: Okay. So did you talk to
13 the security officer, the woman with the police
14 label on her bulletproof vest, did you talk to
15 her about the door procedures?

16 MS. DANTZLER: I did.

17 MR. ALBERTI: And what did she tell
18 you about them?

19 MS. DANTZLER: She stated that she
20 stopped using the wand and that she did some
21 light patting on the patrons.

22 MR. ALBERTI: Okay. Did she talk about

1 anything about who was collecting money?

2 MS. DANTZLER: No, I didn't ask her
3 that. She did state that the patrons appeared
4 around 12:30, a crowd of people appeared around
5 12:30. She stated that usually the establishment
6 is very slow and then added that it was too much
7 for them, the crowd was too much for them.

8 MR. ALBERTI: Okay. She didn't tell
9 you who was collect that cover charge that you
10 were told about? You were told about a cover
11 charge. She didn't talk about who collected that,
12 right?

13 MS. DANTZLER: That's correct.

14 MR. ALBERTI: Fine. Did she talk
15 about, okay, so tell me again what she said about
16 crowd of people arriving at 12:00, can you just
17 repeat that for me?

18 MS. DANTZLER: She just stated it was
19 around 12:30, it was a slow evening. She said
20 that whatever function that they had on that
21 night usually consisted at the most 50 people;
22 however, she stated at 12:30 it just, it was like

1 a group, a mass group of people who just appeared
2 and that was a surprise to her.

3 MR. ALBERTI: Okay. Did she give you
4 an estimate of how many people came?

5 MS. DANTZLER: No, no, she did not.
6 I asked Mr. Tuli the approximate number.

7 MR. ALBERTI: I want to stay with this
8 person. Did she appear to have any knowledge of
9 how many people arrived?

10 MS. DANTZLER: Her only description
11 was a large mass of people.

12 MR. ALBERTI: Okay. Very good. Now
13 you said that the promotor, it was your
14 impression that the promotor brought his own
15 people. Can you repeat for me what you meant by
16 that?

17 MS. DANTZLER: Well, Mr. Tuli told me
18 that the promotor brought his own --

19 MR. ALBERTI: Oh, I'm sorry. So he
20 told you that. Do you know --

21 MR. ROME: Objection. I think the
22 testimony was that the DJ brought his own people.

1 MS. DANTZLER: I'm sorry, yes.

2 MR. ALBERTI: Oh, I'm sorry.

3 MS. MILLER: That's what I recall as
4 well.

5 MR. ALBERTI: The DJ brought his own
6 people? I'm sorry.

7 MS. DANTZLER: Scratch that. It was
8 the promotor who brought his own DJ and his own
9 people. The promotor brought his own DJ --

10 MR. ALBERTI: And his own people. Is
11 that what Mr. Tuli told you?

12 MS. DANTZLER: Yes.

13 MR. ALBERTI: Okay. What was your
14 impression of what he meant by that?

15 MS. DANTZLER: That the promotor
16 provided the DJ who would provide the music for
17 entertainment and the people were his own people
18 that he knew to help promote.

19 MR. ALBERTI: Okay. All right. What
20 do you mean by that? I mean, okay, did you get
21 the impression that he brought his own people to
22 be part of the crowd and maybe, I don't know,

1 engage with the crowd or did he bring his own
2 people to provide security or to collect money at
3 the door or anything like that?

4 MS. DANTZLER: No, I didn't understand
5 him to mean that his own people as security. I
6 understood that his own people to like fill the
7 room.

8 MR. ALBERTI: Okay. Good, good, great.
9 Thank you. I have no further questions. Thank
10 you.

11 MS. MILLER: Okay. Mr. Short.

12 MR. SHORT: Not to be redundant but
13 just for clarification, I guess when I mentioned
14 the conflict in testimony it was about wandering
15 after midnight when that large crew came in and
16 it was Investigator Jones' testimony that he
17 understood from staff that there was no wandering
18 or patting down after 12:00 because of the large
19 crowd that you described coming in. So did
20 wandering and patting down occur after that large
21 crowd or were they overwhelmed?

22 MS. DANTZLER: The security, the

1 female security stated around 12:30 there was,
2 prior to 12:30 she did wanding. After that she
3 just did light pat downs.

4 MR. SHORT: Light pat downs.

5 MS. DANTZLER: In her testimony of the
6 light pat down matched what the victims told me
7 at the hospital. I did meet reluctance with the
8 victims at the hospital; however, I encouraged
9 them to, I made them feel comfortable by telling
10 them okay, you don't have to give me your name if
11 you're afraid of that but I'll identify you as
12 black female between the ages of this or black
13 male between the ages of this, so that's how I
14 characterized them when I did my notes. They
15 then, in turn, felt comfortable with and was
16 telling me, one gentleman, one petite black
17 female between, it was 22 to 30 stated that she
18 was not even patted down, that she could have
19 brought a weapon in with her boot, she could have
20 brought something in because security didn't pat
21 her down at all. Another female stated that she
22 was pat down very lightly and that the security

1 didn't even pat the back of her. Another, a
2 gentleman stated that the pat down was so, as he
3 said it, ridiculous that he thought they were
4 just straightening up his clothes. Those were
5 his words.

6 MR. SHORT: Thank you for that. That
7 was kind of graphic, but thank you very much, but
8 at any rate under those circumstances it seems
9 like there was a breakdown in security after
10 that, or during that period of time.

11 MS. DANTZLER: Yes.

12 MR. SHORT: So we're lucky a lot more
13 people didn't get injured.

14 MS. DANTZLER: I agree. Yes.

15 MR. SHORT: Which makes this place at
16 that particular night very dangerous.

17 MS. DANTZLER: Yes.

18 MR. SHORT: You got a large crowd
19 drinking, people coming in after hours, now we've
20 heard also that with wristbands we had some
21 people under the age of 21 in the club, correct?

22 MS. DANTZLER: Yes.

1 MR. SHORT: We had young people mixing
2 with the older people or the elder people,
3 whatever we want to call them and we have lack of
4 appropriate pat downs and wandings and you have a
5 fight, you have someone stabbed. You find two
6 knives and so this particular night I guess
7 everything that could go wrong with a
8 restaurant/night club and the lack of security
9 happened.

10 MS. DANTZLER: Yes.

11 MR. SHORT: So if the, in your opinion
12 as a professional, had management or the licensee
13 done a proper job that night this would not have
14 occurred, correct? Or would have been less
15 likely to have occurred?

16 MS. DANTZLER: Well --

17 MR. SHORT: No wandings, no pat downs.

18 MS. DANTZLER: my opinion as an
19 investigator coupled with being a prior DC police
20 officer myself and that was my area of patrol at
21 one time, based off the information that I was
22 told and my experience the presence of MPD would

1 have been very helpful and the fact that
2 according to Mr. Davis there was no two-way radio
3 communications --

4 MR. SHORT: Okay.

5 MS. DANTZLER: between the security.

6 MR. SHORT: With three or four. We
7 don't know.

8 MS. DANTZLER: Exactly. I think and
9 they were overwhelmed and it contributed to the
10 situation, the chaos I believe.

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

13 MS. MILLER: Okay. Mr. Silverstein.

14 MR. SILVERSTEIN: One quick question,
15 Investigator. I don't see any food in any of the
16 pictures. In any of these things did you see any
17 food, chicken tandoori or something like that or
18 even bar food?

19 MS. DANTZLER: I asked Mr. Davis was
20 food served and Mr. Davis did not respond;
21 however, the bartender stated that food was
22 served. He actually stated that there was a

1 plate, he remembers seeing someone with a plate
2 of chicken wings. That was consistent with one
3 of the witnesses when I asked was food being
4 served because they had got there approximately
5 11:50 p.m. and she stated that she, all they did
6 was drink all night; however, she did see someone
7 with, that was eating chicken wings.

8 MR. SILVERSTEIN: Thank you.

9 MS. MILLER: Mr. Rodriguez.

10 MR. RODRIGUEZ: Ms. Dantzler, I want
11 to zoom in a little bit on your interaction with
12 the witnesses.

13 MS. DANTZLER: Okay.

14 MR. RODRIGUEZ: Because are these the
15 witnesses that were there when the stabbing took
16 place?

17 MS. DANTZLER: Yes.

18 MR. RODRIGUEZ: Okay. I want to get
19 further into that. Did any of the witnesses
20 actually see the stabbing take place?

21 MS. DANTZLER: No.

22 MR. RODRIGUEZ: No. Did they see a

1 knife?

2 MS. DANTZLER: No.

3 MR. RODRIGUEZ: No. None of the
4 witnesses saw a knife.

5 MS. DANTZLER: No.

6 MR. RODRIGUEZ: So they were not that
7 close, then to the people that you spoke about
8 were not close enough to see the stabbing. Did
9 anybody actually speak to the actual event, when
10 it happened?

11 MS. DANTZLER: They were reluctant to
12 speak; however, in the video one of the males, a
13 heavysset male, who identified himself at the
14 hospital as a close friend of the victim stated
15 that he was the one who helped usher his friend
16 out after he was stabbed and I do, I did see him
17 in the picture, in the video.

18 MR. RODRIGUEZ: Okay. Okay. Thank you
19 so much.

20 MS. DANTZLER: You're welcome.

21 MS. MILLER: Others? Ms. Dantzler, I
22 just have a few questions. Following up on that,

1 were there any witnesses that talked to you about
2 how the fight started?

3 MS. DANTZLER: I did ask that question
4 and they stated they did not know the basis of
5 the fight.

6 MS. MILLER: Okay. Or any of them,
7 there were different fights?

8 MS. DANTZLER: Well only one gentleman
9 was more outspoken than the other, which was the
10 heavysset guy I saw in the video, but he stated
11 that he did not know and the others kind of like
12 shook their heads like we don't know what
13 happened.

14 MS. MILLER: So they know who the, at
15 least one suspect is, is that right?

16 MS. DANTZLER: That I didn't ask.

17 CHAIR MILLER: You don't know that?

18 MS. DANTZLER: Correct.

19 MS. MILLER: Okay. So you don't have
20 information about who that was or --

21 MS. DANTZLER: Correct.

22 MS. MILLER: So I just also wanted to

1 follow up then about what you were saying about a
2 promotor brought the DJ.

3 MS. DANTZLER: Correct.

4 MS. MILLER: Now didn't you say did
5 the promotor bring the promotor's own people or
6 the DJ's people?

7 MS. DANTZLER: The promotor from what
8 I understood Mr. Tuli stated, the promotor
9 brought his own DJ.

10 MS. MILLER: Right.

11 MS. DANTZLER: And his own people.

12 MS. MILLER: So when you say and his
13 own, you mean the promotor's own?

14 MS. DANTZLER: Correct.

15 MS. MILLER: Okay. And do you know
16 how many people that was?

17 MS. DANTZLER: No, ma'am.

18 MS. MILLER: Do you know, did Mr. Tuli
19 may testify but based on your knowledge did Mr.
20 Tuli say that he knew the promotor was bringing
21 his people?

22 MS. DANTZLER: Well he told me that

1 they did, that the promotor brought his own
2 people.

3 MS. MILLER: He told you after they
4 brought their own people. Did he know they were
5 planning on bringing people?

6 MS. DANTZLER: That I don't know.

7 MS. MILLER: Okay. And my last
8 little question is I think one of the security
9 that you identified as wearing a badge, did you
10 see what the badge said?

11 MS. DANTZLER: No.

12 CHAIR MILLER: Okay. Any other
13 questions? All right.

14 MR. ROME: I have just a couple.

15 MS. MILLER: Okay.

16 MR. ROME: I will be brief.

17 MS. MILLER: Okay.

18 MR. ROME: The female security person
19 that you spoke to that's the same female that had
20 police written on her shirt?

21 MS. DANTZLER: Correct.

22 MR. ROME: And she's the one who said

1 that it was slow until around 12:30 when a mass
2 of people overwhelmed them?

3 MS. DANTZLER: Correct.

4 MR. ROME: And did you believe her
5 when she said that?

6 MS. DANTZLER: Yeah. She seemed
7 credible.

8 MR. ROME: And she said that in the
9 past that before it got crowded it was an evening
10 as usual I believe were your words, right?

11 MS. DANTZLER: Yes.

12 MR. ROME: So they seemed overwhelmed
13 by the mass of people that came all at once?

14 MS. DANTZLER: Correct.

15 MR. ROME: Now the promotor bringing
16 people, in your experience that's what you
17 understand the purpose of promoters to be, right?

18 MS. DANTZLER: Correct.

19 MR. ROME: Okay. And they have a
20 security, settlement agreement that says what
21 promoters are not permitted to do on the premises
22 and you didn't see or hear any evidence of

1 promoters doing any of those things, correct?

2 MS. DANTZLER: Which things?

3 MR. ROME: So in other words the
4 section 9 states that promoters can't check ID,
5 that's 9a. 9b says promoters can't control in
6 and out. Section c says that promoters can't
7 police the capacity. For those first three
8 things, any evidence of a promotor doing any of
9 those things?

10 MS. DANTZLER: No.

11 MR. ROME: Okay. The last three are
12 that promoters cannot charge money or collect at
13 the door, promoters cannot provide benefits or
14 privileges in exchange for money, basically the
15 promotor can't be getting paid at the door and
16 the promotor can't be giving alcohol to anyone or
17 selling alcohol. Was there any evidence of the
18 promotor doing any of those things?

19 MS. DANTZLER: I can't, I can't answer
20 that because the video that we viewed is video,
21 was information that we see well after the
22 investigation, so I can't --

1 MR. ROME: Okay. So you saw no
2 evidence of it, you can answer that. You saw no
3 evidence of the promotor doing those things?

4 MS. DANTZLER: The gentleman who was
5 pointed out as the promotor to me, I saw him not
6 doing that.

7 MR. ROME: Okay.

8 MS. DANTZLER: Any of those things.

9 MR. ROME: All right. And you heard
10 the testimony of your fellow investigator just
11 prior to you, correct?

12 MS. DANTZLER: Yes.

13 MR. ROME: And you heard his opinion
14 that I actually believe you testified to the same
15 thing, that the presence of reimbursable detail
16 would go a long way towards resolving this
17 matter, correct?

18 MS. DANTZLER: Correct.

19 MR. ROME: And you agree with that?

20 MS. DANTZLER: Correct.

21 MR. ROME: And the same with use of
22 two-way radios?

1 MS. DANTZLER: Yes and wand.

2 MR. ROME: And wandering, and double
3 wandering even more helpful, two checkpoint
4 stations?

5 MS. DANTZLER: Yes.

6 MR. ROME: And the same with increased
7 number of security people?

8 MS. DANTZLER: Yes.

9 MR. ROME: Okay. The person, the
10 security person who had police written on her
11 shirt, did you see her interacting with the
12 responding MPD officers at all?

13 MS. DANTZLER: What, to what extent
14 Counsel mean interaction?

15 MR. ROME: Did you see her speaking
16 with them? If not, it's fine. I'm just like to
17 know.

18 MS. DANTZLER: She spoke with them but
19 it wasn't really about the incident. It was more
20 so how much longer am I going to be standing out
21 in the cold.

22 MR. ROME: Okay. But no one from MPD

1 took issue with her, what she was wearing or
2 anything else?

3 MS. DANTZLER: No.

4 MR. ROME: Okay. I don't have any
5 other questions.

6 MS. MILLER: Okay. Anything else? I'm
7 sorry, I have one question then if you all need
8 to follow up fine, but I meant to ask you, I
9 think you said something like prior to 12:30 they
10 did wanding.

11 MS. DANTZLER: Yes.

12 MS. MILLER: Okay. Like is this an
13 establishment that acts as a restaurant and
14 serves dinner and stuff at 7:00 or?

15 MS. DANTZLER: I did ask to review the
16 menu.

17 CHAIR MILLER: Well my question is did
18 they say whether they do wanding at dinner hours,
19 too, or does that start at another hour, like
20 10:00 or something like that?

21 MS. DANTZLER: I can't answer to that
22 question for this particular establishment. If

1 you would like my experience with this industry
2 then I can respond. Where a restaurant is, it's a
3 restaurant and then at 10:00 they morph into a
4 club.

5 MS. MILLER: Okay. Okay and then they
6 that's when other restaurants, other
7 establishments that are like this to the best of
8 your knowledge start wandering later after the
9 restaurant hours.

10 MS. DANTZLER: Yes. They, there were
11 certain, there were VIP stations. I asked Mr.
12 Tuli did he have VIP stations. There were VIP
13 stations set up throughout the establishment.
14 There were very limited seats when I first walked
15 into the establishment. There's not a lot of
16 seating. It's more of an open space and there
17 were approximately seven VIP areas and Mr. Tuli
18 only stated that there were four but I probed him
19 more about the VIP seating and there were times
20 Mr. Tuli just appeared to be just resolved to
21 what happened, like it happened. He wasn't too
22 happy to have us there but I told Mr. Tuli that

1 these questions would get harder. I need you to
2 answer.

3 MS. MILLER: Okay. You've gone off
4 into another area but I mean, I'm just kind of
5 curious with respect to this VIP areas, they're
6 more open, not a lot of tables? What do they
7 look like?

8 MS. DANTZLER: The VIP area was roped
9 off with a red stanchion. There were
10 approximately seven of those areas and then there
11 were two high pub tables consisting of four
12 chairs each. That, too, was considered a VIP
13 area.

14 MS. MILLER: So and did the incident,
15 the stabbing occur in a VIP area?

16 MS. DANTZLER: No.

17 MS. MILLER: Okay. All right. Thank
18 you. Anybody else want to follow up?

19 MR. ROME: Nothing.

20 MS. MILLER: Thank you very much, Ms.
21 Dantzler.

22 MS. DANTZLER: My pleasure.

1 MS. MILLER: All right, so as I
2 indicated earlier this will be a good time to
3 break and I'm just looking at the clock to see
4 what time we are to come back. Maybe 2:20. Is
5 that enough time for people? That's like 40
6 minutes. Okay. So let's break now and we'll
7 come back and when we come back the respondent
8 will present his case. Okay. Thank you.

9 (Whereupon, the above-entitled matter
10 went off the record at 1:42 p.m. and resumed at
11 2:39 p.m.)

12 MS. MILLER: Okay. We're back on the
13 record. There are four of us here. The other
14 two are moments away, so I think we could start
15 with, if you're comfortable with that, with
16 calling your witness, or if you would rather wait
17 for the other two we can do that.

18 MR. ROME: If they're actually minutes
19 away I'd rather wait. If it's going to be a while
20 I'd rather keep it moving and call my witness.

21 MS. MILLER: Okay. I think it's
22 minutes but hopefully it's less than a minute.

1 MR. ROME: I guess anything's minutes.
2 It's just how many hundreds or thousands of
3 minutes.

4 MS. MILLER: Right. Right.

5 MR. ROME: Okay, there they are.

6 CHAIR MILLER: There's one.

7 MR. ROME: I'm fine with proceeding.

8 MS. MILLER: You are? Okay. We also,
9 like I said, we also have a TV screen in our
10 executive room and we can hear there as well.

11 MR. ROME: Couches.

12 MS. MILLER: Huh? Oh, maybe I
13 shouldn't have let that out. Okay.

14 MS. SCHMIDT: I saw a microwave back
15 there.

16 MS. MILLER: If it's on. All right. If
17 you're ready.

18 MR. ROME: Does that bring us back on
19 the record or are we back on the record?

20 MS. MILLER: Yeah, we're on the
21 record if you're comfortable proceeding.

22 MR. ROME: Sure. I'd like to call Mr.

1 Dave Bailey.

2 MS. MILLER: Good afternoon, Mr.
3 Bailey. Do you swear to tell the truth, the whole
4 truth and nothing but the truth?

5 MR. BAILEY: Yes, ma'am.

6 MS. MILLER: Thank you.

7 CROSS EXAMINATION

8 MR. ROME: And can you state your name
9 for the record?

10 MR. BAILEY: David Bailey.

11 MR. ROME: And can you let us know why
12 you're here today?

13 MR. BAILEY: I'm here because I'm
14 supposed to be taking over as head of security
15 for Heritage India Zanzibar.

16 MR. ROME: And there's been, you were
17 here for the earlier testimony this morning, the
18 government's case?

19 MR. BAILEY: Yes.

20 MR. ROME: And there's been some
21 testimony about your background. Can we go into
22 that a bit?

1 MR. BAILEY: Yes.

2 MR. ROME: You were previously, well
3 at some point you were employed by ABRA, is that
4 correct?

5 MR. BAILEY: Yes, sir.

6 MR. ROME: And can you talk about what
7 your role was there?

8 MR. BAILEY: I was an investigator and
9 I was making sure that establishments were in
10 compliance according to ABRA laws. I was also
11 for approximately six to seven months, I was the
12 acting supervisor here at ABRA.

13 MR. ROME: And how long were you
14 actually --

15 MS. SCHMIDT: I'm sorry. Was he sworn
16 in?

17 MS. MILLER: Yes.

18 MS. SCHMIDT: Yes. Okay. Thank you.

19 MR. ROME: How long were you actually
20 in the field as an investigator?

21 MR. BAILEY: Approximately almost five
22 years.

1 MR. ROME: Okay. And during that time
2 you investigated incidents of violence?

3 MR. BAILEY: Yes.

4 MR. ROME: And you investigated
5 incidents like the present?

6 MR. BAILEY: Yes.

7 MR. ROME: Okay. And in your role as
8 acting supervisor, did you do the same?

9 MR. BAILEY: Yes and I also oversaw
10 investigators' report to, you know, who were out
11 in the field.

12 MR. ROME: Okay. After leaving ABRA,
13 did you retain any jobs in this industry?

14 MR. BAILEY: Yes, I did.

15 MR. ROME: What was that?

16 MR. BAILEY: I was at Love Nightclub
17 as well as Fur Nightclub and, yes.

18 MR. ROME: Okay. How would you
19 describe both Love and Fur?

20 MR. BAILEY: Well initially it was a
21 little chaotic. That's why I was brought on to
22 run their head of security. They're very large

1 in much larger venues. They were two of the
2 larger venues in DC.

3 MR. ROME: And had they gone through
4 incidents prior to your being retained?

5 MR. BAILEY: Yes, they had incidents
6 before I was working there. After that, we had
7 no major incidents.

8 MR. ROME: Okay, and was part of your
9 job training them on how to respond to similar
10 type incidents in the future?

11 MR. BAILEY: Yes. I would go over, I
12 did like monthly, weekly trainings also doing
13 somewhat of like we want to call a sting
14 operation a while back, so you send people in,
15 underage people. I would have somebody, you know,
16 come in and try to come into the establishment
17 with a weapon to see if the staff could find it
18 before they entered, so.

19 MR. ROME: And did you use your
20 experience as an ABRA investigator in your job at
21 Love and Fur?

22 MR. BAILEY: Yes, I did.

1 MR. ROME: How did you do that?

2 MS. MILLER: Excuse me. I just to
3 reflect for the record because the record showed
4 that not all Board members were here at the
5 beginning of the afternoon session, which was
6 probably just a couple minutes and they all are
7 here now. Okay. Thank you. Thank you.

8 MR. BAILEY: Sorry, could you repeat
9 the question?

10 MR. ROME: Sure. It was how did you use
11 your ABRA training in your subsequent positions
12 at the other clubs?

13 MR. BAILEY: Well I made sure that
14 everything was set up the way ABRA wanted it set
15 up, made sure that each establishment was, you
16 know, doing things according, you know, within
17 ABRA laws to, you know, to do and not to do.
18 Also made sure that, you know, security personnel
19 were properly trained, were properly in positions
20 when needed be and that like I said they did it
21 if an incident did occur that they handled it
22 with reasonable judgment that the Board would

1 require.

2 MR. ROME: Okay. And you touched on
3 this, but what were the size of those
4 establishments?

5 MR. BAILEY: Relative, they were like
6 two of the larger establishments in DC.

7 MR. ROME: And on a given night about
8 how many security people worked under you at
9 Love?

10 MR. BAILEY: No less than 20 given to
11 how many floors we had opened up.

12 MR. ROME: And how about at Fur?

13 MR. BAILEY: The same, about 20.

14 MR. ROME: Okay, and so on at least
15 one of those you came in after there was a
16 shooting I believe at the establishment?

17 MR. BAILEY: At Fur, yes, it was an
18 incident that occurred there and I came in after
19 that incident occurred to take over.

20 MR. ROME: So is it safe to say that
21 you were a type of crisis management?

22 MR. BAILEY: Well I guess to ensure

1 that these type incidents don't occur again and I
2 mean we, although we know that fights and things
3 of that nature when people get, you know,
4 intoxicated can occur, but it's how you handle
5 the situation and to ensure that the safety of
6 the patrons and people around the establishment
7 are safe.

8 MR. ROME: Now at either Love or Fur
9 did you just simply come in and assist in the
10 training or did you remain on for a period of
11 time afterwards?

12 MR. BAILEY: I remained on for a
13 period of time. I remained with Fur until the
14 closing of Fur.

15 MR. ROME: And how long was that?

16 MR. BAILEY: I think I was there for
17 about, probably about six months or so I think it
18 was.

19 MR. ROME: And how many serious
20 incidents where there while you were there?

21 MR. BAILEY: None at all. We had no
22 further incidents after that.

1 MR. ROME: And about how many people
2 would come in on an average night to Fur?

3 MR. BAILEY: Anywhere from like we'd
4 have up to 500 or so to a thousand some people a
5 night.

6 MR. ROME: So there were nights and
7 weekends when there would be over a thousand
8 people in there?

9 MR. BAILEY: Right. Yes.

10 MR. ROME: How many floors, can you
11 describe the building where that?

12 MR. BAILEY: Fur has kind of like
13 basically a main floor down at the bottom level
14 but there's another level when you first walk
15 into. There's also other sections. It was like
16 I want to call a VIP section, other like floors
17 that are like smaller areas that are above but
18 you can see down to the main floor.

19 MR. ROME: Now at Fur or at Love,
20 there was training after the incident that had
21 occurred, is that correct?

22 MR. BAILEY: Yes.

1 MR. ROME: And in at least one of
2 those if not both did you actually conduct the
3 training?

4 MR. BAILEY: Yes, I did.

5 MR. ROME: And was ABRA aware that you
6 were the person conducting the training?

7 MR. BAILEY: Yes. For the nightclub
8 they were aware that I was the one that conducted
9 the training.

10 MR. ROME: And they approved of that?

11 MR. BAILEY: I take it, yes.

12 MR. ROME: It wasn't the Board that
13 was sitting today but maybe some members that
14 overlapped.

15 MR. BAILEY: Yes.

16 MR. ROME: Okay. Do you understand
17 that a training is crucial at Heritage Zanzibar,
18 correct?

19 MR. BAILEY: Yes.

20 MR. ROME: And in fact, you're going
21 to be part of it but you're not going to be the
22 one conducting the training?

1 MR. BAILEY: Well, I'm going to be,
2 I'm going to conduct some training but I do, we
3 do have somebody else that's also going to
4 conduct a series of training that has also
5 trained me.

6 MR. ROME: And that's a private
7 security company?

8 MR. BAILEY: Yes.

9 MR. ROME: And what's that security
10 company called?

11 MR. BAILEY: Tinley Protective
12 Services.

13 MR. ROME: And you've worked with them
14 in the past?

15 MR. BAILEY: Yes, I've been working
16 with them since 2009.

17 MR. ROME: Two thousand and what?

18 MR. BAILEY: Nine.

19 MR. ROME: Okay. And from your time
20 with ABRA did you come across other security
21 training companies?

22 MR. BAILEY: I mean during the time I

1 was an investigator, yeah, I mean they had, you
2 know, a couple of times where people would come
3 in and do security trainings, yes.

4 MR. ROME: And how would you compare
5 Tinley to those that you've witnessed in the
6 past?

7 MR. BAILEY: I would, I rank him very
8 high. He's very, very professional, very good at
9 what he does. He's a former police officer
10 himself.

11 MR. ROME: That's Mr. Phillip Tinley?

12 MR. BAILEY: Yes.

13 MR. ROME: And he was, do you know
14 where he was a police officer?

15 MR. BAILEY: He's Federal Protective
16 Services.

17 MR. ROME: Okay. So is it your plan
18 to have the employees of Heritage/Zanzibar go
19 through the training with Tinley and then you
20 also train them?

21 MR. BAILEY: Yes.

22 MR. ROME: Now you have worked with

1 Heritage in the past?

2 MR. BAILEY: Yes.

3 MR. ROME: And that was for certain
4 large events?

5 MR. BAILEY: Yes.

6 MR. ROME: I understand that you were
7 there on New Year's Eve.

8 MR. BAILEY: Yes, I was.

9 MR. ROME: And New Year's Day.

10 MR. BAILEY: Yes, sir.

11 MR. ROME: And those were planned and
12 expected to be large events?

13 MR. BAILEY: Yes.

14 MR. ROME: And how would you describe
15 what occurred on those days?

16 MR. BAILEY: We basically had no
17 incidents. We were able to, you know, of course
18 you get a couple arguments through patrons but we
19 were able to deal with those situations and have
20 a safe and productive night.

21 MR. ROME: And as part of what you
22 have trained on and what will be trained on and

1 what the employees will be trained on, is for
2 diffusing such violent incidents?

3 MR. BAILEY: Yes. It's for diffusing
4 violent incidents.

5 MR. ROME: Before they occur?

6 MR. BAILEY: Yeah, before they occur.
7 The verbal judo, there's going to be proper pat
8 down procedures, how to properly pat down someone
9 and also how to properly secure a crime scene.

10 MR. ROME: Okay. We'll get into each
11 of those but so even though you had helped with
12 Heritage in the past you were not by any means
13 full-time, head of security.

14 MR. BAILEY: No.

15 MR. ROME: And you understand that the
16 plan as of today or whenever if they reopen will
17 be for you to assume that role?

18 MR. BAILEY: Yes, sir.

19 MR. ROME: And do you also have a
20 current occupation, daytime?

21 MR. BAILEY: Yes, I do.

22 MR. ROME: And what's that?

1 MR. BAILEY: I manage a transportation
2 company for DC Health Services with kids with
3 special needs.

4 MR. ROME: Thank you for taking the
5 time off to be here today. When you participated
6 in the training services with Fur and Love, did
7 they go to a level above what you would train in
8 a typical training session?

9 MR. BAILEY: It, you saying did I?

10 MR. ROME: Was there anything special
11 about the training that was done at those places?

12 MR. BAILEY: No, it was nothing
13 special, just the same training I give, I would
14 give everybody.

15 MR. ROME: So that's, you're going to
16 do the exact same thing here that you did at
17 those mega-establishments?

18 MR. BAILEY: Yes.

19 MR. ROME: Okay. Now you were not
20 present on the night that led to today's hearing?

21 MR. BAILEY: That is correct.

22 MR. ROME: And to your knowledge was

1 there a big event planned for that evening?

2 MR. BAILEY: From what, and I spoke to
3 Mr. Tuli the night before, you know, there was no
4 expectation of a large event so he said that I
5 wouldn't need to be required to be there. There
6 was no large event that was possibly coming in
7 that night. They were just going to have a
8 regular Friday night event.

9 MR. ROME: And on regular Friday,
10 Saturday, Sundays, you were not at the
11 establishment?

12 MR. BAILEY: No, I was not.

13 MR. ROME: You fully understand that
14 this distinction between large events and regular
15 weekend nights is no longer part of your job
16 description?

17 MR. BAILEY: Right.

18 MR. ROME: Okay. And have you been
19 briefed on some of the other changes that
20 Heritage is going to make as part of this?

21 MR. BAILEY: Yes, I have.

22 MR. ROME: And from your years working

1 with ABRA and then after ABRA, do you know or
2 have you gained knowledge on what makes a good
3 security system?

4 MR. BAILEY: Yes.

5 MR. ROME: Operation, I should say.

6 MR. BAILEY: Yes.

7 MR. ROME: What are some of the things
8 that you will ensure that Tinley trains on?

9 MR. BAILEY: Well definitely how to
10 first pat down. That's where it starts at, pat
11 down at the door, proper, making sure that
12 nobody, you know, is not coming in with any type
13 of weapons, how to identify someone that may be
14 causing trouble even before the trouble --

15 MR. ROME: Let's take one at a time,
16 so pat downs. Do you also have experience with
17 wands?

18 MR. BAILEY: Yes.

19 MR. ROME: Can you talk to that a
20 little bit?

21 MR. BAILEY: Well my experience with
22 wands first off is that they are somewhat

1 productive when conducting pat downs but both
2 need to occur, to happen together. You need to
3 wand and pat down because there's certain things
4 that you may not detect on a wand that you will
5 get in a pat down and vice versa.

6 MR. ROME: And you heard some
7 descriptions today, you know, second hand
8 recounting of how the security acted on that
9 night. Is that how the pat down procedure that
10 goes into place when you're present?

11 MR. BAILEY: No. When I'm there I,
12 you know, I'm overseeing and making sure they're
13 doing it right because once again that's my
14 safety as well, so I've conducted pat downs,
15 I've, you know, watched them normally when they
16 do pat downs and normally it's pretty, it's a
17 pretty good job.

18 MR. ROME: And you've discussed with
19 Mr. Tuli some of the individuals who conducted
20 some of the security on that night?

21 MR. BAILEY: Excuse me. Say that one
22 more time?

1 MR. ROME: Did you speak with Mr. Tuli
2 about some of the security people that were
3 present on the night in question?

4 MR. BAILEY: Somewhat, somewhat.

5 MR. ROME: And did you come to any
6 conclusions about what would be the job status of
7 some of them?

8 MR. BAILEY: Yeah, some of them will
9 probably have to go, some of them, you know,
10 could stay with the proper training.

11 MR. ROME: Okay. And do you have
12 security people that work in this business that
13 you would recommend to fill those positions?

14 MR. BAILEY: Yes.

15 MR. ROME: All right. Now can you talk
16 to, were you present when the tape was played?

17 MR. BAILEY: In here? Yes.

18 MR. ROME: And you saw the violent
19 incidents that occurred?

20 MR. BAILEY: Yes, I did.

21 MR. ROME: Can you speak to how those
22 will be handled differently by your staff?

1 MR. BAILEY: Well first off there will
2 be proper staff positioned in those places,
3 number one, whenever there's a large group you
4 always want, you know, I'd say between one and
5 two security personnel present in that location
6 and with the radios now being able to notify
7 other security personnel to help out in that
8 manner. When there's an occurrence you want to
9 escort the more aggressive patron out of the
10 establishment and keep the least aggressive
11 person. You want to take the more aggressive
12 person, take them out, you know, with, now they
13 have a detail. Point to, you know, give them to
14 MPD officers and once that is now safe to then
15 let the less, the least aggressive person out.

16 MR. ROME: And did you see that
17 happening on the tape?

18 MR. BAILEY: Not really, no.

19 MR. ROME: And so will you make sure
20 that that's something that is stressed?

21 MR. BAILEY: Yes.

22 MR. ROME: Okay. And this brings us

1 to another important question that a few of the
2 Board members had asked. They understand, I
3 understand and we all understand that you'll be
4 in charge of security but the owner remains Mr.
5 Tuli.

6 MR. BAILEY: That's correct.

7 MR. ROME: And so the Board has to
8 have some trust in you and Mr. Tuli but how can
9 they put their trust in you to be independent and
10 make these decisions?

11 MR. BAILEY: First off, I'm not going
12 to put my name on anything that's not right. If
13 it's not ran right, I'm not going to be there and
14 I will definitely inform the Board of that. My
15 reputation's on the line when it comes to this
16 Board and I'm not going to allow anything to
17 damage that.

18 MR. ROME: Okay. Now you heard the
19 testimony of the investigator who came in. Do you
20 have similar professional relationships with
21 other investigators?

22 MR. BAILEY: Yes, I mean I know,

1 basically all the investigators, a lot of the
2 investigators that were here, you know, while I
3 was here I met some of them during since I've
4 been gone. So I speak to a lot of them on a
5 regular, you know, regular basis. I see them out
6 and about on the, you know, coming into the other
7 establishments when I come up here to do any type
8 of paperwork with anyone that I work with.

9 MR. ROME: Is that what you mean by
10 your reputation? Is that part of what you want to
11 protect?

12 MR. BAILEY: Yes. I mean part of my
13 reputation is I mean first off that I'm not going
14 to do anything that would be disapproval by this
15 Board.

16 MR. ROME: And hypothetically if, you
17 know, it will be our position and the Board will
18 hear from Mr. Tuli and we believe that Mr. Tuli
19 can be trusted to do these things, but they also
20 have you as a backstop. Is that, is that what
21 you're saying?

22 MR. BAILEY: Yes.

1 MR. ROME: And if Mr. Tuli's not there
2 or if he is there how will that change how you
3 operate?

4 MR. BAILEY: I'm going to operate the
5 way I'm supposed to operate, the way, I'm going
6 to operate the way my security plan is going to
7 state and the way the operation is supposed to
8 run each night.

9 MR. ROME: Okay. And so that security
10 plan, we've already talked about it's going to
11 include wandering and how to diffuse violent
12 incidents, do you understand that they've made an
13 offer to also use reimbursable detail in the
14 future?

15 MR. BAILEY: Yes.

16 MR. ROME: And what's your experience
17 with that in the past?

18 MR. BAILEY: Well, having as an
19 investigator and working in the nightclub
20 industry as well, it's very good to have the
21 reimbursable detail outside being that if you
22 have someone that, you know, that is being

1 aggressive or may cause a problem that tends to
2 deter that person or deescalate that person from
3 going any further because of the police presence.

4 MR. ROME: Now do you also have
5 professional relationships with some of the
6 officers?

7 MR. BAILEY: Yes.

8 MR. ROME: Can you go into that just
9 a bit?

10 MR. BAILEY: I mean I've worked with
11 a lot of the officers as an investigator here,
12 worked with several officers over in the Second
13 District and all districts surrounding. I've also
14 worked with them, you know, at some of the other
15 establishments and things of that nature so I
16 know them pretty well and one of the, actually
17 one of the officers in there we actually grew up
18 together, so, one of the officers in the Second
19 District.

20 MR. ROME: And is that part of why you
21 think that you'd be the right fit for this?

22 MR. BAILEY: Yes.

1 MR. ROME: Okay. There's also
2 questioning about the cameras in the
3 establishment. You will be trained to operate
4 those cameras as well?

5 MR. BAILEY: Yes, sir.

6 MR. ROME: And as the head of security
7 are you going to personally ensure that you or
8 someone else who's on staff at all times can
9 operate those cameras?

10 MR. BAILEY: Yes.

11 MR. ROME: And review the footage from
12 those cameras?

13 MR. BAILEY: Will be able to review
14 and download, yes.

15 MR. ROME: Okay. And you understand
16 that the staffing, what do you understand about
17 the staffing of the establishment in the past and
18 in the future?

19 MR. BAILEY: Well, on the nights that
20 I've been there it's been well staffed as far as
21 security is concerned but I know going forward we
22 are going to make sure that number one, any time

1 an event occurs every night we're going, like for
2 instance, I will be reviewing any artist or
3 anybody that's coming there to review what type
4 of crowd they bring so to determine how many
5 security staff we would actually need for that
6 evening.

7 MR. ROME: And if there's a, if you're
8 doing a head count one night and there's five
9 security staff, how are you going to react to
10 that?

11 MR. BAILEY: If I have five security
12 staff if I cannot, I would of course try to call
13 someone else in if it's needed and in other words
14 if that, if it's stuck at that five people we
15 have clickers at the door. At a certain number
16 we're going to have to cut off.

17 MR. ROME: Right. And you know that
18 there needs to be six at a minimum at all times?

19 MR. BAILEY: Right. Oh, there needs to
20 be six? Okay.

21 MR. ROME: And if there's not six,
22 then how would you react?

1 MR. BAILEY: Well then we can't
2 operate then if it's according to our plan then
3 we cannot operate.

4 MR. ROME: Right and so if we put
5 procedures in place that require a minimum of six
6 or other things, you will ensure that the
7 training of the staff gets that across to all of
8 them?

9 MR. BAILEY: Yes.

10 MR. ROME: And the staff will be
11 trained on the new security plan?

12 MR. BAILEY: Yes.

13 MR. ROME: What about uniforms?
14 What's your experience with uniforms in the
15 industry?

16 MR. BAILEY: Uniforms are definitely
17 needed because at any given time where even if
18 you are security personnel, you're trying to help
19 out it needs to be identified to that person that
20 you're helping out because if they're upset and
21 you walk over and you have on a just a regular
22 tee shirt, they might think you're just an

1 average patron in there so being identifiable by
2 the patrons by other people, you know, in the
3 establishment will help and so they can also know
4 who to go to when they need help.

5 MR. ROME: And let's just say if one
6 of the security people was to arrive without
7 their uniform, how would you address that issue?

8 MR. BAILEY: Well my plan is to have,
9 of course, extra on staff but if they are out of
10 uniform then I'm going to have find somebody to
11 replace you.

12 MR. ROME: Okay. You understand that
13 one of the female security officers on staff now
14 is a SPO, a special police officer?

15 MR. BAILEY: Yes, I do.

16 MR. ROME: And in your experience
17 that's why she's permitted to wear the shirt that
18 says police?

19 MR. BAILEY: Yes.

20 MR. ROME: And you're aware that she's
21 spoken to MPD about this?

22 MR. BAILEY: Yes.

1 MR. ROME: In the past and they've
2 taken no issue with that?

3 MR. BAILEY: That is correct.

4 MR. ROME: And similarly I know there
5 were some questions about the security officer
6 who had a badge on, is that similar to mall
7 security?

8 MR. BAILEY: Yes, he had a badge for,
9 it was a security badge that you can buy like any
10 security store.

11 MR. ROME: But his badge did not say
12 police on it?

13 MR. BAILEY: No.

14 MR. ROME: Okay. I don't think I have
15 any questions at this time but I'll have a lot of
16 based on what your questions to this gentleman
17 are, I'll have follow up on that.

18 MR. ALBERTI: Well that's good to
19 know.

20 MS. MILLER: Any cross?

21 CROSS EXAMINATION

22 MS. SCHMIDT: Oh, yeah. Okay. I have

1 some questions. Okay. Now I'm trying to
2 understand the nature of your relationship with
3 Heritage Zanzibar. Will this be a full-time
4 position?

5 MR. BAILEY: Yes.

6 MS. SCHMIDT: So you'll be there how
7 many nights a week?

8 MR. BAILEY: Whenever they're
9 operating after, you know, the regular restaurant
10 hours, you know to the like the 10:00, you know,
11 after 10:00 hour.

12 MS. SCHMIDT: Will this be, so will
13 this be an exclusive engagement for you? In
14 other words, you only going to be working at
15 Heritage India as a security consultant?

16 MR. BAILEY: Yes.

17 MS. SCHMIDT: And no other
18 establishments at the same?

19 MR. BAILEY: No. None that's at the
20 same time, no.

21 MS. SCHMIDT: And what do you consider
22 an event? You said you would work major events.

1 What's a major, what's an event?

2 MR. BAILEY: Like well a major event
3 to me is whenever there is an artist or someone
4 other than just like you have like an artist or
5 any type of celebrity coming to your
6 establishment.

7 MS. SCHMIDT: So would Ashley Moore be
8 considered an event?

9 MR. BAILEY: I'm just made aware of
10 who Ashley Moore is during this --

11 MS. SCHMIDT: A reality TV, a reality
12 TV star.

13 MR. BAILEY: A reality TV star yeah,
14 but my thing is anybody being promoted to come to
15 the event I would check them out and see who they
16 are.

17 MS. SCHMIDT: So the night that Mr.
18 Tuli said there's no event would you have
19 considered that to be an event?

20 MR. BAILEY: I'm really not sure --

21 MS. SCHMIDT: When Ashley Moore was
22 there.

1 MR. ROME: Mr. Tuli didn't testify to
2 that.

3 MS. SCHMIDT: He test, well the night
4 that Mr. Tuli told you that he didn't need you
5 because there was no event that night.

6 MR. BAILEY: Well he didn't tell me
7 that there was no artist or anything like that,
8 he said they were having just their regular
9 Friday night promotion thing, so their regular
10 Friday night has been really slow.

11 MS. SCHMIDT: So what is a regular
12 Friday night promotion then?

13 MR. BAILEY: I don't, I'm not there on
14 a Friday night so I don't know what the promotion
15 is. I haven't been there on a Friday so I don't
16 know.

17 MS. SCHMIDT: But doesn't a promotion
18 usually imply that it's more than just a regular
19 people just walking in to hear music?

20 MR. BAILEY: I mean I'm not, like I
21 said I'm not sure what their regular thing was on
22 Friday. I just came in when he asked me to and

1 when he felt the need that it was going to be a
2 large event.

3 MS. SCHMIDT: Okay and you said that
4 you worked there on New Year's Eve and --

5 MR. BAILEY: New Year's Day.

6 MS. SCHMIDT: New Year's Day and New
7 Year's Eve. This was only two days later. What
8 do you think the difference was between those two
9 days?

10 MR. BAILEY: I really do, like I said,
11 I really don't know what was occurring that
12 night. I wasn't there but they had entertainment
13 there that night which Mr. Tuli was concerned
14 about and wanted me to be there and be present to
15 make sure everything was ran right.

16 MS. SCHMIDT: But why do you think,
17 okay. Why do you, okay. And when were you, for
18 how long were you at Love?

19 MR. BAILEY: At Love for approximately
20 I got there in August, September.

21 MS. SCHMIDT: What was the timeframe,
22 just the time period?

1 MR. BAILEY: There for about, I think
2 it was like August, September until -

3 MS. SCHMIDT: What year?

4 MR. BAILEY: It was the middle of
5 September of 2011 to like, yeah about September,
6 maybe beginning October 2011 to probably about a
7 year to, probably about a whole year. I think I
8 left there right around like the end of summer.

9 MS. SCHMIDT: Okay.

10 MR. BAILEY: Of 2012, excuse me.

11 MS. SCHMIDT: And during that time
12 there were no ABRA citations whatsoever,
13 violations whatsoever?

14 MR. BAILEY: There were, we had a fact
15 finding hearing, but that was it. I think the
16 only thing we had was like a fact finding hearing
17 and I don't believe anything was ever found.

18 MS. SCHMIDT: And what was the fact
19 finding hearing about?

20 MR. BAILEY: The, it was an incident
21 where a patron and his, I guess it was his
22 brother-in-law were involved in an altercation

1 with each other.

2 MS. SCHMIDT: And do you remember what
3 you did for that altercation?

4 MR. BAILEY: Yes. We separated them
5 and called the police and had them, the police
6 came into that incident and the gentleman alleged
7 something that was not true with the, after the
8 police reviewed the video, that it was not true.

9 MS. SCHMIDT: Okay, so that was, that's
10 2012. Then you were at Fur for six months?

11 MR. BAILEY: Yeah, I was at Fur there
12 after that, yeah.

13 MS. SCHMIDT: Okay. Any other, and
14 what establishments have you been at since Fur
15 and Love?

16 MR. BAILEY: I was temporarily at
17 Barcode for a little while. That's it. That's
18 really it. And Heritage, you know.

19 MS. SCHMIDT: And Heritage India, how
20 long have you, just since they opened last summer
21 here?

22 MR. BAILEY: Yes, like, yes, sounds

1 about.

2 MS. SCHMIDT: Okay, since 2011 you've
3 been at four establishments, correct?

4 MR. BAILEY: Yes.

5 MS. SCHMIDT: But not on a full-time
6 basis.

7 MR. BAILEY: Well at Fur and Love I
8 was full-time.

9 MS. SCHMIDT: Yes, I'm saying but
10 since then you've been doing other things.

11 MR. BAILEY: Right.

12 MS. SCHMIDT: And what, when did you
13 leave ABRA again?

14 MR. BAILEY: In 2011, the summer of
15 2011.

16 MS. SCHMIDT: And was the voluntary?

17 MR. BAILEY: Yes.

18 MS. SCHMIDT: No further questions.

19 MS. MILLER: Okay. Board questions.

20 Mr. Brooks.

21 MR. BROOKS: Thank you, Madam Chair.

22 Just I guess one question. Do you have signed

1 contract with Zanzibar for security services?

2 MR. BAILEY: We have not signed a
3 contract yet, no.

4 MR. BROOKS: So you plan to have a
5 signed contract?

6 MR. BAILEY: Yes, sir.

7 MR. BROOKS: Okay. Thank you, Madam
8 Chair.

9 MS. MILLER: Okay. Mr. Short.

10 MR. SHORT: Good afternoon.

11 MR. BAILEY: Good afternoon, sir.

12 MR. SHORT: The training, how long
13 does it take for?

14 MR. BAILEY: The training with Tinley
15 Protective Services or my training?

16 MR. SHORT: Let's say you get the
17 contract with this licensee.

18 MR. BAILEY: Right.

19 MR. SHORT: How many personnel would
20 be working under your guidance?

21 MR. BAILEY: Well at any given night
22 it's got to be at least six but I have other

1 staff that also can come in. I mean I have a
2 number of different --

3 MR. SHORT: So you will have, should
4 this licensee get operating anytime in the near
5 future, you will have to get those guys fully
6 trained, correct?

7 MR. BAILEY: Well, my guys that I have
8 for me already, a lot of my guys are already
9 trained.

10 MR. SHORT: So you'll bring in six new
11 people.

12 MR. BAILEY: I can bring in six new
13 people that are already trained, yes.

14 MR. SHORT: You saw the video.

15 MR. BAILEY: Yes.

16 MR. SHORT: And you saw some security
17 people there.

18 MR. BAILEY: Yes.

19 MR. SHORT: Would any of those be
20 working with you with this contract?

21 MR. BAILEY: Well I know with the
22 maybe, I don't know who the gentleman was that

1 was in the back, couldn't see his face so I don't
2 know exactly who he is but at least two of the
3 people will be working with me during that time.

4 MR. SHORT: So they were allegedly
5 four, maybe three people working the night of the
6 video. One was gone early.

7 MR. BAILEY: Right.

8 MR. SHORT: When everything happened
9 they just went home but the other three that were
10 there that night, you would hire two of them?

11 MR. BAILEY: Yes, I would hire two of
12 them and train them proper, appropriately.

13 MR. SHORT: How long have you been in
14 security?

15 MR. BAILEY: Since 2005.

16 MR. SHORT: Okay. I'll just say this,
17 I know a little, just a little something about
18 capacities and the reason why placarding is
19 required in places of public assembly. Have you
20 had any training in public assembly and
21 overcrowding?

22 MR. BAILEY: Overcrowding other than

1 my training here at ABRA, no.

2 MR. SHORT: What training did you get
3 here at ABRA when it comes to that?

4 MR. BAILEY: We would have training
5 like every month, you know, here with different
6 training sessions.

7 MR. SHORT: Okay, well just, just
8 asking you know, if you or how would you identify
9 overcrowding?

10 MR. BAILEY: First off we, like I said
11 we would have clickers at the door. If it's more
12 people coming in than we're staffed to handle
13 then at that point we cannot no longer allow
14 anyone in.

15 MR. SHORT: You didn't mention the
16 placarding. Did the placarding have anything to
17 do with it?

18 MR. BAILEY: What do you mean the
19 placarding?

20 MR. SHORT: How would you know how
21 many people, how many people, there was also a
22 placard that goes on the wall that tells you how

1 many people you can have -

2 MR. BAILEY: Oh, yeah. Of course,
3 yeah, we wouldn't go over what our certificate of
4 occupancy is.

5 MR. SHORT: I was just trying to make
6 sure you were familiar with that.

7 MR. BAILEY: And when you said placard
8 that's why I was kind of lost, the C of O. Yes.

9 MR. SHORT: All right, so you say
10 you've had training in that and so you would know
11 when the place is overcrowded if you got to that
12 certain number and you wouldn't let anybody else
13 in.

14 MR. BAILEY: That is correct.

15 MR. SHORT: Regardless.

16 MR. BAILEY: Regardless.

17 MR. SHORT: Have you ever experienced
18 overcrowding?

19 MR. BAILEY: As an investigator, yes.

20 MR. SHORT: What took place? Give us
21 an example. Don't enter no names.

22 MR. BAILEY: Going to establishments

1 where you can't move, you can't, you know we try
2 to go in there, try to do an inspection or an
3 incident has occurred and you walk in and you
4 cannot get through to --

5 MR. SHORT: I do understand. There's
6 a term for that and I guess you wouldn't know
7 that term but I'll just say this, I have had some
8 experience in that myself and that's a very
9 dangerous situation.

10 MR. BAILEY: Yes, it is.

11 MR. SHORT: And if you're trained to
12 properly handle that what is the way to, let's
13 say the DCI or DC fire department would handle
14 that?

15 MR. BAILEY: I mean from my
16 understanding any time DCI or the fire department
17 comes in and it's overcrowded they would shut the
18 establishment down. The first municipal would
19 not allow anybody else in and then they would
20 tell them they are going to have to shut down if
21 it's dangerous, if there over capacity in danger
22 they have to shut down.

1 MR. SHORT: They do have a way to
2 handle that. They just let everybody out. If
3 it's a reputable owner the policy was before I
4 left the department was we'd let everybody, we,
5 everybody goes out and then we count the right
6 number of people back in and let the person
7 continue their business. If they are a good
8 operator. If they're a bad operator then we
9 would not allow them to operate the rest of that
10 night and back during that period of time they
11 would lose their liquor license too. But that's
12 a different story. That was a different time and
13 age but I was just trying to find out what
14 experience you really had and you've been trained
15 to train other folks. Where were you trained?

16 MR. BAILEY: I was trained through
17 Tinley Protective Services and here, sir.

18 MR. SHORT: You have a certificate?

19 MR. BAILEY: Yes, I do.

20 MR. SHORT: Okay, good. Okay.

21 MR. BAILEY: I constantly, I get
22 updated every year.

1 MR. SHORT: We're just quite concerned
2 about the police chief of the District of
3 Columbia had to shut this business down. Very
4 serious isn't it?

5 MR. BAILEY: Yes, it is.

6 MR. SHORT: And you're going to see
7 that that never happens again if you are hired
8 and get a contract because right now you don't
9 have a contract.

10 MR. BAILEY: Verbal, verbally, yes.
11 Not in writing yet.

12 MR. SHORT: Okay. Well I guess I'll
13 piggyback on Member Alberti's I would like to see
14 that before I even think about anything else
15 going in anyplace further. I think that you're
16 sitting here testifying today saying that you're
17 going to take all this and don't even have a
18 contract. Let me ask you this question. This is
19 kind of personal, but are you being compensated
20 in any kind of way today?

21 MR. BAILEY: No, I'm not.

22 MR. SHORT: Okay. I just wanted to

1 ask.

2 MR. BAILEY: I'm actually losing money
3 being here today, sir.

4 MR. SHORT: Okay. All right. I had to
5 ask. I had to ask because if you don't have a
6 contract I was just wondering because then it
7 becomes, your character comes into play.

8 MR. BAILEY: Right.

9 MR. SHORT: And what happens is if we
10 have a good character influencing a bad character
11 we hope for a greater outcome for the good.

12 MR. BAILEY: That's what I'm aiming
13 for too, sir.

14 MR. SHORT: Okay, so if your character
15 has to come into play also but anyway I'd just
16 like to say to you we wish you the very best in
17 your business and your endeavors. This city
18 needs as much security as it can possibly get.
19 We just saw what happened over in France, what's
20 happening in the Middle East, what's happening in
21 Africa lot of terrorism and they would love to
22 find a place packed with people, underage

1 drinkers, people with weapons on them. They could
2 really make a spectacle out of this city. This
3 city was just ranked, I don't know if you know it
4 or not, but this city was just ranked as the
5 number one tourist city in the world and this
6 city cannot have businesses run that run our
7 tourists away and make our citizens feel unsafe
8 and as a security person we hold you to a high
9 standard when it comes to that.

10 MR. BAILEY: Yes, sir.

11 MR. SHORT: And thank you for your
12 testimony. Thank you, Madam Chair.

13 MS. MILLER: Okay. Thank you. Mr.
14 Rodriguez.

15 MR. RODRIGUEZ: Mr. Bailey, the put a
16 big elephant on your shoulders.

17 MR. BAILEY: Yes, they have.

18 MR. RODRIGUEZ: A huge elephant in
19 light of the testimony that I've heard today and
20 I have high expectations of you because from what
21 I've heard today they need a lot of help. Now
22 you seem to have you know, the training and the

1 attitude and everything but I want to read what I
2 read earlier in Exhibit number 18. It says under
3 procedures for permitting patrons to enter on
4 their security plan dated April 2, 2014. It said
5 at most times the establishment functions as a
6 family oriented restaurant. Everyone is
7 permitted to enter. Now how do you interpret
8 that?

9 MR. BAILEY: Well it's a restaurant,
10 which they are going to, it's the early hours of
11 the day, you know, it's a restaurant. Everybody
12 neighborhood, you know, anybody living in the
13 area can come in, families can sit down, have
14 dinner, things of that nature, I guess.

15 MR. RODRIGUEZ: So, would you, have
16 you seen their security plan? This security plan
17 on Exhibit number 18?

18 MR. BAILEY: Is that the new one or
19 the old one?

20 MR. RODRIGUEZ: Well, what I have here
21 is dated April 2, 2014.

22 MR. BAILEY: Okay, that one. Yeah,

1 I've reviewed that somewhat, yes, I have.

2 MR. RODRIGUEZ: Would you change it,
3 do you think there's a lot of changes needed
4 here?

5 MR. BAILEY: Yes, I mean I think some
6 things need to be put in that are going to be
7 procedural going forward, yes.

8 MR. RODRIGUEZ: Yeah, because this
9 looks just like a little outline and a nice piece
10 to placate people but I'm a new Board member and
11 I'm not placated by this and I'm new here and so
12 but I know a little bit about security being in
13 the military. But so not only is this
14 establishment looking forward to doing a good
15 job, of course, the citizens, the patrons are
16 also if you enter into a contract of course and
17 you indicated that you would be entering into a
18 contract, is that something we're to understand?

19 MR. BAILEY: Yes, sir.

20 MR. RODRIGUEZ: Okay. Well I am, no
21 disrespect intended, but I am with Mr. Short and
22 the other members that we'd like to see that

1 contract.

2 MR. BAILEY: Not a problem.

3 MR. RODRIGUEZ: Before anything else
4 takes place, you know and my vote is held until I
5 see a contract and I see a security plan that is
6 needed here in this organization.

7 MR. BAILEY: Yes, sir.

8 MR. RODRIGUEZ: Okay. Good luck.

9 MR. BAILEY: Thank you, sir.

10 MS. MILLER: Others? All right, I'll
11 ask a few questions.

12 MR. BAILEY: Yes.

13 MS. MILLER: How many nights a week
14 are you going to be working at Zanzibar?

15 MR. BAILEY: It's going to be whatever
16 the nights that they're going to be open like for
17 the, you know the after 10:00.

18 MS. MILLER: They're not open every
19 night after ten?

20 MR. BAILEY: No. They're not open
21 every night after ten, no.

22 MS. MILLER: And so then but the

1 difference is you're going to be there regardless
2 of whether there's a "event". If they're open
3 after ten --

4 MR. BAILEY: If they're open after ten
5 I'm going to be there. If I'm unable for some
6 reason, if for some reason I'm unable to be
7 there, then I would designate someone to be there
8 to run it correctly but for the first time open,
9 I will be there every night you know, unless some
10 type of I can't say, you know, if something
11 happens to me of course I'm not going to be there
12 but, you know.

13 MS. MILLER: So what hours is that?

14 MR. BAILEY: It would be basically the
15 way I've been coming in is about 8:00, about
16 8:00, 8:30 I normally get there and then to
17 closing to, you know, 2:00 or 3:00 whenever.

18 MS. MILLER: Okay. And then you also
19 work in the day.

20 MR. BAILEY: Excuse me?

21 MS. MILLER: You're also going to keep
22 your day job?

1 MR. BAILEY: Oh, yeah.

2 MS. MILLER: That a full-time job?

3 MR. BAILEY: Yes.

4 MS. MILLER: Did you, how long have
5 you worked for Zanzibar on this kind of
6 contractual basis or whatever?

7 MR. BAILEY: It's been several months
8 now. I can't remember exactly when the first time
9 I started down there but I believe it was around
10 about the summertime was about the first time I
11 actually.

12 MS. MILLER: So when you worked there
13 were you working under the supervision of the
14 director of security or were you doing something
15 different?

16 MR. BAILEY: No, actually while I was
17 there Mr. Tuli would instruct them to follow my
18 guidelines and what I saw needed to be done so
19 although they had somebody that was in charge of
20 security it was like I guess you could say I was
21 in charge of him to make sure he did, make sure,
22 you know, the rest of the staff did what was

1 needed for the event.

2 CHAIR MILLER: Okay. So when you've, so
3 you know the security people?

4 MR. BAILEY: Yes, I know a few of
5 them that are there, yes.

6 MS. MILLER: So you've done an
7 evaluation based upon your having worked with
8 them for several months at different times?

9 MR. BAILEY: Right.

10 MS. MILLER: Okay. Are you, have you
11 decided whether you're keeping the, is it your
12 decision who to keep?

13 MR. BAILEY: Yes, it's going to be my,
14 yes.

15 MS. MILLER: Is that --

16 MR. BAILEY: That's part of our --

17 CHAIR MILLER: Is that part of the
18 contract?

19 MR. BAILEY: That's part of our
20 agreement that people that work with me my, you
21 know, up to my standards.

22 MS. MILLER: Okay, so are you keeping,

1 if it's all, yeah, you're keeping the director of
2 security?

3 MR. BAILEY: Well, like I said I'm
4 basically going to have to basically interview
5 everyone all over again. I want to really sit
6 down with everyone. I want to see where his head
7 is and but the, the one person I'm definitely
8 keeping is the young lady who was out front.
9 She's very professional.

10 MS. MILLER: Okay.

11 MR. BAILEY: Very knowledgeable

12 CHAIR MILLER: So you're undecided
13 about the others? You're going to --

14 MR. BAILEY: Yeah, I'm undecided at
15 this time about the others. I have to, I'm
16 basically going to be a hiring process all over
17 again.

18 MS. MILLER: So do you think some
19 things went wrong the night that this stabbing
20 occurred?

21 MR. BAILEY: I think one of the main
22 things that went wrong was the staffing, not

1 having enough to accommodate the large number of
2 people that were there.

3 MS. MILLER: And who, do you know who
4 made that decision?

5 MR. BAILEY: I guess from my decision
6 would be between the gentleman who was head of
7 security at the time and Mr. Tuli. I don't know
8 who made the final decision but I'm pretty sure
9 it was between them.

10 MS. MILLER: So under your contract
11 which I gather, is your contract like in draft?

12 MR. BAILEY: Yeah, well, I've never
13 really done like a, even though the other
14 establishments really did a written contract.
15 It's always been verbal, you know, I trust Mr.
16 Tuli is going to, you know, bring me in there,
17 don't have a problem with doing a written
18 contract but like I told you all if at any time
19 that it's not going according to the way I feel
20 safe and the my reputation is, you can definitely
21 expect a phone call that I have left there and --

22 MS. MILLER: So, I mean, we haven't

1 heard from Mr. Tuli yet but a lot of this is,
2 well some of this for some of us I think is about
3 trust and confidence so you know, you've been
4 presented to us with great credentials. You
5 have, you know, we, I don't see anything wrong
6 with you, so my question is I want to know about
7 what's your authority going to be like? Are you
8 going to be the one that says look, we need six
9 security guards tonight or we need, you know, is
10 that going to be your authority do you know?

11 MR. BAILEY: Yes. That is my role and
12 that if we don't have it then we can't operate.

13 MS. MILLER: Okay. And so if
14 something like that, if they were at the six and
15 Mr. Tuli said look, look we got to open anyway,
16 you'd do what?

17 MR. BAILEY: I'm saying no and if it
18 continues past that then I know the ABRA hotline
19 number.

20 MS. MILLER: Okay. ABRA hotline.
21 Okay. Good. And how well do you know Mr. Tuli?

22 MR. BAILEY: Fairly well. We've been

1 dealing with each other for quite some time now
2 since the summertime.

3 MS. MILLER: Do you have any knowledge
4 about what, how responsible, not just like the
5 buck stops with him but what his responsibility
6 was with respect to the problems that occurred
7 the night of this incident?

8 MR. BAILEY: Not too much but from
9 what I know from Mr. Tuli he's, he's very nervous
10 with anything that's about to occur. He's that's
11 why he brought me on, he wanted me there for this
12 because he didn't want anything like this to
13 occur. He was very serious that, you know, Mr.
14 Bailey, please I need you to come down here this
15 week and I have there's a thing going on and I
16 want to make sure everything is run perfect. I
17 don't want any issues. He brought me down there
18 and that's, every time we get that call he would
19 literally beg me to come down so and that's why,
20 you know, I'm here, taking off my job to be here
21 because of the man that I do believe that he's
22 going to follow in these orders.

1 MS. MILLER: It's your opinion then
2 that if there are certain conditions placed upon
3 the establishment that the owner will follow
4 them?

5 MR. BAILEY: Yes, ma'am.

6 MS. MILLER: Based on your history
7 with Mr. Tuli?

8 MR. BAILEY: Yes.

9 MS. MILLER: Okay. Let's see if
10 there's anything else. And is one of your
11 responsibilities going to be to review the
12 security plan or have you already reviewed the
13 security plan?

14 MR. BAILEY: I've just briefly, I
15 haven't fully like done my -- the way I would
16 normally get down and know every inch of it but I
17 am learning it. I am, you know, reviewing it
18 trying to so I know it all up here without
19 having to see it on paper.

20 MS. MILLER: Okay. You haven't been
21 retained yet to do that for the establishment?

22 MR. BAILEY: Well, I haven't signed the

1 contract yet, but we have been speaking of this
2 and as just to let the Board know, it was
3 previously talked to. Mr. Tuli had called me a
4 few weeks ago about me permanently taking over as
5 head of security there because, you know, of
6 course his Friday nights and things were not
7 doing so well where he, you know, needed to put
8 me in that position now, but after this it was
9 like an immediate phone call that he wanted me
10 there starting immediately every night, no if,
11 ands or buts about it, just he needs me there
12 running it.

13 MS. MILLER: So have you been working
14 at other establishments?

15 MR. BAILEY: Yes, every now and again
16 because like I do know some promoters and things
17 of that nature who would call me hey, I'm having
18 an event. I'd much rather, I feel more
19 comfortable with you being there if you can work
20 down there and I, you know, know a couple of the
21 security people that, you know, some of them
22 would call me down to come work some events.

1 MS. MILLER: And why did you leave Fur
2 and Love?

3 MR. BAILEY: Well Love it was a
4 financial issue with them. They, so I had to
5 part with them and Fur closed down. They, you
6 know, closed down.

7 MS. MILLER: That's a good reason.
8 Yeah. Okay.

9 MR. BAILEY: Yeah, I wouldn't want to
10 stay there after that.

11 MS. MILLER: Okay. All right. And how
12 did you first happen to work with Mr. Tuli?

13 MR. BAILEY: Well one of the, his, Mr.
14 Tuli's bar managers referred me, called me up. He
15 used to work with me over at Love and had told
16 Mr., basically gave my credentials to Mr. Tuli
17 like hey, when we having an event you may want to
18 call, you know, me to come in and oversee some
19 things.

20 CHAIR MILLER: Okay. Thank you. All
21 right. Any other questions from Board members?

22 MR. ALBERTI: Yes.

1 MS. MILLER: Oh, Mr. Alberti.

2 MR. ALBERTI: Good afternoon, Mr.

3 Bailey.

4 MR. BAILEY: Good afternoon, Mr.

5 Alberti.

6 MR. ALBERTI: How are you today?

7 MR. BAILEY: I'm good.

8 MR. ALBERTI: Good. Earlier you
9 testified, I just found this interesting, earlier
10 you testified, I promise no lectures.

11 MR. BAILEY: It's all right.

12 MR. ALBERTI: Earlier you testified
13 that some training that you gave to an
14 establishment was approved by the Board. What do
15 you mean by that?

16 MR. BAILEY: Well I'm going to say
17 that was a

18 MR. ALBERTI: Describe that in more
19 detail?

20 MR. BAILEY: Okay. We were in here
21 with Fur nightclub. I went over the training
22 that I did with them and I mean of course, we had

1 several trainings going on during that time but I
2 also did trainings with them that was, I mean I
3 can't say it was approved by the Board but I did
4 get a stamped seal but they were allowed to
5 reopen after all these things were put into
6 place.

7 MR. ALBERTI: Okay. Okay. So we
8 didn't really approve your training.

9 MR. BAILEY: Right. That's why I was
10 kind of like --MR. ALBERTI: All right. I just
11 wanted to make sure, you know, we're here about
12 truth. We're here about truth and I'm pretty
13 exact when it comes to that. Thank you. Okay.
14 So you left this agency in September?

15 MR. BAILEY: No. August of 2011.

16 MR. ALBERTI: August of 2011 and you
17 went to work for Love and you worked with Love
18 until when?

19 MR. BAILEY: It was, I want to say
20 maybe, this is crazy, I know I worked through the
21 summer of 2012, so around about the end of
22 summer, maybe approaching winter.

1 MR. ALBERTI: Okay, and so the fall of
2 2012?

3 MR. BAILEY: Yeah probably, yeah
4 probably like the fall of 2012.

5 MR. ALBERTI: okay. Very good.

6 MR. BAILEY: As a matter of fact, I'm
7 sorry, it was about November, December 2012.
8 That's when I left.

9 MR. ALBERTI: Okay. Great. And then
10 you, when did you start working for Fur?

11 MR. BAILEY: Fur nightclub was right
12 after the incident had occurred. I can't, I want
13 to say it was about May, May maybe 2013 when that
14 incident had occurred. That's when they hired
15 me.

16 MR. ALBERTI: May 2013?

17 MR. BAILEY: I'm thinking, yeah.

18 MR. ALBERTI: Oh, it was after, after
19 the summary suspensions?

20 MR. BAILEY: Yeah, it was, yeah that
21 I got hired when they had the summary suspension.

22 MR. ALBERTI: Okay. That's when you

1 were hired there?

2 MR. BAILEY: Yeah.

3 MR. ALBERTI: So you didn't work there
4 very long because they were --

5 MR. BAILEY: Yeah, they closed down
6 like in, they were closed in September. I think
7 it was September, October.

8 MR. ALBERTI: That's what my notes
9 indicate.

10 MR. BAILEY: Yeah.

11 MR. ALBERTI: Okay. You said earlier
12 that in none of the places you worked, and this
13 was your testimony, that while you were working
14 as a security officer none of the places that you
15 worked had a serious incident?

16 MR. BAILEY: Had a major incident,
17 yes.

18 MR. ALBERTI: That's what you
19 testified?

20 MR. BAILEY: Yes, sir.

21 MR. ALBERTI: Please define for me
22 what you consider a serious incident?

1 MR. BAILEY: Well I'm saying like a
2 major incident where we're coming in here for
3 summary suspensions such as this. We have come
4 in, I have come in because of a fight that
5 occurred but from my understanding there was no
6 further action found to --

7 MR. ALBERTI: Well, that's not a
8 serious incident?

9 MR. BAILEY: Excuse me?

10 MR. ALBERTI: That's not a serious
11 incident?

12 MR. BAILEY: I mean that's, I mean I
13 was talking about serious up to this, of this
14 nature, someone actually being stabbed but the
15 allegations that we were brought in for not true.

16 MR. ALBERTI: Well you better, please,
17 describe to me in very much detail what you think
18 a serious incident is because right now, because
19 right now I see if it doesn't rise to summary
20 suspension you don't consider it serious. That's
21 that I'm hearing from you. Now I may be
22 misunderstanding you so I'm giving you the chance

1 to tell me what you think a serious incident is.

2 MR. BAILEY: A serious incident to me
3 period is any, any time's its involved any danger
4 to a patron, to a staff member, to anyone
5 frequents, you know, you know at the
6 establishment.

7 MR. ALBERTI: So do you want to
8 rethink your earlier comment that there were no
9 serious incidents at any of these clubs while you
10 were there?

11 MR. BAILEY: Well there was no serious
12 incidents up to as of this of this nature where
13 somebody was stabbed, like that.

14 MR. ALBERTI: You said. Wait, wait.
15 Let's get it on the record. You just described to
16 me what a serious incident was. I'm asking you
17 to qualify it, you said there were no serious
18 incidents at any of the clubs while you were
19 there and you just described to me what a serious
20 incident was, which was anything that threatens
21 the safety of the patrons. You want to rethink
22 your statement that there were no serious

1 incidents at any establishments while you were
2 there?

3 MR. BAILEY: Okay, well I also had
4 stated that, you know, I've had incidents that
5 were dealt with accordingly, that, you know, my
6 staff dealt with.

7 MR. ALBERTI: Right, so okay, so in
8 January of 2012, in January of 2012, at Love
9 nightclub there was an assault with an intent to
10 kill. Were you in security then?

11 MR. BAILEY: Assault with an intent to
12 kill?

13 MR. ALBERTI: Yes. That's what my
14 notes say.

15 MR. BAILEY: Oh one of my, one of my
16 security was choked by one of the patrons there.

17 MR. ALBERTI: Was that a serious
18 incident?

19 MR. BAILEY: Yes, it was.

20 MR. ALBERTI: Okay. So I'm having
21 trouble understanding your testimony here today
22 and how and how I treat it because in one hand

1 you're telling me well, there were no serious
2 incidents and then in the other hand you're
3 saying, oh, there was a serious incident. So I'm
4 not saying you're lying but I'm not saying, but
5 I have to measure and interpret and I have to
6 judge what you're telling me as being accurate,
7 so, I'm just putting that out there.

8 MR. BAILEY: Okay. Well if --

9 MR. ALBERTI: All right, so, all
10 right. Enough on that.

11 MS. MILLER: Hey, I'm sorry.

12 MR. ALBERTI: Enough on that.

13 MS. MILLER: Wait a second. I just
14 want to ask you, did you have something you
15 wanted to ask?

16 MR. ALBERTI: I have no question right
17 there.

18 MS. MILLER: Well, I have a question
19 and he didn't finish his answer.

20 MR. ALBERTI: You can ask him on
21 follow up. I have no question out there.

22 MS. MILLER: Okay. Fine.

1 MR. ALBERTI: Okay. Let's go for the
2 easy one. What's your day job?

3 MR. BAILEY: I manage a transportation
4 company for DC Health Services.

5 MR. ALBERTI: For DC what?

6 MR. BAILEY: DC Health Services.

7 MR. ALBERTI: DC Health Services.

8 MR. BAILEY: Transporting special
9 needs kids.

10 MR. ALBERTI: Okay. Are you a
11 contractor or a city employee?

12 MR. BAILEY: No like we have a
13 contract with the DC.

14 MR. ALBERTI: Okay. Great. Thank
15 you. There were some questions to you about what
16 would you do if I think it was in the nature of
17 what happens if you don't have enough security
18 and there's overcrowding and what would you do if
19 you didn't have enough security and there was
20 overcrowding what would you tell Mr. Tuli to do
21 and then what would you tell, if, would you give
22 Mr., what would you tell Mr. Tuli to do?

1 MR. BAILEY: Well, the first, the
2 first initial thing is it starts at the door with
3 the counting at the door. Once we reach the
4 number of people that we have, you know for our
5 staff, which is four to six people, then that's
6 where it cuts off at. We can't allow anyone else
7 in. If, as long as, you know, we're properly
8 staffed and we have or I can call in more
9 security staff and we're having a larger crowd
10 and we're not, you know, above, you know, the
11 occupancy level then of course at that point then
12 we can start letting people in as long as we have
13 the staff to support that.

14 MR. ALBERTI: And if Mr. Tuli didn't
15 follow your directions, what would you do?

16 MR. BAILEY: I mean, either I'm
17 quitting or I'm not, I'm not going to stay there
18 and be a part of that. I mean, like I said I
19 have, I have the phone number. I would definitely
20 let, you know, investigators know that hey, not
21 following me. I'm gone. My name is, my name is
22 not going to be tarnished.

1 MR. ALBERTI: You were working for
2 Love in April 2012?

3 MR. BAILEY: Yes.

4 MR. ALBERTI: And they were charged
5 with failure to follow a Board order for not
6 having reimbursable detail?

7 MR. BAILEY: Yes, sir. I believe so.

8 MR. ALBERTI: Were you working
9 security for them then?

10 MR. BAILEY: Excuse me, yes.

11 MR. ALBERTI: You were working
12 security for them then?

13 MR. BAILEY: Yes.

14 MR. ALBERTI: Did you quit?

15 MR. BAILEY: Did I quit after?

16 MR. ALBERTI: After they didn't follow
17 what was necessary to ensure safety of everyone,
18 having reimbursable detail.

19 MR. BAILEY: I don't even recall this
20 hearing. I'm trying to recall the hearing that
21 you're talking about where they didn't have a
22 reimbursable detail. Was that following, is that

1 following an incident that I relate to?

2 MR. ALBERTI: Okay. I'm not going to
3 explain why I'm asking these questions. I think
4 it's pretty evident. Okay. You've been working
5 for Mr. Tuli for how long?

6 MR. BAILEY: Since about the
7 summertime.

8 MR. ALBERTI: Okay. Great. Have you
9 advised him on security?

10 MR. BAILEY: Yes, during the time
11 while I'm there, yes.

12 MR. ALBERTI: All right. Has he
13 followed any of your advice?

14 MR. BAILEY: During the time I'm
15 there, yes. I can't speak to any time I'm not
16 there because I'm not there to witness what he
17 does and does not do.

18 MR. ALBERTI: So, so had he followed
19 your advice that you gave him would he have
20 staffed this and run this event that evening
21 differently do you think?

22 MR. BAILEY: Well, I didn't give any

1 advice on this event because I was -

2 MR. ALBERTI: Just in general.

3 MR. BAILEY: Had I given advice on
4 this event, yes, it would have been staffed
5 accordingly.

6 MR. ALBERTI: You gave him no advice
7 that would go to number of security per and crowd
8 control and counting, did you give him any advice
9 about overcrowding?

10 MR. BAILEY: Not for that night, no.
11 I was not --

12 MR. ALBERTI: Oh, no, no, no, no, no.
13 In the four months that you were there for the
14 other events did you give him any advice about to
15 control overcrowding?

16 MR. BAILEY: Yes, during the time I
17 was there, yes.

18 MR. ALBERTI: All right. Okay. So
19 would you agree that it appears that he didn't
20 follow your advice on the night of this incident?

21 MR. BAILEY: I would say he didn't
22 follow what I would normally do while I was

1 there, yes.

2 MR. ALBERTI: Not my question. Would
3 you say that he didn't follow your advice on the
4 night of this incident?

5 MR. BAILEY: I really can't speak to,
6 because I was not there, sir.

7 MR. ALBERTI: He had no, they were
8 overcrowded. They were overcrowded. What would
9 you conclude from that?

10 MR. BAILEY: I mean he, he did not do
11 what he was, what he should have done. He did not
12 have the proper staffing there.

13 MR. ALBERTI: Is that the kind of
14 advice you would have given him in the past about
15 overcrowding?

16 MR. BAILEY: Well, my advice always on
17 my nights that I was there the way I instructed
18 him was I already counted the staff that he would
19 need that night so I looked and saw what the
20 event was, how many security would we need and
21 that's what I --

22 MR. ALBERTI: Did he ever ask why you

1 needed that security? Did you ever explain to
2 him why you needed that security?

3 MR. BAILEY: I never, he never
4 questioned anything that I told him that we
5 needed.

6 MR. ALBERTI: Did he ever bother to
7 really, to find out from you what are the best
8 practices?

9 MR. BAILEY: We would, you know, talk
10 periodically like things that I was doing, why,
11 like why I positioned security here, why, you
12 know, why am I doing, you know, I was, you know
13 explaining certain, certain scenarios that I was
14 doing, you know, throughout the night and stuff
15 like that. Like why, why maybe I switched out
16 the person that was patting down and put someone
17 else there to give them a break.

18 MR. ALBERTI: Okay. So had he followed
19 your advice, do you think he would have operated
20 differently, he would have managed the
21 establishment differently on the night of this
22 incident?

1 MR. BAILEY: Yes.

2 MR. ALBERTI: Thank you. I have no
3 further questions. Thank you.

4 MR. SHORT: I have one more Madam,
5 Chair.

6 MS. MILLER: Mr. Short.

7 MR. SHORT: Your training sessions,
8 how long does it take to train someone to a place
9 where you would give them a certificate and
10 consider them competent? How long time, timeline
11 wise?

12 MR. BAILEY: You're looking between
13 three to four hours at least.

14 MR. SHORT: So just one period, three
15 to four hours, they would be trained to take care
16 of a nightclub.

17 MR. BAILEY: Right, through the proper
18 procedures, yes, but it doesn't --

19 MR. SHORT: Okay. Let me ask you this.
20 Okay, you answered that.

21 MR. BAILEY: Okay.

22 MR. SHORT: What do you go over in

1 three or four hours in one session to give
2 somebody a certificate saying that they are
3 competent to handle a nightclub.

4 MR. BAILEY: Well I don't, I don't do
5 the training where they get certificates. I
6 basically, my training was always like, you know,
7 how we're going to handle situations at the club
8 like where we, how we're going to escort someone
9 and who's going to do what, like I go over like
10 if let's say for instance, you've got two people
11 that's, you know, that's dealing with a
12 conversation and of course, you're dealing with
13 somebody that's intoxicated and this person gets
14 mad at the one security because, you know, of
15 course they're intoxicated. They don't realize
16 what they did wrong. At that point that second
17 person is to step up and try to calm that person
18 down. Don't no longer let this security person
19 talk to them because --

20 MR. SHORT: That's good. What subject
21 matter do you go over in that three to four
22 hours? What is the subject matter? What is the,

1 the outline of training? What is the subject
2 matter?

3 MR. BAILEY: Basically, basically like
4 ABRA laws and codes. You know, things that they
5 are to do, things they're not to do as far as
6 what ABRA's concerned with like you know,
7 properly checking IDs, making sure --

8 MR. SHORT: Okay. Now that's just on
9 the video we saw somebody with a full bottle,
10 with two bottles. You work at this club now, you
11 say you work for Mr. Tuli off and on.

12 MR. BAILEY: Right.

13 MR. SHORT: The video, you saw the
14 video.

15 MR. BAILEY: Mm-hmm.

16 MR. SHORT: Did you see the person
17 with two bottles of champagne and take one and
18 throw it or hit someone with it?

19 MR. BAILEY: Well I couldn't, I saw the
20 video vaguely but I did see the person had
21 bottles in his hand, yes.

22 MR. SHORT: Okay, security wise, are

1 the bottles set on the tables like that or how
2 did the person get those bottles to walk around
3 the club like that? I mean is that according to
4 ABRA rules that a person can have a full bottle
5 of champagne or a bottle of champagne walking
6 around with it in their hands?

7 MR. BAILEY: Well it's to my
8 knowledge, you know, that it normally the bottles
9 served, bottle service is going to be given at
10 like tables people are sitting at, like at the
11 VIP table they get like a bottle of champagne and
12 things of that nature. You know, they have
13 bottle service.

14 MR. SHORT: What is the ABRA rule
15 about persons walking around with a bottle off of
16 the table in their hands through the club?

17 MR. BAILEY: I mean they're not
18 supposed to have no

19 MR. SHORT: Now again, you are now
20 working with this, with this licensee. You saw
21 the video. You advised him on security and now
22 you're going to get a contract to make things as

1 lot better. What's going to be different when
2 you're not there one night, you're not there one
3 night. You leave someone else in charge like you
4 weren't there the night of this event, what's
5 going to be different when you leave somebody in
6 charge are you going to hire some of the same
7 people that work now for this licensee? How can
8 you assure this Board that things are going to be
9 different? You're not going to be there now, but
10 go ahead and answer now, please.

11 MR. BAILEY: Well first of all, the
12 person I leave in charge is going to be somebody
13 that I trust to uphold my name and to run things
14 the way I would run them while I'm there, so, I
15 mean once again I'm putting, even though I'm not
16 there my name is still on the line so I have to
17 then trust the people that I train, people that I
18 decide to hire to do the job as I would want it
19 done whether I'm there or whether I'm not there.

20 MR. ALBERTI: Okay. In that same vein, how many
21 people that work there now have training?

22 MR. BAILEY: My understanding some of

1 them have training through their license security
2 and SPOs and then I think that maybe about four
3 or five of them that I'm aware of that actually
4 have like do security, actual like licensed
5 security outside of the nightclub.

6 MR. SHORT: So we've been hearing
7 through testimony there were either three
8 according to some or maybe four that night of
9 this incident at this club. How many of those
10 persons that night were trained?

11 MR. BAILEY: The only one I know is
12 the young lady. I'm not sure about anyone, I
13 don't know who else was actually there. I don't
14 wasn't there so I don't know who actually all
15 worked.

16 MR. SHORT: Okay.

17 MR. BAILEY: I do know the young lady
18 has an SPO, yes.

19 MR. SHORT: Just very briefly for us
20 outline to us what you would have left
21 instructions, you would have left with Mr. Tuli
22 that night had you been there or instruction

1 would you have left him had you been mindful that
2 this was going to happen.

3 MR. BAILEY: First off the, if I had
4 known about the event that was occurring, so
5 first off of course I would look into who the
6 artist was coming there and who, you know, see
7 like I do social media. I would, you know, check
8 and see what the feedback is as far as how many
9 people is expected to come and then staff
10 according to six to probably maybe about seven to
11 eight security there.

12 MR. SHORT: You worked there off and
13 on, you ever check the social media now from time
14 to time to see what's happening at the club?

15 MR. BAILEY: Only at the nights that
16 I'm going to be there.

17 MR. SHORT: So any nights you're not
18 there you don't check the social media?

19 MR. BAILEY: I mean before because but
20 now, now I will be, you know, because I'm --

21 MR. SHORT: Now you will.

22 MR. BAILEY: Yeah, because I'm full-

1 time there, but --

2 MR. SHORT: And we'll have to trust
3 you to do that.

4 MR. BAILEY: Yes, sir, you can.

5 MR. SHORT: Okay. Thank you. Thank
6 you very much, Madam Chair. Thank you very much,
7 Mr. Bailey.

8 MS. MILLER: Others? Mr. Bailey I
9 don't know if you remember at this point. I
10 don't remember, but I thought there were a couple
11 questions that Mr. Alberti asked you and you
12 wanted to say more on and I thought you were cut
13 off, so, and Mr. Alberti said, requested that I
14 raise this in my questioning so I don't know if
15 you remember any more.

16 MR. BAILEY: I sort of do. What I was
17 stating was that I never denied anything that we
18 did not while at Love we had some, some I believe
19 some fact finding hearings, here where we had
20 some incidents that occurred. I did state that
21 previously that we had some hearings here that
22 had occurred at Love.

1 MS. MILLER: Okay. So Love didn't have
2 a history of no violent incidents, while you were
3 there?

4 MR. BAILEY: I'm not saying that they
5 never had any history of anything happening, you
6 know, in that establishment that I worked at, at
7 no time did an altercation get ready to occur or
8 anything like that but at during those incidents
9 I believe that, you know, there were, they were
10 properly handled with, you know, and as a
11 percentage to the security staff there and in the
12 situation -

13 MS. MILLER: Okay. So I don't have the
14 records in front of me, so I'm just going to say
15 generally sometimes we have fact finding hearings
16 when there a violence occurs outside of the club
17 or sometimes in the club to find out more
18 information about it and then the, sometimes the
19 result is well it wasn't the establishment's
20 fault and it's no further action.

21 MR. BAILEY: Right.

22 MS. MILLER: Are you referring to

1 those kind of events or were there some others
2 where there was action against the establishment?

3 MR. BAILEY: It was so far as my
4 understanding it was always no further action
5 that was deemed.

6 MS. MILLER: Okay.

7 MR. BAILEY: So unless, you know, I
8 get knowledge of anything but as far as I was
9 told it was no further action that was deemed on
10 that.

11 CHAIR MILLER: Okay. And then when you
12 were at Love and when you were at Fur you were in
13 the position being the director of security?

14 MR. BAILEY: Yes.

15 MS. MILLER: Okay. All right. I have
16 no further questions.

17 MR. ALBERTI: I do. On that line since
18 you opened up, so Mr. Bailey earlier you were
19 telling me about an incident at Love where one of
20 your guards was hurt, want to enumerate on that?

21 MR. BAILEY: Yes, well, one of the, he
22 had a whistle around his neck that he was wearing

1 and a patron that was, you know, exiting out of
2 the establishment grabbed the whistle and was
3 choking him. Choking him, you know, choking him
4 with the whistle.

5 MR. ALBERTI: All right.

6 MR. BAILEY: Security staff escorted
7 him out and --

8 MR. ALBERTI: Fine. So it was handled
9 properly, right?

10 MR. BAILEY: Yeah, we escorted, you
11 know, first made sure that the, of course my
12 security staff personnel was fine, making sure he
13 was and escorted the gentleman out of the
14 establishment.

15 MR. ALBERTI: Great. Was that a
16 serious incident?

17 MR. BAILEY: Yes, it is a serious
18 incident.

19 MR. ALBERTI: Okay. So your opening
20 testimony where you said no, there were no
21 serious incidents at any of the clubs while you
22 worked there was incorrect, is that right?

1 MR. BAILEY: Well, once again I stated
2 there was no serious incidents of this nature.

3 MS. MILLER: Mr. Alberti, we've gone
4 through this.

5 MR. ALBERTI: No. I'm sorry. I, go
6 back to the record. You said there were no
7 serious incidents. Now you're qualifying it. Of
8 this nature. What do you mean by this nature?

9 MR. BAILEY: Of a stabbing or a
10 shooting during that time. And I, there have
11 been incidents. We had incidents where there was
12 no police involvement because security handled it
13 and they, you know, were able to separate the
14 parties and get one person amongst their ways and
15 get the other person out safely.

16 MR. ALBERTI: So assault to kill?
17 Assault with the intent to kill is not a serious
18 incident?

19 MR. BAILEY: I stated that's a serious
20 incident, sir.

21 MR. ALBERTI: Okay. And that occurred
22 on your watch?

1 MR. BAILEY: Yes, sir.

2 MR. ALBERTI: All right. I didn't say
3 you handled it badly but it occurred on your
4 watch. I'm trying to judge the value of your
5 testimony here today. That's what I'm getting
6 at, Mr. Bailey, just for the edification of my
7 fellow Board members and it just seems to me, Mr.
8 Bailey, I promised you no lectures but I'm going
9 to go into one. It seems to me that you're sort
10 of making your glossing over the details and that
11 concerns me when you're talking about how you're
12 going to be responsible for managing security
13 here and I'll leave it at that.

14 MS. MILLER: Any other Board
15 questions?

16 MR. RODRIGUEZ: Yes.

17 MS. MILLER: Okay. Mr. Rodriguez.

18 MR. RODRIGUEZ: I don't want to
19 belabor, Mr. Bailey, you know, we, you know how
20 ABRA works so it's no surprise to you we're very
21 concerned about security.

22 MR. BAILEY: Right. I understand,

1 sir.

2 MR. RODRIGUEZ: So nobody's badgering
3 you. We just want to get down to it. But my
4 question to you is will you write a new security
5 plan?

6 MR. BAILEY: Yes, we will.

7 MR. RODRIGUEZ: Okay. Thank you.

8 MS. MILLER: Okay. Are there
9 questions on Board questions?

10 MR. ROME: Yeah, I just have a few
11 points of clarification.

12 MS. MILLER: Okay.

13 REDIRECT EXAMINATION

14 MR. ROME: Just to address the issue
15 of the contract, you're prepared to start working
16 for Mr. Tuli whenever the Board approves it
17 without a signed contract, is that right?

18 MR. BAILEY: Yes.

19 MR. ROME: But now you're prepared and
20 you will sign, if that's a condition that's
21 requested you have no issues with signing said
22 contract.

1 MR. BAILEY: Yeah, no problem at all.

2 MR. ROME: And that can spell out your
3 duties if they wish.

4 MR. BAILEY: Yes.

5 MR. ROME: Okay. Mr. Short asked a
6 couple questions about your training only being a
7 few hours. I just want to make sure that the
8 distinction is there, there's a difference
9 between your training and the Tinley training,
10 correct?

11 MR. BAILEY: Yes.

12 MR. ROME: So the Tinley training is
13 the one that takes a few hours.

14 MR. BAILEY: It takes several hours,
15 yeah.

16 MR. ROME: And then your training is
17 continuing on beyond that.

18 MR. BAILEY: Yes, I train, my initial
19 training is a few hours and then I train on a
20 regular basis no, there's never any stop to my
21 training. I do constant training.

22 MR. ROME: And in the past there's

1 been instances where you've conducted the only
2 training session. There wasn't an outside
3 company brought in such as Tinley.

4 MR. BAILEY: Well, I don't think there
5 was an, well at Love I did the only training
6 there. At Fur they had like a few, few people do
7 certain trainings for them but that happened
8 before I came aboard though, but.

9 MR. ROME: Okay and now to briefly go
10 into this back and forth on the serious incidents
11 issue, I took your responses to mean there were
12 no serious incidents that reflected poorly on the
13 establishment and that the establishment was
14 fined for. Is that sort of what you were getting
15 at?

16 MR. BAILEY: Yes, sir.

17 MR. ROME: And one person who attacked
18 your security member, is that what you understood
19 to be the assault that he was referring to?

20 MR. BAILEY: Yes.

21 MR. ROME: Okay. I don't have
22 anything else.

1 MS. SCHMIDT: Nothing from the
2 government.

3 MS. MILLER: No other questions?
4 Okay. Thank you very much, Mr. Bailey.

5 MR. BAILEY: Thank you.

6 MS. MILLER: You have another witness,
7 correct?

8 MR. ROME: Yes. We'd like to call Mr.
9 Tuli.

10 MS. MILLER: Good afternoon. Do you
11 swear to tell the truth, the whole truth and
12 nothing but the truth?

13 MR. TULI: Nothing but the truth.

14 MS. MILLER: You'll say nothing but
15 the truth? Okay. Thank you. The door was
16 closing, I couldn't hear. Okay. Have a seat.

17 DIRECT EXAMINATION

18 MR. ROME: Can you please state your
19 name for the record?

20 MR. TULI: Sanjeev Tuli.

21 MR. ROME: And you are the owner of
22 the establishment at issue here?

1 MR. TULI: That's right.

2 MR. ROME: And you own it the company
3 along with your wife?

4 MR. TULI: That's right.

5 MR. ROME: And she's also here today?

6 MR. TULI: That's right.

7 MR. ROME: As for each of you this is
8 not your first job in the hospitality industry,
9 correct?

10 MR. TULI: Correct.

11 MR. ROME: Can you go into a bit of
12 your background?

13 MR. TULI: I started working at the
14 age of 19 into the hospitality industry. I
15 worked my way up from patron supervisor after
16 doing my kitchen college and the bachelor of
17 college in India. I come to become probably the
18 youngest food and beverage manager and the
19 youngest general manager of a five star hotel by
20 the age of 26, I was managing a five star hotel.
21 By the age of 26, I was managing a five star
22 hotel with approximately 600 --

1 MS. MILLER: Mr. Tuli.

2 MR. TULI: Sorry.

3 MS. MILLER: I just want to, can you
4 speak any louder?

5 MR. ALBERTI: Or move the mic closer?

6 MR. TULI: Should I start again one
7 more time?

8 MS. MILLER: No. We were just
9 straining to hear.

10 MR. ROME: You said you were a manager
11 at a five star hotel. Where was that?

12 MR. TULI: That was in India. Prior
13 to that, I was sent to open a hotel as a food and
14 beverage manager by the company called Taj Group
15 of Hotels which has approximately 70 to 80 hotels
16 all over the world and after that I was made the
17 general manager in another reputed company called
18 the Oberoi Hotels which have about 26 hotels of
19 the category of Ritz-Carlton in this, to compare
20 in USA. Many of the hotels are listed as the
21 best hotels in the world by Conde Nast and other
22 magazines and I started the job of, I became

1 general manager through the ranks of course from
2 food and beverage manager to resident manager of
3 the hotels in Nepal and then in India and then
4 after that I was sent to Egypt where I had the
5 responsibility to manage about 1100 people on an
6 island called Aswan Oberoi. After that we got,
7 me and my wife, we decided that we wanted to do
8 our own business and we went to Germany first and
9 we were living in Germany for approximately 11
10 years and we had four restaurants and I had a
11 couple of hotels there and then while doing that
12 I also started a hotel and a restaurant in Czech
13 Republic and Prague in the year 97. Then for, we
14 had children and for the sake of the children's
15 education we didn't think that Europe was the
16 right place and that's what decided us to move
17 our base from Europe on to USA in the year 2003.
18 While we had already opened a restaurant in 1999
19 over here and I used to manage it remotely from
20 while living in Europe. Having said that, when I
21 came here I got into expansion mode and I had a
22 social club and five acre property on River Road

1 in Potomac. I had the first restaurant already
2 operating since 93. Then we opened two or three
3 more restaurants, one in Maryland and at one
4 given time I had about five restaurants and that
5 social club that I was managing, not necessarily
6 by being there but by delegating authority to the
7 people and none of the incidents of this sort
8 ever happened. The first incident that happened
9 was probably from 1999 having started in the
10 United States of America, the first incident
11 happened in 2011 at the blackout there was a
12 party in Connecticut Avenue establishment of ours
13 and to place on record we had closed the place at
14 2:10 and the incident occurred at 2:43.

15 MR. ROME: Okay. We'll get into
16 those. I'm trying to get the background out
17 first. So this restaurant is known as Heritage
18 India. How long have you owned different
19 Heritage Indias in DC?

20 MR. TULI: We started in 1999 with the
21 first one which is on Wisconsin Avenue 2400.

22 MR. ROME: 1999?

1 MR. TULI: That's correct.

2 MR. ROME: And that restaurant on
3 Wisconsin Avenue is still open?

4 MR. TULI: Still open.

5 MR. ROME: And then how many other
6 Heritage Indias, there've been three others in
7 the city since then?

8 MR. TULI: That's correct.

9 MR. ROME: And at one point you had
10 how many restaurants going at once?

11 MR. TULI: Five restaurants and the
12 social club in Potomac.

13 MR. ROME: Okay. And also a Mexican
14 restaurant if I understand correctly?

15 MR. TULI: That includes in five.

16 MR. ROME: Okay. And would you say
17 that the two incidents that we're talking about
18 are representative of your career over that time
19 period?

20 MR. TULI: I'm sorry. Can you say that
21 again in what context?

22 MR. ROME: So we're, you know why

1 we're here, for this incident.

2 MR. TULI: Correct.

3 MR. ROME: And how would you describe
4 that incident over the grand scheme of your over
5 30 year career?

6 MR. TULI: Well it is, it is very
7 discouraging to see what happened on the tape and
8 it is absolutely, it really brings me down in my
9 own eyes, in the eyes of public at large and the
10 eyes I feel that I even jeopardized the public
11 security by calling, because so much of police
12 came in over there and it is very disheartening
13 to know that an incident of that kind could have
14 occurred. When we got into this New, the
15 Zanzibar, basically the name Zanzibar represented
16 handling people who were only mature and all the
17 functions or the parties and everything that
18 we've had we've had generally very few people
19 below the age of 35 or rather they were all
20 mature people. That's how we started this
21 business and I thought it was completely safe to
22 get into this category of business. Not

1 realizing that on a certain day an incident of
2 this magnitude could have happened which resulted
3 in probably bringing the whole chaotic situation
4 into the city.

5 MR. ROME: So you said that in seeing
6 it on the tape that that brought those feelings
7 in you but you were there on that night, too,
8 were you not?

9 MR. TULI: Correct. I was very much
10 there trying to handle the situation.

11 MR. ROME: And --

12 MR. TULI: Hands on.

13 MR. ROME: what do you have to say to
14 the Board about, you know, how you reacted to it,
15 you know, after that night and since then?

16 MR. TULI: Well we've thought of all
17 the measures that could be put in place including
18 talking to Mr. Bailey, making all the security
19 points that will make the security absolutely
20 foolproof to the best of our knowledge, having
21 police detail outside so that all the patrons who
22 come to us at least are completely in safe

1 environment, which is actually great for the
2 business because an incident like this in any way
3 just takes away a lot of business. People feel
4 insecure and it's bad for the reputation of a
5 name of an establishment and for me personally as
6 a human being too.

7 MR. ROME: Well, let's get into that
8 as a human being. You have, you have two
9 children that are how old?

10 MR. TULI: Well one boy has just gone
11 into the college and the second one will be going
12 into college next this coming year and I thought
13 I grew up my boys to the best of my
14 capabilities. The first boy is an honor student
15 in the computer science in the University of
16 Maryland and the second one is trying to become a
17 soccer star in this country and I thought my
18 dreams of coming to the country because of these
19 two boys, that's how I came in, are maturing to
20 the best possible and this situation has very
21 brought me down in my own eyes actually.

22 MR. ROME: And do you help and support

1 the expenses for your student, your child who's
2 in college?

3 MR. TULI: Exactly. Of course.

4 MR. ROME: And where does the money
5 come from for that?

6 MR. TULI: From the business that I am
7 in.

8 MR. ROME: And does your, your son's
9 still local you said. What school?

10 MR. TULI: University of Maryland.

11 MR. ROME: So he sees these reports
12 about you?

13 MR. TULI: Exactly.

14 MR. ROME: And what have you said to
15 him: What do you say to your family?

16 MR. TULI: Well they, there are
17 questions at home and they feel totally
18 demoralized with the kind of incident that have
19 happened especially in when they hold their
20 father in high esteem. That shouldn't have
21 happened.

22 MR. ROME: Now these are a bit,

1 questions are a bit off topic from what we
2 usually get into here, but we were here yesterday
3 when you presented an OIC.

4 MR. TULI: That's correct. I was here.

5 MR. ROME: And you heard Board
6 questions about how they could trust you in the
7 future.

8 MR. TULI: That's correct.

9 MR. ROME: And so I'm asking these
10 questions for that purpose and to give you a
11 chance to feel, to express to them why you feel
12 like you can be trusted. Can you expound on that
13 at all?

14 MR. TULI: Well, having expressed the,
15 you can see that having seen my background this
16 is the only business that I'm in and this is my
17 living and this is how I support myself and I am
18 not a person who would go, who would go to the
19 maximum extent probably to make sure that such
20 incidents by any standards should not take place
21 and I'll go to. It is not a question of trying
22 to save the money. It is a question of like in

1 this particular incident if I go into the detail,
2 I witnessed one of the security officers, he just
3 saw the scene and he walked away from there while
4 you can see on the tape that I was hands on in
5 the middle of the crowd and I wish that I had two
6 better security officers who would have secured
7 the scene and things would not have reached the
8 stage that it reached on that night and we were
9 really not expecting because if I on most of the
10 events if I have had seven security guards,
11 there's no reason. On that night to have four
12 security guards knowing very well that the, if we
13 knew that the promotion is going to be bringing
14 in a lot of people. It's the star who was
15 supposed to be a model was supposed to be there
16 at 11:00. She was not even there at 11:00 so we
17 were not even sure whether she was going to turn
18 up or not turn up. That was number one.

19 Number two, until about 12:15 to 12:30
20 we were hardly had probably 75 people in the
21 establishment and suddenly the rush of people
22 came in. I can go into different theories. One

1 theory that I have heard is that on that night
2 that one of the nightclubs closer to us shut
3 their doors because they had overcrowding already
4 so that's why probably the patrons suddenly
5 turned to our establishment and it happened in
6 such a hurry that even though I instructed Mr.
7 Rodney Davis, who was my in charge of security to
8 try and make calls at that time to see if he can
9 get two or three more security guards. We did
10 slow down the whole row of people who were
11 standing outside so that they entered the
12 location in a very slow manner so that we can
13 defer the entry of more people than expected to
14 be let in by the security guards.

15 MR. ROME: Okay. You can stop there.
16 So you're talking about the entry of people but
17 you do acknowledge at this point that it, you
18 were understaffed.

19 MR. TULI: Certainly, I --

20 MR. ROME: And that it was not handled
21 properly.

22 MR. TULI: The situation was not

1 handled properly and if the staffing was right
2 the situation, I'm sure would have been handled
3 in a much more better manner.

4 MR. ROME: And you heard my
5 examination and questions to Mr. Dave Bailey,
6 right?

7 MR. TULI: That's correct.

8 MR. ROME: And is his employment going
9 to go a long way in your mind towards addressing
10 these items?

11 MR. TULI: Well I think that's a fool,
12 according to me that's a method that will
13 definitely bring in absolute professionalism in
14 the security department and the working of the
15 people to make sure that they don't walk off from
16 the scene.

17 MR. ROME: So you said there was
18 someone who walked off on the scene. Have you
19 made a decision about what's to be done with that
20 employee?

21 MR. TULI: Well certainly he's not
22 going to be coming back in that establishment.

1 MR. ROME: And for the rest of the
2 employees, you understand that you won't even
3 have the final say as to who's?

4 MR. TULI: That's correct.

5 MR. ROME: And are you comfortable
6 with giving over your security to someone else?

7 MR. TULI: That's correct. That's the
8 purpose of hiring him. Otherwise what is, there's
9 no use of paying somebody and then not getting
10 enough professionalism out of the person.

11 MR. ROME: Okay. So you also talked
12 about how there was a large crush that night and
13 I take it you understand that, what the proper
14 response to that would have been?

15 MR. TULI: The proper response would
16 have been to separate the parties as quickly as
17 possible so that this did not linger on and
18 escalated into something bigger.

19 MR. ROME: Well I meant more towards
20 the number of people that were in the, your
21 security you said that the lines was overwhelmed
22 with the proper --

1 MR. TULI: Well I feel that that
2 moment if we were only four security guards they
3 should have stopped the line at about 200 people
4 and not let anybody else come in rather than
5 getting us into this jeopardy.

6 MR. ROME: Okay. You also state and
7 I think both investigators testified to this,
8 that you weren't aware of the talent that was
9 showing up that night. Is that correct?

10 MR. TULI: Well I knew the name of the
11 person. I had the flyer on my phone. In fact, I
12 am the person who showed it to Mr. Jones but I
13 didn't know what her following is. I was told
14 that she's just coming to have a party with about
15 ten to twelve of her friends and there was a
16 table reserved for her. Now what she brings in
17 and how many people will follow her I have no
18 experience with that.

19 MR. ROME: Okay now you, you
20 understood that there are things that should be
21 done to correct these type of situations in the
22 future, right?

1 MR. TULI: Certainly. Yes.

2 MR. ROME: And you participated in
3 drafting a document that puts a lot of those
4 plans in place, correct?

5 MR. TULI: That's correct.

6 MR. ROME: Can you speak to your
7 willingness to provide reimbursable detail?

8 MR. TULI: That's correct.

9 MR. ROME: Can you speak to it? Do
10 you understand what that entails?

11 MR. TULI: Well I understand that
12 there will be two police officers in a car right
13 outside the establishment on 19th Street or 20th
14 Street corner or on Pennsylvania Avenue who will
15 be on our beck and call and should anything
16 happen they would be called right away to diffuse
17 the situation. I would say rather looking at
18 them people will think probably five times before
19 even thinking of escalating anything to this
20 extent.

21 MR. ROME: And you understand that
22 there's a, the monetary outlay required to have

1 those present every Friday, Saturday, Sunday that
2 you're open?

3 MR. TULI: That's correct.

4 MR. ROME: Whether or not you think
5 that they're necessary.

6 MR. TULI: Well if there is an event
7 we will make sure that that either there's a
8 large event or we will not have an event. We
9 will only have an event when the police detail is
10 there.

11 MR. ROME: And you will only open when
12 there's such an event?

13 MR. TULI: That's correct.

14 MR. ROME: Okay. And you understand
15 the well, explain to the Board what Mr. Bailey's
16 role will be as contrasted with your role in, you
17 know, who gets the final say on these matters and
18 what happens.

19 MR. TULI: Well I will have to leave
20 to the gentleman, to Mr. Bailey and to make sure
21 that he secures the place for which he's being
22 hired.

1 MR. ROME: Okay. Now we all watched
2 that video and there were a number of distressing
3 things that occurred. I think most distressing is
4 when Investigator Jones said that you remarked to
5 him that there was no cleanup. Can you explain
6 what that conversation was?

7 MR. TULI: That's correct. I said that
8 there was a cleanup of the area and that's what I
9 was trying to explain to that lady also who was
10 trying to stop the mopping.

11 MS. MILLER: Wait a second. I don't
12 think everyone is listening and it sounds like
13 they should be. Could you start again?

14 MR. TULI: Yes, ma'am.

15 MS. MILLER: No. No. I'm going to
16 wait.

17 MR. ALBERTI: Okay. Thank you.

18 MS. MILLER: Okay. Would you ask that
19 question again, please?

20 MR. ROME: Sure. My question went to
21 what we all understood to be the disturbing
22 testimony from Investigator Jones that you had

1 stated that there was no cleanup. I guess we'll
2 take it in pieces. There was cleanup that was
3 occurring, correct?

4 MR. TULI: That's correct.

5 MR. ROME: Of the whole establishment?

6 MR. TULI: Not of the whole
7 establishment. Of the establishment only in the
8 back room, especially in the area where there
9 were bottles which were on the ground and there
10 were ladies without shoes. There were at least
11 eight or ten patrons who were without shoes at
12 that time and there were bottles on the ground
13 and there was iced water that was spilled over
14 there which was making the situation dangerous
15 for ladies and I was first requested the ladies
16 to put their shoes on and for some reason that I
17 didn't understand why they were not getting back
18 into the shoes and I was concerned about the
19 safety of all those people in that area. That's
20 why that cleanup was done.

21 MR. ROME: So when you said there was
22 no cleanup what were you referring to?

1 MR. TULI: No cleanup means, I was
2 told that you have, the crime scene was cleaned
3 up. I didn't know which crime scene was at that
4 stage because there was the police came probably
5 15 or 20 minutes much later after that.

6 MR. ROME: And was the only crime
7 scene you're aware of was where?

8 MR. TULI: In the back room where all
9 that spillage was.

10 MR. ROME: That was the area that was
11 cleaned up?

12 MR. TULI: Sorry?

13 MR. ROME: So you're saying where the
14 spillage was was where the cleanup was.

15 MR. TULI: That's correct.

16 MR. ROME: Not the crime scene.

17 MR. TULI: Well I don't know what the
18 crime scene would be really because we were not
19 aware until much later, at least until 1:15 or
20 1:20 that somebody came and said that somebody
21 had been stabbed from this in the establishment.

22 MR. ROME: Did you see any blood in the

1 establishment?

2 MR. TULI: No, I did not.

3 MR. ROME: Now when it was explained
4 to you that it appears as if you were trying to
5 clean a crime scene did you explain to
6 Investigator Jones what had happened?

7 MR. TULI: Well I tried, I exactly
8 said the same thing that I have said now to
9 Inspector Jones, to Investigator Jones that we
10 were cleaning up this area for the protection of
11 the patrons who were still there at that time
12 because when the spillage is there if you see it
13 is before 1:10 and there were about 50 to 60
14 people in that area and almost eight to ten
15 ladies were without shoes at that time and there
16 was water spilled over there and there were
17 people who were slipping.

18 MR. ROME: Okay. And so you understand
19 that part of what Tinley is going to train on is
20 crime scene preservation, right?

21 MR. TULI: Correct.

22 MR. ROME: And are you going to

1 personally sit in on those training sessions?

2 MR. TULI: Certainly. Certainly.

3 MR. ROME: And when Mr. Bailey takes
4 over as head of security are you going to sit in
5 on his training sessions?

6 MR. TULI: Yes.

7 MR. ROME: But are you going to be one
8 of the six people that's listed as a security
9 member?

10 MR. TULI: Well I'm not going to be
11 included in the six as a security member. I would
12 rather have six more people and I'm always there
13 around in the scene to and try to handle the
14 situation putting myself in the way.

15 MR. ROME: And there were other
16 employees of yours that looked to be, you know,
17 regular restaurant employees in that video who
18 were also I think one of the members remarked
19 they looked like they needed their own security.
20 Are those members going to be treated as part of
21 security staff?

22 MR. TULI: Not at all.

1 MR. ROME: Okay and who's going to
2 implement all this?

3 MR. TULI: Mr. Bailey.

4 MR. ROME: And are those people going
5 to be trained in the security measures?

6 MR. TULI: Well they will, I probably
7 they should be trained and if they seem to have
8 violated the crime scene protection area so then
9 they will, they should be trained in that
10 protection of the crime scene.

11 MR. ROME: But you're not going to
12 rely on those people and Mr. Bailey's not going
13 to rely on those people or are you to help with
14 security?

15 MR. TULI: No, not with security.

16 MR. ROME: Okay. Nothing further
17 right now but I'll reserve the right to redirect.

18 MS. MILLER: Okay. Ms. Schmidt.

19 CROSS EXAMINATION

20 MS. SCHMIDT: Going back to Ms. Moore.
21 You said that she was there to party with her
22 friends, is that correct?

1 MR. TULI: She was supposed to, yes.

2 MS. SCHMIDT: And to party with her,
3 did she need to send, did you need to send out
4 flyers on Twitter and promote to get ten or
5 twelve of her friends to get to be to party with
6 her?

7 MR. TULI: Well I think that's the
8 marketing done by the promotor to try and let
9 people know so that maybe more people will follow
10 her probably.

11 MS. SCHMIDT: But when you put
12 something on Twitter and promote, don't you
13 expect more than 12 people?

14 MR. TULI: Oh, we certainly expect
15 more than 12 people, yes.

16 MS. SCHMIDT: And what about the fact
17 that if you promote and you're paying money for a
18 promotion don't you expect to have more than 50,
19 60 people in?

20 MR. TULI: Ma'am it is different on
21 different nights. It means we could --

22 MS. SCHMIDT: I'm talking about the

1 night in question. When you have, when you
2 promote a female that you use both Twitter and
3 you have flyers out there in order, isn't it
4 proper to, isn't it proper to expect that if
5 you're going to spend that kind of money out
6 there you expect more than 50, 60 people?

7 MR. TULI: Well, we were expecting
8 about 100 to 150 people on the maximum on that
9 night. That's what we were told by the people
10 who had been promoting on the Twitter and as well
11 as trying to get the people inside the premises
12 because prior to that the previous Friday we had
13 about 50 to 75 people with the same promotion
14 team.

15 MS. SCHMIDT: But was, what were you
16 promoting that previous Friday?

17 MR. TULI: It was just a DJ and there
18 were bottles promoted for people if there were
19 six ladies who came in to party with them we
20 would be giving them a free bottle of champagne.

21 MR. SILVERSTEIN: Will you repeat
22 that, please, sir. I think I was having trouble

1 understanding what you said.

2 MR. TULI: I said the promotion was
3 that if six ladies came in over there to party
4 and if somebody proved that it was their birthday
5 they would get a bottle of house champagne on the
6 table just to fill up the place so that you have
7 at least a basic number of about three, four
8 tables so that the places looks a little bit busy
9 otherwise people come down and they will walk
10 back so to make the place look a little bit
11 busier you have to attract a few people who
12 celebrate their birthday so there are tables
13 which look like the place is a little bit busier
14 for more people to be attracted inside.

15 MS. SCHMIDT: So in other words, you
16 had two promotions going on on January 3,
17 correct? The one to get the people in if there's
18 a birthday and then you also had the model,
19 correct?

20 MR. TULI: That's correct.

21 MS. SCHMIDT: So you were expecting at
22 least 150, 200 people, correct?

1 MR. TULI: About 150 people, yes.

2 MS. SCHMIDT: So it shouldn't but, so
3 you were expecting more than your usual Friday
4 night was what you said, correct? So why didn't
5 you have Mr. Bailey come that night, then?

6 MR. TULI: Well we have generally
7 called Mr. Bailey when we are expecting about
8 275, 300 people kind of a situation in the
9 establishment.

10 MS. SCHMIDT: But how can you, so how
11 can you count how many people? If you put out a
12 flyer and people get to you wouldn't you prepare
13 for more people coming in if you put out a flyer
14 on Twitter?

15 MR. TULI: Well we are prepared to
16 that extent, yes.

17 MS. SCHMIDT: Obviously you were not.
18 Anyway, let's go on. Okay. Now about cleaning
19 up the crime scene, you don't consider where a
20 fight could occur a crime scene?

21 MR. TULI: Well fight, fight occur
22 over there and there were bottles spilled and

1 there was ice water and there was broken bottles.

2 MS. SCHMIDT: Yes, so shouldn't you
3 have waited for the police to come and observe
4 that before you cleaned up?

5 MR. TULI: But we cleaned up while the
6 patrons were still in that whole area without the
7 shoes and with people falling on the floor. That
8 is the time that we really cleaned up.

9 MS. SCHMIDT: But that's a crime, but
10 you don't consider where people, so in other
11 words where people are fighting is not considered
12 a crime, you do not consider that a crime scene?

13 MR. TULI: Well I would not say
14 correct. I'm not sure about that unless I'm told
15 that this area is demarcated as a crime scene.

16 MS. SCHMIDT: And you said you didn't
17 see any blood in the other room, correct.

18 MR. TULI: That's correct.

19 MS. SCHMIDT: Is that because they
20 cleaned up before you got there?

21 MR. TULI: Well I'm not sure about
22 that. I will not be able to answer that

1 correctly so I will not go into that.

2 MS. SCHMIDT: And also when you
3 cleaned up the floor was still wet, correct?

4 MR. TULI: Correct.

5 MS. SCHMIDT: So how would that help
6 the women without shoes if they're still walking
7 on a wet floor?

8 MR. TULI: No, there were broken
9 bottles that were being cleaned from there.

10 MS. SCHMIDT: Okay. Now going back,
11 and you said the first incident, the first bad
12 incident that you had was Blackout Thanksgiving?

13 MR. TULI: That's correct.

14 MS. SCHMIDT: Isn't it true that in
15 2009 that you, there were several fights in front
16 of your establishment and there was a case before
17 the Board, case number 09-251-00260?

18 MR. TULI: That's correct. There was
19 a case, yes, there was a hearing.

20 MS. SCHMIDT: And do you remember that
21 you accepted that you and the Board accepted an
22 OIC with in combination with another case of a

1 \$2750 fine payable within 90 days and a five day
2 suspension and two days served?

3 MR. TULI: I recollect there was
4 something of that sort, yes.

5 MS. SCHMIDT: Would you consider that
6 to be a major incident before 2011?

7 MR. TULI: I would say so.

8 MS. SCHMIDT: And also even in 2011
9 before Blackout Thanksgiving wasn't in June
10 wasn't there an incident where there was fighting
11 where there was a fight in your establishment and
12 people went out and fought in front of Café
13 Citron?

14 MR. TULI: Well people exiting from
15 our establishment went and fought in front of,
16 that was alleged but I don't know what the status
17 of that whole thing was. There was a fact
18 finding hearing but we never heard after that.

19 MS. SCHMIDT: Excuse me, wasn't that
20 part of the settlement, for the Board's for the
21 record this is a Board document that let's see,
22 just want to make sure that's it, let me just

1 make sure that we have the right, yes, that case
2 was also part of 11-25-10366 and there was a
3 Board, a notice of summary suspension for that
4 case both, yes.

5 MR. ROME: Are you referring to a
6 specific Exhibit?

7 MS. SCHMIDT: Yes, I am. That's going
8 to be a new, I can make this a Exhibit. It's a
9 notice of summary suspension that was filed that
10 was signed by the Board on, I'm sorry, let me
11 make sure I've got the right notice here, signed
12 by, yes on November 30, 2011 by Nick Alberti and
13 in that notice of summary suspension there are
14 two events alleged and the second, the first one
15 was Blackout Thanksgiving and the second one is
16 on Saturday, June 18, 2011 that mentioned the
17 fight that I'm relating, that I'm citing right
18 now and I can give my copy to the Board to have
19 copies. I don't know if the Board has copies of
20 that or not.

21 MR. ALBERTI: What was the date of the
22 second event that you mentioned?

1 MS. SCHMIDT: June 18, 2011.

2 MR. ALBERTI: Thank you.

3 MS. SCHMIDT: And they're both
4 included in the notice of summary suspension.

5 MR. ALBERTI: Fine, if you just give
6 me the date. Thank you.

7 MS. SCHMIDT: Okay.

8 MS. MILLER: Did you say you wanted
9 to, I can hand that to our legal staff.

10 MS. SCHMIDT: If I can have copies,
11 yes.

12 MS. MILLER: For how many copies?

13 MS. SCHMIDT: For the Board. I have --

14 MS. MILLER: For the Board, okay.

15 MR. ALBERTI: I'll take it Amy.

16 MS. SCHMIDT: So you don't, so then
17 you've had more than one incident prior to and
18 going back to the Blackout Thanksgiving, do you
19 remember at that time what you, do you remember
20 at that time what the result was with the Board?
21 What measures you agreed to take?

22 MR. TULI: I remember well at that time

1 it was more of a restaurant with very few events
2 so I think we surrendered the entertainment
3 endorsement and we continued with the restaurant
4 operations usual, in a usual manner until normal
5 opening hours.

6 MS. SCHMIDT: Okay. And so at that
7 time why did you, at that time isn't the reason
8 why you didn't do the events was because you
9 could not handle that?

10 MR. TULI: Not really.

11 MS. SCHMIDT: So what changed between
12 2011 and 2014 that you think you can, that you
13 can safely run an establishment now?

14 MR. TULI: Well I think -

15 MR. SHORT: Speak up please. We can't
16 hear you.

17 MR. TULI: We've been running the
18 events without any issues at this location and as
19 I said that we were targeting only the mature
20 crowd and we were not going into the younger
21 crowd which was the case prior to this in the
22 Connecticut Avenue location. The Zanzibar

1 concept was to basically handle only mature
2 people, grown up people who are well dressed and
3 things like that.

4 MR. SHORT: Is that well-dressed?

5 MR. TULI: Yes, sir. Most of the
6 ladies were on that night but then obviously it
7 was not the, the dress code was not strictly
8 enforced for the gentlemen on that evening.
9 Which we had said that we will be making sure
10 that we will implement all the dress codes for
11 everybody because that I think makes people more
12 responsible in their behavior while they are
13 partying over there.

14 MS. SCHMIDT: No further questions at
15 this time.

16 MS. MILLER: Board questions?

17 MR. ALBERTI: Mr. Short.

18 MS. MILLER: Mr. Short.

19 MR. SHORT: Yes, Mr. Tuli, you look
20 very well today. You look like a good business
21 man. That's what your appearance is to me.
22 You're a Washington, DC business man and you just

1 mentioned dress code. Can you elaborate, what is
2 your dress code for the club?

3 MR. TULI: The dress code for the
4 restaurant?

5 MR. SHORT: Yes.

6 MR. TULI: The dress code for the
7 restaurant is that we have an Indian restaurant
8 which is upscale. People come dressed but you
9 cannot really enforce in a restaurant people not
10 wearing any casual shoes or a jacket or anything.
11 What I meant for the dress code let me specify is
12 that when they are coming for the events in the
13 night, when there are chances of conflict between
14 the parties what we meant to enforce and I think
15 it is written with Mr. Jones' report is that
16 nobody will be entering with sneakers, nobody
17 will have a torn jean that will be worn by them,
18 there will be no hoodies, there will be no caps
19 and we will ensure that everybody wants to enter
20 in the winter that they are forced to go and
21 check in at the coat check at a very nominal
22 amount, probably a dollar just to make sure that

1 that service is given to them so that they are
2 without their, without their, sorry.

3 MR. SHORT: Looking at the video, it
4 looks like with a lot of caps on.

5 MR. TULI: I am agreeing to that.
6 That's what I said that this is what gives us an
7 indication that while the ladies were very well
8 dressed if you can see from the video but most
9 men were not so that's the reason that these kind
10 of conflicts can start.

11 MR. SHORT: Okay.

12 MR. TULI: So that's why we decided --

13 MR. SHORT: That's fine, that's fine
14 then. Thank you. But now I heard some testimony
15 about wristbands and people having their hands
16 marked. Why was that?

17 MR. TULI: That was because on that
18 particular night we had allowed ladies 18 and up
19 to come and party to try and make the number of
20 people inside.

21 MR. SHORT: Excuse me for a second.

22 MR. TULI: Yes, sir.

1 MR. SHORT: Eighteen years old at your
2 restaurant/club.

3 MR. TULI: Yes, sir.

4 MR. SHORT: The incident happened at
5 1:30 so 18-year-olds were there with all that
6 alcohol being consumed and you didn't have a
7 problem with that?

8 MR. TULI: That's the normal system
9 that I have come to know in all of the
10 establishments in --

11 MR. SHORT: Let me ask you a question.

12 MR. TULI: Yes, sir.

13 MR. SHORT: In all your businesses,
14 River Road and Potomac and London and all over
15 Europe have you ever had someone to die in one of
16 your businesses or someone to be terribly
17 injured?

18 MR. TULI: Not at all.

19 MR. SHORT: No one's ever died in any
20 of your establishments?

21 MR. TULI: Again for dying, not even
22 slapping took place on a face.

1 MR. SHORT: No one's ever been injured
2 in any of your establishments?

3 MR. TULI: No, sir.

4 MR. SHORT: You're sure of that?

5 MR. TULI: I'm hundred percent sure
6 about that.

7 MR. SHORT: Fights. Is on River Road,
8 do you have the same kind of things that we saw
9 in the video?

10 MR. TULI: No, sir. On River Road it
11 was a private club for people to throw parties,
12 not these kind of parties but they were basically
13 all social events that took place over there.

14 MR. SHORT: Okay. This summary
15 suspension that you got in 2011, was anybody
16 injured there?

17 MR. TULI: Yes, sir.

18 MR. SHORT: I thought I just asked you
19 if you ever had a business with someone injured.

20 MR. TULI: I'm sorry. I didn't
21 understand your question correctly. Yes and we
22 have already spoken about that just now.

1 MR. SHORT: Okay, I understand. Did
2 someone die at that incident in 2011 and I just
3 asked you did anybody die in any of your clubs?
4 You forgot, okay. Well let's move on.

5 MR. TULI: I got confused. I think you
6 asked me about --

7 MR. SHORT: Okay, I'm not trying to
8 confuse you. I'm just trying to get to the bottom
9 but again, you look so well dressed. You look
10 like somebody from Washington, DC who we really
11 could be proud of. I was born and raised here
12 and I'm very happy to hear that we're the number
13 one tourist attraction in all the world.

14 MR. TULI: Yes, sir.

15 MR. SHORT: But I'm also very
16 embarrassed that I'm a part of this Board or part
17 of this government and we have businesses that
18 operate in this city that allow these kind of
19 things to happen and also I'm very happy that
20 your wife is here today and I know you're very
21 proud of your sons. I have grandchildren that age
22 and I couldn't imagine I would probably just been

1 more hurt than you to see one of mines or anybody
2 I know in my neighborhood or church in your
3 establishment, that they're allowed to do that,
4 but I'll just say this. Has any member of your
5 family that age ever come into your businesses
6 and if not why not?

7 MR. TULI: No, sir. Well as I said
8 that I have only two sons and one is only 19 and
9 one is going to be a teen.

10 MR. SHORT: Okay, well you had 18-
11 year-olds there because of the wristbands and the
12 marks on the hands, right?

13 MR. TULI: That's not.

14 MR. SHORT: I want you to think about
15 that answer but we'll move on.

16 MR. TULI: Okay.

17 MR. SHORT: If it's not good enough
18 for your children it shouldn't be good for mines
19 or anyone else's. This is the nation's capital,
20 Washington, DC.

21 MR. TULI: Yes, sir.

22 MR. SHORT: Liquor licenses here are

1 very, very, very expensive and there's a reason
2 why and there's a reason why the police chief of
3 Washington, DC shut your business down and
4 suspended your license. Okay, now also what I'd
5 like to go into you have businesses all around
6 the world, business models all around the world
7 why should myself, should this Board, should our
8 citizens, our city, anybody sitting out there
9 think that you've already had someone to die in
10 one of your businesses and now you're going to
11 change. You had a business plan for the night
12 this happened, you had a dress code. You went
13 back on all of those things or something happened
14 they didn't occur. Your security didn't work.
15 And now you're saying to us lift the suspension,
16 let me go back in, I'm going to hire this guy who
17 worked for me already in security and I'm going
18 to make sure it doesn't happen again. Now let's
19 think for a minute.

20 MR. TULI: Yes, sir.

21 MR. SHORT: What answer do you expect
22 me to want from you?

1 MR. TULI: Well, I'm fully in agreement
2 with what you are saying but what I'm trying to
3 say is that there are incidents that happen and
4 the corrective measures are to be taken. It can
5 happen in an ordinary day's life. It can happen
6 in Metro. It can happen anywhere on the street.
7 It could have happened anywhere.

8 MR. SHORT: But it didn't. It
9 happened in your club.

10 MR. TULI: Yes, it did happen in my
11 club and I'm totally in agreement with that.

12 MR. SHORT: Okay. Those people that
13 were injured, that person that died, they have a
14 family just like yours.

15 MR. TULI: That's correct, sir.

16 MR. SHORT: It tears them up and if
17 I'm a tourist reading a newspaper and I said
18 maybe I don't want to come to Washington, DC.
19 The businessmen there apparently don't have,
20 okay, I'll just say this and as a Board member,
21 just my personal opinion this city's got to
22 change back to what it was when I was a younger

1 person and if I stay on this Board and maybe I
2 won't, but if I stay on this Board I'm not going
3 to take it lightly when people run businesses
4 like yours was run the night of this incident. I
5 want you to think about that.

6 MR. TULI: Certainly, sir.

7 MR. SHORT: Thank you, Madam Chair.

8 MS. MILLER: Others? Mr. Silverstein.

9 MR. SILVERSTEIN: Go ahead. Get it
10 out of your system. Sir, on June 18, 2011, there
11 was a violent incident involving patrons of
12 Heritage India and Café Citron. The Board took
13 action putting you on notice and then in November
14 that year you had that horrible incident where
15 two were shot, three were stabbed, one of those
16 who was shot died in the middle of Connecticut
17 Avenue. It was at 2:45 in the morning and it
18 involved a promotor using your establishment.
19 We, the Board took action. We allowed you to
20 reopen with very strict limitations. You were to
21 close at midnight, no promotor, other
22 limitations. You closed that establishment but

1 it's still you and you reopened at a different
2 location. Correct?

3 MR. TULI: May I interrupt over there?

4 MS. MILLER: Louder.

5 MR. SILVERSTEIN: I'm sorry.

6 MS. MILLER: Louder please.

7 MR. TULI: I said may I interrupt at
8 that time. We did not close that establishment
9 because of the incident. We had issues going
10 with the landlord prior to the incident and we
11 had already given, we had already agreed on a 6-
12 month time limit when we would get out of that
13 and this unfortunate incident happened a month or
14 15 days after that. So when the time ran out we
15 got out of the location, yes.

16 MR. SILVERSTEIN: But you took, you
17 went to a different location with a different
18 license. You chose to --

19 MR. TULI: That's correct.

20 MR. SILVERSTEIN: You left all this
21 behind but your name and your record. And when
22 you opened there you went to the ANC this past

1 spring asking them to change your voluntary
2 agreement to allow an entertainment endorsement
3 that would permit these types of late night
4 events. Correct?

5 MR. TULI: Correct, sir.

6 MR. SILVERSTEIN: And they granted it,
7 they signed that SA on May 14 with all those
8 requirements that I read before to the
9 investigator involving promoters and security.
10 You signed it and we on the Board approved and
11 it's become part of your license and yet we're
12 here again. We have another event, another
13 failure of security, another failure of you to
14 live up to your agreements and more blood.
15 Didn't, did you fail to learn the danger of using
16 promoters and late night events or what is the,
17 what is your feeling about late night events and
18 promoters right now?

19 MR. TULI: What I can is that
20 basically this happening everywhere in the city.
21 It's unfortunate that it happened and it was
22 basically I would not say this promotor's fault

1 because we, these kind of an in-house promotor
2 who is trying to do the marketing and bring
3 people in through Twitter and everything, he's
4 not a promotor of a similar kind that we had in
5 the Connecticut Avenue location before so he's
6 more of an in-house kind of a person who
7 coordinates with people to bring people to party
8 in our establishment --

9 MR. SILVERSTEIN: The promotor is more
10 of an in-house person?

11 MR. TULI: Yes, sir. He's a marketing
12 person more than a, rather than a promotor. He
13 has not been a promotor --

14 MR. SILVERSTEIN: He is your marketing
15 person.

16 MR. TULI: in any other establishment
17 to the best of my knowledge. He is marketing
18 consultant kind of a person who is trying to
19 bring in people inside.

20 MR. SILVERSTEIN: Well you market
21 yourself as an Indian restaurant.

22 MR. TULI: That's right.

1 MR. SILVERSTEIN: And I love Indian
2 food.

3 MR. TULI: Sorry?

4 MR. SILVERSTEIN: And I love Indian
5 food.

6 MR. TULI: I hope you have the
7 occasion to come and eat in our establishment
8 once maybe.

9 MR. SILVERSTEIN: But what does, why
10 do you have to be open at 1:00 in the morning
11 when there's one person in there with some
12 chicken wings and yet you call it an Indian
13 restaurant?

14 MR. TULI: Sir, it is not or let me
15 put this correctly. It is not one person. We had
16 at least, at least a minimum of 60 orders whether
17 it was chicken wings, bang bang shrimps or the
18 sandwiches or the burgers, we have a full menu
19 for the nightclub and we keep our as a
20 responsible person we keep our kitchen open
21 almost up to 2:00 on most of the nights when we
22 have the nightclub events and people come and

1 enjoy the food over there. This is over and above
2 the chicken wings, that being the most popular
3 item, let me be very honest about you.

4 MR. SILVERSTEIN: Was the kitchen open
5 at 2:00 that night?

6 MR. TULI: Almost two, the incident
7 happened on 1:05. The lady left from that at
8 1:45. She was giving, turning food out until
9 1:00 that morning and I can prove it to you that
10 there were at least 60 orders on that evening
11 between 11:00 and 1:05 to the time the incident
12 happened that was served to the tables.

13 MR. SILVERSTEIN: Okay. No further
14 questions.

15 MS. MILLER: Mr. Rodriguez.

16 MR. RODRIGUEZ: Mr. Tuli, this hearing
17 is about whether there is any imminent danger in
18 your establishment and whether the public is
19 going to be safe including your employees,
20 including yourself.

21 MR. TULI: That's correct, sir.

22 MR. RODRIGUEZ: And I have to go home

1 tonight with that in my mind after this hearing.
2 I have to think about it. I have to think what
3 will convince me that the public is going to be
4 safe in your establishment. That's what my job is
5 here today. That's what I'm very concerned about.
6 We know that there's been past transgressions if
7 I may say but I'm dealing with what is now.

8 MR. TULI: Yes, sir.

9 MR. RODRIGUEZ: And the record that I
10 see in terms of what happened is of grave concern
11 to me. Give me four reasons why I should be
12 assured that your establishment will pose no
13 imminent danger to the public, to your employees
14 and even to yourself. Give me four good sound
15 reasons that I should go home today with peace of
16 mind about your establishment.

17 MR. TULI: Well let's begin with
18 number one that we have already come to a
19 conclusion that there would be a strict dress
20 code enforced to make sure that everybody who is
21 inside the establishment is in proper attire as
22 well as their coats are checked in. Number two,

1 that, that changes the behavior pattern of the
2 person basically.

3 MR. RODRIGUEZ: I'm sorry.

4 MR. TULI: I said that would change at
5 least the behavior pattern of an individual who's
6 inside the establishment. Number two, we have
7 said that to give an intimidation or a pre-
8 warning before a person enters the establishment
9 there will be a police detail car without which
10 we will not have an event over there beyond
11 midnight. So that intimidates the people and
12 they will behave in a different fashion once they
13 see that there is already presence of police.
14 Number three, we will having done the security
15 training and hired a responsible person for
16 security, we will make sure that there are enough
17 number of security guards available for the
18 number of patrons that will be allowed in the
19 establishment and there would be totally
20 thoroughly searched and then only they would be
21 allowed to enter and should they reach a limit
22 where the number of security guards, lets for

1 example we have six security guards on a certain
2 evening and if we are reaching 275 or 280, we
3 will stop the rest of the people from coming
4 inside even though our capacity is much more that
5 is approved for the amount for the size of the
6 establishment.

7 MR. RODRIGUEZ: That's three.

8 MR. TULI: That's three. Number four,
9 we are going to make sure that all the bottles of
10 beers, we will try to minimize the number of
11 bottles that are given outside so every beer
12 bottle would be put in a plastic cup and given
13 and no bottle will go out so that because the
14 maximum number of bottles generally that I saw
15 which were on the floor on that night were the
16 beer bottles that were thrown. On the service of
17 the bottles on the table we will make sure that
18 the security is keeping an eye and there is a
19 girl who is keeping an eye on the bottles that
20 are served on the table which is like the
21 champagne.

22 MR. RODRIGUEZ: Okay, you gave me

1 four. I asked for four. Do you have any
2 additional ones that you would like --

3 MR. TULI: Certainly, sir, and I and
4 as I said that I feel myself that I've fallen in
5 front of my eyes and in front of my own family
6 and to public at large in Washington, DC. I
7 would make sure that none of these things happen
8 by any standards and we would probably take more
9 protection rather than lesser protection going
10 forward.

11 MR. RODRIGUEZ: Thank you.

12 MR. TULI: Thank you, sir.

13 MR. SHORT: I just have one last thing.

14 MS. MILLER: Well, is it a question?

15 MR. SHORT: One more question from the
16 court, yes a question.

17 MS. MILLER: Okay.

18 MR. SHORT: What is the occupancy load
19 of your club?

20 MR. TULI: 399, sir.

21 MR. SHORT: I have in my hand a
22 document unless there's something different from

1 the Department of Consumer and Regulatory Affairs
2 that says you have 112 seats and 200 as occupancy
3 load. You have something different?

4 MR. TULI: That's an old one, yes,
5 sir.

6 MR. SHORT: Okay. We'll check.

7 MR. TULI: We have seats. I think I
8 don't remember the number of seats while it is as
9 a restaurant and then we have the maximum
10 capacity load, 399 on the Certificate of
11 Occupancy.

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

14 MS. MILLER: Okay. Others? Mr.
15 Alberti.

16 MR. ALBERTI: Let's just follow up on
17 that. You said that that's an old one. This is
18 an old one. When did it change and how and why?

19 MR. TULI: Because we changed, I don't
20 remember the dates sir, but I think at least
21 seven, eight months probably and I don't remember
22 where it was in the early part of the year.

1 MR. ALBERTI: Okay. All right. That's
2 good enough. So early part of the year, how and
3 why did it change?

4 MR. TULI: Because this, the initial
5 one was issued as it was before as a deli. There
6 used to be a deli before we took over, over there
7 so the initial one that was issued was on the
8 records of whatever it was as a deli that was
9 allowed. So that's how it came out.

10 MR. ALBERTI: Right; however, however,
11 this one was issued to Heritage India so when you
12 opened it was issued to you with 200. How, how
13 did the change in the CFO come about?

14 MR. TULI: The CFO came about when we
15 decided to have the evening parties over there
16 and when the entire furniture and tables would be
17 removed increasing the capacity load.

18 MR. ALBERTI: And what did you do with
19 DCRA to get this changed?

20 MR. TULI: Filled out the normal
21 forms. I don't remember exactly which forms were
22 filled out. They came, somebody was sent to

1 inspect the space and then see the and we
2 submitted the layout plan of the whole
3 establishment without the furniture and with the
4 furniture.

5 MR. ALBERTI: Are you willing to
6 provide those documents for us?

7 MR. TULI: I'm not sure if I have a
8 copy of that but I will definitely like to
9 retrieve them and --

10 MR. ALBERTI: Well, DCRA should have
11 them.

12 MR. ROME: Yes, we'll get them.

13 MR. ALBERTI: And you can request
14 them.

15 MR. ROME: We'll get you whatever's on
16 file with DCRA.

17 MR. ALBERTI: Yeah, I would like, I'd
18 like, you know, whatever is filed to make that
19 change happen.

20 MR. ROME: Sure.

21 MR. ALBERTI: Plans must have been
22 filed, I'm sure there had to be plans in the file

1 to do that so I will leave that up to you, Mr.
2 Rome, to provide that to us.

3 MR. SHORT: Mr. Alberti, I hope you
4 don't mind me making a comment. By law the
5 occupancy load must be posted conspicuously
6 someplace in that business, by law.

7 MR. TULI: Yes, sir.

8 MR. ALBERTI: All right, so it may
9 well be, so just --

10 MR. ROME: We will get you whatever
11 there is on the file.

12 MR. ALBERTI: Thank you. Appreciate
13 that.

14 MR. TULI: Yes, sir.

15 MR. ALBERTI: Okay, so, Mr. Tuli.

16 MR. TULI: Yes, sir.

17 MR. ALBERTI: You spoke about I mean
18 quite impressive about your experience, okay. So
19 currently do you have other establishments that
20 you are owning, you own and operate currently?

21 MR. TULI: Well currently we only have
22 the restaurant on Wisconsin Avenue and this one,

1 Zanzibar and the Heritage at 1901 Pennsylvania
2 Avenue.

3 MR. ALBERTI: Okay, so you have one on
4 Wisconsin and you have this one here.

5 MR. TULI: That's right, sir.

6 MR. ALBERTI: Okay. Do you offer
7 entertainment at the one on Wisconsin?

8 MR. TULI: No, sir, we don't.

9 MR. ALBERTI: Okay. And what time do
10 you close?

11 MR. TULI: We close at the normal
12 hours by about 10:30, 11:00 when the diners are
13 gone.

14 MR. ALBERTI: Okay, so that's your
15 practice is to close then.

16 MR. TULI: That's right, sir.

17 MR. ALBERTI: Okay. How would you,
18 how often are you open after those hours at the
19 Pennsylvania Avenue location? Those hours being
20 10:30, 11:00.

21 MR. TULI: Yes, sir. I get your
22 question. It is generally on a Tuesday, Friday,

1 Saturday and Sunday.

2 MR. ALBERTI: Okay. And how would you
3 describe -

4 MR. TULI: But the last four weeks we
5 have not been open on a Saturday because we have
6 had nothing going on over there, so we were
7 trying to build up with this in-house person as I
8 said the Friday Saturday to have a relatively
9 same similar crowd who's instead of having an
10 outside promotor, if we have a person who's under
11 control so he will be more amenable to us making
12 sure that all the dress code and everything is
13 enforced at the location.

14 MR. ALBERTI: Correct. So how would
15 you describe the late night operation after, late
16 night being after 11:00 at your Pennsylvania
17 Avenue location?

18 MR. TULI: In what manner would you
19 want me to, I mean.

20 MR. ALBERTI: However you want to
21 describe it and if I can ask you questions about
22 that but please describe your late night

1 operations.

2 MR. TULI: It is a different set of
3 people we are targeting. Most of the promotions
4 because of the Zanzibar name we get people who
5 are urban, who are mature, who are in the age
6 group of most of the functions that we have done
7 probably. There are parties which are for school
8 reunions, there are all kinds of birthday
9 parties, five, six of them on a similar night
10 that could be taking place and people coming and
11 they have as I said the kitchen is open. The
12 kitchen doesn't stop so long as the orders are
13 coming in and we have kept open till almost 2:30.
14 We provide them food but that is bar food, not
15 the Indian food. So it is totally a Zanzibar
16 operation, not a Heritage India operation,
17 different food and alcohol consumption that takes
18 place in the nightclub.

19 MR. ALBERTI: Okay. And do you
20 generally have entertainment?

21 MR. TULI: We have entertainment, yes.
22 We've had bands over there, we've had DJ parties,

1 private parties, all kinds of things.

2 MR. ALBERTI: Okay. Thank you. So
3 it's a very different operation than is would you
4 agree that it's a very different operation after
5 11:00 than it is prior to 11:00?

6 MR. TULI: I think so.

7 MR. ALBERTI: Okay. Prior to 11:00
8 it's mostly sit down diners.

9 MR. TULI: That's correct, sir.

10 MR. ALBERTI: With no entertainment.
11 Is that correct?

12 MR. TULI: That's correct.

13 MR. ALBERTI: Okay. Great.

14 MR. TULI: Or happy hour maybe on a
15 Friday because we don't have enough diners
16 available in that part of the area for Heritage
17 India in the evening.

18 MR. ALBERTI: Okay. Great. Thank you.
19 Okay know I want to switch to, that would be
20 great.

21 MS. MILLER: Sure. How long a break?
22 I need one too. Thank you.

1 MS. MILLER: Sure. How long a break
2 would you all like? Well we can take a little
3 longer than that. Do you want five or ten?

4 MS. SCHMIDT: Ten.

5 MS. MILLER: You want ten? Okay.

6 (Whereupon, the above-entitled matter
7 went off the record at 4:45 p.m. and resumed at
8 5:03 p.m.)

9 MS. MILLER: Okay we are back on the
10 record. Where were we? Anybody remember?

11 MR. ALBERTI: I think I was
12 questioning and I know where I was.

13 MS. MILLER: Are you in the middle of
14 your question or are you finished?

15 MR. ALBERTI: Oh, not close.

16 MS. MILLER: Well it's a good thing we
17 had break then.

18 MR. ALBERTI: Are you ready, are we on
19 the record?

20 MS. MILLER: Yes.

21 MR. ALBERTI: Mr. Tuli.

22 MR. TULI: Yes sir.

1 MR. ALBERTI: Okay, so it has been
2 mentioned several times during this hearing the
3 November 27, 2011 event.

4 MR. TULI: Yes sir.

5 MR. ALBERTI: Which resulted in a
6 summer suspension at your former establishment
7 Heritage India Lounge?

8 MR. TULI: Yes sir.

9 MR. ALBERTI: Is it fair to say that
10 things went terribly wrong that night?

11 MR. TULI: I would say so sir.

12 MR. ALBERTI: Would you agree or
13 disagree that some of the cause for what happened
14 is a result of things you did or didn't do?

15 MR. TULI: It translates to that, yes.

16 MR. ALBERTI: Have you learned
17 anything from that event?

18 MR. TULI: I think I've already
19 mentioned Mr. Alberti, what precautionary
20 measures and what steps we will take to make sure
21 that these things don't happen. I said that very
22 categorically that I have accepted that it was a

1 shortage of security.

2 MR. ALBERTI: So in 2011 you had
3 entertainment, you had late night crowd, you had
4 a promotion, correct?

5 MR. TULI: Correct sir.

6 MR. ALBERTI: Much like this most
7 recent event, correct?

8 MR. TULI: No sir.

9 MR. ALBERTI: Why not, how is it
10 different?

11 MR. TULI: That was a promoter as I
12 said present person who is promoting our event is
13 basically like an in-house marketing professional
14 who has started promoting this via the Twitter
15 and the he will be trying to get more celebrities
16 and luring people straight away rather than being
17 a promoter who was in 2011.

18 MR. ALBERTI: How does that separate
19 it? I mean my understanding of the 2011 event is
20 that it wasn't a person that you hired but it was
21 a promoter how does that fact that it's in house
22 versus out of house separate it from 2011.

1 MR. TULI: Because we have better
2 control of the quality of people that would be
3 targeted if nothing else.

4 MR. ALBERTI: I have to ask this, you
5 gave Mr. Rodriguez five things, five things you
6 would put in place, right?

7 MR. TULI: Yes sir.

8 MR. ALBERTI: The obvious question,
9 why weren't they in place? Why weren't they in
10 place of time of this, on the evening of,
11 whatever the date is, of this event? Pardon? On
12 the 3rd on January 3rd.

13 MR. TULI: On January 3rd we failed the
14 proper things, and we've learned from that.
15 Going backwards if you will notice as we said
16 that on 31st of December, January the 1st as we
17 were not expecting that crowd which we have
18 reiterated again and again, thinking that people
19 on this day there would not be such a number of
20 people to party since it has been a Wednesday and
21 a Thursday event already.

22 MR. ALBERTI: You were expecting only

1 one hundred and fifty is what you said earlier?

2 MR. TULI: That's right sir.

3 MR. ALBERTI: With only one hundred
4 and fifty people you wouldn't need those things
5 in place? Is that what you are telling me now or
6 am I misunderstanding you?

7 MR. TULI: You have misunderstanding
8 sir. I said going forward that is an extra
9 precaution that we want to take to make sure that
10 even though the crowd was -- we had the police
11 there and we have all the dress code in place.
12 The chances of that are almost negligible then.

13 MR. ALBERTI: I am not really hearing
14 a reason for why they weren't in place other than
15 you were surprised.

16 MR. TULI: We were surprised with the
17 number of people but I said going forward we have
18 said that we will have a police detail, we will
19 have extra security; we will enforce the dress
20 code.

21 MR. ALBERTI: Okay, thank you. You
22 talked about cleaning up the crime scene and the

1 fact that, well you were questioned about what
2 one Board Member described as a crime scene, you
3 said you didn't think it was a crime scene, you
4 weren't sure if it was a crime scene, you had no
5 way of knowing it was a crime scene and you; it
6 was just broken glass and water on the floor that
7 you were cleaning up. Is that correct?

8 MR. TULI: That's correct.

9 MR. ALBERTI: All right. In the video
10 I saw a woman, you were present in this frame,
11 you saw a woman grabbing the mop and yelling at
12 your employee. What was she saying?

13 MR. TULI: I would not remember but
14 she was trying to stop the person from mopping
15 and I was trying to explain to her that she is
16 without the shoes and I am more concerned about
17 her personal safety and the safety of the other
18 people around. That is the reason that this
19 person is -

20 MR. ALBERTI: Did she give a reason
21 for stopping you?

22 MR. TULI: I don't remember sir.

1 MR. ALBERTI: Did you ask why she was
2 stopping you?

3 MR. TULI: I would not be able to
4 remember.

5 MR. ALBERTI: Did you not find it
6 unusual that someone would come into a
7 restaurant, I mean into the midst of this and
8 what was going on and stop you from cleaning up
9 your own floor?

10 MR. TULI: At that moment the tempers
11 of the people were totally at a different level
12 so I didn't find any reason as to what was going
13 on to understand why she was trying to stop.

14 MR. ALBERTI: Okay, thank you. How
15 long have you been doing these promotion things?
16 Using your in-house promoter?

17 MR. TULI: Yes for certain this was
18 one week in December and this was the second week
19 after that with a break in the middle.

20 MR. ALBERTI: So in the past you have
21 had large events because Mr. Bailey said you had
22 large events, you had him in. How did you get

1 people in for those events?

2 MR. TULI: There were different people
3 who were promoters.

4 MR. ALBERTI: So you had different
5 promoters for those?

6 MR. TULI: Yes sir.

7 MR. ALBERTI: How many different
8 promoters have you had in the last six months?

9 MR. TULI: I will not be able to tell
10 you off-hand but I will say at least fifteen
11 people.

12 MR. ALBERTI: Fifteen different
13 promoters in the last several months.

14 MR. TULI: Yes we kept on doing the
15 similar things.

16 MR. ALBERTI: You described this guy
17 as in-house but the other ones weren't in-house?

18 MR. TULI: They were not in-house, no
19 sir.

20 MR. ALBERTI: All right. Do you have
21 a contract with this guy? I'm saying guy, I
22 don't know if it's male or female.

1 Did you have a contract with this
2 promoter?

3 MR. TULI: No written contract as yet,
4 no sir.

5 MR. ALBERTI: So we have only your
6 word that he was in-house, whatever that means?

7 MR. TULI: Correct sir.

8 MR. ALBERTI: All right. Thank you.
9 Now Mr. Bailey says he has worked for you several
10 times. How long ago did he start working with
11 you?

12 MR. TULI: Somewhere around the summer
13 of this year.

14 MR. ALBERTI: Early summer, late
15 summer?

16 MR. TULI: Early summer.

17 MR. ALBERTI: Do you remember
18 approximately how many times he has worked with
19 you?

20 MR. TULI: At least fifteen, maybe
21 more times. At least fifteen times I would say.

22 MR. ALBERTI: So what do you think of

1 his operation?

2 MR. TULI: Well as you can see at 1901
3 Pennsylvania Avenue the current location, we have
4 never had any incident before this in the last
5 one year plus fourteen months that we have been
6 doing this.

7 MR. ALBERTI: So the question still is
8 what do you think of his operation?

9 MR. TULI: Of his operation? He is
10 absolutely hands on and he is even if it gets to
11 a stage where he feels that the batting has not
12 been done thoroughly he gets involved even in
13 batting and he goes around in the whole
14 restaurant and he takes responsibility as if,
15 even if he is not the head of security, he takes
16 the responsibility of being above him.

17 MR. ALBERTI: Okay. Have you talked
18 to him about what he does, consulted with him
19 about what he does?

20 MR. TULI: Outside of the job or on the
21 job?

22 MR. ALBERTI: No, on the job, what he

1 is doing for you.

2 MR. TULI: On the job, yes he comes
3 and we discuss at that time because he is always
4 the first one to come in before everybody else as
5 to where are we going to detail which person in
6 the whole space on that date depending on the
7 capabilities of the people.

8 MR. ALBERTI: Would it be fair to say
9 he is a good example of what a security officer
10 should do?

11 MR. TULI: The best that I know of,
12 yes.

13 MR. ALBERTI: Great. Have you learned
14 anything from him?

15 MR. TULI: In what manner, anything
16 means going into detail.

17 MR. ALBERTI: Well we are talking
18 about security and the job he did for you so in
19 that respect have you learned anything? I don't
20 care if you learned anything about some
21 peripheral subject. You know I mean seriously,
22 we are talking about security here and how he

1 applied, how he manages the security staff and
2 what he does for you. By watching him you think
3 he is the best, have you learned anything from
4 him?

5 MR. TULI: Well I have learned to the
6 extent that he is a responsible person. He comes
7 ahead of everybody else, discusses the detail
8 layout of what is it going to be, where the
9 people are going to be posted on that night. Who
10 will do all the functions of all the security
11 people that are hired for that evening and he
12 checks to make sure that how many people are
13 hired for that evening and what kind of an event
14 we are having we go into complete details of that
15 evenings functions.

16 MR. ALBERTI: So on the night of
17 January 3rd did you try to emulate his guidelines?

18 MR. TULI: Like I said a number of
19 people started coming in and coming in after
20 12:30, 12:15 to 12:30 and it was within half an
21 hour of whatever started happened. We had people
22 who were posted at different locations. Two

1 people were doing a physical search on the top
2 and then there were two people downstairs.

3 MR. ALBERTI: So they all came at once
4 and; at what point did you realize you did not
5 have enough security people to handle the size of
6 the crowd that you had?

7 MR. TULI: Well at about quarter to
8 twelve we presumed that there could be more
9 people so we, Rodney Davis started making calls
10 to a few people if we could get extra people just
11 in case we required them but he was unable to get
12 a hold of anybody at that late stage when we
13 thought that we might ask extra forces. Anything
14 can happen that night.

15 MR. ALBERTI: So at no point did you
16 ever think of stopping the crowd coming in until
17 you had security, had appropriate security? When
18 you got close to two hundred and you only have
19 four security did you ever think about stopping
20 the entry?

21 MR. TULI: I said in my previous
22 testimony that we started making from the stage

1 that we had one hundred fifty people and we
2 started making sure that people come in very
3 slowly so that we can defer the crowd from coming
4 in but yes, I would say that I was not upstairs
5 at that time to tell them that this has already
6 crossed the limit with the number of security
7 people that we have, let's stop it at this stage.

8 MR. ALBERTI: So you weren't paying
9 attention? You've got this line out front. What
10 do you mean upstairs? Where were you?

11 MR. TULI: I was downstairs in the
12 establishment I was not upstairs where the people
13 are physically checked and let down from there.

14 MR. ALBERTI: Oh, but you were inside.
15 You were downstairs and you saw the crowd
16 growing, right?

17 MR. TULI: Correct.

18 MR. ALBERTI: So you knew the crowd
19 was growing, how far of a walk is it up to the
20 front to tell them to stop?

21 MR. TULI: Not a long walk.

22 MR. ALBERTI: All right, I didn't

1 think so. Was anyone counting the number of
2 people coming in?

3 MR. ALBERTI: Who?

4 MR. TULI: Yes sir. Security people
5 on the top level.

6 MR. ALBERTI: And how were they
7 counting them?

8 MR. TULI: With a clicker.

9 MR. ALBERTI: Was that ever mentioned
10 to our investigator or to the police officers?

11 MR. TULI: Yes sir.

12 MR. ALBERTI: Okay. So they knew how
13 many people were inside, they knew when they got
14 to two hundred, you knew you only had four people
15 and you didn't cut the crowd off. Is that a fair
16 assessment?

17 MR. TULI: That will be correct,
18 absolutely correct assessment.

19 MR. ALBERTI: What are the names of
20 the four security people that were there that
21 night?

22 MR. TULI: The lady is called Shea,

1 the second person is -

2 MR. ALBERTI: What's her last name,
3 Che what?

4 MR. TULI: It's a difficult name,
5 Cheqoin (phonetic) or something, so she is called
6 by the name of Che, C-H-E.

7 MR. ALBERTI: Cheqoin (phonetic) or
8 something? All right go ahead, what is the other
9 person?

10 MR. TULI: The other person was Rodney
11 Davis.

12 MR. ALBERTI: Rodney Davis, okay.

13 MR. TULI: The other person was, one
14 was Frederick something who was the person who
15 walked away from the scene.

16 MR. ALBERTI: Okay.

17 MR. TULI: The number four person was,
18 I am trying to get from Rodney Davis because he
19 was the one who had brought in the fourth person.

20 MR. ALBERTI: Oh so these weren't
21 direct hires of yours?

22 MR. TULI: Well I let the person who

1 is in charge, he hires them. He arranges the
2 security according to the number of people that
3 may be required for that night.

4 MR. ALBERTI: Who pays them?

5 MR. TULI: I pay them at the end of
6 the night.

7 MR. ALBERTI: So you would have
8 payroll records for them.

9 MR. TULI: Not payroll, we pay them,
10 they all want a check at the end of the night.

11 MR. ALBERTI: You would still have a
12 record of who you paid, right?

13 MR. TULI: Correct, but I have not
14 paid the fourth person because at approximately
15 4:00 o'clock -

16 MR. ALBERTI: Has he ever worked for
17 you before?

18 MR. TULI: He has.

19 MR. ALBERTI: When?

20 MR. TULI: Probably a few weeks before
21 that.

22 Mr. ALBERTI: That's the first time he

1 ever worked for you?

2 MR. TULI: On that night? No, that
3 was not the first time.

4 MR. ALBERTI: When was the first time
5 ever that that guy worked for you, whoever he is?

6 MR. TULI: He worked a few weeks
7 before that.

8 MR. ALBERTI: And that is the first
9 time he ever worked for you?

10 MR. TULI: That is correct.

11 MR. ALBERTI: I would; this Board
12 would like his name. All right, we would like
13 the first and last names of all the security
14 people that were there that evening. In fact, I
15 would like the names of all the employees, every
16 single employee, barback, bartender, everybody
17 who was present that evening. Can we get that
18 from you?

19 MR. TULI: Certainly sir.

20 MS. MILLER: Can you tell him why you
21 would like that, Mr. Alberti?

22 MR. ALBERTI: If they open, I want to

1 know who is trained, I want to be able to monitor
2 this place very closely, this is a place Ms.
3 Miller, it is my opinion that this place needs
4 close, close scrutiny. I will leave it at that
5 and so that is part of my scrutiny. Is that
6 sufficient for you?

7 MS. MILLER: I just think they
8 deserved a reason. We do often ask for the list
9 of people who are trained so I am used to that
10 request being made.

11 MR. ALBERTI: I would have gladly
12 given, I would have offered a reason if they had
13 objected but there was no objection they were
14 willing to do it so.

15 MS. MILLER: I don't think you need an
16 objection to give a reason.

17 MR. ALBERTI: All right fine. All
18 right, I don't want to belabor this. I don't
19 have any further questions, thank you.

20 Mr. TULI: Thank you sir.

21 MS. MILLER: Others? I just have a
22 few MR. Tuli.

1 MR. TULI: Yes Ma'am.

2 MS. MILLER: Number one is an easy
3 one. Mr. Jones was a friend to the Zanzibar I
4 believe in the Southwest or something. Do you
5 have another restaurant called the Zanzibar or
6 that is somebody else's, correct?

7 MR. TULI: No Ma'am. That was shut
8 down a few years back and redevelopment has taken
9 place in that area.

10 MS. MILLER: Oh that one, was that
11 yours?

12 MR. TULI: That wasn't even mine.

13 MS. MILLER: It wasn't yours, okay.
14 Just so there is no confusion at least for me. I
15 think I heard you testify that there was a surge
16 of people that came suddenly to your
17 establishment and that is part of the reason you
18 weren't prepared to deal with that number of
19 people is that correct? And I am not sure, or
20 maybe you aren't either, whether or not the surge
21 was due to you said I think another night club
22 who had reached its limits closing its doors that

1 was nearby you?

2 MR. TULI: That is the reason I am
3 told by one of the promoters from that club.

4 MS. MILLER: What is the name of that
5 night club?

6 MR. TULI: Look.

7 MS. MILLER: What?

8 MR. TULI: Look.

9 MS. MILLER: Look, okay. I thought
10 but I am not sure so you can clarify for me, was
11 there some connection to that surge with the
12 Twitter that went out about Ashley Moore?

13 MR. TULI: I would not be able to say
14 that Ma'am because I don't know what kind of a
15 personality she is.

16 MS. MILLER: Okay.

17 MR. TULI: I was told that she was
18 coming to the bar with 10 or 12 friends and she
19 has two tables and then they used her name and
20 popularity to get some people to follow her.

21 MS. MILLER: That was the promoter is
22 that who you mean?

1 MR. TULI: Yes Ma'am.

2 MS. MILLER: When did the, what time
3 did that Twitter go out do you know?

4 MR. TULI: I would not know.

5 MS. MILLER: So you have made a change
6 in your business to have an in-house promoter is
7 that correct; marketer, promoter?

8 MR. TULI: Correct.

9 MS. MILLER: Did you have any concern
10 that some of the cause of the problems that
11 occurred that night were related to the promotion
12 that was done that night?

13 MR. TULI: I would not say so Ma'am.

14 MS. MILLER: No, you don't think there
15 is a connection?

16 MR. TULI: No Ma'am.

17 MS. MILLER: So you think it is that
18 surge from the people coming out of the other
19 night club or how couldn't get into the other
20 night club?

21 MR. TULI: Right.

22 MS. MILLER: Okay I wasn't on the

1 Board when the other incident occurred in 2011 so
2 I am not well versed in that and I think and I
3 think what I said yesterday was one of the
4 reasons I wanted to have a hearing was I wanted
5 to understand, I mean sometimes, violence can
6 strike anywhere, okay, or lightening can strike
7 anywhere but it looks like it has struck twice
8 with respect to your businesses. So what I want
9 to ask you is, were the incidents different or
10 similar? For instance, when I am looking at
11 this case and I may miss something but I see some
12 of the causes were the over-crowding, too many
13 people were being let in, problem with the
14 wanding and the pat downs because a weapon seemed
15 to have gotten in. Not enough security and then
16 this unusual surge that came from a nearby night
17 club. One of the questions I think that you have
18 been asked is since you had that bad experience
19 in 2011 which I don't know as much as I should
20 about it; I will read about it but you can tell
21 me; when they say why didn't you learn from 2011
22 were the causes so different or how do you

1 address that?

2 MR. TULI: Ma'am if I may so I think
3 the causes of both of these incidents were
4 totally different.

5 MS. MILLER: AT least tell me about
6 the 2011 one that's different because I know
7 these facts.

8 MR. TULI: Ma'am in 2011 it was a
9 promoter that was hired who had done three or
10 four promotions already in that night club. On
11 that particular night he, I was not present there
12 myself but I am telling you what happened to the
13 best of my knowledge. He brought in some other
14 sub-promoters with him to bring a larger crowd.
15 I had a manager who was in charge of that on that
16 night and at about 2:10 when he went out of the
17 space to go to the basement to change the boxes
18 for the soda which were finished at that time he
19 realized with a couple of people shoving him and
20 he saw a couple of skirmishes. He decided that
21 going forward this incident is going to boomerang
22 into something big. So at 2:10, which is 15

1 minutes before the closing of the night club, he
2 put the lights up, the music was stopped and
3 everybody was asked to exit. Everybody exited
4 from there. They shut the doors down after
5 everybody was out. We had a valet outside who
6 had 95 cars. By 2:43 the valet had given 91 out
7 of 93 cars back to the people so everybody
8 exited. We had blinds which were brought down,
9 the doors were shut, and everybody had gone out.
10 At about 2:45, across the street on the
11 Connecticut Avenue, it's a three way and we are
12 on the South side of the circle over there, a
13 location where, it is almost when you are going
14 down it is right over there. So it is a three
15 way on both sides street and you cannot cross in
16 the middle of the street.

17 Across the street in front of the T-
18 mobile showroom the shooting took place, at 2:45
19 which is 35 minutes after the club was shut down.
20 The bullet came out, one person died, one got
21 injured and three people got stabbed. It was
22 totally outside on the street. Yes I would say

1 that it was identified that the patrons had come
2 to enjoy the party for the Thanksgiving Blackout
3 Party at our establishment. But they have been
4 out of the establishment for all this while when
5 this whole incident took place so that is to the
6 best of my knowledge that is the exact detail of
7 whatever that incident was. It went on trial and
8 everybody of course came up with their statements
9 and it went to a stage where the case was asked
10 to be dismissed by our attorneys who were
11 defending the insurance company because there was
12 a huge claim and finally it has been settled with
13 a very small amount of money, almost one fifth of
14 the money that they were asking for because the
15 Judge.

16 MS. MILLER: We don't probably have to
17 go, I don't know.

18 MR. TULI: I just want to tell you as
19 much as I could probably at that stage. That was
20 the incident in 2011.

21 MS. MILLER: So it's not very
22 similar.

1 MR. TULI: Yes Ma'am.

2 MS. MILLER: Okay that is really what
3 I was concerned about. I am interested in what
4 could you have learned from that that you didn't
5 apply to this establishment? Okay any other
6 questions?

7 MR. ALBERTI: Yes.

8 MS. MILLER: Okay Mr. Alberti.

9 MR. ALBERTI: So Mr. Tuli, going back
10 to the 2011 you talked about whoever is the
11 promoter invited a large crowd. Is that correct?

12 MR. TULI: It was a large crowd, yes.

13 MR. ALBERTI: By the large crowd,
14 larger than usual right is that what I heard you
15 say?

16 MR. TULI: No I did not say that sir.

17 MR. ALBERTI: It was your typical
18 large crowd that night?

19 MR. TULI: That was an establishment
20 with a capacity of above 626 and we had
21 approximately 400 to 450 people that night over
22 there.

1 MR. ALBERTI: Is that what you were
2 expecting that night?

3 MR. TULI: Yes and there was proper
4 security and everything was managed inside over
5 there.

6 MR. ALBERTI: Okay so that was what
7 you were expecting that night?

8 MR. TULI: That's correct.

9 MR. ALBERTI: I just want to remind
10 you since the scenario that you just described is
11 quite different than what's in the report. If I
12 may I would like to read from this report.

13 MR. TULI: Please.

14 MR. ALBERTI: Jog your memory.

15 MS. MILLER: Could you identify the
16 report you are reading?

17 MR. ALBERTI: This is the
18 investigative report for Case 11-251-00366 for an
19 event that occurred on Sunday, November 27, 2011.
20 So on--

21 MS. MILLER: I'm sorry is this the
22 investigators report?

1 MR. ALBERTI: This is the
2 investigators report, yes.

3 MS. MILLER: Okay.

4 MR. ALBERTI: On Sunday, November 27,
5 2011 Investigator Shecure (phonetic) interviewed
6 Café Citron head of security, Daniel Pierson
7 regarding the incident. At the Citron located at
8 1343 Connecticut Avenue is located next to
9 Heritage India.

10 Mr. Pierson stated that at
11 approximately 2:20 he observed patrons at
12 Heritage India Lounge exiting the establishment
13 in a rushed fashion. So this was at 2:20. Mr.
14 Pierson stated that he observed patrons exited
15 out of the establishment with drinks still in
16 their hand. Mr. Pierson said at approximately
17 2:30 fights began breaking out in front of
18 Heritage India Brasserie and Lounge which spilled
19 out into the street. That's not consistent with
20 the description you gave her that is why I
21 decided to read that into the record. That was
22 your head of security reporting to our security

1 officer, our investigator.

2 MR. SILVERSTEIN: I thought you said
3 that was the Café Citron head of security?

4 MR. ALBERTI: Oh maybe it wasn't his,
5 it was Café Citron, I'm sorry it was Café Citron.

6 MR. ROME: I also don't believe it
7 contradicts what he said?

8 MS. MILLER: Do you want to see a copy
9 of the report?

10 MR. ROME: I do.

11 MR. ALBERTI: All right.

12 MS. MILLER: Can we make a copy of the
13 report?

14 MR. ALBERTI: Sure it's a public,
15 sure.

16 MS. MILLER: Now?

17 MR. ALBERTI: Can we give him a copy
18 of the report? We have one here for him.

19 MR. ROME: They want one as well.

20 MR. ALBERTI: Sure, you don't have a
21 copy of the 2011 report?

22 MS. SCHMIDT: Not with me, in my

1 office I do.

2 MR. ALBERTI: No, okay, no you were
3 referencing it I thought you might have it with
4 you.

5 MS. MILLER: Do we have one? Might as
6 well make one for the Board too.

7 MR. ALBERTI: Do you want all the
8 exhibits or just the report itself? How about we
9 start with just the report and then if you need
10 the exhibits you can have them okay? It's a
11 rather large package.

12 (Off mic comments)

13 MR. ROME: And while we wait I am
14 going to put an objection in for the record that
15 this was something that contradicts what he
16 testified to and I don't believe it does.

17 It's also testimony of someone who was
18 not involved in the incident from our side but
19 represented that it was. Also someone that
20 wasn't cross-examined at the time and is not
21 cross-examined now I think sheds a little light
22 on what he observed to be was an incident that

1 occurred outside the establishment and nothing
2 that was read is relevant to those points.

3 MR. ALBERTI: It is still something
4 that is in our administrative record.

5 (Off mic comments)

6 MS. MILLER: So where are we?

7 MR. ALBERTI: So can I go back to
8 this, so Mr. Tuli, back in 2011 you had a
9 promoter and you really weren't, is it fair to
10 say you really weren't closely monitoring what
11 the promoter was doing?

12 MR. TULI: No, we weren't closely
13 monitoring?

14 MS. ALBERTI: Pardon?

15 MR. TULI: Yes sir.

16 MS. MILLER: I'm sorry which event,
17 which year are you?

18 MR. ALBERTI: 2011.

19 MS. MILLER: 2011 okay.

20 MR. ALBERTI: On January 3rd were you
21 closely monitoring what your promoter was doing?

22 MR. TULI: Yes sir.

1 MR. ALBERTI: But you didn't know who
2 it was he had as the host or whatever she was.

3 MR. TULI: No, I knew, in fact I am
4 the one who showed that person's picture to
5 Investigator Jones.

6 MR. ALBERTI: So you knew who she was?

7 MR. TULI: Yes, I knew that she's a
8 model, that's the best I knew. How big a model
9 she is and how many people she is going to be
10 bringing in I had no idea.

11 MR. ALBERTI: So you didn't know that?

12 MR. TULI: No.

13 MR. ALBERTI: I wonder because to me
14 that is a similarity, this lack of knowledge of
15 how the place is being promoted or full knowledge
16 is a similarity. I can draw that, I can draw
17 whatever conclusions I like, thank you.

18 MR. ROME: So is there a question
19 pending?

20 MR. ALBERTI: No there is no question
21 pending and I apologize for that comment.

22 MS. MILLER: Okay. Are there any

1 other Board questions?

2 MS. SCHMIDT: None from me.

3 MS. MILLER: Okay questions on Board
4 questions?

5 MR. ROME: None from the licensee.

6 MS. MILLER: Thank you very much Mr.
7 Tuli.

8 MR. TULI: I said I hope that I have
9 been able to give all of the answers to the best
10 of my ability.

11 MS. MILLER: Thank you.

12 MR. TULI: Thank you very much, and I
13 do apologize one more time.

14 MR. SILVERSTEIN: Thank you.

15 MR. ROME: We have one last witness
16 and it will be very brief.

17 MS. MILLER: Okay.

18 MR. ROME: That's Mrs. Tuli.

19 MS. MILLER: Okay Mrs. Tuli, come on
20 up.

21 (Whereupon, the witness was sworn in.)

22 MS. MILLER: Okay, have a seat.

DIRECT EXAMINATION

1
2 MR. ROME: Can you please state your
3 name for the record?

4 MS. TULI: Mitul Tuli.

5 Mr. ROME: And you are also an owner
6 of this business along with your husband?

7 MS. TULI: Yes I am.

8 MR. ROME: How long have you worked in
9 this industry?

10 MS. TULI: Same as Sanjeev, since I
11 was nineteen years old I have a Degree in
12 Business Management. I worked in a rival company
13 of his in India several years before I came to
14 work under him. I have been training manager,
15 food and beverage manager, resident manager,
16 front office manager, most of the hotels I have
17 worked in. After we got married I moved with him
18 to Egypt and he was a general manager of the
19 hotel. I did staff training there and in several
20 cities in Egypt. Then we moved to Germany to set
21 up our own business. I ran one of the
22 establishments while he worked at the other ones.

1 MR. ROME: You mostly worked not at
2 this location?

3 MS. TULI: I don't work at this
4 location I work at 2400 Wisconsin Avenue and am
5 there pretty much seven days a week. I used to
6 have Connecticut Avenue off and on when it was
7 required but no I don't work at Zanzibar.

8 MR. ROME: So in watching the video
9 over the past week and hearing about what
10 happened what has been your reaction to that?

11 MS. TULI: I am very upset. It has
12 had a very traumatic effect on me and the kids
13 because I imagined you know what happened on
14 Friday was something that was not going to happen
15 ever, after what happened at Connecticut Avenue.
16 He typically, on Friday nights, even though he
17 has a promotion he has something going on, he is
18 always home by one o'clock because it's never
19 been more than fifty-sixty people. On that
20 particular night he wasn't home by one so I
21 called to check, obviously something had gone
22 wrong so I am upset and I feel that maybe I

1 should take active participation in what's going
2 on in the business every which way; make sure
3 that I am full support on this. I actually don't
4 even know the person who was being promoted. To
5 be honest, we are not very up to date on the
6 reality shows and how are famous people on TV
7 shows and things like that, which is a mistake,
8 we should have checked out exactly who she was.
9 We would have had some indication that this was
10 somebody who had a following and could have drawn
11 a lot of crowd for the evening.

12 MR. ROME: In the past, have you come
13 with Mr. Tuli, your husband, to standard ABRA
14 hearings for this location?

15 MS. TULI: No. Well, I am going to be
16 there and put myself in completely now. I am
17 going to make sure that whatever he doesn't
18 remember, I remember. I am going to be the full
19 support and make sure that every form or
20 application that is done is read and I follow up
21 myself to make sure that he has the adequate, and
22 I will, from 2400 Wisconsin, after closing, go

1 there on the weekends, spend a little time to see
2 what is going on if I am happy and I feel that it
3 is going to be under control, I will leave.

4 MR. ROME: Since this incident has
5 happened you have also had the chance to talk to
6 Dave Bailey?

7 MS. TULI: I have and I feel having
8 spoken to him and seen Sangeev work with him and
9 the fact that Sangeev was very happy with what
10 happened over New Year's Eve and the New Year's
11 Day party and that it was under control, I guess
12 we just imagined that people would be so tired of
13 partying that nobody would really turn up on the
14 weekend as well.

15 MR. ROME: Did you make it clear to
16 Mr. Bailey what your thoughts were on the night
17 as you hear.

18 MS. TULI: Excuse me?

19 MR. ROME: So that the night that this
20 violence occurred, have you spoken to Mr. Bailey
21 about how that is going to be addressed.

22 MS. TULI: Well I haven't gone into

1 every single detail but he seems very confident
2 in the training. I am not adequately, I am not
3 intelligent enough to understand what really
4 training goes into this but he seems very
5 confident. The most important thing is that
6 Sangeev is very confident that the events that he
7 has handled everything has gone perfectly and
8 very smoothly even though the crowds were really
9 high on New Year's he came home and spoke rave
10 reviews of Mr. Bailey and how the security he did
11 was handled perfectly for the event.

12 MR. ROME: I don't have anything
13 further.

14 MS. MILLER: Any cross?

15 MS. SCHMIDT: We don't.

16 MS. MILLER: Any Board questions? I
17 just wanted to clarify. So basically you haven't
18 been involved in the operations of this
19 establishment but now you are going to help
20 supervise?

21 MS. TULI: I am involved in the sense
22 that I do the payroll, I do the paper work, I do

1 the billing, I do all of that, I do the ordering,
2 I do the menu planning and I do all of that but
3 as far as promotions and night clubs I leave it
4 mostly to him. To understand I put in my two
5 penny bits whenever required. To be honest, we
6 didn't know who this woman was, I don't know.

7 MS. MILLER: But from now on are you
8 saying that when they have a promotion you are
9 going to make sure that Mr. Tuli -

10 MS. TULI: Absolutely Ma'am.

11 MS. MILLER: Know who the person is?

12 MS. TULI: Exactly, because you know
13 we are over 50. Sometimes with the younger crowd
14 we don't know what is going on, what is popular
15 these days, what's hip and all of that. We are
16 going to make that effort now to find out
17 everything. For things like Twitter and
18 Instagram and all these are French as far as we
19 are concerned because we never grew up with that
20 so make all that effort to learn it and
21 understand it completely now.

22 MS. MILLER: So when there is a

1 promotion, say coming on next Friday for
2 instance, what are you going to do to educate
3 yourself and make sure that you want to go
4 through with that?

5 MS. TULI: We are going to find out
6 exactly who is promoting the event and if those
7 people are sending out any Twitter or contact so
8 who is going to turn up so what's going to happen
9 then we are going to find out who they are and
10 what kind of following they have, what kind of
11 crowd they draw you know to get some kind of
12 background and we can discuss it amongst
13 ourselves and I am sure Mr. Bailey knows the City
14 better than we do.

15 MS. MILLER: Okay so as I understand
16 it, tell me if this is correct, there is just
17 going to be one promoter who works inside the
18 establishment?

19 MS. TULI: That's right.

20 MS. MILLER: Okay so basically you are
21 going to talk to that promoter and get all the
22 information they have about the promotion that

1 they are suggesting?

2 MS. TULI: Absolutely.

3 MS. MILLER: And also talk to Mr.
4 Bailey?

5 MS. TULI: Absolutely.

6 MS. MILLER: All right thank you. All
7 right sounds good. Any other questions? Mr.
8 Short.

9 MR. SHORT: Good evening, ma'am.

10 MS. TULI: Good evening.

11 MR. SHORT: The things are going to be
12 a lot different?

13 MS. TULI: Oh yes.

14 MR. SHORT: That's a great honest
15 answer. Were you present when the 2011 event
16 took place on Connecticut Avenue?

17 MS. TULI: No sir I was out of town.

18 MR. SHORT: You were out of town. Did
19 you have anything to do with that bookkeeping or
20 anything with that particular club?

21 MS. TULI: Yes I do the bookkeeping
22 for all the restaurants.

1 MR. SHORT: It has been testified that
2 incident and this particular one that just
3 happened this month were different. Is that your
4 testimony also? The way it evolved and people
5 fighting and someone gets stabbed.

6 MS. TULI: To be honest with you I
7 know that what happened in 2011 was something
8 that happened primarily outside the restaurant.
9 I was not here, I cannot give you first-hand
10 information on that. This is something that
11 happened in the establishment and it should have
12 been controlled, we were not expecting that kind
13 of crowd and like I said typically Sangeev is
14 always home by one o'clock on Friday nights,
15 promotions have been really dull.

16 MR. SHORT: I accept that, I don't
17 want to drag this on, I accept that. I am just
18 looking at a report that says something different
19 but anyway you weren't there so thank you for
20 your testimony.

21 MS. MILLER: Mr. Rodriguez.

22 MR. RODRIGUEZ: Yes ma'am. Good

1 evening.

2 MS. TULI: Good evening.

3 MR. RODRIGUEZ: You were not expecting
4 that kind of crowd; why did you let them in?

5 MS. TULI: I was not there I didn't
6 physically let them in.

7 MR. RODRIGUEZ: You said you did
8 accounting for the event, for the club, the
9 business.

10 MS. TULI: I do the bookkeeping.

11 MR. RODRIGUEZ: Bookkeeping. So the
12 bookkeeper does not keep track of the sales and
13 the events and administration related to that?

14 MS. TULI: No.

15 MR. RODRIGUEZ: So you were not
16 anticipating that?

17 MS. TULI: No.

18 MR. RODRIGUEZ: Okay I will stop my
19 questions.

20 MS. MILLER: Mr. Alberti.

21 MR. ALBERTI: Hi, good evening. So
22 you do the accounting. Does that mean you do all

1 the payroll?

2 MS. TULI: Yes.

3 MR. ALBERTI: So you write the payroll
4 checks?

5 MS. TULI: Yes.

6 MR. ALBERTI: So you write the checks
7 to the security staff?

8 MS. TULI: Yes.

9 MR. ALBERTI: Do you remember the
10 names of the people that you wrote checks to that
11 evening?

12 MS. TULI: Yes.

13 MR. ALBERTI: Can you give them to me?

14 MS. TULI: Frederick Holliday,
15 Chequeane Woodson, I am not sure how you
16 pronounce the full name, there is Rodney Davis,
17 there is Kevin Parks and there was one more
18 person, Marcus I am not sure what the full name
19 is.

20 MR. ALBERTI: Okay so we got this,
21 Kevin Parks, Rodney Davis, Frederick Holliday,
22 somebody Woodson?

1 MS. TULI: It's C-H-E-Q-U-E-N I don't
2 know how it is pronounced.

3 MR. ALBERTI: Okay, okay. Male or
4 female do you know?

5 MS. TULI: Female.

6 MR. ALBERTI: Okay and then a Marcus
7 somebody or other?

8 MS. TULI: Yes.

9 MR. ALBERTI: Okay, very good. Thank
10 you very much.

11 MS. MILLER: I just have one question.
12 Mr. Short asked you if things were going to be
13 different and you said yes, I think
14 substantially. Then he didn't ask for you to
15 elaborate. Do you want to elaborate what, how
16 you think things will be different?

17 MS. TULI: Well, I've never involved
18 myself so much in the night operations because I
19 work elsewhere and it is late by the time I get
20 out of there. But yes with this incident that
21 has taken place now I feel that maybe my input
22 would also help him and assist him in a lot of

1 ways and to make sure that every single thing is
2 followed to the T. I mean there is no room now
3 for leaving out a dot or a cross on any alphabet
4 at all. Because for me it is his reputation and
5 we are in the City to do business. This is the
6 only thing we know, it's not likely that either
7 of us will jobs anyway today if we give it all up
8 because we are way past that age and I want to
9 make sure that he does it perfectly because in my
10 eyes he has been let's say the best, the youngest
11 GM the youngest manager, he was boss for a while
12 but I'm going to boss him now.

13 MS. MILLER: Okay, thank you.

14 MR. ALBERTI: I have one last
15 question.

16 MS. MILLER: Okay.

17 MR. ALBERTI: It sounds like you guys
18 are pretty good operators of restaurants.

19 MS. TULI: Yes sir.

20 MR. ALBERTI: What we all think of as
21 sit down, eating, good cooking, Indian cooking,
22 why not stick with that? Why this extra piece of

1 late night activity?

2 MS. TULI: When we first came to D.C.
3 sir in 2002 there were just two Indian
4 restaurants. There was one big club and us.
5 Today every, sorry to use this term, but every
6 Tom, Dick and Harry who can cook a curry is
7 opening a restaurant. There are twenty-two of
8 them in D.C.

9 MR. ALBERTI: A lot of them not very
10 good.

11 MS. TULI: You know and so you think
12 okay let me do something where I can make the
13 business better or improve upon sales or do
14 something else. That is the only reason.

15 MR. ALBERTI: Okay, thank you.

16 MS. MILLER: Okay, anything else? Any
17 questions based on former questions? Thank you
18 Ms. Tuli. Okay does that complete your case?

19 MR. ROME: Yes.

20 MS. MILLER: All right, you don't have
21 any documents here seeking to put in evidence is
22 that right? Okay.

1 MR. ROME: We will be getting you the,
2 as requested, stipulate occupancy.

3 MS. MILLER: You will be getting what?

4 MR. ROME: Exhibit 20 does have the
5 listing of the number of occupancy.

6 MR. ALBERTI: The what?

7 MR. ROME: Exhibit 20 of the report
8 does list what was posted on the wall.

9 MR. ALBERTI: Exhibit 20, okay, just
10 let me check to make sure that I have that, okay.
11 That's the license.

12 MR. ROME: There is a stipulate
13 occupancy written on there and then there is a
14 hand written occupancy load that looks like
15 either 349 or 399.

16 MR. ALBERTI: Yes it says occupancy
17 load 349. All right. I am still curious as to
18 how that change came about.

19 MR. ROME: Okay, yes we will get you
20 that information.

21 MS. MILLER: Okay, so before we close
22 the record in the case under closing arguments

1 the record is going to be left open for what?

2 Mr. Alberti has asked for some documents. What
3 is it?

4 MS. SCHMIDT: That was taken from the
5 wall, the placard on the wall.

6 MR. ROME: So this is when the
7 inspector goes in and writes down in here what
8 they see on the wall. They write down the CFO
9 number that they see from the placard, they write
10 down the occupancy load and the date that it was
11 issued.

12 MR. SHORT: That is Exhibit 20?

13 MS. SCHMIDT: Yes.

14 MR. SHORT: This was done on 1-3-15?

15 MS. SCHMIDT: Yes. Investigator Daso
16 went in and did a regulatory inspection that was
17 part of her inspection.

18 MS. MILLER: Okay. I think that the
19 other documents that are going to be coming into
20 the record and this will, as I understand, we
21 will still be issuing a decision today, but if
22 there are documents that Board Members want to be

1 submitted -

2 MR. ALBERTI: Mr. Short, what I am
3 asking for is the current certificate of
4 occupancy along with the application and
5 materials for that application that DCRA has on
6 file for the change in the load number. They had
7 to apply to DCRA and they had to provide
8 information to DCRA it's like applications to
9 ABRA and I would like the information that I
10 would like that application and the information
11 that goes with that application when they applied
12 for the change of CFO.

13 MR. ROME: I am not sure how long that
14 takes to get that from DCRA, our office didn't -

15 MS. MILLER: I'm not saying that -

16 MR. ALBERTI: It may not be critical
17 to our decision.

18 MS. MILLER: -- that we are going to
19 wait for those. We are not going to wait for
20 those documents but the Board would like them to
21 be provided.

22 MR. ALBERTI: It may or may not be

1 pertinent to what happens going forward so it
2 depends on our decision.

3 MR. ROME: I am not saying that we may
4 or may not provide them we will get whatever we
5 can get and we will provide it.

6 MR. ALBERTI: If necessary you will
7 provide it is what you are telling me and I
8 appreciate that, thank you.

9 MS. MILLER: Any other documents
10 before we put a time frame on this?

11 MR. ALBERTI: The name of the
12 employees I'd like the proper name of all the
13 employees that were there that evening.

14 MR. ROME: Sure, and as you recall as
15 part of our offer and compromise it was prevented
16 yesterday, I know it was not accepted but that
17 was part of what was offered.

18 MR. ALBERTI: So you are prepared.

19 MR. ROME: Not only that but it was
20 offered that the record will be kept on site at
21 all times with a listing of all the security
22 employees that can be retrieved at any time so we

1 are already on top of that.

2 MS. MILLER: Just for the record
3 though, I mean and for mine are you seeking Mr.
4 Alberti the name of all the employees that were
5 there on January 3rd?

6 MR. ALBERTI: Yes.

7 MR. SILVERSTEIN: Please specify those
8 who were in security and their duties.

9 MS. MILLER: Specify those in
10 security, what?

11 MR. SHORT: And their duties.

12 MR. SILVERSTEIN: As opposed to
13 someone -

14 MR. ROME: So here is what was already
15 offered. It says the licensee agrees to submit a
16 list of all security personnel employed by the
17 establishment which will be kept on the premises
18 with the job title or role of each employee
19 listed. Such lists will be updated upon the
20 hiring or termination of each security employee
21 and shall available at the establishment upon
22 request. So we will have that and to the list we

1 will add a list of the other employees that were
2 there on the night of issue.

3 MR. RODRIGUEZ: Madame Chair, there
4 were other commitments that were made one about
5 the security -

6 MR. ALBERTI: There were no
7 commitments made.

8 MS. MILLER: Okay, we are not finished
9 yet, we are not finished yet. So I just want to
10 know, we are not finished yet, we will get to
11 that.

12 MR. ROME: Anything that was asked to
13 provide we are committed to provide.

14 MS. MILLER: Okay but with respect to
15 just documents alone have we covered it? That
16 the record is closed except for these two
17 documents and we are not going to, our decision
18 is we are not going to wait for these documents
19 but they are going to come in and when are they
20 going to come in is my question. The second ones
21 are readily available I assume.

22 MR. ROME: The second one we could get

1 by the close of business tomorrow right? Yes the
2 second one we can get tomorrow. But the first
3 document I am unaware. We can get you what the
4 placard is on the wall but Mr. Alberti has asked
5 for the documents that were filed with DCRA and
6 that I just don't know how long it will take to
7 get, I don't know if anybody does.

8 MR. ALBERTI: And that's fine.

9 MS. MILLER: Is there a number of days
10 Mr. Alberti that you want to hear back from them
11 on that?

12 MR. ALBERTI: I will trust that they
13 will do that as expeditiously as possible and I
14 also trust that Mr. Rome will keep us posted as
15 to you know why it is taking long than one might
16 expect.

17 MR. ROME: Certainly, made the request
18 for backup.

19 MR. ALBERTI: It is absolutely
20 understood that I have asked DCRA for documents
21 in the past and it's has taken longer than I
22 would have hoped, let's put it that way.

1 MS. SCHMIDT: A new administration,
2 let's hope.

3 MS. MILLER: All right, so I think
4 that covers the documents then right? So let's
5 go to closing arguments.

6 MS. SCHMIDT: Today, the government
7 has clearly shown that in this current state the
8 continued operation of Heritage India/The
9 Zanzibar represented imminent danger to the
10 health and safety of the District of Columbia.
11 This is shown through the events and the
12 testimony you saw and heard today. When Sergeant
13 Benton said that by the time he got there, there
14 were 28 officers at the location and there was a
15 panic with people coming out of the club. That
16 fact that Units were pulled from Georgetown, 14th
17 and K and the entire canteen was there is
18 dangerous to the citizens of the District of
19 Columbia. Also the fact that, the main factor is
20 Mr. Tuli does not know his audience. He claims
21 that oh we are not going to get that many people
22 in but it is incumbent upon him when he has a

1 promotion, especially when he uses Twitter and
2 other means to disseminate this promotion, even
3 if he doesn't know who the person is he should be
4 prepared to know who this person is and how many
5 people can possibly, there might be many people
6 there.

7 That is why, for example, there should
8 be a minimum of six security guards at any time
9 this way there will always be sufficient for any
10 event that comes. The security guards should
11 have identifiable uniforms so people can turn to
12 someone if something happens then patrons know
13 who to turn to especially if they are trained as
14 they should be, because they were not that night.
15 There definitely needs to be training before this
16 establishment can reopen that has not been done
17 at this point. You have seen what the
18 consequences of untrained personnel can wreak on
19 the establishment. That video tape was quite
20 brutal. Six minutes of people constantly
21 flinging, shoes flying, belts flinging and ice
22 water is not the way to run a club and is not in

1 line with the safety of the citizens of the
2 District of Columbia. Also Mr. Tuli must
3 understand the necessity of preserving the crime
4 scene. When there is a fight there is a crime
5 scene. It doesn't have to be necessarily blood
6 but any place where the law is violated there is
7 a potential crime scene. Even if there is a
8 fight you do not know, there might be injuries,
9 there might be consequences that are not apparent
10 at the time therefore until the police clear the
11 scene and coming up on him not to mop up, not to
12 be concerned for anything but the preservation of
13 the crime scene at this point to save more
14 people.

15 There also needs to be, before this
16 establishment can reopen, there has to be two-way
17 radios and a reimbursable detail. This is again
18 because when you have these activities, a dress
19 code to be quite honest, a dress code is not
20 enough. It is just a little bit of window
21 dressing and is a minor detail. I know that Mr.
22 Tuli is exercising that he has to change his

1 dress code. That is the least of what is going
2 on here. He needs trained personnel, two-way
3 radios and people who know what is going on.
4 With respect to David Bailey, he has not been
5 working security on a full-time basis in the past
6 few years. He might be good but first of all
7 there needs to be a contract with him. Just
8 because he came in today, and the Government
9 appreciates him coming in testifying, but still I
10 am told that unless there is a contract we cannot
11 be assured that he is going to take over or that
12 the security will be properly trained.

13 Again, in this case in particular, Mr.
14 Tuli has had another chance and until the Board
15 is satisfied that he understands that he has had
16 two chances, and unfortunately at least two
17 incidents have happened in his clubs and in fact
18 as many as four that I have, I mentioned two more
19 today. So until the Board is completely
20 satisfied that the citizens of this club will be
21 protected we ask that the license remain
22 suspended pending a show cause hearing.

1 MS. MILLER: Okay, Mr. Rome?

2 MR. ROME: Thank you. The evidence
3 that has been shown today has demonstrated that
4 regardless of what happened that night which is
5 very, very serious and very, very important this
6 establishment will not be in imminent danger if
7 allowed to reopen going forward. The
8 establishment has demonstrated that there will be
9 a whole host of new procedures put in place, many
10 of which were outlined in offer and compromise
11 but were expounded on today in many different
12 ways. This is not an applicant or licensee
13 coming in and saying we are sorry please let us
14 open again it won't happen again. This is a
15 change in operations. This is something that
16 they are going to put in place to show that there
17 won't be such danger in the future and as I go
18 through the testimony of what happened today you
19 will see that that is what happened. With the
20 new security plan in place, with the contract of
21 Mr. Bailey, with Tuli Training it will be a
22 different establishment. But most importantly

1 with reimbursable detail and with the increased
2 security along with all those other things that
3 were presented in the OIC this establishment is
4 simply not a continuing danger to the community.

5 The Government in their closing has
6 pretty much confirmed that in that they are
7 saying that without seeing these things we don't
8 see how they can open. Well you are going to see
9 these things. We are not asking to be open
10 tonight and start the operation back up, we want
11 to present the new security plan, we want to
12 present the contract, we want to present the
13 certificates from Tuli showing that each person
14 was trained, we want to show you the contract
15 witness that shows that these people will
16 continue to be trained. So our point is that
17 regardless of how bad the night in question was,
18 and there is no doubt that it was bad on that
19 night it's not a continuing danger.

20 Now if you look to those who testified
21 today I think that we have ample support for
22 that. The MPD officer, Officer Benton said that

1 what happened on that night was an outlier for
2 that establishment. That his time working on
3 this beat, I think he said the last six months of
4 which he was on for half the time, he has seen
5 nothing like this. If there were incidents like
6 this he would have known because that reputation
7 gets around so even if he wasn't working on that
8 night he would have known. He also said that
9 there is no doubt that going forward reimbursable
10 detail will make a huge difference. I think this
11 Board knows that reimbursable detail makes a huge
12 difference. Out of all the changes that to me,
13 is the biggest demonstration of how they won't be
14 imminent danger. I believe the officer was asked
15 by the Board if reimbursable detail was present
16 how would your response time have increased, well
17 that is almost not answerable because if
18 reimbursable detail was present, the response
19 time would have been instant because they were
20 present. Someone would have run upstairs and
21 said come downstairs and then they would have
22 been downstairs and none of this would have

1 happened. So while the officer did say that you
2 can never be sure that even reimbursable detail
3 will stop things from happening he certainly
4 testified that it would make a difference here.

5 He also testified that wandering would
6 help and we have put in not just the wandering but
7 the double-wandering in two different places. That
8 same officer stressed over and over again that
9 security was cooperative but understaffed and so
10 our increase in the security numbers and our
11 reimbursable detail and our new head of security
12 will directly address those things. After that
13 officer testified we heard from Investigator
14 Jones. Investigator Jones reiterated; his exact
15 words were, anytime there's alcohol and a lot of
16 individuals involved things can happen but if you
17 take the precautions these things will most
18 likely not happen. Then he was asked well what
19 if Mr. Bailey is part of those precautions and he
20 specifically said, if Mr. Bailey is the head of
21 security then there will not be an imminent
22 danger to the public going forward.

1 He has worked closely with Mr. Bailey
2 in his ABRA capacity and in his capacity with
3 these larger establishments. He came to that
4 conclusion after questions from myself and from
5 the Board. Investigator Jones also said that if
6 these same people are staffed up with Mr. Bailey
7 then it is a different staff. Then if Mr. Bailey
8 staffs up the security then it is a different
9 security staff. He stated Mr. Bailey would not
10 allow crime scene clean-up such as this. He
11 stated that he would have individuals posted in
12 every room and that he was satisfied that there
13 would be adequate protection. He was challenged
14 on that and said how can you be sure just because
15 Mr. Tuli is telling you now that there will be
16 adequate protection that there will be and he
17 said that Mr. Bailey has put his name on the line
18 and that's enough for me to come to that
19 conclusion. I put stock in what Investigator
20 Jones said and what the officer said.

21 Investigator Dancler also testified
22 and she said that you know she backed up the

1 story of the establishment that it was a slow
2 night until people arrived all at once and there
3 was a crush. Despite what you have heard that is
4 not an excuse and I think the most important
5 person we put on next is Mr. Bailey who said that
6 that's not an excuse that if people show up all
7 at once and they line up outside they are not
8 getting in. If the clicker is at a certain
9 amount and they want to get in they are not
10 getting in so we try to stay away from as much as
11 possible excuses today. Throughout our
12 presentation it wasn't we're sorry but we just
13 didn't expect this to happen. When pressed on it
14 my client and others said we did not expect this
15 to happen but that being the case we understand
16 that is no excuse and that is why Mr. Bailey is
17 going to become the boss. He even said himself
18 when he was on there, it's my security, I get the
19 final say. Mr. Tuli testified and he agreed with
20 the same thing. He said that when he is the boss
21 he's the boss, his word goes.

22 Now I think the most important thing

1 that Mr. Bailey testified was, and this goes to
2 whether you can trust Mr. Tuli, Mr. Bailey
3 testified that if there are incidents happening
4 that don't mess with the security plan, that
5 don't mess with anything listed in the offer and
6 compromise he's not just going to quit but he is
7 going to call the ABRA hotline. So you can rest
8 assured that these things, if they do happen he
9 is going to have to security staff and he's going
10 to have investigators there to find out why he is
11 trying to open without the proper security staff.

12 So for those reasons we think we
13 sufficiently address the question of whether you
14 can trust Mr. Tuli and whether you come to your
15 own conclusion that you can't we would like to
16 say that even if you can't you can trust Mr.
17 Bailey and even if you can't trust Mr. Tuli you
18 can trust the other person who said I am the boss
19 sitting right behind him and she's the one you
20 ultimately have to answer to every night when he
21 gets home at 3:00 o'clock or 1:30 or whatever
22 time that is.

1 So between the testimony of each of
2 them I think what you are going to see in the
3 future is exactly what the Government has asked
4 for; a different operation before they are
5 allowed to open. The testimony that Mr. Bailey
6 gave is extensive on what he has done in the past
7 and what he is going to do in the future. The
8 testimony that Mr. Tuli gave is that that's going
9 to be the final say. There was also testimony
10 about training done continually by Mr. Bailey
11 after the outside training has come in so in the
12 end we are not asking to walk out of here with
13 license in hand and start serving alcohol
14 tonight, that's not within the reasonable realm
15 of what we would expect after seeing that video.
16 What we would expect is being allowed to put
17 those procedures in place that would allow them
18 to reopen and be responsible business going
19 forward.

20 If those procedures, everything that
21 was spelled out in our offer and compromise is
22 also reflected in the new security plan those

1 will all be part of the record in this case if
2 they have not been now I would like to make those
3 part of the record with the offer and compromise
4 that was submitted yesterday and the revised
5 security plan that was attached to that that you
6 were all presented with yesterday. Once those
7 procedures are put in place and Mr. Bailey takes
8 over the continuing operation of this business
9 will not be an imminent danger to the health and
10 safety of the public.

11 MS. MILLER: Thank you. Let me ask
12 you, you made reference to a security plan we
13 were given yesterday.

14 MR. ROME: Yes.

15 MS. MILLER: What is that? Is that
16 the current security plan? I just want to make
17 sure.

18 MR. ROME: It was attached to, I have
19 got copies of it right now.

20 MS. MILLER: We probably have it but
21 I just want to make sure I know what you are
22 referring to.

1 MR. ROME: We do not.

2 MS. SCHMIDT: We did not want to give
3 it to the Board.

4 MR ROME: That is news to me because
5 it was an Exhibit to the Offer and Compromise and
6 when I was told that the Offer and Compromise was
7 sent to the Board I thought that this was on the
8 back of it.

9 MS. MILLER: So we should have it now
10 because when we go and consider this. Okay,
11 yeah, is this an exhibit?

12 MR. ROME: Well, it's a little tricky
13 in that the offer and compromise that was
14 presented yesterday was just an offer and
15 compromise.

16 MS. MILLER: It is not on the record.

17 MR. ROME: I thought this was attached
18 to that. I understand now that it was not so we
19 would like to make it so.

20 MR. ALBERTI: Was it referenced in
21 that Offer and Compromise?

22 MR. ROME: Yes.

1 MR. ALBERTI: I am just saying, to
2 complete the record it should be given to us now.

3 MR. ROME: It says here, attached
4 hereto on Exhibit A on number 1.

5 MS. MILLER: So this is a new security
6 plan. Did Mr. Bailey have input in this security
7 plan or what?

8 MR. ROME: Yes Mr. Bailey had input on
9 each of the things that you know, the double
10 wanding he approved, you know each of the things
11 that are in the OSC have been put into this
12 security plan based on our conversations with Mr.
13 Bailey and everyone else.

14 MS. MILLER: Okay and we can all
15 remember the testimony but I recollect that he
16 said -

17 MR. ROME: He didn't review this
18 security plan itself but your question was did he
19 have input on it.

20 MS. MILLER: Okay right. He is going
21 to review it actually further then?

22 MR. ROME: Oh, of course. I also

1 asked him if they would be trained on the
2 security plan so this security plan that says
3 that there is going to be six people, that says
4 that there is going to be reimbursable detail,
5 that says all those things that's what they are
6 actually going to be trained on. Where is says
7 what the training is, that's what they are going
8 to be trained on.

9 MS. MILLER: All right so would it be
10 mistaken to identify then for the record your
11 offer and compromise as Exhibit 1 in this
12 proceeding because you said it was.

13 MR. ROME: Sure, let's make that our
14 Exhibit 1 in this proceeding.

15 MS. MILLER: Attached to that is the
16 security plan.

17 MR. ROME: Yes provide the security
18 plan as an Exhibit to that Exhibit 1 the Offer
19 and Compromise.

20 MS. MILLER: Okay so is it correct--

21 MR. ROME: All right just so we can
22 address this. The security plan stated that all

1 incidents would be, that might be in front of you
2 now, but that incidents will be presented to ABRA
3 after a certain period of time. Record of all
4 incidents will be kept for 30 days. She changed
5 that, she wanted to just to say violent incidents
6 be given to ABRA.

7 MS. SCHMIDT: That would be more clear
8 because we don't know what an incident is but
9 violence we know.

10 MR. ROME: It was made less
11 restrictive for the licensee under their request.

12 MS. MILLER: What is in this one?
13 Violent or not violent? Not violent.

14 MS. SCHMIDT: That's why I didn't, the
15 reason why you did not get a security clearance
16 is I was here at ABRA all morning and I did not
17 have it at that point and I told him orally what
18 I wanted to change but I wasn't sure.

19 MS. MILLER: Okay, I see, it's not a
20 final plan. Is it final or is it a draft.

21 MR. ROME: It has not been signed
22 because it's going to be signed once it is

1 approved. You know our expectation is that you
2 would have it put on that and say that this plan
3 is preferable and that this plan is okay and then
4 it would be signed and put into place.

5 MS. MILLER: All right, so this is
6 your most up to date proposed security plan?

7 MR. ROME: Correct.

8 MS. MILLER: Okay but it can be
9 subject to tweaks or whatever. Okay. So I just
10 want to make sure I understand each of your
11 positions though before we go and deliberate.
12 Mr. Rome your position is that you are offering
13 again all the positions in this offer and
14 compromise as conditions on the license so that
15 it doesn't present any hazard to the public.

16 MR. ROME: That is correct.

17 MS. MILLER: Then I think there may
18 have been a couple other representations that
19 were made in the hearing. One was that you were
20 going to get the contract with Mr. Bailey.

21 MR. ROME: Correct.

22 MS. MILLER: So that we know that

1 that's -

2 MR. ROME: A written contract so that
3 we know that our word is that Mr. Bailey will be
4 retained.

5 MR. ALBERTI: Does that exist or is
6 that something that is going to be created?

7 MR. ROME: Created.

8 MR. ALBERTI: Okay so I'm just a
9 little confused at how that can be. You are
10 asking me to consider tonight documents that
11 don't exist yet.

12 MR. ROME: No, I'm not asking you to
13 consider those documents. What we are asking
14 you; you asked me for those documents. We said
15 he was prepared to open and he was prepared to
16 start working without a written contract. You
17 want a written contract so I said I can create
18 one.

19 MR. ALBERTI: We will discuss that
20 amongst ourselves in the back.

21 MS. MILLER: Okay and then, Ms.
22 Schmidt, is it your position that with all the

1 conditions in the offer and compromise plus the
2 contract of Mr. Bailey and the new security plan
3 that the establishment wouldn't present an
4 imminent hazard or still would present an
5 imminent hazard? I am just not one hundred
6 percent clear on your position.

7 MS. SCHMIDT: You know I'm just going
8 to submit, to be quite honest you know you
9 rejected the offer and compromise we presented
10 our evidence, the Board can make their decision
11 based on - that's an offer and compromise we had
12 input in, however, the Board is still free to
13 make their decision and I am going to -

14 MS. MILLER: Does that mean you are
15 not taking a position right now?

16 MS. SCHMIDT: I am not taking a
17 position right now, no.

18 MS. MILLER: You are leaving it to the
19 Board to decide?

20 MS. SCHMIDT: Yes.

21 MS. MILLER: Okay. All right, so
22 anything else before we go into closed meeting?

1 Okay so as we stated at the beginning of this
2 hearing that we would make a decision today so we
3 are going to deliberate on this matter. I am
4 going to call for a vote for a closed meeting.
5 As chairperson of the Alcoholic Beverage Control
6 Board for the District of Columbia and in
7 accordance with Section 405 of the Open Meetings
8 Amendment Act of 2010 I move that the ABC Board
9 hold a closed for the purpose of seeking legal
10 advice from our counsel on Case # 15-251-00001
11 Heritage India/The Zanzibar. Section 405(b)4 of
12 the Open Meetings Amendment Act of 2010 and
13 deliberating upon this summary suspension case
14 for the reasons cited in Section 405(b)13 of the
15 Open Meetings Amendment Act of 2010 is there a
16 second?

17 MR. SHORT: Second.

18 MS. MILLER: Mr. Short seconded the
19 motion and I will take a roll call vote on the
20 Motion before us now that it has been seconded.
21 Mr. Brooks?

22 MR. BROOKS: I agree.

1 MS. MILLER: Mr. Alberti?

2 Mr. ALBERTI: I agree.

3 MS. MILLER: Mr. Rodriguez?

4 MR. RODRIGUEZ: I agree.

5 MS. MILLER: Mr. Silverstein?

6 MR. SILVERSTEIN: I agree.

7 MS. MILLER: Mr. Short?

8 MR. SHORT: I agree.

9 MS. MILLER: It appears that the
10 motion passes by a 6,0,0 vote I hereby give
11 notice that the ABC Board will now recess this
12 proceeding to hold the aforementioned closed
13 meeting in the ABC Board Conference Room. We
14 will return in a little while with our decision.
15 Thank you.

16 OFF THE RECORD

17 ON THE RECORD

18 MS. MILLER: Okay, we're back on the
19 record. From the Board's having met in closed
20 session with counsel and having considered the
21 full day of hearings and having considered
22 proposed conditions that were presented for the

1 purpose of determining whether this
2 establishments alcohol license can be lifted and
3 under what conditions so that there no long is an
4 imminent hazard to the public. So based on the
5 Board's deliberations in closed session I would
6 like to make a motion and Board members can then
7 vote one way or the other or speak to it as to
8 whether or not it meets their satisfaction. So,
9 I would move that the suspension be lifted upon
10 the following conditions being met to the Board's
11 satisfaction.

12 Number One that the respondent shall
13 surrender its entertainment endorsement for
14 cancellation. It shall not offer music or
15 entertainment of any kind including disc jockeys.
16 The licensing may offer background music. Number
17 Two that the respondent may not use any outside
18 promoters in any aspect of its business. Number
19 Three that the licensee submit a revised security
20 plan which is in full compliance with all
21 applicable laws including all requirements for a
22 security plan under Title 25 of the D.C. Official

1 Code which incorporates the following matters:
2 One, that it addresses the establishments
3 procedures for preserving a crime scene. Two,
4 the revised security plan shall state that a
5 minimum of 14 cameras will be utilized by the
6 establishment; and Three, that the 14 cameras
7 shall remain operational at all times and reveal
8 no blind spots.

9 In this Motion, I would move that this
10 suspension remain in place until the Board
11 reviews the security plan and determines that it
12 meets it's satisfaction. After we vote on the
13 Motion also I would clarify with the respondent
14 whether or not the security plan dated January
15 14, 2015 which was handed to us today is the
16 revised security plan that the Board should be
17 reviewing. I would also say that we should get
18 back to the respondent within two business days
19 of submittal of a security plan.

20 MR. SHORT: Second.

21 MS. MILLER: Okay, second, does
22 anybody want to speak to this Motion? Okay I

1 will speak a little bit then. We considered a
2 lot of the conditions that were submitted to us
3 but in the end after the Board reviewed all the
4 documentation and assessed the testimony it was
5 determined that the entertainment endorsements
6 seemed to be the cause of the problems, with the
7 crowds coming in late at night et cetera and the
8 problems that we heard today and so that was the
9 primary solution that the Board thought most
10 appropriate. Any other comments?

11 MR. SILVERSTEIN: Go ahead.

12 MS. MILLER: Mr. Alberti.

13 MR. ALBERTI: I agree with you, I just
14 would like to say a little differently. The
15 entertainment endorsement is the cause because,
16 to me it is the cause because having an
17 entertainment endorsement presents certain
18 challenges to an operator. I did not find this
19 past and current behavior, I was not confident of
20 the past and current behavior of this licensee
21 was able to adequately address and manage an
22 operation with those sort of challenges

1 presented.

2 MS. MILLER: Yes, Mr. Silverstein.

3 MR. SILVERSTEIN: I will be voting for
4 this although I would have imposed further
5 restrictions on hours. The respondent, the
6 licensee must understand how seriously we view
7 the problems of violence and disorder within our
8 night life industry recently. We care greatly
9 about the safety of our citizens and our guests
10 far more than anything else and I think that
11 removing the entertainment endorsement is primary
12 here. You are a restaurant, you can open
13 tomorrow if you want or you can be open right now
14 if you want, just don't serve liquor. But if you
15 are going to serve liquor it will have to be
16 under these standards that insure public safety,
17 that comes first. Madame Chair.

18 MS. MILLER: Okay. Any other
19 comments? All right this motion has been
20 seconded.

21 MR. RODRIGUEZ: Mr. Short seconded.

22 MS. MILLER: Okay, then all those in

1 favor say aye.

2 (Chorus of ayes)

3 MS. MILLER: All those opposed. The
4 sustaining Motion passes 6,0,0. Okay Mr. Rome, I
5 wanted to clarify with that this document which I
6 think was respondents Exhibit 1 the security plan
7 dated January 14, 2015 is the revised security
8 plan that you want the Board to consider.

9 MR. ROME: Yes that was the attachment
10 to Exhibit 1.

11 MS. MILLER: Okay, okay. All right.

12 MR. ROME: Can I ask a question or are
13 you finished yet.

14 MS. MILLER: No, no we voted on our
15 Motion.

16 MR. ROME: Is the Boards conclusion
17 that the establishment remains a continuing
18 imminent danger to the public? That is what we
19 are here for, so is that the conclusion?

20 MS. MILLER: This means if it is
21 serving alcohol.

22 MR. ALBERTI: No, I think if it's not

1 serving alcohol.

2 MS. MILLER: Go ahead.

3 MR. ALBERTI: I think it's the Board's
4 conclusion that, without entertainment it is no
5 longer an imminent danger. We are cancelling the
6 entertainment endorsement and once, without the
7 entertainment endorsement it is no longer an
8 imminent danger. We have said that I think the
9 Chair will explain to you when you are allowed, I
10 think you are asking when you will be allowed to
11 reopen?

12 MR. ROME: No, that wasn't my
13 question.

14 MR. ALBERTI: Am I stating that
15 correctly Ms. Miller?

16 MS. MILLER: Well, I'm confused now
17 because I thought if it's only they don't have
18 their entertainment endorsement then they don't
19 need to wait on our review.

20 MR. ALBERTI: I am sorry I have
21 misstated, I will take that back. Really with
22 the conditions that the Board just voted on and

1 with our satisfaction of the security plan it is
2 no longer an imminent danger.

3 MR. ROME: And your position is that
4 the response on the security plan will be within
5 two days?

6 MS. MILLER: Two business days.

7 MR. ROME: Two business days as to
8 whether that is sufficient or not. Okay I
9 understand the ruling.

10 MS. MILLER: Okay, I would also say
11 this that it has been our practice that if there
12 is one thing missing from the security plan that
13 usually that can be corrected fairly quickly that
14 this should not be a long drawn out process.
15 Yes, Mr. Short.

16 MR. SHORT: Speaking to imminent
17 danger our Metropolitan police department of the
18 District of Columbia Police Chief Captain Lanier
19 issued the summary suspension based on imminent
20 danger. This Board's responsibility and the
21 decision we made we felt we were going to be
22 helping the citizens, visitors and business

1 community of Washington D.C. be a safer place
2 with our decision today. That is mine for the
3 record.

4 MS. MILLER: Okay, anything else? All
5 right then that concludes this hearing.
6 Everybody can be excused. Thanks.

7 (Whereupon the above hearing was
8 concluded at 8:13 p.m.)
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