

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
TCR, Inc. :
t/a Jr's Bar and Grill : Fact
1519 17th Street Northwest : Finding
Retailer CT : Hearing
License No. 9267 :
ANC 2B :
Case Nos. 11-251-00380 :
Assault Inside of the :
Establishment :
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MAY 9, 2012

The Alcoholic Beverage Control
Board met in Suite 400S, 2000 14th Street,

Northwest, Washington, D.C. 20009 Ruthanne
Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member

CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member
JEANETTE MOBLEY, Member
HERMAN JONES, Member

ALSO PRESENT:

INVESTIGATOR ABYIE GHENENE, ABRA

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

2:57 p.m.

CHAIRPERSON MILLER: Case No. 11-
251-00380, Jr's Bar and Grill, located at
1519 17th Street Northwest, License No.
9267, located in ANC 2B. And it's scheduled
for 3:30. but I hear that the parties are
here.

MR. PERREZZA: The owner's not
here, but I'm Vice President of the company
and he's on his way.

CHAIRPERSON MILLER: Oh.

MR. PERREZZA: Do you want to
wait a couple of minutes or, I mean, we can
start.

MEMBER ALBERTI: But you're an
officer?

MR. PERREZZA: Yes, I'm an
officer.

MEMBER JONES: Are you an equity
owner?

MR. PERREZZA: No, I'm not an

1 equity owner.

2 CHAIRPERSON MILLER: Okay. Let's
3 see what this is.

4 Well, have a seat and we'll let
5 you know.

6 MR. PERREZZA: Okay.

7 MEMBER JONES: You say he's on
8 his way?

9 MR. PERREZZA: Yes. He called me
10 and said he's on his way.

11 MEMBER JONES: Do you have any
12 idea how long?

13 MR. PERREZZA: I can call him, if
14 you don't mind.

15 MEMBER JONES: I don't mind.

16 MEMBER ALBERTI: Then we can
17 decide that we're going to do.

18 MR. PERREZZA: Yes.

19 (Whereupon, off the record at
20 2:58 p.m. until 2:59 p.m.)

21 CHAIRPERSON MILLER: Yes, we're
22 going to wait.

1 MR. PERREZZA: You're going to
2 wait?

3 CHAIRPERSON MILLER: Yes.

4 MEMBER ALBERTI: But if you could
5 find out how long he's going to be, so we
6 can decide how long to wait for him.

7 CHAIRPERSON MILLER: Okay.

8 (Whereupon, at 2:59 p.m. until
9 3:00 p.m.)

10 MR. PERREZZA: He's stuck in
11 traffic on U Street.

12 CHAIRPERSON MILLER: Oh, he's
13 close.

14 MR. PERREZZA: But he could be
15 all the way down U Street somewhere.

16 CHAIRPERSON MILLER: Let our
17 staff know when he's here.

18 MEMBER ALBERTI: Let's go get
19 something done. Let's go do some work.

20 (Whereupon, off the record at
21 3:00 p.m. until 3:17 p.m.)

22 MR. STERN: I understand that the

1 parties are here for Case No. 11-251-00380,
2 Jr's Bar and Grill, located at 1519 17th
3 Street Northwest, License No. 9267 located
4 in ANC 2B.

5 Hello again. I don't know if you
6 signed in yet. There should be a piece of
7 paper there for you to sign in. And that
8 way we get your name spelled correctly in
9 the transcript Okay.

10 So if you would introduce
11 yourselves for the record?

12 MR. PERREZZA: I'm David
13 Perrezza.

14 CHAIRPERSON MILLER: David
15 Perrezza?

16 MR. PERREZZA: Yes.

17 CHAIRPERSON MILLER: Okay.

18 MR. PERREZZA: I'm Vice President
19 of the company.

20 CHAIRPERSON MILLER: Right.
21 Okay.

22 MR. ROSATI: Mark Rosati.

1 CHAIRPERSON MILLER: All right.

2 MR. LITTLE: Eric Little,
3 President.

4 CHAIRPERSON MILLER: Okay.

5 INVESTIGATOR GHENENE: ABRA
6 Investigator Abyie Ghenene.

7 CHAIRPERSON MILLER: Okay.

8 So this is what we call a Fact
9 Finding Hearing. It's not a contested case.
10 We don't take testimony. There's no cross-
11 examination or evidence. However, what we're
12 doing to trying to find out more information
13 about an incident that occurred. And it's
14 possible that based on that information we
15 could refer the case to the Office of
16 Attorney General for a Show Cause Hearing.
17 But it's often the case we don't; that we
18 find out, you know that the establishment
19 handled the incident in accordance with the
20 law, and that's it. That's the end of the
21 case.

22 So, that's basically how this

1 works. We're going to have Mr. Ghenene start
2 with his Investigative Report and then
3 you'll have a chance to respond to it and
4 we'll have a chance to ask questions. And
5 you can actually ask him questions as well.

6 Okay. Any questions? All right.
7 Good.

8 You can start then.

9 INVESTIGATOR GHENENE: Thank you,
10 Chairperson.

11 On Sunday, December 4, 2011 I was
12 able to determine that a simple assault
13 occurred at Jr's Bar and Grill located at
14 1519 17th Street Northwest, Washington, D.C.
15 This determination was based on review of
16 the MPD PD-251 Report 11177515, interviews
17 with MPD officers and interviews with staff
18 members at Jr's Bar and Grill.

19 As I said, this investigation was
20 initiated as a result of a PD-251 report and
21 an ABRA Hotline call.

22 On Sunday, December --

1 MEMBER NOPHLIN: I'm sorry. If
2 you would speak in your mic, I could hear.

3 INVESTIGATOR GHENENE: Oh, I'm
4 sorry. Is that better?

5 MEMBER NOPHLIN: That's much
6 better.

7 INVESTIGATOR GHENENE: I
8 apologize.

9 On Sunday, December 4th, 2011 I
10 along with two other ABRA Investigators
11 responded to an ABRA Hotline phone call to
12 Jr's Bar and Grill. Upon our arrival I
13 identified myself as an ABRA Investigator to
14 Sergeant Parsons, who was already on the
15 scene.

16 Sergeant Parsons stated that
17 Cesar Gonzalez -- I'm sorry. There's a
18 correction in my report. I just want to
19 switch. Those two names at that point in my
20 report are from Cesar Gonzalez identified as
21 C1 and Jose Guzman identified as C2. I want
22 to switch those around.

1 So, he indicated that Jose Guzman
2 was severely intoxicated and he kept
3 continuously was bumping into Mr. Cesar
4 Gonzalez.

5 Sergeant Parsons stated that Mr.
6 Gonzales several times requested that Mr.
7 Guzman refrain from bumping into him, to
8 which Mr. Guzman who was intoxicated became
9 aggressive. Again, he attempted to push Mr.
10 Gonzales. And Mr. Guzman redirected his
11 force. Mr. Guzman ended up hitting the
12 ground, striking his head against the floor
13 as a result of him losing his balance.

14 Sergeant Parsons stated that
15 nobody would be arrested since neither party
16 wanted to press charges.

17 While at Jr's Bar and Grill I
18 spoke with Mr. Rosati, Mark Rosati, ABC
19 Manager at Jr's Bar and Grill. Mr. Rosati
20 stated that he was outside at the time of
21 the incident, however he was notified by a
22 bar back that a patron was unconscious

1 inside the establishment. Mr. Rosati rushed
2 inside, instructed the bartender to call 911
3 for EMS, and Mr. Rosati went over to Guzman
4 who was lying. He felt for a pulse.
5 Confirmed that he was breathing, but Mr.
6 Rosati stated that Mr. Guzman was
7 unresponsive.

8 Mr. Rosati stated that
9 approximately five minutes later paramedics
10 arrived and took Mr. Guzman out on a
11 stretcher. And that was around the time that
12 I along with the ABRA Investigators arrived
13 on the scene.

14 I reviewed the recorded camera
15 footage, which they had a camera system and
16 it was recording at the time of the
17 incident. However, given the location of the
18 incident it was kind of out of camera shot
19 and it was unable to clearly see what
20 happened.

21 Mr. Rosati stated that on the
22 morning of -- it was early in the morning,

1 it was Sunday, December 4th, Jr's Bar and
2 Grill had the following operation: There
3 was no cover charge; they were participating
4 in a holiday theme pub crawling. If memory
5 serves me correctly, it was like an ugly
6 sweater pub crawl, or something of that
7 nature; it was 21 and over for admittance
8 and the doormens were checking
9 identification.

10 Jr's Bar and Grill does not have
11 a Security Plan on file with ABRA.

12 And that's the conclusion of my
13 report.

14 CHAIRPERSON MILLER: Thank you.

15 Any Board questions right now?

16 MEMBER NOPHLIN: No.

17 CHAIRPERSON MILLER: Okay. Do
18 you want to respond or --

19 MR. LITTLE: I just wanted to
20 just clarify that Mr. Rosati was on our
21 patio--

22 CHAIRPERSON MILLER: Yes.

1 MR. ROSATI: Yes, because I was
2 making rounds.

3 CHAIRPERSON MILLER: Okay. You
4 were outside, but on premises?

5 MR. LITTLE: Yes.

6 CHAIRPERSON MILLER: Okay.

7 MR. PERREZZA: And can I also
8 clarify that the person that was intoxicated
9 did not receive a drink in our
10 establishment. We had show the cops the
11 film footage of him coming in, which is like
12 five minutes prior to him going. So the
13 doorman didn't acknowledge that he was drunk
14 and he came in, he never even went in to the
15 bar to get a drink. So he was not drinking
16 in our establishment.

17 MR. LITTLE: And as another note,
18 we were -- the event was described to us as
19 a sexual assault rather than bumping.

20 CHAIRPERSON MILLER: Oh, okay.

21 MR. LITTLE: And maybe "assault"
22 is a strong word, but he was -- you know,

1 getting very friendly.

2 MR. ROSATI: Yes.

3 MR. PERREZZA: He grabbed his
4 butt.

5 CHAIRPERSON MILLER: Do you have
6 any policies about not letting in people who
7 are intoxicated?

8 MR. LITTLE: Yes.

9 MR. PERREZZA: Yes, we do. We
10 don't allow them in. Because there's
11 sometime our -- your know, our doormen are
12 all trained. We all go to the ABRA
13 training. Actually, they're both coming up
14 that we're going to do.

15 The doormen are all told to sit
16 outside. They look down the street. We
17 have a heater for them to make sure people
18 aren't coming in.

19 Sometimes people are -- like this
20 guy was little heavier and so they don't
21 show the signs as well as some other people,
22 so he got in. But he wouldn't have gotten a

1 drink from the bartenders had he --

2 CHAIRPERSON MILLER: Okay. So
3 are you saying, though, that you noticed
4 that he was intoxicated when he came in
5 because when you're looking -- you know, at
6 video, you may be scrutinizing a little more
7 than --

8 MR. PERREZZA: No. When he came
9 in he was perfectly fine. The camera
10 footage of him walking up the stairs was
11 fine. He was not stumbling or anything.
12 So, I don't know what the officer had saw,
13 but from the footage of him walking him,
14 which I was down there with the officers
15 looking at the footage that night of him
16 walking, and it was literally five minutes
17 in before the incident occurred. And there
18 was no -- he did not look intoxicated at any
19 point.

20 MR. LITTLE: And the report reads
21 to us that the guy who was annoyed was the
22 one who determined the intoxication level of

1 the aggressor.

2 CHAIRPERSON MILLER: Oh, I see.

3 Okay. I had misheard you. I thought you

4 said he came in intoxicated. No. Okay.

5 Who called the paramedics, do you

6 know?

7 MR. ROSATI: One of the

8 bartenders?

9 CHAIRPERSON MILLER: The

10 bartender? Okay.

11 Mr. Ghenene, do you have any

12 reason to believe that the establishment

13 did anything improper with respect to this

14 incident?

15 INVESTIGATOR GHENENE: No. No.

16 CHAIRPERSON MILLER: Okay.

17 CHAIRPERSON MILLER: Mr. Alberti?

18 MEMBER ALBERTI: Hi.

19 The reason I wanted to have you

20 all in was because I'm curious as to -- you

21 know, people are pushing each other and one

22 person isn't okay with that. And so I'm

1 wondering how this doesn't get noticed.

2 Who would have been --Mr. Rosati,
3 you were outside on the patio or doing your
4 rounds. Who would have been left inside
5 monitoring the bar?

6 MR. ROSATI: All the staff are --
7 all the staff are constantly on watch for
8 anything that should happen.

9 MEMBER ALBERTI: Meaning how many
10 staff would there have been?

11 MR. ROSATI: There were three
12 bartenders and two barbacks.

13 MEMBER ALBERTI: Okay.

14 MR. ROSATI: So five people.

15 MEMBER ALBERTI: Okay. How do
16 you train them? I mean, what's their
17 instructions if they see something like this
18 going on?

19 MR. ROSATI: They have direction,
20 just let someone know or to try to -- you
21 know, find out what's going on. But it
22 literally happened so fast --

1 MR. LITTLE: Every single
2 employee was have is TAM certified. They're
3 test certified and in that certification you
4 are taught skills to diffuse situation. And
5 as far as we understand and from our
6 videotapes, it happened within a few
7 seconds.

8 MEMBER ALBERTI: Okay.

9 MR. LITTLE: You know, the guy
10 walked in, bomb, push.

11 MEMBER ALBERTI: Okay. And if
12 they made a decision, if the bartenders
13 notice something, who would they notify?

14 MR. PERREZZA: The manager
15 immediately.

16 MEMBER ALBERTI: And how would
17 they know to notify the manager?

18 MR. PERREZZA: They just find him
19 and tell him. I mean, we're always
20 accessible. It's not a very big bar, so
21 it's -- you know, a manager is always
22 around.

1 MR. ROSATI: I was making my
2 round outside and back in.

3 MEMBER ALBERTI: They would sort
4 of verbally communicate to the barbacks go
5 get the manager?

6 MR. LITTLE: Yes.

7 MEMBER ALBERTI: Okay. Okay.

8 CHAIRPERSON MILLER: How about
9 the camera system not capturing this area?
10 And how many cameras do you have?

11 MR. PERREZZA: We have eight
12 cameras.

13 CHAIRPERSON MILLER: Okay.

14 MR. PERREZZA: And basically
15 it's-- we have it on all the bar, we have it
16 on the back, we have outside and the back
17 alleyway. So to get -- also our system can
18 hold eight cameras. So that one spot is like
19 right -- is like one of the only dead spots
20 in the whole bar. And it's very rare that
21 things happen there. But literally it's
22 probably one of the only dead spots. We

1 even have the upstairs covered.

2 MR. LITTLE: And since we've
3 adjusted because we didn't know of the dead
4 spot until there was a need to videotape
5 that spot, we've since adjusted it to
6 provide better coverage of that area.

7 CHAIRPERSON MILLER: And how long
8 does the camera record for?

9 MR. PERREZZA: Fourteen days.

10 CHAIRPERSON MILLER: Okay. Any
11 other questions? Any concerns?

12 So I would recommend that we take
13 no further actions on this case.

14 I will second that.

15 CHAIRPERSON MILLER: Okay. The
16 motion has been seconded.

17 All in favor of the motion say
18 aye.

19 ALL: Aye.

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

22 The motion passes seven-zero-

1 zero. Okay.

2 Well, thank you very much.

3 MEMBER ALBERTI: Thanks for
4 coming in early.

5 (Whereupon, at 3:30 p.m. the Fact
6 Finding Hearing was concluded.)

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