

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
Night and Day Management, :
LLC t/a Fur Factory : Summary
33 Patterson Street, NE : Suspension
Retailer CTN - ANC-6C : Hearing
License No. 60626 : (Status)
Case# 13-251-00068 :
 :
(Chief of Police Closure :
May 6, 2013) :
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May 22, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C.

20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson

- NICK ALBERTI, Member
- DONALD BROOKS, Member
- HERMAN JONES, Member
- MIKE SILVERSTEIN, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

(5:10 p.m.)

CHAIRPERSON MILLER: Okay. I'm going to call Case No. 13-251-00068, Fur Factory located at 33 Patterson Street, N.E., License No. 60626 in ANC-6C.

I think I'm just going to recap just a little bit, so we can see where we are and where we are going from here, hopefully bringing this to a close soon.

MR. RIVERO: Thank you.

CHAIRPERSON MILLER: On May 6th, there was assault with a deadly weapon at Fur Factory at, approximately, 2:00 a.m. Chief Lanier closed the establishment for 96 hours. On May 10th, the Board issued a Notice of Suspension. On May 15th, there was a summary -- there was scheduled a Summary Suspension Hearing.

The Government and the licensee, at that time, presented an offer in compromise. The Board did not accept the

1 initial offer and stated what concerns it had
2 and improvements it would like to see in order
3 to lift the suspension.

4 The parties returned with a
5 revised OIC addressing most of the Board's
6 concerns, to the point that the Board voted 5-
7 0 to accept that offer in compromise and
8 stated that it would lift the suspension upon
9 its review and satisfaction with the
10 submission of a security plan that was
11 revised, as represented in the OIC.

12 On May 17th, the licensee submitted
13 a revised security plan. That was a Friday
14 when the Board was not in session, so that was
15 emailed to Board Members, and also submitted
16 additional responses to individual Board
17 questions.

18 On May 17th, the Board voted by
19 email 3-2 not to lift the suspension. Members
20 Jones, Silverstein and Alberti voting not to
21 lift the suspension and Brooks and Miller
22 voting to lift the suspension, all by email.

1 The majority had additional
2 requests for information and these were made
3 to the licensee through the Board's legal
4 counsel and a hearing was set for today at
5 4:30 p.m. It is now 5:00. We had another
6 hearing before that went long.

7 So that's where we are today and
8 so I now turn to Board Members if they wanted
9 to correct anything that I said or add to
10 something I said?

11 MEMBER JONES: Yes, just a point
12 of clarification regarding --

13 CHAIRPERSON MILLER: Okay.

14 MEMBER JONES: -- your recap is
15 that we were not requesting additional
16 information. We were requesting compliance
17 with our initial request to our satisfaction.

18 CHAIRPERSON MILLER: Okay. And
19 that is speaking -- that is a Member of the
20 majority speaking first to the request. Okay.
21 Now, who would like to address --

22 MR. RIVERO: I would like to say

1 Fernando Rivero for the District of Columbia.

2 CHAIRPERSON MILLER: I'm sorry.

3 And you would like to say?

4 MR. MPRAS: Hello. Emanuel Mpras

5 for the licensee. And Mr. Ahmed Shaw, the

6 licensee. His jaw is wired shut.

7 CHAIRPERSON MILLER: Okay. Now --

8 MEMBER ALBERTI: And who else is

9 with you?

10 MR. RAYMOND: Michael Romeo

11 Raymond.

12 MR. JONES: My name is Gary Jones.

13 MR. BAILEY: David Bailey.

14 MEMBER ALBERTI: Thank you.

15 CHAIRPERSON MILLER: All right.

16 So here we are and I'm not sure who -- would
17 the Government like to speak or the licensee?

18 MR. RIVERO: The Government will
19 defer its time to the licensee, since it is
20 really the licensee's responsibility to
21 respond, at this point of the proceedings.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Mpras?

2 MR. MPRAS: We are ready to
3 respond and we are ready to -- and we will --
4 we would like to go through the Board's
5 additional questions as they were sent to us.

6 So first was a request of a list
7 of the employees along with their job
8 description.

9 CHAIRPERSON MILLER: Okay.

10 MR. MPRAS: I have that to provide
11 to the Board right now.

12 CHAIRPERSON MILLER: Okay.

13 MR. MPRAS: Secondly, you
14 requested signed training certificates. We
15 also have those to present to the Board right
16 now.

17 CHAIRPERSON MILLER: Mr. Mpras,
18 how many copies of these things are you
19 sending up here? Just for curiosity.

20 MR. MPRAS: Some of them --

21 CHAIRPERSON MILLER: Is it one
22 or --

1 MR. MPRAS: -- I'll send up copies
2 for the Board immediately.

3 CHAIRPERSON MILLER: -- five?
4 Yes.

5 MR. MPRAS: Probably five. The --
6 unfortunately the certificates I can -- I only
7 have the actual certificates, because they did
8 not come into my possession until prior --
9 immediately before the hearing.

10 CHAIRPERSON MILLER: Okay.

11 MR. MPRAS: May I approach?

12 CHAIRPERSON MILLER: Ms. Jenkins
13 will help you.

14 MR. MPRAS: Third, a description
15 of the training conducted by the establishment
16 before the incident. I must state that the
17 training was based on the original security
18 plan that was submitted to and approved by the
19 Board and it was done at -- the last training
20 session, I believe, was done in, yes, August
21 2012. It was conducted by Mr. Bailey. And
22 Mr. Bailey is here to answer any questions you

1 may have on that.

2 MEMBER JONES: May we start now?

3 CHAIRPERSON MILLER: What?

4 MEMBER JONES: May we start now or
5 do you want him to go through the whole thing?

6 MR. MPRAS: What?

7 CHAIRPERSON MILLER: Well, let's
8 see.

9 MR. MPRAS: Do you want me to go
10 down the laundry list first?

11 CHAIRPERSON MILLER: Well, I want
12 to know other things, are you giving us other
13 things or are you going to have testimony --

14 MR. MPRAS: Well --

15 CHAIRPERSON MILLER: -- on other
16 things?

17 MR. MPRAS: -- I guess I will be
18 handing up other things, so we might as well
19 just go through it.

20 CHAIRPERSON MILLER: Yes. Let's
21 just see where we are -- what we are going to
22 have here. Okay.

1 MR. MPRAS: Okay.

2 CHAIRPERSON MILLER: The dates and
3 subject --

4 MR. MPRAS: Now, you wanted a
5 curriculum syllabus and also information on
6 CPI and we have that.

7 CHAIRPERSON MILLER: What number
8 is that? Oh, information on CPI, 8, okay.

9 MR. MPRAS: We are submitting
10 information on -- let the record reflect we
11 are submitting information on CPI taken from
12 its website, a Virginia House of Delegates
13 Resolution acknowledging CPI and its mission
14 and contribution to the Commonwealth. A copy
15 of the security training outline for CPI and
16 the r, sum, of -- r, sum, certifications at the
17 instruction of Mr. Jones.

18 CHAIRPERSON MILLER: Does this all
19 go to No. 8, information on CPI?

20 MR. JONES: It does.

21 CHAIRPERSON MILLER: Okay. So
22 just to keep things straight, you passed out

1 copies of the list of employees?

2 MR. MPRAS: Yes.

3 CHAIRPERSON MILLER: Okay. The
4 signed training certificates for the
5 employees, you have held up or something? You
6 don't have copies?

7 MR. MPRAS: No, we have -- I have
8 given them to you.

9 CHAIRPERSON MILLER: You gave them
10 to our general counsel?

11 MR. MPRAS: Oh, we have them right
12 here.

13 CHAIRPERSON MILLER: We are going
14 to hear testimony on No. 3.

15 MR. MPRAS: Now, ID checking was
16 conducted by -- ID checking procedures and use
17 of the machine was conducted by Mr. Jones and
18 Mr. Bailey. And I have the information on the
19 scanner that was purchased and confirmation of
20 that purchase.

21 CHAIRPERSON MILLER: What number
22 are we -- are you addressing?

1 MR. MPRAS: Excuse me.

2 CHAIRPERSON MILLER: Okay.

3 MR. MPRAS: The training -- it was
4 the last thing that was requested in the
5 second email sent to us, training and the use
6 of ID checking devices.

7 MEMBER JONES: I'm sorry, could
8 you repeat that last part?

9 MR. MPRAS: Yes. It was the
10 second email that was sent to us with
11 information requests from the Board's counsel
12 regarding the training and the use of ID
13 checking devices.

14 MEMBER JONES: Okay. And what did
15 you provide?

16 MR. MPRAS: We are about to
17 provide verification of purchase and
18 description of the electronic scanner for the
19 IDs.

20 MEMBER JONES: So this is a new
21 device?

22 MR. MPRAS: This is a new device

1 that was purchased that they were trained on,
2 yes. Yes, it's -- since we were revising
3 everything, it was best to get a new updated
4 device, so they can function independently.

5 And then a single page synopsis of
6 the ID checking process training. And a
7 trainer certification card of the person who
8 went over the synopsis, which was myself,
9 certified as a TIPS trainer.

10 Madam Chair? Sorry, anything
11 else? Madam Chair, at this point, I believe
12 you have all of our submissions. We have not
13 submitted the security manual, because I
14 believe you already have copies of that, the
15 new security plan.

16 CHAIRPERSON MILLER: Okay. We
17 have seen that?

18 MR. MPRAS: No. I'm sorry? I
19 didn't hear your question.

20 CHAIRPERSON MILLER: Oh, I'm
21 sorry. The email that you are looking at, the
22 date and time, because I'm looking at a list

1 that has eight items on it and we --

2 MR. MPRAS: Yes, ma'am, there was
3 a subsequent list that had five items on it
4 that was sent by Mr. Berman.

5 CHAIRPERSON MILLER: Oh.

6 MR. MPRAS: And that was sent on
7 Saturday the 18th.

8 CHAIRPERSON MILLER: Okay. I'll
9 get that in front of us now.

10 MR. MPRAS: I don't have the
11 actual emails. I just made a list for my own
12 reference.

13 CHAIRPERSON MILLER: You do have
14 that though, the 1 through 8 list?

15 MR. MPRAS: I do.

16 CHAIRPERSON MILLER: Okay. So are
17 you addressing the 1 through 8 plus the 1
18 through 5?

19 MR. MPRAS: Yes, I am.

20 CHAIRPERSON MILLER: Okay.

21 MR. MPRAS: Your request as a
22 whole.

1 CHAIRPERSON MILLER: Okay.

2 MR. MPRAS: So I've now submitted
3 all the documents I have for you, at this
4 time. And we are prepared to take a question,
5 I guess, on No. 3 would be the first one.

6 CHAIRPERSON MILLER: Okay.

7 MR. MPRAS: And I'm going to defer
8 to Mr. Bailey as Mr. Bailey provided that
9 training.

10 CHAIRPERSON MILLER: I don't know
11 whether to swear you in or not. This is kind
12 of a weird hearing. So I think that I will
13 swear you in just to be safe.

14 MR. BAILEY: No problem.

15 Whereupon,

16 DAVID BAILEY
17 was called as a witness by Counsel for the
18 Licensee, and having been first duly sworn,
19 assumed the witness stand and was examined and
20 testified as follows:

21 CHAIRPERSON MILLER: Okay. Thank
22 you. So you are going to address a

1 description of the training conducted by the
2 establishment before the incident?

3 MR. BAILEY: Yes.

4 CHAIRPERSON MILLER: Okay. Okay.

5 MR. BAILEY: The basic training
6 just basically consists of a course of being
7 aware of intoxicated patrons, underage
8 drinkers being minors, based on --

9 MEMBER ALBERTI: Could you,
10 please, speak up, Mr. Bailey?

11 MR. BAILEY: It was the base
12 training just on what the security manual had
13 in it, just going over and reviewing it,
14 letting them know about how to handle
15 intoxicated patrons, not just, you know,
16 throwing them out, making sure that they are
17 well-taken care of. To also make sure that --
18 what for underage drinkers, what to look for,
19 what not to look for, you know.

20 It also consists of the -- like
21 when the -- the handling situations as far as
22 separating parties that get involved in

1 situations. The -- it was a little while ago,
2 like I said, back in August 2002. But like I
3 said, there was a little bit on ID checking,
4 you know, basically looking over, you know,
5 knowing the person's age, you know, by the,
6 you know, vertical and horizontal IDs.

7 You know, knowing that they are in
8 red if they are under the age, you know, very
9 quickly noting -- notifications on things of
10 that nature. But it was missing -- like I
11 said, we didn't go over like security pat-
12 downs or anything like that.

13 CHAIRPERSON MILLER: Okay. Are
14 there Board questions? All right. Yes?

15 MEMBER BROOKS: I do, Madam Chair.

16 CHAIRPERSON MILLER: Yes, go
17 ahead, yes.

18 MEMBER BROOKS: Just for my
19 clarification. The list of items that our
20 general counsel sent to, I guess, Mr. Mpras,
21 did you get this?

22 MR. MPRAS: Yes, I did.

1 MEMBER BROOKS: The list of items.
2 Okay. Seven of them. Eight of them, correct?

3 MR. MPRAS: Yes, sir.

4 MEMBER BROOKS: So now, today you
5 have submitted all of those to our Chair, all
6 those items?

7 MR. MPRAS: Everything we had, Mr.
8 Brooks.

9 MEMBER BROOKS: Okay. Because I
10 don't have them in front of me, that's why I
11 want to be sure that we have all of those
12 items.

13 MR. MPRAS: Yes, sir.

14 MEMBER BROOKS: Okay. The only
15 thing I have is --

16 CHAIRPERSON MILLER: Let me see.

17 MEMBER BROOKS: -- a list of
18 employees.

19 CHAIRPERSON MILLER: Right.

20 MR. MPRAS: I did submit
21 everything I had.

22 MEMBER BROOKS: Which you have

1 every day. So one thing we have here, also.

2 I'll find them. Thank you.

3 CHAIRPERSON MILLER: Oh, okay. Do
4 you have a question?

5 MEMBER ALBERTI: No.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER JONES: Are you finished?

8 MEMBER BROOKS: Yes, I am. Sorry,
9 yes.

10 MEMBER JONES: Okay. Mr. Bailey?

11 MR. BAILEY: Yes.

12 MEMBER JONES: On August of 2012--

13 MR. BAILEY: Yes.

14 MEMBER JONES: -- did you happen
15 to have a -- how did you conduct the training?
16 What was your process, mechanism by which you
17 did it? Specifically, what I'm trying to get
18 a feel for is did you just walk in there and
19 just speak from just freestyle?

20 MR. BAILEY: No.

21 MEMBER JONES: Or did you have
22 materials that you used to guide your training

1 session?

2 MR. BAILEY: Well, what I did was
3 they gave me a copy of their security plan.
4 I went through it. Of course, I took notes
5 down that needed to be addressed, things that
6 I wanted, you know, to bring up and point out
7 and then I went from there.

8 MEMBER JONES: Okay.

9 MR. BAILEY: I structured from the
10 security plan.

11 MEMBER JONES: There were no
12 training materials? There was no --

13 MR. BAILEY: I got -- I had IDs
14 with me. I had IDs with me. I had like a
15 couple of fake IDs I did have, you know, one
16 of the ID checking books with me.

17 MEMBER JONES: Okay.

18 MR. BAILEY: So, you know, to kind
19 of show the difference.

20 MEMBER JONES: And that's the
21 training you conducted in August of 2012?

22 MR. BAILEY: Yes.

1 MEMBER JONES: And how is that
2 different than the training you just
3 conducted?

4 MR. BAILEY: Like I said, that
5 training did not consist of when you are
6 separating the parties, notifying -- the
7 people on the outside notify MPD that we have
8 an aggressive party coming out whatever exit
9 they are coming out that we need MPD's
10 attention. It did not include the wands and
11 the proper pat-down procedures.

12 It did not include, once again,
13 the thoroughness of the ID checking with the
14 ID checking machine.

15 MEMBER JONES: So were -- and I
16 don't have a copy of it in front of me, so I'm
17 just trying to figure out in the security
18 plan, did it mention wands in the version? In
19 the old version that you use as a guide to
20 formulate your training syllabus, did it
21 mention wands?

22 MR. BAILEY: I would have to look

1 back. Like I said it was last year August.

2 MEMBER JONES: Well, along those
3 lines, when you did the training in August of
4 2012, did you provide certificates as you did
5 in this instance?

6 MR. BAILEY: No, I did not provide
7 certificates.

8 MEMBER JONES: Is there a reason
9 why?

10 MR. MPRAS: Mr. Jones, the
11 certificates were not provided by Mr. Bailey,
12 in this instance, they were provided by CPI.

13 MEMBER JONES: Oh, so who did the
14 -- I'm confused now.

15 MR. MPRAS: They both did
16 training. We -- there is no set course of
17 training for -- as far as Board-approved for
18 security. So we had CPI conduct a training
19 session and then to further independent
20 knowledge, we had Mr. Bailey conduct a second
21 session. So they have been trained twice
22 within the past week.

1 MEMBER JONES: So I'm befuddled
2 and confused and that's hard to do.

3 So CPI -- is anyone here
4 representing CPI?

5 MR. MPRAS: Mr. Jones.

6 MEMBER JONES: Okay. So, Mr.
7 Jones, you conducted the training?

8 MR. JONES: Yes, sir.

9 MEMBER JONES: Did you provide
10 training certificates before or is this the
11 first time you have provided training to this
12 establishment?

13 MR. JONES: This is the first time
14 I provided training to the establishment.

15 MEMBER JONES: Okay. So what was
16 the rationale for providing the two sets of
17 training in this instance? And I am confused
18 because I still don't see any training
19 materials. And Mr. Bailey is the one who is
20 saying he is providing the delta between the
21 revised -- between the old and the new, right?

22 So there is a process by which you

1 are offering up as part of your OIC to help us
2 feel warm and fuzzy about the fact that now
3 the training is going to make this place a
4 safe place for the citizens of the District of
5 Columbia and there is a delta between the
6 training you were offering before in August of
7 2012 and the training you are offering now.

8 So is that -- by virtue of the
9 fact that before training was only done by
10 Bailey and the difference now is that you are
11 done -- it was done by Bailey and CPI? Is
12 that the delta that I should pull from?

13 MR. MPRAS: That's one of them.

14 MEMBER JONES: Okay.

15 MR. MPRAS: One of the difference
16 is because CPI is a seasoned provider of
17 security personnel training. And as indicated
18 in the materials we submitted to you, they
19 have been doing so for quite some time. They
20 are positively acknowledged by th Virginia
21 State Legislature and we felt that this
22 addition would help better train security and

1 make it safer.

2 MEMBER JONES: Okay. So, Mr.
3 Jones?

4 MR. JONES: Yes, sir?

5 MEMBER JONES: Where -- what is
6 your process for training?

7 MR. JONES: My process for
8 training is encompassed in a couple of phases.
9 We can do PowerPoint.

10 MEMBER JONES: Okay. Let me be
11 more specific. What training did you offer
12 the employees, all of the employees of this
13 establishment? Walk me through the entire
14 training process that you offered to these --
15 to all the employees of this establishment.

16 MR. MPRAS: Sir, the employees are
17 indicated on the sign-up sheet, not all the
18 employees. Security employees.

19 MEMBER JONES: All the employees
20 you submitted here?

21 MR. MPRAS: Yes, sir.

22 MEMBER JONES: So 25?

1 MR. MPRAS: Correct.

2 MEMBER JONES: Okay.

3 MR. JONES: We had in that line,
4 the outline and I will read the outline.
5 Introduction and registration, powers to
6 arrest, conflict resolution, enforce issues,
7 alcohol service rules and regulations, city
8 and state specific, alcohol service
9 liabilities with recognition of fake and
10 borrowed identification, disasters and
11 terrorism awareness, and recognition of club
12 drugs and narcotics.

13 And under each one of those major
14 categories, we had sub-areas of instruction
15 that we would address. For instance, if we go
16 to the first block of instruction, which was
17 Powers to Arrest, I had spoken to the
18 authority to make a citizen's arrest or
19 detention, state and local regulations
20 regarding citizen's arrest or detention,
21 documentation of citizen's arrest or
22 detention, common law enforcement views and

1 addressing some of the 4th Amendment search
2 issues.

3 So within that framework, we just
4 opened up to the club's personnel and with the
5 overview that I had been provided of this
6 establishment needing training, in light of an
7 incident that had occurred, that's what I was
8 hired to do and that's what I did.

9 MEMBER JONES: Okay. And how did
10 you deliver that training? Did you have a
11 PowerPoint slide that you projected on the
12 screen? Did you have people come in and you
13 demonstrated on individuals? Like how did you
14 facilitate? Like help me understand how me
15 being ignorant to the fact, I walked out of
16 there now with an understanding of how to do
17 it the right way.

18 MR. JONES: Yes, sir.

19 MEMBER JONES: How did you convey
20 that to me?

21 MR. JONES: Thank you. Thank you
22 for that. It was a lecture and a hands-on

1 demonstration.

2 MEMBER JONES: Okay.

3 MR. JONES: I had a backup
4 PowerPoint on a Panasonic lapbook which we did
5 not use, because we didn't have a screen, but
6 we could see it on the projector -- on the
7 screen of the laptop.

8 So I would give this presentation
9 and we would talk about these issues and then,
10 for instance, when we are talking about
11 conflict resolution or detention issues, I
12 would have a couple of the staff stand up and
13 we would replay what you would do if there was
14 a scenario in which an incident happened,
15 there was an implement that was used against
16 someone to inflict harm and/or injury and why,
17 when or how you should ever touch an
18 instrument of a crime.

19 And we would have them setup in
20 one corner of the room and I specifically
21 addressed these circumstances under which you
22 would ever only touch an incident or touch an

1 item that was used in the scene of an, you
2 know, incident that was here.

3 And along with that, we had
4 conflict de-escalation and use of force and
5 how to channel people out without going hands-
6 on, because that's not their place to do. And
7 there is techniques that you can shepherd
8 people out. They are to go gather their force
9 in numbers.

10 If I am one security personnel in
11 this establishment and I see a conflict
12 happening, we immediately tell them call for
13 your other -- additional support. Call for
14 your other security officers that are there.
15 Okay?

16 No. 1, that's going to get more
17 forces on your side.

18 No. 2, when you get things moving,
19 they have a number of cameras that are in that
20 ceiling. And to be very cognizant of
21 demonstrating, verbalizing, acting that you
22 are trying to remedy the situation, because we

1 want it captured by the cameras.

2 And as you can marshal them out to
3 the door, there are a number of police
4 officers that are outside. You can have one
5 of your staff members who is part of your
6 responding unit go to that front door and say
7 this is what has happened and you are walking
8 and if the person tries to evade, you are
9 there to tell the police that is the person.
10 This is what I saw them do. This is where I
11 saw them do it. You know, to keep themselves
12 safe and to minimize, you know, additional
13 involvement in incidents.

14 MEMBER JONES: Okay. And how did
15 you confirm or verify understanding?

16 MR. JONES: No. 1, we had a
17 practical in which we would allow an
18 individual to do that and then we would ask
19 questions. So for instance, after giving the
20 lecture, we would say okay, under what
21 circumstances do you put your hands on, you
22 know, an individual in the establishment? Mr.

1 Smith, you.

2 MEMBER JONES: Okay.

3 MR. JONES: That person would
4 respond based upon what he or she was just
5 taught. We do not put our hands on anybody.
6 You know, we are only using our hands in a
7 defensive mode. If someone is hitting us, we
8 are defending ourselves, we are backing off.
9 We are verbalizing. So --

10 MEMBER JONES: So that was one
11 mechanism. Were there others or was that the
12 only mechanism you used to verify?

13 MR. JONES: That was the only one.

14 MEMBER JONES: No written exam,
15 nothing like that?

16 MR. JONES: No, sir.

17 MEMBER JONES: All right. Okay.

18 MR. JONES: No, sir.

19 MEMBER JONES: How did that differ
20 in your -- based on your understanding of what
21 took place before, how did you -- what you
22 just described to me, the subject matter, how

1 did that differ from the training that
2 occurred in August of 2012?

3 MR. JONES: Sir, I don't have in
4 depth knowledge of the training from 2012.

5 MEMBER JONES: Got it. Okay.

6 MR. JONES: I was brought in to do
7 a specific block or blocks of instruction.

8 MEMBER JONES: All right. And you
9 conducted the actual training session?

10 MR. JONES: Yes, sir.

11 MEMBER JONES: And you conducted
12 it when?

13 MR. JONES: It was a week ago
14 Thursday. Thursday the 16th.

15 MEMBER JONES: Thursday the 16th?

16 MR. JONES: Yes, sir.

17 MEMBER JONES: Okay. Are you sure
18 because the certificates say the 15th?

19 MR. JONES: Can I --

20 MEMBER JONES: What time was the
21 session and where was it conducted?

22 MR. JONES: It was conducted at

1 the nightclub. I would have to get the
2 address. But I do know where it is physically
3 located, because it is adjacent to the DC
4 Housing Authority police station or entity,
5 one block over.

6 MEMBER JONES: And you indicated
7 to me just now that you believe you conducted
8 it on the 16th, but are you saying now you
9 know you conducted it on the 16th or you
10 believe you conducted it on the 15th?

11 MR. JONES: No, I have to see the
12 calendar. Thursday.

13 MEMBER JONES: What day was it,
14 Thursday?

15 MR. JONES: Thursday.

16 MEMBER JONES: Okay. So Thursday
17 was the 16th.

18 MR. JONES: Yes.

19 MEMBER JONES: So these
20 certificates are wrong.

21 MR. JONES: If they --

22 MEMBER JONES: If the certificates

1 say the 15th, then that's wrong.

2 MR. JONES: Then that's my error
3 in printing them out.

4 MEMBER JONES: Okay. And what
5 time of day was it?

6 MR. JONES: 19:00, 7:00 p.m.
7 through 9:30 in the evening.

8 MEMBER JONES: So an hour and a
9 half training class?

10 MR. JONES: About two hours.
11 About two hours.

12 MR. MPRAS: Two and a half.

13 CHAIRPERSON MILLER: Two and a
14 half.

15 MEMBER JONES: 7:00 to -- two and
16 a half hours, okay. And when did you generate
17 the certificates? Did you give them to them
18 that day or --

19 MR. JONES: No. I just brought
20 them today to this.

21 MEMBER JONES: Okay. And how were
22 you contracted to perform this training?

1 MR. JONES: Mr. Mpras has
2 contacted me and said --

3 MEMBER JONES: When did he contact
4 you?

5 MR. JONES: I'm going to say it
6 was about a week before. I don't have the
7 calendar on my phone.

8 MEMBER JONES: How did he contact
9 you? Did he call you? Did he send you an
10 email? How did he solicit your services?

11 MR. JONES: It was a phone call.

12 MEMBER JONES: Phone call. Okay.
13 And you said it was about a week ago. So the
14 8th, 9th would be about a week.

15 MR. JONES: Yes, sir. Yes, sir.
16 It was about a week prior to the actual
17 training.

18 MEMBER JONES: So do you conduct
19 these training sessions individually, as an
20 individual person or do you have a team that
21 you work with?

22 MR. JONES: I either -- I can do

1 them either --

2 MEMBER JONES: In this instance,
3 what did you do?

4 MR. JONES: In this instance, it
5 was myself.

6 MEMBER JONES: Yourself?

7 MR. JONES: Yes, sir.

8 MEMBER JONES: Okay. And did you
9 conduct this training in conjunction with Mr.
10 Bailey or was -- were you together in this
11 training activity?

12 MR. JONES: No.

13 MEMBER JONES: No. Okay.

14 MR. JONES: No.

15 MEMBER JONES: So it's totally
16 independent?

17 MR. JONES: Yes.

18 MEMBER JONES: Okay. Mr. Bailey,
19 when did you conduct your training?

20 MR. BAILEY: Yesterday evening.

21 MEMBER JONES: Yesterday evening.

22 All right. Did you have any insight into what

1 training had occurred on the 16th?

2 MR. BAILEY: Yes, I was aware of
3 the training they took.

4 MEMBER JONES: So did you provide
5 any deltas, any plus-sub, anything that you
6 considered to be enhancements, modifications,
7 improvements to said training that was
8 provided on the 16th?

9 MR. BAILEY: Well, what I
10 basically -- I basically just went over what
11 my knowledge here from ABRA on what they
12 should do in handling situations. I talked to
13 them about different situations that -- you
14 know, how to handle it, how they felt that
15 they should handle it.

16 MEMBER JONES: Okay.

17 MR. BAILEY: As far as you know,
18 taking them out to MPD, how to address MPD,
19 how to radio -- not just waiting outside, but
20 radio that person that's in the front to
21 notify MPD that we have somebody coming out an
22 exit door.

1 MEMBER JONES: Understood. So Mr.
2 Mpras didn't communicate to you what the
3 concern was of the Board in terms of a delta
4 between the training that was provided before
5 and the training that was provided currently
6 and going forward? He just asked you to come
7 in and provide training?

8 MR. BAILEY: Oh, he gave me the
9 overview, I guess, the question -- I guess a
10 couple of things that the Board wanted
11 addressed and things. You know, we went
12 through that. Of course when -- once again
13 back through the security manual, what's going
14 to be required of each security personnel
15 member.

16 MEMBER JONES: Cool. So this --
17 Mr. Mpras, what is this again? I just want to
18 confirm on the record what this is supposed to
19 be.

20 MR. MPRAS: That is the list
21 that's posted inside the establishment. And
22 it indicates that they have attended both

1 security training sessions.

2 MEMBER JONES: So all these
3 individuals attended both security training
4 sessions?

5 MR. MPRAS: Correct.

6 MEMBER JONES: On the 16th and the
7 21st?

8 MR. MPRAS: Correct.

9 MEMBER JONES: Yes? Okay. So one
10 concern is that -- in my possession right now,
11 I have 16 certificates --

12 CHAIRPERSON MILLER: Thank you.

13 MEMBER JONES: -- and there are 25
14 names on this list. 16 certificates, 25 names
15 on this list.

16 MEMBER ALBERTI: How many people
17 did Mr. Jones train?

18 CHAIRPERSON MILLER: Supposedly
19 25.

20 MEMBER JONES: Mr. Jones, how many
21 people were actually in attendance at your
22 training session? Just be careful. I'm going

1 to ask you how you know that.

2 MR. JONES: I believe, to the best
3 of my recollection --

4 MEMBER JONES: Did you take an
5 attendance?

6 MR. JONES: Yes.

7 MEMBER JONES: You did?

8 MR. JONES: Yes.

9 MEMBER JONES: How did you come up
10 with the names to produce these certificates?
11 Was it based on that attendance?

12 MR. JONES: Based upon the
13 attendance list that I had.

14 MEMBER JONES: Okay. So based on
15 that, I can reasonably assume and conclude
16 that there were only 16 people that
17 participated in your training session that
18 occurred on the 16th?

19 MR. JONES: I can only attest to
20 the names that I had from the roster that I
21 had --

22 MEMBER JONES: Correct.

1 MR. JONES: -- to the training.

2 MEMBER JONES: So let me walk back
3 this way. So you went to the establishment
4 and you conducted a training at the
5 establishment?

6 MR. JONES: Yes, sir.

7 MEMBER JONES: Did you require the
8 trainees or individuals that you were training
9 to sign-in?

10 MR. JONES: Yes, yes.

11 MEMBER JONES: You did?

12 MR. JONES: Yes, sir.

13 MEMBER JONES: Did you generate
14 this set of certificates from that sign-in
15 sheet that you asked them to provide or that
16 you provided to them to sign?

17 MR. JONES: Yes.

18 MEMBER JONES: Yes?

19 MR. JONES: Yes.

20 MEMBER JONES: So how is it that
21 there would have been more people in
22 attendance at your training session if you

1 required everyone to sign in and you based
2 your -- you generated these based off of that
3 list. There shouldn't be -- based on what I
4 am hearing from you, there shouldn't have been
5 more than 16 people there.

6 MR. JONES: Yes, we had -- there
7 were two sign-in sheets that had occurred.
8 One was the one when people actually signed in
9 and then the names on that was -- it was
10 recirculated again as I found out.

11 MEMBER JONES: Okay. So did you
12 get that list?

13 MR. RAYMOND: No, I have it at
14 Fur.

15 MEMBER JONES: I'm not -- did you
16 get that list?

17 MR. JONES: No, sir.

18 MEMBER JONES: No, sir. So how
19 did you generate this?

20 MR. JONES: Based upon --

21 MEMBER JONES: You're saying the
22 list was recirculated?

1 MR. JONES: There were two --
2 there were two lists.

3 MEMBER JONES: Two lists, right?

4 MR. JONES: Yes.

5 MEMBER JONES: So you generated
6 this off of the list that you, as the trainer,
7 provided and you, as the trainer, who has to
8 certify that these people actually attended
9 your certification class, your training class,
10 that's the list that you used, correct?

11 MR. JONES: Yes.

12 MEMBER JONES: Okay. Do you have
13 a copy, Mr. Jones, of what you said you had in
14 your PowerBook, I believe you indicated? It
15 was basically a laptop, correct?

16 MR. JONES: Yes.

17 MEMBER JONES: That you were going
18 to project on the wall, but because you didn't
19 have a screen, you couldn't?

20 MR. JONES: It was submitted.

21 MEMBER JONES: It was submitted?

22 MR. JONES: Yes, sir.

1 MEMBER JONES: Submitted?

2 MR. JONES: The training outline
3 was submitted.

4 MEMBER JONES: No, no, I'm talking
5 about what you -- so that's what you -- that's
6 all you were projecting on the screen was the
7 outline?

8 MR. JONES: Yes, yes.

9 MEMBER JONES: Oh, okay.

10 MR. JONES: The talking points.

11 MEMBER JONES: Which document is
12 that? Is that this? What does it look like?

13 MR. JONES: There should be two
14 documents and they will start with below is an
15 outline of newly mandated private security
16 officer training. And then there is a second
17 one that says -- addresses the outline of the
18 single day, seven hour hospitality operations
19 of security techniques.

20 MEMBER ALBERTI: Mr. Jones, I
21 don't have it in my packet.

22 MEMBER JONES: Ah, so --

1 MEMBER ALBERTI: I'm just saying,
2 maybe that is helpful. We don't have it.

3 MR. JONES: Yes, the private
4 security officer training. Yes.

5 MEMBER JONES: Okay. Is Deedee
6 making copies of something? Oh, okay.

7 MS. JENKINS: Do you need more of
8 this?

9 MEMBER JONES: I don't have any.

10 MS. JENKINS: Or something else?

11 MEMBER JONES: No, not that I know
12 of.

13 MEMBER ALBERTI: Just that copy,
14 Ms. Walker.

15 MEMBER JONES: Mr. Jones and Mr.
16 Bailey, did you receive payment for training?

17 MR. JONES: Yes, sir.

18 MEMBER JONES: You did. Did you
19 receive payment -- how did -- what was the
20 form or your payment?

21 MR. JONES: It was a check.

22 MEMBER JONES: A check, okay. Mr.

1 Mpras, does your client have carbons for their
2 checks or do they just get canceled checks
3 once they get processed?

4 MR. MPRAS: I do not know.

5 MEMBER JONES: Okay.

6 MR. MPRAS: Payments are filed in
7 the computer system. They have some kind of
8 management base.

9 MEMBER JONES: Okay. Did you guys
10 get automated or electronic check or did you
11 get a paper check that had a hard signature on
12 it?

13 MR. JONES: Check.

14 MEMBER JONES: Did you get a paper
15 check?

16 MR. JONES: Yes.

17 MEMBER JONES: In your hand?

18 MR. JONES: Yes.

19 MEMBER JONES: Okay. As opposed
20 to electronic check where you can get a -- I
21 get payments by email sometimes.

22 MR. JONES: Oh, no.

1 MEMBER JONES: When they say hey,
2 click on this link and it will deposit into
3 your account. So I never actually get a check
4 in my hand, but you actually got a check in
5 your hand?

6 MR. JONES: Yes.

7 MEMBER JONES: Okay. Who signed
8 the check? Your client, you signed it?

9 MR. MPRAS: (No audible answer).

10 MEMBER JONES: Okay. So when you
11 said it was an automated system, I guess I'm
12 not really following. It sounds like it's a
13 regular check system.

14 MR. MPRAS: Microsoft Money.
15 Where you put your own checks in the printer,
16 I guess, and it prints them out.

17 MEMBER JONES: Got it. Okay.
18 That's all I have for now, Madam Chair.

19 CHAIRPERSON MILLER: Okay. I just
20 want to ask a couple of questions based on
21 what you stated so far.

22 It sounds like there is a

1 discrepancy between the number of certificates
2 and the list that Mr. Mpras gave us of 25
3 employees who attended the trainings. And I
4 think that Mr. Jones said that there were
5 attendance sheets. Did you save those?

6 MR. RAYMOND: I have.

7 CHAIRPERSON MILLER: You have
8 attendance sheets?

9 MR. RAYMOND: Yes.

10 CHAIRPERSON MILLER: With you?

11 MR. SHAW: One, a person's
12 handwriting and couldn't understand the
13 handwriting based on --

14 CHAIRPERSON MILLER: I don't know
15 if that is being picked up by the court
16 reporter.

17 MEMBER ALBERTI: So Mr. Mpras--

18 MEMBER JONES: Mr. Mpras?

19 MEMBER ALBERTI: -- if you can
20 translate?

21 MR. MPRAS: Okay.

22 CHAIRPERSON MILLER: So I'm just

1 wondering if you have something here to clear
2 that up?

3 MR. JONES: There were two lists.

4 MR. SHAW: No, not the first time.
5 The list was provided.

6 MR. MPRAS: Okay. One was
7 circulated around 7:00.

8 MR. SHAW: I couldn't read the
9 handwriting too well. So I made another sign-
10 in sheet, but he took the first one, not the
11 second one.

12 MR. MPRAS: He realized that --
13 okay. Mr. Shaw once he collected the first --
14 the initial sign-up sheet that went through
15 before everybody got there, he couldn't read
16 the handwriting, so he circulated a second
17 one.

18 MR. SHAW: And I typed it up.

19 CHAIRPERSON MILLER: Okay.

20 MR. MPRAS: And then, in other
21 words, he retyped it.

22 CHAIRPERSON MILLER: Okay.

1 MR. MPRAS: Which is what you have
2 in front of you.

3 MR. SHAW: And Gary took the first
4 one for training.

5 MR. MPRAS: And --

6 MR. SHAW: So there is certainly
7 not --

8 MR. MPRAS: And the difference is
9 that he took the original one, rather than
10 taking the one that was updated by Mr. --

11 MEMBER JONES: So let me just --

12 CHAIRPERSON MILLER: So --

13 MEMBER JONES: -- cut to the
14 chase. So that's not clean, right? This guy
15 is a certified trainer that you guys have paid
16 to provide us confirmation of the fact that
17 all of your staff has been trained.

18 MR. SHAW: Not all staff members.
19 It's only for security.

20 MEMBER JONES: Security.

21 MEMBER ALBERTI: Security.

22 MEMBER JONES: Okay. This is my

1 universe right now.

2 MR. SHAW: Okay.

3 MEMBER JONES: What you gave me is
4 what your -- my universe is.

5 MR. SHAW: Right.

6 MEMBER JONES: Your 25 people,
7 okay, so can we be clear on that? All right.

8 MR. SHAW: Those 25 --

9 MEMBER JONES: So you gave me a
10 list of 25 people. He conducted the training.
11 And you are telling me that every single one
12 of these 25 people were trained by him.

13 MR. SHAW: Well --

14 MEMBER JONES: But yet you come in
15 here and you give me 16 certificates.

16 MR. SHAW: Right.

17 MEMBER JONES: And you are telling
18 me that the reason is he actually didn't get
19 the whole or right attendance sheet.

20 MR. SHAW: Yes, that's true.
21 That's true that he took the wrong list.

22 MEMBER JONES: Do you recognize

1 that that's not clean? Do you recognize that?
2 I mean, I'm not -- do you recognize that
3 that's not clean? If not, then I can help you
4 understand how it isn't, because I really
5 don't want to spend a whole lot of time down
6 that path.

7 MR. MPRAS: We understand what you
8 are saying, Mr. Jones.

9 MEMBER JONES: Okay.

10 CHAIRPERSON MILLER: I didn't
11 really want to prolong this issue either. I
12 just wanted to know if there was an
13 explanation for why there are only 16
14 certificates if you say these 25 people took
15 the course.

16 MR. MPRAS: That was the
17 explanation. He mistakingly took the
18 original, the first list that was passed and
19 not the second one that was passed around, the
20 legible one.

21 CHAIRPERSON MILLER: Okay. So
22 okay.

1 MEMBER JONES: So --

2 MR. MPRAS: Now, that's -- Mr.
3 Shaw just stated that he passed a second one
4 because the first one, a lot of the names were
5 illegible and he wouldn't have been able to --

6 CHAIRPERSON MILLER: Okay.

7 MR. MPRAS: What happened --
8 basically, what he was trying to prevent
9 happened.

10 CHAIRPERSON MILLER: Okay.

11 MR. MPRAS: Unfortunately.

12 CHAIRPERSON MILLER: And do you
13 have those lists still, in the event any Board
14 Member wanted to see them? Do you still have
15 those lists?

16 MR. SHAW: Yes.

17 MR. MPRAS: Yes.

18 CHAIRPERSON MILLER: With you?

19 MR. MPRAS: Yes.

20 MR. SHAW: No, not with me.

21 CHAIRPERSON MILLER: No.

22 MEMBER ALBERTI: Look, one of the

1 reasons it's not clean --

2 CHAIRPERSON MILLER: But --

3 MEMBER ALBERTI: -- is presumably
4 if something went awry here and that's what
5 I'm -- I hear you telling me, there wouldn't
6 be equal numbers on those two lists. And
7 somebody didn't compare them and find out
8 whose names were missing. So it's not clean.
9 I don't know if that helps, Mr. Jones, or not.

10 CHAIRPERSON MILLER: Well, it's
11 okay. You know, I just want to close this --
12 do you have the original lists?

13 MR. MPRAS: Mr. Shaw has -- he
14 just said he does have the original list.

15 CHAIRPERSON MILLER: Okay.

16 MR. MPRAS: He doesn't have it
17 with him here. He has it at the office.

18 CHAIRPERSON MILLER: Okay. Would
19 those original lists with the regular
20 handwriting, the two sign-in lists, which I
21 believe you said whatever it is, they would
22 correlate with this list that you are -- that

1 you have presented. Okay. In which case, Mr.
2 Jones would then print some more certificates,
3 correct?

4 MR. MPRAS: Correct.

5 CHAIRPERSON MILLER: Okay. All
6 right.

7 MR. MPRAS: But Mr. Jones did say
8 that he was -- that the number was in excess
9 of -- that he was certain the number was in
10 excess of 21. That's how many people were
11 there.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER ALBERTI: Maybe you could
14 print one for me.

15 CHAIRPERSON MILLER: Okay. So are
16 Board Members interested in seeing the
17 original list?

18 MEMBER ALBERTI: Yes, I am.

19 MEMBER JONES: Yes, very much.

20 CHAIRPERSON MILLER: Okay. You
21 could fax them or scan them or email them.

22 MR. MPRAS: Yes.

1 CHAIRPERSON MILLER: Okay. To Ms.
2 Jenkins.

3 MR. MPRAS: All right.

4 MEMBER ALBERTI: Now that I have
5 this syllabus here, I've got a couple quick
6 questions.

7 CHAIRPERSON MILLER: Can I ask my
8 one more question?

9 MEMBER JONES: Just real quick
10 while I'm on --

11 MEMBER ALBERTI: Okay.

12 MEMBER JONES: -- the --

13 MEMBER ALBERTI: Mr. Jones --

14 CHAIRPERSON MILLER: I was in the
15 middle of that.

16 MEMBER ALBERTI: I'm sorry. I'm
17 sorry. You were continuing. I'm sorry, after
18 you are done.

19 CHAIRPERSON MILLER: Okay. I only
20 have --

21 MEMBER ALBERTI: I apologize.

22 CHAIRPERSON MILLER: -- one other

1 area and that is the citizen arrest. Do Fur
2 Factory employees do citizen arrests? And
3 what does that mean? I think Mr. Jones was
4 talking about training for -- to do citizen
5 arrests.

6 MR. JONES: I was talking about
7 things that would be discussed via the
8 syllabus. They do not do citizen's arrests.

9 CHAIRPERSON MILLER: Oh, okay.

10 MR. JONES: And I would state
11 clearly why it is not to their best use of
12 their time and training to do that.

13 CHAIRPERSON MILLER: Oh, okay.

14 MR. JONES: There are police
15 officers that are about 50 feet multiple, 50
16 feet outside the door.

17 CHAIRPERSON MILLER: Right. Okay.

18 MR. JONES: Rally your forces,
19 identify the situation, communicate to the
20 police, let them do their job.

21 CHAIRPERSON MILLER: Okay. Thank
22 you. Because we really hadn't heard about

1 them doing citizen's arrests. I didn't see it
2 in the security manual.

3 My other question then is how does
4 Mr. Bailey's training coordinate with Mr.
5 Jones' training?

6 MR. MPRAS: Mr. Bailey's training
7 did not -- did not coordinate with Mr. Jones.
8 I did not put them together.

9 CHAIRPERSON MILLER: Okay.

10 MR. MPRAS: I brought Mr. Bailey
11 in as an additional measure, based on his
12 years of experience as an ABRA Investigator
13 and having been trained by ABRA to impart his
14 knowledge to the staff. And I explained to
15 him what the points were of our offer in
16 compromise, so he could focus on that during
17 his training.

18 CHAIRPERSON MILLER: Okay. So his
19 is an additional training and just focuses on
20 different areas, such as the wanding and I
21 don't know what else.

22 MR. MPRAS: They both focused on

1 wanding and pat-down.

2 CHAIRPERSON MILLER: Okay.

3 MR. MPRAS: Because I had
4 specifically requested that, but again, since
5 there is no defined training parameters --

6 CHAIRPERSON MILLER: Um-hum.

7 MR. MPRAS: -- I just thought it
8 was a good idea of more than less.

9 CHAIRPERSON MILLER: Okay. Okay.
10 And you are there -- are you a regular
11 employee there?

12 MR. RAYMOND: I am.

13 CHAIRPERSON MILLER: Yes. Okay.
14 All right. Mr. Alberti?

15 MEMBER ALBERTI: I'll follow-up.
16 Mr. Jones, in your training, did you cover the
17 screening of guests as they enter? For
18 example, the use of metal detectors, patting
19 down? Patting or searching people for
20 weapons. Did you cover that?

21 MR. JONES: I did not talk
22 specifically about metal detectors as they

1 relate to the establishment, because there are
2 -- there was no metal detector there for me to
3 use to discuss that.

4 We did address wandering and the
5 courtesy pat-down.

6 MEMBER ALBERTI: Where in this?
7 What chapter of this would that have been
8 discussed? Courtesy pat-down, that's an
9 interesting term.

10 CHAIRPERSON MILLER: Mr. Alberti?

11 MEMBER ALBERTI: I understand. I
12 just --

13 CHAIRPERSON MILLER: What are you
14 referring to in this, Mr. Alberti? What are
15 you referring to?

16 MEMBER ALBERTI: Well, the
17 syllabus.

18 CHAIRPERSON MILLER: The syllabus.

19 MEMBER ALBERTI: The outlined
20 syllabus.

21 CHAIRPERSON MILLER: I don't know
22 if I have the syllabus.

1 MEMBER SILVERSTEIN: It's also
2 complimentary.

3 MEMBER ALBERTI: Yes, I'm sure it
4 is.

5 MEMBER JONES: Yes.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER ALBERTI: All right. Mr.
8 Jones gave us a copy of the syllabus.

9 CHAIRPERSON MILLER: Oh, this one?

10 MEMBER ALBERTI: It was
11 represented as --

12 CHAIRPERSON MILLER: Here?

13 MEMBER ALBERTI: -- an outline of
14 what was trained on.

15 CHAIRPERSON MILLER: Yes, okay.

16 MR. MPRAS: Yes.

17 MS. JENKINS: You should have two.

18 MEMBER ALBERTI: Hopefully he
19 understands why I'm asking these questions.

20 CHAIRPERSON MILLER: Okay. Thank
21 you.

22 MEMBER JONES: I only have one

1 page.

2 CHAIRPERSON MILLER: I only have
3 one page. Oh, no, this has two.

4 MEMBER ALBERTI: Oh, oh, wait,
5 wait. I'm sorry, I apologize. I only have
6 one page here for myself, but sorry. I can
7 only go off the materials I'm given.

8 MR. JONES: So for Item 6, when we
9 were talking about the IDs, recognition of
10 fake and borrowed identification, that would
11 be an area when we are talking about the
12 people entering into the premises and
13 addressing those issues.

14 MEMBER ALBERTI: And sort of --
15 and what -- I mean, since you didn't have a
16 wand, as you said --

17 MR. JONES: No, I said did not
18 have a metal detector, a magnetometer, a
19 physical magnetometer.

20 MEMBER ALBERTI: What did you
21 train them on with respect to metal detection?

22 MR. JONES: Just talking about a

1 wand, how to wand people.

2 MEMBER ALBERTI: Did you have a
3 wand?

4 MR. JONES: The appropriate
5 methods.

6 MEMBER ALBERTI: Did you have a
7 wand?

8 MR. JONES: I did not have a wand.
9 We went through the methodology of using a
10 wand.

11 MEMBER ALBERTI: It just seems odd
12 that it's not listed here.

13 MR. JONES: Sorry, sir?

14 MEMBER ALBERTI: It just seems odd
15 to me that it's not listed here, but that's
16 fine. I have no further questions.

17 CHAIRPERSON MILLER: Mr. Jones?

18 MEMBER JONES: Thank you, Madam
19 Chair. Just for clarification, at the last
20 hearing, Mr. Mpras, you indicated that your
21 client had in his possession already and
22 existing ID checker and existing wandling or

1 set of wands that you use. Did you stop using
2 because they were too loud?

3 MR. MPRAS: No, they were too
4 sensitive.

5 MEMBER JONES: Too sensitive? So
6 why weren't they available to the trainer when
7 you are conducting a training session on at
8 least one of those aspects, that being the use
9 of wands? I'm just very -- it's very curious
10 and odd to me that you have them already,
11 correct?

12 MR. MPRAS: Correct.

13 MEMBER JONES: So why weren't they
14 available to the trainer?

15 MR. MPRAS: Mr. Jones, I cannot --
16 I can't answer that.

17 MEMBER JONES: Okay. Mr. Jones,
18 were you cognizant and aware of the fact that
19 the establishment had in its possession wands?

20 MR. JONES: I did not.

21 MEMBER JONES: Okay. What made
22 you -- since it's not discretely part of your

1 syllabus, what made you provide them training
2 on the techniques of how to use a wand, even
3 though you didn't have one in your possession?

4 MR. JONES: Based upon the
5 information that was presented to me as part
6 of the issues that they wanted to strengthen
7 as a result of the incident for reinforcement.

8 MEMBER JONES: Okay. At any point
9 did it strike you as curious that you didn't
10 have a wand to provide training with?

11 MR. JONES: No, because --

12 MEMBER JONES: No? Okay. That's
13 fair.

14 MR. JONES: Okay.

15 MEMBER JONES: Thank you, Madam
16 Chair.

17 MEMBER ALBERTI: A real quick
18 question?

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: Mr. Mpras, does
21 your client have receipts for the ID checker?

22 MR. MPRAS: The receipt would be

1 the last page of that, sir.

2 MEMBER ALBERTI: Oh, there is.

3 That's great. Thank you very much.

4 CHAIRPERSON MILLER: I find that
5 curious as well that if the wands were there,
6 why the training wasn't done with the wands.
7 Have you trained for wand training before?

8 MR. JONES: I have -- I did not
9 see any wands.

10 CHAIRPERSON MILLER: Right. I
11 understand that.

12 MR. JONES: I did not have wands
13 physically in front of me.

14 CHAIRPERSON MILLER: Right. I'm
15 not blaming you. I'm just -- in other
16 instances where you train security employees
17 how to use wands, do you use wands in the
18 training?

19 MR. JONES: Yes. And I have to
20 explain. I have walked into various
21 situations where companies may not have these
22 items and you make the best of an improvised

1 training aid.

2 CHAIRPERSON MILLER: Right.

3 MR. JONES: And/or I have even
4 used wands that are inert, they have no
5 mechanics, but it looks like a physical
6 replica of that. So I -- to me, it was not
7 odd. I have walked into situations for
8 whatever reason they did not have those and
9 you --

10 CHAIRPERSON MILLER: If they --

11 MR. JONES: -- do your best to
12 provide the training to improvise and to --

13 CHAIRPERSON MILLER: I understand
14 that. If they have them, isn't it better to
15 use them in the training, the real thing?

16 MR. JONES: Absolutely.

17 CHAIRPERSON MILLER: Yes.

18 MR. JONES: If I would have had
19 the devices --

20 CHAIRPERSON MILLER: Right.

21 MR. JONES: -- like anything else,
22 I would use the tools if the tools are

1 presented to me to use.

2 CHAIRPERSON MILLER: Mr. Mpras,
3 could you clarify for me were these wands
4 supposed to be one -- the old wands or were
5 they supposed to have bought new ones?

6 MR. MPRAS: No, I think the -- new
7 ones were bought, even though it wasn't
8 required simply, just to update what they had
9 from before, but I don't believe any wands
10 were bought. I believe they were in
11 existence.

12 CHAIRPERSON MILLER: Okay. So I
13 know it was represented to us that, and Mr.
14 Jones said the same thing, you had the wands.

15 MR. MPRAS: Yes.

16 CHAIRPERSON MILLER: So do you
17 have an explanation as to why they weren't
18 used in the training?

19 MR. MPRAS: Ma'am, I do not.

20 CHAIRPERSON MILLER: So how do we
21 know you really have the wands?

22 MR. MPRAS: Mr. Shaw said they

1 were used in the second training.

2 CHAIRPERSON MILLER: They were
3 used in the second training?

4 MEMBER JONES: The second
5 training?

6 CHAIRPERSON MILLER: Conducted by
7 whom?

8 MR. MPRAS: Mr. Bailey.

9 CHAIRPERSON MILLER: Mr. Bailey?

10 MR. BAILEY: Each individual
11 security member is required to using the wands
12 on each other, planting different items on
13 somebody and seeing if they can identify and
14 find, you know.

15 CHAIRPERSON MILLER: Oh, okay.

16 MR. BAILEY: So they -- you know,
17 each individual took their turn in wanding
18 somebody.

19 CHAIRPERSON MILLER: Okay. Well,
20 that's good to hear. Okay.

21 MR. BAILEY: That is something
22 that we also will be providing each night

1 before we open up. Going over, you know, the
2 type of -- just hiding things in different --
3 seeing if the people that are working outside
4 are able to find -- keeping it fresh.

5 CHAIRPERSON MILLER: You're going
6 to do that every night?

7 MR. BAILEY: It's every night.
8 Every night before we open, we will conduct a
9 meeting and a training prior to.

10 CHAIRPERSON MILLER: Okay. How
11 long does that take?

12 MR. BAILEY: Well, our training
13 session is going to start about 8:30 or 9:00
14 up until, you know, we get ready to open up
15 the doors.

16 CHAIRPERSON MILLER: Okay. And
17 how many, or does it vary, security employees
18 are on duty every night?

19 MR. SHAW: It varies.

20 CHAIRPERSON MILLER: It varies?

21 MR. MPRAS: Mr. Shaw said it
22 varies depending on the night of the event.

1 MR. SHAW: It depends on event.

2 CHAIRPERSON MILLER: Okay.

3 MR. MPRAS: There are four rooms,
4 depending on how many rooms are open.

5 CHAIRPERSON MILLER: Okay. Okay.

6 All right. Okay.

7 MEMBER JONES: Madam Chair?

8 CHAIRPERSON MILLER: Yes, Mr.

9 Jones?

10 MEMBER JONES: Thank you, Madam
11 Chair. Mr. Bailey, how many people were in
12 attendance at the training where you used the
13 wands?

14 MR. BAILEY: It was well- over 20.
15 I didn't physically count everyone, but it was
16 well-over 20.

17 MEMBER JONES: Well-over 20?

18 MR. BAILEY: I know it was over
19 20, yes.

20 MEMBER JONES: Okay. The -- well,
21 what is your role? What's your position at
22 this establishment?

1 MR. BAILEY: Well, right now, I'm
2 basically like a security manager now
3 overseeing, making sure the procedures that
4 they have in the security plan are being
5 conducted and are being done by the security
6 personnel. Meaning that as it does happen,
7 making sure that it's handled correctly and
8 the way it's supposed to be handled and the
9 way we want it handled.

10 MEMBER JONES: Are you head of
11 security?

12 MR. BAILEY: Yes, sir.

13 MEMBER JONES: Okay. So you are
14 head of security at Fur?

15 MR. BAILEY: Yes, sir.

16 MEMBER JONES: How long have you
17 been in that position?

18 MR. BAILEY: I just became in that
19 position.

20 MEMBER JONES: About when?

21 MR. BAILEY: A week ago.

22 MEMBER JONES: About a week ago?

1 MR. BAILEY: Yes, sir.

2 MEMBER JONES: Okay. Are you
3 still currently the head of security at Love?

4 MR. BAILEY: I have not been there
5 since the New Year's.

6 MEMBER JONES: New Year's?

7 MR. BAILEY: Yes, sir.

8 MEMBER JONES: Okay. So this is
9 your primary security, head of security?

10 MR. BAILEY: Yes, sir.

11 MEMBER JONES: Okay. Were you --
12 you were not present -- as head of security as
13 of a week ago from today?

14 MR. BAILEY: For a period.

15 MEMBER JONES: So today is the
16 22nd.

17 MR. BAILEY: I don't actually know
18 the --

19 MEMBER JONES: So were you head of
20 security on the 15th?

21 MR. RAYMOND: No.

22 MR. BAILEY: The 17th.

1 MEMBER JONES: You became head of
2 security on the day after Mr. Jones conducted
3 his training?

4 MR. BAILEY: Yes, sir.

5 MEMBER JONES: Okay. Was it --
6 you conducted a training in August of 2012.

7 MR. BAILEY: Yes.

8 MEMBER JONES: And you conducted
9 one other training the 21st of 2013?

10 MR. BAILEY: Yes, sir.

11 MEMBER JONES: Okay. Got it. All
12 right.

13 MR. BAILEY: If I could just
14 speak? In addition with the training that was
15 provided, it will be just like doing a
16 compliance check with the security staff. And
17 the people with fake IDs or somebody else's ID
18 and trying to, you know, make sure the
19 security staff is on point, switching our
20 staff if any of the floor people -- pat-down
21 persons and switching them, making sure they
22 get a proper break, so that they don't miss

1 some things because of them being so tired,
2 you know. I don't want nobody getting lazy
3 and like letting things slip past.

4 MEMBER JONES: Okay. Would you
5 consider yourself to be an employee of the
6 establishment right now?

7 MR. BAILEY: (No audible answer).

8 MEMBER JONES: At what point are
9 you going to receive the training from CPI?

10 MR. BAILEY: Whenever I need it.
11 As soon as possible or whatever.

12 MEMBER JONES: Do you have any
13 idea what the security plan says in terms of
14 what the OIC says in terms of you, as a new
15 employee, when you are supposed to receive the
16 training?

17 MR. BAILEY: Right. I have been--
18 well, whether we were told about the
19 instruction, but haven't gone over the
20 security plan.

21 MEMBER JONES: Understood. But
22 you haven't received a formal training from

1 CPI?

2 MR. BAILEY: Not yet, sir.

3 MEMBER JONES: Okay. Understood.

4 MR. MPRAS: Mr. Jones, he was
5 hired, but he has not -- the venue has not
6 been open for him to work.

7 MEMBER JONES: Correct. But it
8 has been open for him to train your staff?

9 MR. MPRAS: Correct.

10 MEMBER JONES: Okay. Thank you.
11 Thank you, Madam Chair.

12 MEMBER ALBERTI: I --

13 CHAIRPERSON MILLER: Yes, Mr.
14 Alberti?

15 MEMBER ALBERTI: Who is Walter
16 Rhee? Who is Walter Rhee? Who is Walter
17 Rhee, R-H-E-E?

18 MR. MPRAS: Who is it?

19 MEMBER JONES: What does he do?

20 MR. MPRAS: Security.

21 MEMBER ALBERTI: Pardon? He must
22 be somebody. I didn't make up his name. Who

1 is he?

2 CHAIRPERSON MILLER: Where are you
3 reading it from?

4 MR. MPRAS: It would be on the
5 receipt.

6 CHAIRPERSON MILLER: Receipt?

7 MEMBER ALBERTI: Yes. It says
8 thank you. Fill in your information, Walter
9 Rhee. Dirty Martini, thank you Mr. Rhee for
10 your order of Crown, blah, blah, blah.

11 MR. RAYMOND: It doesn't track the
12 use.

13 CHAIRPERSON MILLER: I don't have
14 that.

15 MR. RAYMOND: The tracking
16 address.

17 MEMBER ALBERTI: Whoa, whoa, wait.
18 Talk to Mr. -- I'm sorry. I don't mean to be
19 rude, but if you talk to Mr. Mpras and --

20 CHAIRPERSON MILLER: Oh.

21 MR. MPRAS: It's this one.

22 CHAIRPERSON MILLER: Do we all

1 have that, Mr. Alberti?

2 MEMBER ALBERTI: Yes, you should
3 have it.

4 CHAIRPERSON MILLER: Because I
5 don't think I do.

6 MEMBER JONES: It's right here.
7 This document where you say they got a new ID
8 scanner.

9 CHAIRPERSON MILLER: Okay.

10 MR. MPRAS: Mr. Rhee is an
11 employee of Mr. Romeo to order the scanner
12 requested.

13 MEMBER ALBERTI: Okay. Thank you.

14 MR. MPRAS: Okay.

15 MEMBER ALBERTI: It shouldn't have
16 been so hard. And, Mr. Mpras, we met about
17 1:00, 1:30 last Wednesday. Is that correct
18 early in the afternoon? It's my recollection.

19 MR. MPRAS: Yes, sir.

20 MEMBER ALBERTI: Yes. And I think
21 you represented to us that you had purchased
22 the scanner?

1 MR. MPRAS: Yes, we represented
2 that there would be one there whenever -- upon
3 opening.

4 MEMBER ALBERTI: Because it was
5 ordered that afternoon. Is that correct?

6 MR. MPRAS: Right, that's what it
7 says. It was to be in place before --

8 MEMBER ALBERTI: And what training
9 did you do, Mr. Mpras?

10 MR. MPRAS: I'm sorry?

11 MEMBER ALBERTI: What training did
12 you do?

13 MR. MPRAS: I simply went over the
14 -- the only thing that I did is -- was
15 redundant, but I went over the ID checking
16 process with them as I was learned -- as I was
17 instructed to teach it. And I submitted to
18 you a sheet labeled ID Checking Process.

19 MEMBER ALBERTI: Okay.

20 MR. MPRAS: I went over it with
21 them, asked some questions about it and just
22 everything you see there.

1 CHAIRPERSON MILLER: Okay.

2 MEMBER ALBERTI: Okay, great.

3 Thank you.

4 MEMBER JONES: Madam Chair?

5 CHAIRPERSON MILLER: Yes, Mr.

6 Jones?

7 MEMBER JONES: Mr. Mpras, were you

8 in attendance at the training sessions with

9 CPI and with Mr. Bailey?

10 MR. MPRAS: With Mr. Bailey, no.

11 With CPI, I was -- I didn't participate in the

12 course, but I was there.

13 MEMBER JONES: You were there the

14 entire duration, so from 7:00 to 9:30? You

15 got there at 7:00 and left, made sure

16 everything was good to go? What was your role

17 there?

18 MR. MPRAS: I did not have a role.

19 I just simply attended, because I wanted to

20 talk to them about the ID checking process, at

21 some point, throughout the training.

22 MEMBER JONES: Were you there

1 throughout the entire training session?

2 MR. MPRAS: I was there --

3 MEMBER JONES: From 7:00 to 9:30?

4 MR. MPRAS: No, I was not in the
5 training area the whole entire time.

6 MEMBER JONES: How long were you
7 in the training area?

8 MR. MPRAS: Maybe an hour.

9 MEMBER JONES: You were there
10 about an hour. All right. Thank you.

11 CHAIRPERSON MILLER: Mr. Bailey, I
12 just want to clarify with you. So we have
13 this list of 25 employees. They are all the
14 employees that do security, right?

15 MR. BAILEY: Yes, those are the
16 ones that were present during the times that
17 I --

18 CHAIRPERSON MILLER: These were
19 the ones that were present for the training?

20 MR. BAILEY: At that time, yes.

21 CHAIRPERSON MILLER: So are there
22 others that have not had the training yet?

1 MR. BAILEY: Yes, there are.

2 There are some, yes.

3 CHAIRPERSON MILLER: Okay. And
4 when are they going to have their training?

5 MR. MPRAS: It will get done as
6 soon as possible, but they will not be working
7 until they have had that training.

8 CHAIRPERSON MILLER: Okay. Do you
9 know about how many people that is?

10 MR. BAILEY: Nine.

11 MR. MPRAS: Nine.

12 CHAIRPERSON MILLER: Nine, okay.
13 And then the second -- it says attended second
14 session, second training. I assume that was
15 your training.

16 MR. BAILEY: Yes.

17 CHAIRPERSON MILLER: Yes. And did
18 you have sign-in sheets?

19 MR. BAILEY: Yes. The -- one of
20 the security personnel laid out the sheet on
21 the table. I had each individual sign --

22 CHAIRPERSON MILLER: Okay.

1 Because --

2 MR. BAILEY: -- their name.

3 CHAIRPERSON MILLER: So as
4 manager, you need to know who has been trained
5 and who hasn't been trained, right?

6 MR. BAILEY: Right.

7 CHAIRPERSON MILLER: Okay. All
8 right. That's it for my questions. Anybody
9 else?

10 MEMBER BROOKS: I have just a
11 couple quick questions, very briefly.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER BROOKS: I got a copy of
14 the Report 4, who developed that?

15 MR. MPRAS: That was developed
16 internally by the venue.

17 MEMBER BROOKS: Okay. Now, is
18 this a part of the security manual?

19 MR. MPRAS: Yes.

20 MEMBER BROOKS: I was looking for
21 it, but I couldn't find it.

22 MR. MPRAS: No, I'm sorry. It's

1 not part of the security manual, but pursuant
2 to the suggestion of Mr. Rivero, we suggested
3 a two-use, so you would have an indication of
4 what it looked like.

5 MEMBER BROOKS: Okay. And who
6 will be your top performer for business?

7 MR. BAILEY: That would be me.

8 MEMBER BROOKS: You?

9 MR. BAILEY: Yes, sir.

10 MEMBER BROOKS: Okay. So you are
11 there what every night?

12 MR. BAILEY: Any time an incident
13 occurs and the security staff must aid those
14 involved and make a report to me, so I can
15 take down any information that I need.

16 MEMBER BROOKS: Right.

17 MR. BAILEY: Or whatever. He
18 usually does that for me.

19 MEMBER BROOKS: All right. And
20 the security manual itself, who developed
21 this?

22 MR. MPRAS: I pretty much wrote

1 most of it.

2 MEMBER BROOKS: Okay.

3 MR. MPRAS: And with some
4 assistance and revisions with Mr. Rivero --
5 from Mr. Rivero.

6 MEMBER BROOKS: Okay. So --

7 MR. RIVERO: If I may?

8 MEMBER BROOKS: It would be very
9 helpful to me if I had a paper copy of this.

10 MR. RIVERO: If I may, Board
11 Member Brooks, since I have just been named in
12 the answer, I want to make sure the Board is
13 clear as to what the Government's role was
14 with respect to the security plan.

15 MEMBER BROOKS: Oh.

16 MR. MPRAS: To point out
17 deficiencies.

18 MR. RIVERO: There were drafts
19 that were circulated to me.

20 MEMBER BROOKS: Yes.

21 MR. RIVERO: And I indicated that
22 certain areas were addressed, but I didn't

1 think that they were sufficiently clear and so
2 I sent them back. So I don't want the Board
3 to get the impression that I was sitting there
4 typing the actual content of the report, but
5 was reviewing the drafts that were presented
6 to me and indicating which portions met with
7 my satisfaction, because they addressed the
8 points in the offer in compromise document,
9 the two page document that was presented to
10 you all and which areas did not meet to my
11 satisfaction.

12 That was the back and forth that
13 the licensee is referring to.

14 MR. MPRAS: And then I readdressed
15 the areas that did not meet with the
16 Government's satisfaction.

17 MEMBER BROOKS: Thank you, Madam
18 Chair.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: A quick question
21 just to follow --

22 CHAIRPERSON MILLER: Okay. Mr.

1 Alberti.

2 MEMBER ALBERTI: -- up out of
3 curiosity. Who was head of security before
4 Mr. Bailey was employed?

5 MR. MPRAS: Michael Williams.

6 MEMBER ALBERTI: Michael Williams.
7 And is he still with you?

8 MR. MPRAS: I'm sorry?

9 MEMBER ALBERTI: Is he still with
10 you?

11 MR. MPRAS: Yes.

12 MEMBER ALBERTI: Okay. No. 18. So
13 just -- what does Mr. Bailey bring to the
14 table that Mr. Williams didn't bring to the
15 table? I mean, now you have a new head of
16 security, replaced the one that you had when
17 we had the incident. I would like to know
18 sort of, you know, what is this new person
19 bring that was lacking?

20 MR. MPRAS: I think what was
21 lacking is somebody with the presence to
22 better train and control the staff and that's

1 where Mr. Bailey comes in. They have all
2 known him for years as an ABRA Investigator.
3 They respect him. They know he knows what he
4 is talking about.

5 And with him at the helm, it just
6 makes it easier and to -- understandable of
7 what their position is, what their role is and
8 that they are expected to adhere to it.

9 MEMBER ALBERTI: Okay. Thank you.
10 Thank you.

11 CHAIRPERSON MILLER: Others?
12 Okay. So I just want to go over your list and
13 make sure we have everything. I may not have
14 everything in front of me, because I don't
15 necessarily see it all, so I do see:

16 No. 1, the list of employees.
17 We've got that.

18 MEMBER JONES: Just for
19 clarification, Madam Chair.

20 CHAIRPERSON MILLER: Yes.

21 MEMBER JONES: It's not a complete
22 list that we received, by their own

1 statements, so we do not have that.

2 CHAIRPERSON MILLER: Okay.

3 MR. MPRAS: Yes, that is a list of
4 the employees that have been trained.

5 MEMBER ALBERTI: No. I meant --
6 she meant the things that we got today.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER JONES: It is not --

9 MEMBER ALBERTI: Is that what you
10 are talking about?

11 MEMBER JONES: -- a complete
12 answer to Item 1. So if she is asking or
13 making a statement about what comports with
14 our conclusion or resolutions --

15 MEMBER ALBERTI: Oh, what's what
16 you are going --

17 MEMBER JONES: -- Item 1, then --

18 MEMBER ALBERTI: Okay.

19 MEMBER JONES: -- it does not.

20 MEMBER ALBERTI: I misunderstood.
21 I misunderstood it.

22 CHAIRPERSON MILLER: Yes. Okay.

1 We know what we have got that was supposed to
2 be responsive to that. And that's that list
3 of 25. And Mr. Jones is saying but it is not
4 totally responsive, because it doesn't have
5 the remaining nine.

6 MEMBER JONES: For some reason.

7 MR. MPRAS: That --

8 CHAIRPERSON MILLER: Because they
9 didn't take that training yet.

10 MR. MPRAS: Yes, ma'am. This
11 list, that's the only persons that have been
12 trained. That the full list trained or not
13 were provided immediately.

14 CHAIRPERSON MILLER: The full list
15 what?

16 MR. MPRAS: Trained or not.

17 CHAIRPERSON MILLER: Yes.

18 MR. MPRAS: Will be provided.

19 CHAIRPERSON MILLER: Will be
20 provided when?

21 MR. MPRAS: Tomorrow.

22 CHAIRPERSON MILLER: Okay.

1 MR. MPRAS: 11:00 tomorrow.

2 CHAIRPERSON MILLER: All right.

3 Tomorrow. Okay.

4 MEMBER JONES: Just out of
5 curiosity, I'm sorry, Madam Chair.

6 CHAIRPERSON MILLER: No, go ahead.

7 MEMBER JONES: I just have to ask.
8 Mr. Mpras, when Item 1 says "A list of
9 employees along with their job description,"
10 what did you infer that to mean?

11 MR. MPRAS: We mistakingly
12 inferred it to mean that it was a list of
13 employees that have been trained. So we
14 didn't -- that's why the -- that's why copies
15 was not provided. Obviously, we were mistaken
16 and we will correct that mistake.

17 MEMBER JONES: Okay. Thanks.

18 CHAIRPERSON MILLER: Okay. See
19 what I want to happen is that we are really
20 clear before you leave here, so that if you
21 don't submit something and then the Board says
22 that is not what we intended.

1 Okay. So I'm not clear now. I
2 understand that there are nine more employees,
3 security employees, there may be other
4 employees, right, but we are talking security
5 employees?

6 MR. MPRAS: Yes.

7 CHAIRPERSON MILLER: Okay.

8 MR. MPRAS: We are -- specifically
9 security employees. There are nine more.

10 CHAIRPERSON MILLER: Okay.

11 MR. MPRAS: What Mr. Shaw just
12 said.

13 CHAIRPERSON MILLER: And a job
14 description? Is that what you are looking
15 for, Mr. Jones?

16 MEMBER JONES: Yes, but that -- as
17 -- that too says it may be and is provided in
18 the list in terms of inside, outside, ID
19 checker, whatever the case may be.

20 CHAIRPERSON MILLER: Oh.

21 MEMBER JONES: There's at least
22 enough information to infer what their role

1 may be.

2 MR. MPRAS: Everything there is
3 security.

4 CHAIRPERSON MILLER: Okay.

5 MR. MPRAS: That just shows where
6 they are posted and what their -- and as far
7 as what they are doing as far as checking IDs
8 or if they are inside or --

9 CHAIRPERSON MILLER: Do they all
10 do it? They all have the same
11 responsibilities?

12 MR. MPRAS: No, ma'am.

13 CHAIRPERSON MILLER: No.

14 MR. MPRAS: No.

15 CHAIRPERSON MILLER: Okay.

16 MR. MPRAS: And they are different
17 descriptions next to the different names as
18 you go down.

19 CHAIRPERSON MILLER: Okay. So are
20 you going to supplement?

21 MR. MPRAS: Yes.

22 CHAIRPERSON MILLER: Okay. Now,

1 training certificates. All right. Are you
2 going to --

3 MR. MPRAS: Training certificates,
4 we will provide you with the original sign-in
5 sheet. The correct one. And assuming Mr.
6 Jones has no objections, he will update the
7 certificates.

8 CHAIRPERSON MILLER: Do additional
9 certificates?

10 MR. MPRAS: Yes, ma'am.

11 CHAIRPERSON MILLER: Are you -- do
12 you have a problem with those certificates
13 though that have the wrong date?

14 MR. MPRAS: ABRA did. The
15 certificates in total will be properly
16 corrected.

17 CHAIRPERSON MILLER: Okay. They
18 are going to do a new set.

19 MEMBER JONES: I just need --

20 CHAIRPERSON MILLER: You should
21 have a new set, accurate set anyway. Okay.

22 MEMBER JONES: Mr. Jones just

1 needs to be able to put his reputation behind
2 what certificates he is providing.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER JONES: And they need to be
5 accurate.

6 CHAIRPERSON MILLER: Yes. Okay.
7 No. 3, a description of the training conducted
8 by the establishment before the incident.

9 Now, I think we heard that from
10 Mr. Bailey, right? Is that it?

11 MR. BAILEY: Yes.

12 CHAIRPERSON MILLER: Okay. No. 4,
13 the dates and subject matter of trainings
14 conducted before the incident.

15 MR. MPRAS: The last training,
16 ma'am, was -- as Mr. Bailey said, it was
17 August of 2012.

18 CHAIRPERSON MILLER: Okay. I've
19 got to turn to Mr. Jones or Mr. Alberti or
20 whatever to see whether that meets your -- and
21 Mr. Silverstein, you know, does that meet --
22 whoever generated this question, but the dates

1 and subject matter of trainings conducted
2 before the incident, Mr. Mpras has said the
3 last one was August of 2012.

4 MR. MPRAS: And I believe Mr.
5 Bailey provided a description of that, but he
6 is here, so does the Board have any further
7 questions?

8 CHAIRPERSON MILLER: Okay. I'm
9 not hearing anything further.

10 MEMBER JONES: Oh, I would just
11 ask that --

12 CHAIRPERSON MILLER: Yes?

13 MEMBER JONES: -- what you just
14 verbally communicated, just document that.

15 MR. BAILEY: Okay.

16 MEMBER JONES: As what it is you
17 provided as training on August 2012, just
18 document that and submit that.

19 CHAIRPERSON MILLER: Okay. That's
20 No. 4, Mr. Bailey's representation about that
21 in writing. Okay. That's 3 and 4. Is that
22 right? 3 and 4, I guess together.

1 No. 5 the training given to
2 employees in compliance with the OIC. Okay.
3 So I think Mr. Jones testimony went to that
4 plus the syllabus.

5 MR. MPRAS: And having Mr.
6 Bailey's testimony.

7 CHAIRPERSON MILLER: And Mr.
8 Bailey's testimony. Okay. Anything else,
9 Board Members, from there? Okay. That one is
10 all right then.

11 No. 6, the subject matter and
12 schedule of trainings in the future.

13 MR. BAILEY: There will be
14 training in each of the four opening areas.

15 CHAIRPERSON MILLER: Every day?

16 MR. BAILEY: Every day. We will
17 be opening up, there will be any training
18 prior to opening up.

19 CHAIRPERSON MILLER: Okay. And
20 then there will be also --

21 MR. BAILEY: Yes, of course.

22 CHAIRPERSON MILLER: -- CPI

1 trainings for new employees, correct? Is that
2 addressed in the security manual?

3 MR. MPRAS: It doesn't specify
4 CPI. It specifies training.

5 CHAIRPERSON MILLER: Right.

6 MR. MPRAS: So and the venue may
7 decide to have Mr. Bailey conduct the
8 training.

9 CHAIRPERSON MILLER: Yes.

10 MR. MPRAS: Or CPI, depending on
11 who they feel more comfortable with, at the
12 time, not to -- it's just basically who is
13 more, how do I put it, effective.

14 CHAIRPERSON MILLER: Okay. I
15 can't remember whether this was addressed in
16 the security plan or not though. When you
17 would normally have another training.

18 MR. MPRAS: Every six months.

19 CHAIRPERSON MILLER: Every six
20 months.

21 MR. MPRAS: Every six months.

22 CHAIRPERSON MILLER: And that is

1 in there.

2 MR. MPRAS: Yes.

3 CHAIRPERSON MILLER: And that's
4 what I thought. Okay. All right. Any Board
5 concerns with No. 6 then? All right. Then I
6 will check No. 6 off.

7 No. 7, the difference between the
8 training regime before the incident versus the
9 training regime that will be provided in the
10 future. Any concerns with that? We heard
11 testimony today from Mr. Jones and Mr. Bailey.

12 MEMBER JONES: So I'll just ask
13 Mr. Mpras to document what those deltas are,
14 based on what you provided to us.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER JONES: Because what I
17 heard was before Bailey only, now CPI and
18 Bailey. And there is some subject matter that
19 was additionally included in this.

20 MR. MPRAS: There was, but it was
21 Mr. Jones and the subject matter directly
22 relates to the new security plan. And I have

1 sent the -- but I can resend what specifically
2 was changed for six different chapters in the
3 security plan and that is the focus of and the
4 difference between the old training and the
5 new training.

6 MEMBER JONES: Okay.

7 MR. MPRAS: Pursuant to the OIC.

8 CHAIRPERSON MILLER: Okay. Okay.

9 No. 8, information on CPI, the training
10 materials given to employees and the
11 curricula/syllabus. I believe that is what
12 you handed to us today, correct? Okay. So
13 that's No. 8 on that first email.

14 Everybody all right with that?
15 All right. Then going to the second email:

16 No. 1, a copy of the actual
17 training packet and materials given to
18 employees before the incident.

19 MR. MPRAS: Yes, ma'am, per Mr.
20 Bailey's testimony, they were trained off the
21 security plan that was completed at that time.
22 That was the training material that Mr.

1 Bailey --

2 CHAIRPERSON MILLER: So there
3 isn't a pack of -- a training packet?

4 MR. MPRAS: The materials do not
5 exist, because he did not -- he used the
6 security plan to train them as they were most
7 affected by.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER ALBERTI: Could I ask a
10 real -- could I interject here with a real
11 quick question?

12 So, Mr. Bailey, were you, in
13 August of 2012, just under contract with them?

14 MR. BAILEY: Yes, just to go over
15 their security plan with them.

16 MEMBER ALBERTI: So they hired you
17 as an independent instructor?

18 MR. BAILEY: Right, yes.

19 MEMBER ALBERTI: Thank you.

20 CHAIRPERSON MILLER: Okay. All
21 right. I'll check off No. 1.

22 No. 2, a copy of the actual

1 training packet and materials given to
2 employees after the incident in compliance
3 with the OIC. Are those the training
4 materials you have passed in today or what?

5 MR. MPRAS: Yes, ma'am, the new
6 security plan, which everyone did receive.

7 CHAIRPERSON MILLER: Say again?

8 MR. MPRAS: And the new security
9 plan which everyone did receive.

10 CHAIRPERSON MILLER: Oh, okay.
11 All right. Everybody all right with that?
12 Okay.

13 No. 3, a copy of the actual
14 training materials that will be given to
15 employees at future training sessions. Is
16 that the same?

17 MR. MPRAS: Yes, it's going to be
18 the same. And should -- and it may be
19 modified, as necessary, to encompass later
20 identified problems or issues.

21 CHAIRPERSON MILLER: Yes, yes.

22 MR. MPRAS: But that's real work

1 in progress.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER JONES: So essentially,
4 your training materials is just a security
5 plan and you are relying on Mr. Bailey, Mr.
6 Jones, but primarily Mr. Bailey to translate
7 what's in the security plan in a way that is--
8 provides a training conduit for your staff?

9 MR. MPRAS: That is essentially
10 correct, Mr. Jones, but when writing it, I
11 made it -- I wrote it towards the -- this is
12 written for the security staff per se. It
13 isn't ever a requirement, but the way it was
14 written, it was for them to understand it and
15 for them to be able to be taught from it.

16 MEMBER JONES: Did you write the
17 first one?

18 MR. MPRAS: I did.

19 MEMBER JONES: You did? Did you
20 write it with the same perspective of what
21 your audience was capable of, at that point?

22 MR. MPRAS: I was more focused on

1 it the second time around.

2 MEMBER JONES: More focused on the
3 second time around. Okay. So that's part of
4 what you are changing as well?

5 MR. MPRAS: Definitely.

6 MEMBER JONES: Okay. Document
7 that.

8 MR. MPRAS: Okay. I will do that.

9 CHAIRPERSON MILLER: Document
10 what, the difference or going back to the
11 difference between before and now?

12 MEMBER JONES: He wrote the second
13 security plan --

14 CHAIRPERSON MILLER: Yes.

15 MEMBER JONES: -- with more of an
16 emphasis on his audience than he did the first
17 time around.

18 CHAIRPERSON MILLER: Okay.

19 MR. MPRAS: Might I add that the--
20 that it wasn't rewritten. It was modified to
21 -- from the original version to specifically
22 include the material in the offer in

1 compromise. And that material was -- and
2 that's where I focused on -- more on the
3 security staff's understanding of what the new
4 requirements are.

5 MEMBER JONES: Fair enough. Fair
6 enough.

7 CHAIRPERSON MILLER: Okay.

8 MR. MPRAS: Oh, yes, ma'am, sorry.

9 CHAIRPERSON MILLER: No. I wanted
10 to make sure you had time to get it down.

11 MR. MPRAS: Yes, I'm writing
12 everything down.

13 CHAIRPERSON MILLER: That's
14 important. I don't think that really related
15 to No. 3. I think it related to the
16 difference between now and then, but in any
17 event, you know what Mr. Jones is looking for.
18 All right.

19 No. 4, copy of the contract with
20 CPI and proof of payment to CPI.

21 MR. MPRAS: The -- I will send
22 that in to you.

1 CHAIRPERSON MILLER: Yes.

2 MR. MPRAS: The --

3 CHAIRPERSON MILLER: Okay.

4 MR. MPRAS: Okay. No. 5, ma'am,
5 just specifically for the use of ID checking
6 devices does not exist.

7 CHAIRPERSON MILLER: Okay.

8 MR. MPRAS: Through TIPS, I am
9 certified to teach that as part of the
10 training, but I cannot issue a certificate
11 unless they have completed the entire
12 training, which is the host training, not just
13 the simple section like that. So it does not
14 exist.

15 CHAIRPERSON MILLER: Okay. I do
16 have a question separate from this. When was
17 Mr. Bailey going to get the CPI training?
18 That seems like a basic if he is in charge of
19 security.

20 MR. MPRAS: Yes, Mr. Bailey will
21 have the CPI course of training prior to the
22 venue's reopening.

1 CHAIRPERSON MILLER: Okay.

2 MEMBER ALBERTI: So you will let
3 us know when that happens?

4 MR. MPRAS: I will send you a copy
5 of Mr. Bailey's certificate.

6 MEMBER ALBERTI: Great.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: Great.

9 CHAIRPERSON MILLER: All right.
10 So that's the list here. So I guess I want to
11 ask my Board Members how we want to proceed.
12 Do you want to go into closed session and
13 discuss before we tell the applicant? I mean,
14 the licensee knows what they need to do.

15 MR. MPRAS: Ma'am, I will do my
16 absolutely best, with the exception of the CPI
17 training for Mr. Bailey, to have everything to
18 you tomorrow. And I can say I'm fairly
19 certainly that we will be able to.

20 CHAIRPERSON MILLER: Okay.

21 MR. MPRAS: I don't see why it
22 wouldn't be.

1 CHAIRPERSON MILLER: Okay. I
2 mean, the question, the basic question before
3 us is, you know, at what point will the Board
4 lift the suspension. So you are saying that
5 you will provide all these documents, all
6 these requests --

7 MR. MPRAS: Ma'am, I can address
8 every request with the exception of Mr.
9 Bailey's CPI training. Which will get done
10 this week?

11 MR. JONES: Yes.

12 MR. MPRAS: Okay. Which will get
13 done this week and I will send the training
14 certificate as soon as it is available.

15 CHAIRPERSON MILLER: Okay. So
16 what I'm hearing from you then is the Board
17 will have all of the information, including
18 the certificate of Mr. Bailey's training prior
19 to considering lifting the suspension.

20 You are not asking us to wait to
21 do anything different, are you or are you?

22 MR. MPRAS: No, ma'am. At the

1 time we submit everything, we would, at that
2 time, request the Board to lift the
3 suspension.

4 CHAIRPERSON MILLER: Right. Okay.
5 Okay. Any comments by Board Members?

6 MEMBER JONES: I'm not really
7 exactly sure what you just did or didn't do.

8 CHAIRPERSON MILLER: Okay. What I
9 said was that the big question before us is,
10 you know, under what circumstances will we
11 lift the suspension. And I didn't know
12 whether or not Mr. Bailey's training might
13 take longer than the other materials. And the
14 licensee is saying, in any event, the training
15 is going to be done before opening.

16 And when we have all of the
17 materials, including the training certificate
18 of Mr. Bailey, then the Board will consider
19 lifting the suspension.

20 I don't think there is anything
21 else hanging out there that hasn't been
22 articulated, but if there is?

1 MEMBER JONES: Okay.

2 MEMBER ALBERTI: Well, I'm not --

3 CHAIRPERSON MILLER: If you have
4 any concerns, please, address them now because
5 we don't meet again until next Wednesday.

6 MEMBER ALBERTI: I wasn't
7 listening closely, so are you -- we are not --

8 MEMBER JONES: So in other words,
9 we don't know what it was before we started
10 today?

11 MEMBER ALBERTI: We are not
12 agreeing to have them open until we get the
13 materials that were promised today? Is that
14 what we --

15 CHAIRPERSON MILLER: Yes, and I
16 just went --

17 MEMBER JONES: And we reviewed --

18 MEMBER ALBERTI: Is that what you
19 are saying?

20 MEMBER JONES: For review and
21 approval.

22 CHAIRPERSON MILLER: Right.

1 MEMBER ALBERTI: Right.

2 CHAIRPERSON MILLER: And we went
3 through the whole list.

4 MEMBER ALBERTI: Okay.

5 CHAIRPERSON MILLER: And what was
6 expected.

7 MEMBER ALBERTI: Okay.

8 CHAIRPERSON MILLER: And yes, and
9 then --

10 MEMBER ALBERTI: Good.

11 CHAIRPERSON MILLER: -- they are
12 going to be provided to us as quickly as
13 possible and the Board will review then and
14 then make a determination upon lifting the
15 suspension. Okay.

16 MR. MPRAS: That's our
17 understanding as well. Thank you.

18 CHAIRPERSON MILLER: Okay. All
19 right. Great. All right. Then if there
20 aren't any other questions, then that
21 concludes this hearing and, obviously, if you
22 have a question in the future, you can ask Ms.

1 Jenkins.

2 MR. MPRAS: Thank you.

3 CHAIRPERSON MILLER: So we will
4 expect the materials.

5 MR. MPRAS: You will expect
6 everything with the exception of the training
7 certificate for Mr. Bailey, which is not in my
8 control --

9 CHAIRPERSON MILLER: Yes.

10 MR. MPRAS: -- tomorrow.

11 CHAIRPERSON MILLER: Um-hum, okay.
12 Thank you.

13 MEMBER JONES: Well, I'm confused
14 now. So there were 25 employees, there are
15 another nine --

16 MR. MPRAS: Yes.

17 MEMBER JONES: -- that aren't part
18 of that list.

19 MR. MPRAS: Yes.

20 MEMBER JONES: What's your
21 universe? And what should we expect to get
22 from you?

1 MEMBER ALBERTI: Well, wait.

2 CHAIRPERSON MILLER: We went
3 through the whole list.

4 MEMBER ALBERTI: What was that?
5 There is another nine that aren't on that
6 list. Is that --

7 MEMBER JONES: Correct.

8 MEMBER ALBERTI: -- what we are
9 saying?

10 MR. MPRAS: We are not -- because
11 they were not trained yet. Those 25 are the
12 people that will work at Fur Nightclub when it
13 reopens. The other staff pursuant to the
14 security plan will not be allowed to work
15 until they are trained.

16 MEMBER ALBERTI: So are we
17 expecting -- how many training certificates in
18 total shall we --

19 MR. MPRAS: 25.

20 MEMBER ALBERTI: Okay. So the 25
21 on that list that you gave us today?

22 MR. MPRAS: Yes, sir.

1 MEMBER ALBERTI: So there is no
2 additional ones that --

3 MR. MPRAS: There will be
4 additional ones to follow, but --

5 MEMBER ALBERTI: I understand. I
6 understand.

7 MR. MPRAS: No, no. 25 --

8 MEMBER ALBERTI: When you open, it
9 will only be those 25 on that list.

10 MR. MPRAS: Correct. They will be
11 the only ones that will work there pursuant to
12 the security plan.

13 MEMBER ALBERTI: Right. I
14 understand. I was just hearing that there was
15 some others out there floating around.

16 MR. MPRAS: No, no.

17 MEMBER ALBERTI: All right.

18 MEMBER JONES: So what's the
19 trigger for the other nine? They are
20 currently employees.

21 MR. MPRAS: They are.

22 MEMBER JONES: They will not work

1 there until they are trained.

2 MR. MPRAS: Yes.

3 MEMBER JONES: So what's the
4 trigger for them actually doing work at the
5 establishment? No, no, no. Why aren't they
6 getting trained now? Why aren't they trained
7 already? Why aren't they part of the 25?

8 MR. MPRAS: Some of them are --
9 Mr. Shaw has relayed to me some of them are
10 students. They have finals. They were not
11 able to make it in for the training. So we
12 are going to set up another session where we
13 can get everybody in and get them done.

14 MEMBER JONES: Okay. Does that
15 apply to all nine? All nine are students?

16 MR. MPRAS: He said two are --

17 MEMBER JONES: So if it wasn't for
18 the fact that they didn't have finals, they
19 would actually be working there? Because, to
20 me, that sounds like they are employees, which
21 means they should be part of the 25.

22 Like I'm not really understanding

1 how you -- the only reason you are making a
2 distinction between 25 and nine is the fact
3 that they haven't taken the training. But all
4 of your employees that should be working there
5 that serve in this capacity should have taken
6 the training.

7 So why isn't your universe
8 consistent of -- consisting of all of those
9 employees?

10 MR. MPRAS: Well, sir, the
11 security plan states that once employed --
12 once hired, will not work until they have been
13 trained. So our employees will be trained.

14 MEMBER JONES: Are you making the
15 distinction between the 25 and the nine? I
16 get that.

17 MR. MPRAS: Okay.

18 MEMBER JONES: But you are giving
19 me a list of 25 and you are saying I should
20 only look at these 25, right?

21 MR. MPRAS: Correct.

22 MEMBER JONES: Why doesn't that

1 list include the other nine? What's different
2 about these employees and the 25?

3 MR. MPRAS: The difference is that
4 they did not make themselves available for the
5 training due to other commitments, primarily
6 being school finals. So that is beyond our
7 control, but we do control who will work. And
8 they did not train, they will not work.

9 MR. BAILEY: They are not actually
10 counted as employees at the time until they
11 are trained and become active.

12 MEMBER JONES: Okay. So they are
13 going to be trained by CPI, going to get a CPI
14 certificate?

15 MR. MPRAS: Correct.

16 MEMBER JONES: So what gates do we
17 have to know that these people aren't working
18 there?

19 MEMBER ALBERTI: They are not
20 open.

21 MEMBER JONES: No, I mean, when
22 they do open. So they want us to approve it

1 based on this list of 25.

2 MEMBER ALBERTI: Mr. Mpras, here
3 is my frustration. I think Mr. Jones may
4 share this. Is that -- and I will pull the
5 transcript from when you were here last
6 Wednesday. But you implied and I don't
7 remember your exact words, but the
8 implication, as I understood it, was that
9 everybody came in and got trained.

10 MEMBER JONES: Yes.

11 MEMBER ALBERTI: That's pretty
12 much paraphrasing your words, but the
13 implication was everybody came in during the
14 day and got trained.

15 MEMBER JONES: And actually there
16 is detail --

17 MEMBER ALBERTI: Now today when we
18 drill down, well, it's not quite like that.

19 MR. MPRAS: From the time we came
20 in at 1:30?

21 MEMBER ALBERTI: And I would --
22 no, let's not even dispute it. I will pull

1 the transcript.

2 MR. MPRAS: Okay.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER JONES: Well, I guess I'm
5 challenging from this standpoint. I'm not
6 really trying to -- I'm really not. I know it
7 may seem that way, but there is a -- you had
8 a conversation with Berman, John.

9 MR. MPRAS: Yes.

10 MEMBER JONES: As we were going
11 through this information and there was an
12 email that he sent out to the entire Board
13 where you indicated to him that all employees
14 were present.

15 Now, I misconstrued what all was.
16 Right? So I'm giving you an opportunity to
17 clearly define what your universe is for me.
18 But I'm not clear, based on your distinction
19 between 25 and nine, because 25 and nine is
20 only a distinction of who didn't make
21 themselves available to training, but they are
22 actually employees.

1 So it's like the list is
2 arbitrary, based on who you have had the
3 opportunity to make available for training.
4 And that really shouldn't be the case. It
5 should be all of your employees, as you
6 indicated to John Berman, were present for the
7 training. I'm defining all as 25 plus nine.

8 MR. MPRAS: All security
9 employees?

10 MEMBER JONES: No. It says all
11 employees were present. Now, John isn't here
12 to say --

13 MR. MPRAS: Yes.

14 MEMBER JONES: -- exactly --
15 that's exactly what you said, but this is the
16 information upon which the Board was to make
17 a decision. And it states all employees were
18 present.

19 So I gave you a chance. I said
20 okay, well, this list you gave me of 25, is
21 that everyone? And a couple of times you said
22 yes, yes, yes. Then we find out there is

1 another nine.

2 MR. MPRAS: Mr. --

3 MEMBER JONES: So and then it
4 doesn't help the case. It doesn't help me
5 feel comfortable when you give me 16
6 certificates and a list of 25 employees and
7 then that 25 isn't even all of the employees
8 that should have been trained.

9 MR. MPRAS: That was the
10 information I received Mr. Jones and that is
11 how I pass it on. I apologize if it was
12 incorrect. But when asked how many employees
13 were -- there were, you were told the actual
14 number and the situation. We are not trying
15 to hide anything from you.

16 MEMBER JONES: I understand.
17 That's why I'm saying, it may seem like I'm
18 trying to give you a hard time, but I'm really
19 not. I just want you to be crystal clear,
20 because I don't want this to go on another
21 Wednesday.

22 MR. MPRAS: Oh, and I --

1 MEMBER JONES: Okay? So I want
2 you to be crystal clear, so that we can be
3 crystal clear in what the expectation is that
4 you are going to provide.

5 When I hear all employees, I'm
6 thinking 25 plus nine.

7 CHAIRPERSON MILLER: Oh, no.

8 MR. MPRAS: Well, Mr. Jones, it's
9 going to be --

10 MEMBER JONES: Right? So who is
11 all the employees? When you signed up for
12 this OIC, what did all consist of? What was
13 the definition of the universe?

14 MR. MPRAS: All people that are
15 working at Fur Nightclub. We are talking
16 about --

17 MEMBER JONES: Say that one more
18 time.

19 MR. MPRAS: We were talking about
20 all people that are working at Fur Nightclub.

21 MEMBER JONES: So 25 plus nine?
22 Because those might actually work there, they

1 just haven't been to the training because they
2 had finals?

3 MR. MPRAS: And since they have
4 not been to the training, they --

5 MEMBER JONES: They don't work
6 there? They are not employees? How do you
7 define an employee now? Do you have a W2? Do
8 you have contracts? Like how do you define
9 what an employee is? Because there is a clear
10 cut definition to what an employee is.

11 MR. MPRAS: I understand. I
12 believe for security, it's employment. There
13 are no contracts. They are paid -- they are
14 W2 employees.

15 MEMBER JONES: Okay. So you have
16 W2s. I also want to see W2s for every
17 employee that you have. You can provide that?
18 I want you to redact all personal information,
19 that is, you know, stuff that I really
20 shouldn't see. That name on that W2 should
21 correlate to your list. That's how you
22 justify your universe.

1 MR. MPRAS: All right.

2 MEMBER JONES: All right. I made
3 it real simple for you.

4 CHAIRPERSON MILLER: Okay. That's
5 an additional request.

6 MR. MPRAS: It is. I'm writing it
7 down.

8 CHAIRPERSON MILLER: And I'm not
9 sure how it is related to the safety of the
10 public, but, I mean, the point is --

11 MEMBER JONES: Well, do you want
12 me to omit that?

13 CHAIRPERSON MILLER: -- we are
14 only going to have -- the point he is looking
15 at, I don't know if you -- there are only
16 going to be people working there who have been
17 trained. There are not going to be others.
18 Others are not going to be working there, so
19 they are not posing a risk.

20 MEMBER JONES: How can you enforce
21 that when you don't even know who all the
22 people are?

1 CHAIRPERSON MILLER: I have a list
2 right here.

3 MEMBER JONES: No, you don't.

4 CHAIRPERSON MILLER: 25 people.

5 MEMBER JONES: You have a list of
6 25 people.

7 CHAIRPERSON MILLER: Yes.

8 MR. MPRAS: There are only 25.

9 MEMBER JONES: You don't have a
10 list of all the employees.

11 MEMBER ALBERTI: I will tell you
12 based on what I heard, one thing that I heard
13 today, I need that to have confidence in the
14 materials that I have been given.

15 CHAIRPERSON MILLER: What do you
16 need, the W2s?

17 MEMBER ALBERTI: The information
18 Mr. Jones just asked for.

19 CHAIRPERSON MILLER: The list?

20 MEMBER ALBERTI: That's why it's
21 relevant to me.

22 CHAIRPERSON MILLER: What? We

1 have a list here of 25 people. We don't have
2 W2s on them. Why do we need W2s on the nine?

3 MEMBER JONES: Because the
4 universe keeps changing.

5 MEMBER ALBERTI: Yes.

6 CHAIRPERSON MILLER: You keep
7 changing the universe. I don't think that's
8 fair.

9 MEMBER JONES: I changed the
10 universe, Madam Chair?

11 CHAIRPERSON MILLER: Yes.

12 MEMBER JONES: Madam Chair?

13 CHAIRPERSON MILLER: Yes, you --

14 MEMBER JONES: I changed --

15 CHAIRPERSON MILLER: -- keep
16 coming up with --

17 MEMBER JONES: -- how did I --

18 CHAIRPERSON MILLER: Asking for
19 W2s, it's like the hearing --

20 MEMBER JONES: I don't change the
21 people on the list. When I asked them did
22 this list include all the employees?

1 MEMBER ALBERTI: We were told --

2 CHAIRPERSON MILLER: Okay. So --

3 MEMBER ALBERTI: -- that we had
4 certificates for everybody and then we --

5 MEMBER JONES: So I changed the--

6 MEMBER ALBERTI: -- had 16
7 certificates. I mean --

8 MEMBER JONES: How did I change
9 the universe, Madam Chair?

10 CHAIRPERSON MILLER: You asked for
11 W2s.

12 MEMBER JONES: How is that
13 changing the number of employees?

14 CHAIRPERSON MILLER: You are the
15 owner?

16 MR. MPRAS: Yes.

17 MR. RAYMOND: Can I, please,
18 speak?

19 CHAIRPERSON MILLER: Yes, yes.

20 MR. RAYMOND: I just want to give
21 you some history about Fur. I have been there
22 for 13 years. All right? I just want you

1 guys to know a lot of people have, you know,
2 a different aspect of what a nightclub is
3 like. It's very difficult work.

4 In 13 years, this is the first
5 time that something that severe happened
6 inside my club. You guys probably don't get
7 it. You know, it's -- I'm going to explain to
8 you. My business is like my kids. Fur is
9 like my child.

10 The reason why? I spend more time
11 there than I do with my own kids. People
12 don't realize that. Even the incidents
13 happen, it's something we can't -- but that
14 night, I wish there was one thing in my heart
15 I found wrong, I would mention not one thing.
16 We had sufficient security. Pat-down search.
17 10 police officers outside.

18 There is only one way you can
19 protect this 100 percent, I think police
20 officers should check IDs. They should work
21 inside and outside the club. We took every
22 precaution there is, every precaution. I

1 can't think of anything. I put everything
2 through this thing.

3 I mean, that night we had barely
4 300 people. You ask any police officer what
5 could we have done different? There are so
6 many times even when police officers do things
7 that are wrong. I mean, they search people
8 and find weapons on them. We took every
9 precaution there is.

10 We used to use the metal
11 detectors. We had those. They were never
12 sufficient. The batteries would go out. The
13 plug would come out. We had the metal things.
14 There was nothing more sufficient than the
15 normal pat-down that we had.

16 Can I even describe it to you how
17 we do the normal pat-down? I mean in 13
18 years, there has been thousands of people
19 through there and the person that did this, he
20 is gone. He is not suffering. I'm suffering.
21 These guys are suffering.

22 I'm going to tell you something

1 else. You see this guy's jaw right here? It
2 got broken down the street from Fur. Do you
3 know why we didn't call 911? We were afraid
4 to get a 251.

5 CHAIRPERSON MILLER: Um-hum.

6 MR. RAYMOND: Oh, my God, what do
7 we explain to the Liquor Board? We weren't
8 even open that night. He said he got hit by
9 a basketball, because he was afraid. He is
10 like you know what, I don't want to go in
11 front of the Board and say that I got jumped
12 down the street. For what? To get in
13 trouble? To get a fine? I didn't do anything
14 wrong.

15 CHAIRPERSON MILLER: Okay.

16 MR. RAYMOND: I mean, maybe people
17 are different when they come here, they have
18 a certain aspect. I'm supposed to be a
19 certain way. I'm telling you the truth. We
20 did everything we could in our power.

21 And you guys, this is -- the
22 person that testified, if me and him were

1 driving a car and I'm drunk, I'm speeding, he
2 gets -- I get pulled over, he gets a fine. He
3 gets a ticket. This is how it is for us right
4 now. This is the way I feel.

5 CHAIRPERSON MILLER: Okay.

6 MR. RAYMOND: I mean, not that it
7 matters to you guys, but this is not just --
8 it affects everybody. It affects me. In that
9 area, I did more for that area than anybody
10 else did. And the thing is that everybody
11 forgets that -- you know, all the good things
12 we did, all the positive things we do --
13 things we did.

14 Even the week after the incident
15 happened, you know how many times they blamed
16 us, harassed us, come down there show me DVD
17 and we weren't even open that night. Come
18 down show the DVD. I have done everything.
19 You guys wanted to add more cameras. I added
20 more cameras.

21 I wanted to follow everything
22 perfectly, because I did not want to have the

1 same issues again. I didn't. I went and if
2 you go through, we followed every procedure.
3 The fight was done in 4 seconds.

4 I mean, you guys watched the
5 footage. Every -- the way we were searching
6 people, you couldn't do that in there. I
7 mean, airport stuff gets in. For the first
8 time in 13 years, first time. And the thing
9 is we have less employees, because business
10 has gone down now.

11 The club is never open. The full
12 venue, it hasn't been open. I wish it was.
13 It's not. Some nights we only have one small
14 room open upstairs. You guys have the whole
15 map of Fur. I mean, that place in 13 years --
16 I mean, this is -- I feel responsible for
17 this.

18 They should have called in, but,
19 you know what, he said I don't want to go in
20 front of the Board. This happened, that
21 happens, because anybody -- you know, the
22 media is here, people want to be politicians,

1 people have different motives. I have no
2 idea.

3 I'm telling you on that day, we
4 did everything we possibly could.

5 CHAIRPERSON MILLER: Okay.

6 MR. RAYMOND: Everything we could.

7 CHAIRPERSON MILLER: Well --

8 MR. RAYMOND: And you guys --

9 CHAIRPERSON MILLER: -- I just
10 want to --

11 MR. RAYMOND: -- know that -- I
12 mean, you guys have the history. In 13 years,
13 that's the first time ever I had anything like
14 that happen inside my place.

15 CHAIRPERSON MILLER: Okay.

16 MR. RAYMOND: And it's hard on me,
17 too.

18 CHAIRPERSON MILLER: Okay.

19 MR. RAYMOND: 10 police officers
20 for less than 300 people inside, 27 security
21 guys.

22 CHAIRPERSON MILLER: Okay.

1 MR. RAYMOND: You guys saw the
2 videotape.

3 CHAIRPERSON MILLER: Wait, wait.
4 I understand that. I think --

5 MR. RAYMOND: Police officers
6 notice it.

7 CHAIRPERSON MILLER: Okay. We
8 hear you. We hear you. And I think a lot of
9 people want to just, you know, wrap this up
10 and go home and, you know, finish this stage,
11 so that you can reopen.

12 MR. RAYMOND: I understand, but
13 the only person that is getting hurt no matter
14 what happens is me and my staff. That's it.
15 We are the only ones that get hurt. Every
16 time we are --

17 CHAIRPERSON MILLER: 19 --

18 MR. RAYMOND: -- shut down when
19 something happens, we get affected for it.

20 MEMBER JONES: I just want to --
21 did -- somebody did get stabbed at your
22 establishment, correct?

1 MR. RAYMOND: Yes. Sir, I said
2 for the first time in 13 years. Yes, sir.

3 MEMBER JONES: You're saying only
4 people that got hurt?

5 MR. RAYMOND: Excuse me, sir?

6 MEMBER JONES: You're saying the
7 only people who got hurt?

8 MR. RAYMOND: I said that was the
9 first time --

10 MEMBER JONES: You're saying you
11 are the only person who is getting hurt, you
12 and your staff?

13 MR. RAYMOND: No, no. Sir, I'm
14 saying right now. Yes, right now, we are,
15 yes.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER JONES: Okay, sir.

18 CHAIRPERSON MILLER: Okay. Are we
19 clear as to what needs to be provided?

20 MR. MPRAS: Yes, ma'am. I have
21 everything written down that was requested.

22 CHAIRPERSON MILLER: Okay. All

1 right. Then not hearing anything else from
2 Board Members, we can close this hearing.

3 Thank you.

4 MR. MPRAS: Thank you.

5 MR. RAYMOND: Thank you.

6 (Whereupon, the Summary Suspension
7 (Status) Hearing in the above-entitled matter
8 was concluded at 6:44 p.m.)

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13
14
15
16
17
18
19
20
21
22

A	
able 52:5 69:4 94:1 102:15 106:19 114:11	adhere 87:8
above-entitled 135:7	adjacent 32:3
ABRA 36:11 57:12 57:13 87:2 93:14	afraid 129:3,9
absolutely 66:16 106:16	afternoon 77:18 78:5
accept 2:22 3:7	age 16:5,8
account 46:3	aggressive 20:8
accurate 93:21 94:5	ago 16:1 31:13 34:13 71:21,22 72:13
acknowledged 23:20	agreeing 109:12
acknowledging 9:13	Ah 43:22
acting 28:21	ahead 16:17 90:6
active 116:11	Ahmed 5:5
activity 35:11	aid 66:1 83:13
actual 7:7 13:11 31:9 34:16 85:4 99:16 100:22 101:13 120:13	airport 131:7
add 4:9 103:19 130:19	Alberti 1:20 3:20 5:8,14 15:9 18:5 38:16 43:20 44:1 44:13 47:17,19 49:21 52:22 53:3 54:13,18 55:4,11 55:13,16,21 58:14 58:15 59:6,10,11 59:14,16,19 60:3 60:7,10,13,18 61:4,14,20 62:2,6 62:11,14 64:17,20 65:2 75:12,14,15 75:21 76:7,17 77:1,2,13,15,20 78:4,8,11,19 79:2 85:20 86:1,2,6,9 86:12 87:9 88:5,9 88:15,18,20 94:19 100:9,16,19 106:2 106:6,8 109:2,6 109:11,18 110:1,4 110:7,10 112:1,4 112:8,16,20 113:1 113:5,8,13,17 116:19 117:2,11 117:17,21 124:11 124:17,20 125:5 126:1,3,6
added 130:19	alcohol 25:7,8
addition 23:22 73:14	Alcoholic 1:2,14,14
additional 3:16 4:1 4:15 6:5 28:13 29:12 57:11,19 93:8 113:2,4 123:5	allow 29:17
additionally 98:19	allowed 112:14
address 4:21 14:22 25:15 32:2 36:18 59:4 76:16 107:7 109:4	Amendment 26:1
addressed 19:5 27:21 37:11 84:22 85:7 97:2,15	ANC-6C 1:8 2:6
addresses 43:17	and/or 27:16 66:3
addressing 3:5 10:22 13:17 26:1 61:13	answer 7:22 46:9 63:16 74:7 84:12 88:12
	anybody 30:5 82:8 130:9 131:21
	anyway 93:21
	apologize 55:21 61:5 120:11
	applicant 106:13
	apply 114:15
	approach 7:11
	appropriate 62:4
	approval 109:21
	approve 116:22
	approved 7:18
	approximately 2:14
	arbitrary 119:2
	area 56:1 61:11 80:5,7 130:9,9
	areas 57:20 84:22 85:10,15 96:14
	arrest 25:6,17,18 25:20,21 56:1
	arrests 56:2,5,8 57:1
	articulated 108:22
	asked 37:6 40:15 78:21 120:12 124:18 125:21 126:10
	asking 60:19 88:12 107:20 125:18
	aspect 127:2 129:18
	aspects 63:8
	assault 2:13
	assistance 84:4
	assume 39:15 81:14
	assumed 14:19
	assuming 93:5
	attendance 38:21 39:5,11,13 40:22 47:5,8 50:19 70:12 79:8
	attended 37:22 38:3 42:8 47:3 79:19 81:13
	attention 20:10
	attest 39:19
	audible 46:9 74:7
	audience 102:21 103:16
	August 7:20 16:2 18:12 19:21 21:1 21:3 23:6 31:2 73:6 94:17 95:3 95:17 100:13
	authority 25:18 32:4
	automated 45:10 46:11
	available 63:6,14 107:14 116:4 118:21 119:3
	aware 15:7 36:2 63:18
	awareness 25:11
	awry 53:4
	a.m 2:14
	B
	back 16:2 21:1 37:13 40:2 85:2 85:12 103:10
	backing 30:8
	backup 27:3
	Bailey 5:13,13 7:21 7:22 10:18 14:8,8 14:14,16 15:3,5 15:10,11 18:10,11 18:13,20 19:2,9 19:13,18,22 20:4 20:22 21:6,11,20 22:19 23:10,11 35:10,18,20 36:2 36:9,17 37:8 44:16 57:10 68:8
	68:9,10,16,21 69:7,12 70:11,14 70:18 71:1,12,15 71:18,21 72:1,4,7 72:10,14,17,22 73:4,7,10,13 74:7 74:10,17 75:2 79:9,10 80:11,15 80:20 81:1,10,16 81:19 82:2,6 83:7 83:9,12,17 86:4 86:13 87:1 94:10 94:11,16 95:5,15 96:13,16,21 97:7 98:11,17,18 100:1 100:12,14,18 102:5,6 105:17,20 106:17 108:18 111:7 116:9
	Bailey's 57:4,6 95:20 96:6,8 99:20 106:5 107:9 107:18 108:12
	barely 128:3
	base 15:11 45:8
	based 7:17 15:8 30:4,20 39:11,12 39:14 41:1,2,3,20 46:20 47:13 57:11 64:4 98:14 117:1 118:18 119:2 124:12
	basic 15:5 105:18 107:2
	basically 15:6 16:4 36:10,10 42:15 52:8 71:2 97:12
	basketball 129:9
	batteries 128:12
	befuddled 22:1
	believe 7:20 12:11 12:14 32:7,10 39:2 42:14 53:21 67:9,10 95:4 99:11 122:12
	Berman 13:4 118:8 119:6

best 12:3 39:2 56:11 65:22 66:11 106:16	84:11,15,20 85:17	42:9	82:3,7,12 85:19 85:22 87:11,20 88:2,7,22 89:8,14 89:17,19,22 90:2 90:6,18 91:7,10 91:13,20 92:4,9 92:13,15,19,22 93:8,11,17,20 94:3,6,12,18 95:8 95:12,19 96:7,15 96:19,22 97:5,9 97:14,19,22 98:3 98:15 99:8 100:2 100:8,20 101:7,10 101:21 102:2 103:9,14,18 104:7 104:9,13 105:1,3 105:7,15 106:1,7 106:9,20 107:1,15 108:4,8 109:3,15 109:22 110:2,5,8 110:11,18 111:3,9 111:11 112:2 118:3 121:7 123:4 123:8,13 124:1,4 124:7,15,19,22 125:6,11,13,15,18 126:2,10,14,19 129:5,15 130:5 132:5,7,9,15,18 132:22 133:3,7,17 134:16,18,22	46:3,4,8,13 73:16 98:6 100:21 127:20
better 23:22 66:14 86:22	brought 31:6 33:19 57:10	certifications 9:16	checker 62:22 64:21 91:19	
Beverage 1:2,14,14	Building 1:15	certified 12:9 49:15 105:9	checking 10:15,16 11:6,13 12:6 16:3 19:16 20:13,14 78:15,18 79:20 92:7 105:5	
beyond 116:6	business 83:6 127:8 131:9	certify 42:8	checks 45:2,2 46:15	
big 108:9	C	Chair 12:10,11 16:15 17:5 46:18 62:19 64:16 70:7 70:11 75:11 79:4 85:18 87:19 90:5 125:10,12 126:9	Chief 1:10 2:14	
bit 2:8 16:3	calendar 32:12 34:7	Chairperson 1:16 1:19 2:3,12 4:13 4:18 5:2,7,15,22 6:9,12,17,21 7:3 7:10,12 8:3,7,11 8:15,20 9:2,7,18 9:21 10:3,9,13,21 11:2 12:16,20 13:5,8,13,16,20 14:1,6,10,21 15:4 16:13,16 17:16,19 18:3,6 33:13 38:12,18 46:19 47:7,10,14,22 48:19,22 49:12 51:10,21 52:6,10 52:12,18,21 53:2 53:10,15,18 54:5 54:12,15,20 55:1 55:7,14,19,22 56:9,13,17,21 57:9,18 58:2,6,9 58:13 59:10,13,18 59:21 60:6,9,12 60:15,20 61:2 62:17 64:19 65:4 65:10,14 66:2,10 66:13,17,20 67:2 67:12,16,20 68:2 68:6,9,15,19 69:5 69:10,16,20 70:2 70:5,8 75:13 76:2 76:6,13,20,22 77:4,9 79:1,5 80:11,18,21 81:3 81:8,12,17,22	child 127:9	
blah 76:10,10,10	call 2:4 28:12,13 34:9,11,12 129:3	called 14:17 131:18	circulated 48:7,16 84:19	
blamed 130:15	cameras 28:19 29:1 130:19,20	cameras 28:19 29:1 130:19,20	circumstances 27:21 29:21 108:10	
blaming 65:15	canceled 45:2	car 130:1	citizen 56:1,2,4	
block 25:16 31:7 32:5	capable 102:21	carbons 45:1	citizens 23:4	
blocks 31:7	capacity 115:5	card 12:7	citizen's 25:18,20 25:21 56:8 57:1	
Board 1:2,14 2:16 2:22 3:6,14,15,16 3:18 4:8 6:11,15 7:2,19 16:14 37:3 37:10 52:13 54:16 84:10,12 85:2 90:21 95:6 96:9 98:4 106:11 107:3 107:16 108:2,5,18 110:13 118:12 119:16 129:7,11 131:20 135:2	captured 29:1	care 15:17	city 25:7	
Board's 3:5 4:3 6:4 11:11	car 130:1	careful 38:22	clarification 4:12 16:19 62:19 87:19	
Board-approved 21:17	care 15:17	case 1:9 2:4 54:1 91:19 119:4 120:4	clarify 67:3 80:12	
books 19:16	categories 25:14	ceiling 28:20	class 33:9 42:9,9	
borrowed 25:10 61:10	ceiling 28:20	certain 54:9 84:22 129:18,19	clean 49:14 51:1,3 53:1,8	
bought 67:5,7,10	ceiling 28:20	certainly 49:6 106:19	clear 48:1 50:7 84:13 85:1 90:20 91:1 118:18 120:19 121:2,3 122:9 134:19	
break 73:22	certificate 105:10 106:5 107:14,18 108:17 111:7 116:14	certificates 6:14 7:6,7 10:4 21:4,7 21:11 22:10 31:18 32:20,22 33:17 38:11,14 39:10 40:14 47:1 50:15 51:14 54:2 93:1,3 93:7,9,12,15 94:2 112:17 120:6 126:4,7	clearly 56:11 118:17	
briefly 82:11	certification 12:7		click 46:2	
bring 19:6 86:13,14 86:19			client 45:1 46:8 62:21 64:21	
bringing 2:10			close 2:10 53:11 135:2	
broken 129:2			closed 2:15 106:12	
Brooks 1:21 3:21 16:15,18 17:1,4,8 17:9,14,17,22 18:8 82:10,13,17 82:20 83:5,8,10 83:16,19 84:2,6,8			closely 109:7	
			Closure 1:10	
			club 25:11 127:6,21 131:11	
			club's 26:4	

cognizant 28:20 63:18	21:18,20 34:18 35:9,19 69:8 97:7	10:1,6 12:14 44:6 90:14	crystal 120:19 121:2,3	demonstration 27:1
collected 48:13	conducted 7:15,21	copy 9:14 19:3	CTN 1:8	depending 69:22 70:4 97:10
Columbia 1:1 5:1 23:5	10:16,17 15:1	20:16 42:13 44:13	curiosity 6:19 86:3 90:5	depends 70:1
come 7:8 26:12 37:6 39:9 50:14 128:13 129:17 130:16,17	19:21 20:3 22:7 31:9,11,21,22 32:7,9,10 40:4 50:10 68:6 71:5 73:2,6,8 94:7,14 95:1	60:8 82:13 84:9 99:16 100:22 101:13 104:19 106:4	curious 63:9 64:9 65:5	deposit 46:2
comes 87:1	conducting 63:7	corner 27:20	currently 37:5 72:3 113:20	depth 31:4
comfortable 97:11 120:5	conduit 102:8	correct 4:9 17:2 25:1 38:5,8 39:22 42:10,15 54:3,4 63:11,12 75:7,9 77:17 78:5 90:16 93:5 97:1 99:12 102:10 112:7 113:10 115:21 116:15 133:22	curricula/syllabus 99:11	describe 128:16
coming 20:8,9 36:21 125:16	confidence 124:13	77:17 78:5 90:16 93:5 97:1 99:12 102:10 112:7 113:10 115:21 116:15 133:22	curriculum 9:5	described 30:22
comments 108:5	confirm 29:15 37:18	corrected 93:16	cut 49:13 122:10	description 6:8 7:14 11:18 15:1 90:9 91:14 94:7 95:5
commitments 116:5	confirmation 10:19 49:16	correctly 71:7	D	descriptions 92:17
common 25:22	conflict 25:6 27:11 28:4,11	correlate 53:22 122:21	date 12:22 93:13	detail 117:16
Commonwealth 9:14	confused 21:14	counsel 4:4 10:10 11:11 14:17 16:20	dates 9:2 94:13,22	detection 61:21
communicate 37:2 56:19	22:2,17 111:13	count 70:15	David 5:13 14:16	detector 59:2 61:18
communicated 95:14	conjunction 35:9	counted 116:10	day 1:6 18:1 32:13 33:5,18 43:18 73:2 96:15,16 117:14 132:3	detectors 58:18,22 128:11
companies 65:21	consider 74:5 108:18	couple 19:15 24:8 27:12 37:10 46:20 55:5 82:11 119:21	DC 32:3	detention 25:19,20 25:22 27:11
compare 53:7	considered 36:6	course 15:6 19:4 21:16 37:12 51:15 79:12 96:21 105:21	deadly 2:13	determination 110:14
complete 87:21 88:11	considering 107:19	cover 58:16,20	decide 97:7	developed 82:14,15 83:20
completed 99:21 105:11	consist 20:5 121:12	CPI 9:6,8,11,13,15 9:19 21:12,18 22:3,4 23:11,16 74:9 75:1 79:9,11 96:22 97:4,10 98:17 99:9 104:20 104:20 105:17,21 106:16 107:9 116:13,13	decision 119:17	device 11:21,22 12:4
compliance 4:16 73:16 96:2 101:2	consistent 115:8	court 47:15	Deedee 44:5	devices 11:6,13 66:19 105:6
complimentary 60:2	consisting 115:8	courtesy 59:5,8	defending 30:8	de-escalation 28:4
comports 88:13	consists 15:6,20	cover 58:16,20	defensive 30:7	differ 30:19 31:1
compromise 2:22 3:7 57:16 85:8 104:1	contact 34:3,8	cover 58:16,20	defer 5:19 14:7	difference 19:19 23:10,15 49:8 98:7 99:4 103:10 103:11 104:16 116:3
computer 45:7	contacted 34:2	cover 58:16,20	define 118:17 122:7,8	different 20:2 36:13 57:20 68:12 69:2 92:16,17 99:2 107:21 116:1 127:2 128:5 129:17 132:1
concern 37:3 38:10	content 85:4	cover 58:16,20	defined 58:5	difficult 127:3
concerns 3:1,6 98:5 98:10 109:4	continuing 55:17	cover 58:16,20	defining 119:7	directly 98:21
conclude 39:15	contract 100:13 104:19	cover 58:16,20	Definitely 103:5	Dirty 76:9
concluded 135:8	contracted 33:22	cover 58:16,20	definition 121:13 122:10	disasters 25:10
concludes 110:21	contracts 122:8,13	cover 58:16,20	Delegates 9:12	discrepancy 47:1
conclusion 88:14	contribution 9:14	cover 58:16,20	deliver 26:10	
conduct 18:15	control 1:2,14,14 86:22 111:8 116:7 116:7	cover 58:16,20	delta 22:20 23:5,12 37:3	
	conversation 118:8	cover 58:16,20	deltas 36:5 98:13	
	convey 26:19	cover 58:16,20	demonstrated 26:13	
	Cool 37:16	cover 58:16,20	demonstrating 28:21	
	coordinate 57:4,7	cover 58:16,20		
	copies 6:18 7:1	cover 58:16,20		
		crime 27:18		
		Crown 76:10		

discretely 63:22	11:10 12:21 34:10	7:15 15:2 22:12	114:18 115:2	follow 85:21 113:4
discuss 59:3 106:13	45:21 54:21 99:13	22:14 24:13,15	Factory 1:6 2:5,14	130:21
discussed 56:7 59:8	99:15 118:12	26:6 28:11 29:22	56:2	followed 131:2
dispute 117:22	emailed 3:15	37:21 40:3,5 59:1	fair 64:13 104:5,5	following 46:12
distinction 115:2	emails 13:11	63:19 70:22 74:6	125:8	follows 14:20
115:15 118:18,20	Emanuel 5:4	94:8 114:5 133:22	fairly 106:18	follow-up 58:15
District 1:1 5:1	emphasis 103:16	evade 29:8	fake 19:15 25:9	footage 131:5
23:4	employed 86:4	evening 33:7 35:20	61:10 73:17	force 28:4,8
document 43:11	115:11	35:21	far 15:21 21:17	forces 28:17 56:18
77:7 85:8,9 95:14	employee 58:11	event 52:13 69:22	36:17 46:21 92:6	forgets 130:11
95:18 98:13 103:6	74:5,15 77:11	70:1 104:17	92:7	form 44:20
103:9	122:7,9,10,17	108:14	fax 54:21	formal 74:22
documentation	employees 6:7 10:1	everybody 48:15	feel 18:18 23:2	formulate 20:20
25:21	10:5 17:18 24:12	99:14 101:11	97:11 120:5 130:4	forth 85:12
documents 14:3	24:12,15,16,18,18	114:13 117:9,13	131:16	forward 37:6
43:14 107:5	24:19 47:3 56:2	126:4 130:8,10	feet 56:15,16	found 41:10 127:15
doing 23:19 57:1	65:16 69:17 80:13	exact 117:7	felt 23:21 36:14	four 70:3 96:14
73:15 92:7 114:4	80:14 87:16 88:4	exactly 108:7	Fernando 1:24 5:1	framework 26:3
DONALD 1:21	90:9,13 91:2,3,4,5	119:14,15	fight 131:3	freestyle 18:19
door 29:3,6 36:22	91:9 96:2 97:1	exam 30:14	figure 20:17	fresh 69:4
56:16	99:10,18 101:2,15	examined 14:19	filed 45:6	Friday 3:13
doors 69:15	111:14 113:20	example 58:18	Fill 76:8	front 13:9 17:10
downs 16:12	114:20 115:4,9,13	exception 106:16	finals 114:10,18	20:16 29:6 36:20
drafts 84:18 85:5	116:2,10 118:13	107:8 111:6	116:6 122:2	49:2 65:13 87:14
drill 117:18	118:22 119:5,9,11	excess 54:8,10	find 18:2 53:7 65:4	129:11 131:20
drinkers 15:8,18	119:17 120:6,7,12	Excuse 11:1 134:5	68:14 69:4 82:21	frustration 117:3
driving 130:1	121:5,11 122:6,14	exist 100:5 105:6	119:22 128:8	full 89:12,14
drugs 25:12	124:10 125:22	105:14	fine 62:16 129:13	131:11
drunk 130:1	126:13 131:9	existence 67:11	130:2	function 12:4
due 116:5	employment	existing 62:22,22	finish 133:10	Fur 1:6 2:4,13
duly 14:18	122:12	exit 20:8 36:22	finished 18:7	41:14 56:1 71:14
duration 79:14	encompass 101:19	expect 111:4,5,21	first 4:20 6:6 8:10	112:12 121:15,20
duty 69:18	encompassed 24:8	expectation 121:3	14:5,18 22:11,13	126:21 127:8
DVD 130:16,18	enforce 25:6	expected 87:8	25:16 48:4,10,13	129:2 131:15
D.C 1:15	123:20	110:6	49:3 51:18 52:4	further 21:19
	enforcement 25:22	expecting 112:17	99:13 102:17	62:16 95:6,9
<hr/> E <hr/>	enhancements 36:6	experience 57:12	103:16 127:4	future 96:12 98:10
early 77:18	enter 58:17	explain 65:20	131:7,8 132:13	101:15 110:22
easier 87:6	entering 61:12	127:7 129:7	134:2,9	fuzzy 23:2
effective 97:13	entire 24:13 79:14	explained 57:14	five 7:3,5 13:3	
eight 13:1 17:2	80:1,5 105:11	explanation 51:13	floating 113:15	<hr/> G <hr/>
either 34:22 35:1	118:12	51:17 67:17	floor 73:20	Gary 5:12 49:3
51:11	entity 32:4		focus 57:16 99:3	gates 116:16
electronic 11:18	equal 53:6	<hr/> F <hr/>	focused 57:22	gather 28:8
45:10,20	error 33:2	facilitate 26:14	102:22 103:2	general 10:10
else's 73:17	essentially 102:3,9	fact 23:2,9 26:15	104:2	16:20
email 3:19,22 11:5	establishment 2:15	49:16 63:18	focuses 57:19	generate 33:16

40:13 41:19	16:20 37:9,9	hear 10:14 12:19	11:12 12:6 16:3	independently 12:4
generated 41:2	46:11,16 95:22	53:5 68:20 121:5	19:16 20:13,14	indicated 23:17
42:5 94:22	106:10 118:4	133:8,8	62:22 64:21 73:17	24:17 32:6 42:14
getting 74:2 114:6	guests 58:17	heard 56:22 94:9	77:7 78:15,18	62:20 84:21
133:13 134:11	guide 18:22 20:19	98:10,17 124:12	79:20 91:18 105:5	118:13 119:6
give 27:8 33:17	guy 49:14	124:12	idea 58:8 74:13	indicates 37:22
50:15 120:5,18	guys 45:9 49:15	hearing 1:8,15 2:19	132:2	indicating 85:6
126:20	127:1,6 128:21	4:4,6 7:9 14:12	identification	indication 83:3
given 10:8 61:7	129:21 130:7,19	41:4 62:20 95:9	25:10 61:10	individual 3:16
96:1 99:10,17	131:4,14 132:8,12	107:16 110:21	identified 101:20	29:18,22 34:20
101:1,14 124:14	132:21 133:1	113:14 125:19	identify 56:19	68:10,17 81:21
giving 8:12 29:19	guy's 129:1	135:1,2,7	68:13	individually 34:19
115:18 118:16		heart 127:14	IDs 11:19 16:6	individuals 26:13
go 6:4 8:5,9,19 9:19	H	held 10:5	19:13,14,15 61:9	38:3 40:8
16:11,16 25:15	half 33:9,12,14,16	Hello 5:4	73:17 92:7 127:20	inert 66:4
28:8 29:6 61:7	hand 45:17 46:4,5	helm 87:5	ignorant 26:15	infer 90:10 91:22
79:16 87:12 90:6	handed 99:12	help 7:13 23:1,22	illegible 52:5	inferred 90:12
92:18 100:14	handing 8:18	26:14 51:3 120:4	immediately 7:2,9	inflict 27:16
106:12 120:20	handle 15:14 36:14	120:4	28:12 89:13	information 4:2,16
128:12 129:10	36:15	helpful 44:2 84:9	impart 57:13	9:5,8,10,11,19
131:2,19 133:10	handled 71:7,8,9	helps 53:9	implement 27:15	10:18 11:11 64:5
God 129:6	handling 15:21	HERMAN 1:21	implication 117:8	76:8 83:15 91:22
going 2:4,7,9 8:13	36:12	hey 46:1	117:13	99:9 107:17
8:21 10:13 14:7	hands 28:5 29:21	hide 120:15	implied 117:6	118:11 119:16
14:22 15:13 23:3	30:5,6	hiding 69:2	important 104:14	120:10 122:18
28:5,16 34:5 37:6	hands-on 26:22	hired 26:8 75:5	impression 85:3	124:17
37:13 38:22 42:17	handwriting 47:12	100:16 115:12	improvements 3:2	initial 3:1 4:17
69:1,5,13 74:9	47:13 48:9,16	history 126:21	36:7	48:14
81:4 88:16 92:20	53:20	132:12	improvise 66:12	injury 27:16
93:2,18 99:15	hanging 108:21	hit 129:8	improvised 65:22	inside 37:21 91:18
101:17 103:10	happen 18:14 71:6	hitting 30:7	incident 7:16 15:2	92:8 127:6,21
105:17 108:15	90:19 127:13	home 133:10	26:7 27:14,22	132:14,20
110:12 114:12	132:14	hopefully 2:9 60:18	28:2 64:7 83:12	insight 35:22
116:13,13 118:10	happened 27:14	horizontal 16:6	86:17 94:8,14	instance 21:5,12
121:4,9 123:14,16	29:7 52:7,9 127:5	hospitality 43:18	95:2 98:8 99:18	22:17 25:15 27:10
123:17,18 127:7	130:15 131:20	host 105:12	101:2 130:14	29:19 35:2,4
128:22	happening 28:12	hour 33:8 43:18	incidents 29:13	instances 65:16
good 58:8 68:20	happens 106:3	80:8,10	127:12	instructed 78:17
79:16 110:10	131:21 133:14,19	hours 2:15 33:10	include 20:10,12	instruction 9:17
130:11	harassed 130:16	33:11,16	103:22 116:1	25:14,16 31:7
Government 2:20	hard 22:2 45:11	House 9:12	125:22	74:19
5:17,18	77:16 120:18	Housing 32:4	included 98:19	instructor 100:17
Government's	132:16	hurt 133:13,15	including 107:17	instrument 27:18
84:13 85:16	harm 27:16	134:4,7,11	108:17	intended 90:22
great 65:3 79:2	head 71:10,14 72:3		incorrect 120:12	interested 54:16
106:6,8 110:19	72:9,12,19 73:1	I	independent 21:19	interesting 59:9
guess 8:17 14:5	86:3,15	ID 10:15,16 11:6	35:16 100:17	interject 100:10

internally 82:16
intoxicated 15:7,15
Introduction 25:5
Investigator 57:12
 87:2
involved 15:22
 83:14
involvement 29:13
issue 51:11 105:10
issued 2:16
issues 25:6 26:2
 27:9,11 61:13
 64:6 101:20 131:1
item 28:1 61:8
 88:12,17 90:8
items 13:1,3 16:19
 17:1,6,12 65:22
 68:12

J

jaw 5:6 129:1
Jenkins 7:12 44:7
 44:10 55:2 60:17
 111:1
job 6:7 56:20 90:9
 91:13
John 118:8 119:6
 119:11
Jones 1:21 3:20
 4:11,14 5:12,12
 8:2,4 9:17,20
 10:17 11:7,14,20
 18:7,10,12,14,21
 19:8,11,17,20
 20:1,15 21:2,8,10
 21:13 22:1,5,6,7,8
 22:9,13,15 23:14
 24:2,3,4,5,7,10,19
 24:22 25:2,3 26:9
 26:18,19,21 27:2
 27:3 29:14,16
 30:2,3,10,13,14
 30:16,17,18,19
 31:3,5,6,8,10,11
 31:13,15,16,17,19
 31:20,22 32:6,11
 32:13,15,16,18,19

32:21,22 33:2,4,6
 33:8,10,15,19,21
 34:1,3,5,8,11,12
 34:15,18,22 35:2
 35:4,6,7,8,12,13
 35:14,15,17,18,21
 36:4,16 37:1,16
 38:2,6,9,13,17,20
 38:20 39:2,4,6,7,8
 39:9,12,14,19,22
 40:1,2,6,7,10,11
 40:12,13,17,18,19
 40:20 41:6,11,15
 41:17,18,20,21
 42:1,3,4,5,11,12
 42:13,16,17,20,21
 42:22 43:1,2,4,8,9
 43:10,11,13,20,22
 44:3,5,9,11,15,15
 44:17,18,21,22
 45:5,9,13,14,16
 45:17,18,19,22
 46:1,6,7,10,17
 47:4,18 48:3
 49:11,13,20,22
 50:3,6,9,14,17,22
 51:8,9 52:1 53:9
 54:2,7,19 55:9,12
 55:13 56:3,6,10
 56:14,18 57:5,7
 58:16,21 60:5,8
 60:22 61:8,17,22
 62:4,8,13,17,18
 63:5,13,15,17,17
 63:20,21 64:4,8
 64:11,12,14,15
 65:8,12,19 66:3
 66:11,16,18,21
 67:14 68:4 70:7,9
 70:10,17,20 71:10
 71:13,16,20,22
 72:2,6,8,11,15,19
 73:1,2,5,8,11 74:4
 74:8,12,21 75:3,4
 75:7,10,19 77:6
 79:4,6,7,13,22
 80:3,6,9 87:18,21

88:8,11,17,19
 89:3,6 90:4,7,17
 91:15,16,21 93:6
 93:19,22,22 94:4
 94:19 95:10,13,16
 96:3 98:11,12,16
 98:21 99:6 102:3
 102:6,10,16,19
 103:2,6,12,15
 104:5,17 107:11
 108:6 109:1,8,17
 109:20 111:13,17
 111:20 112:7
 113:18,22 114:3
 114:14,17 115:14
 115:18,22 116:12
 116:16,21 117:3
 117:10,15 118:4
 118:10 119:10,14
 120:3,10,16 121:1
 121:8,10,17,21
 122:5,15 123:2,11
 123:20 124:3,5,9
 124:18 125:3,9,12
 125:14,17,20
 126:5,8,12 133:20
 134:3,6,10,17
jumped 129:11
justify 122:22

K

keep 9:22 29:11
 125:6,15
keeping 69:4
keeps 125:4
kids 127:8,11
kind 14:11 19:18
 45:7
know 8:12 14:10
 15:14,15,19 16:4
 16:4,5,6,7,8 19:6
 19:15,18 28:2
 29:11,12,22 30:6
 32:2,9 36:14,17
 37:11 39:1 44:11
 45:4 47:14 51:12
 53:9,11 57:21

59:21 67:13,21
 68:14,16 69:1,14
 70:18 72:17 73:18
 74:2 81:9 82:4
 86:17,18 87:3
 89:1 94:21 104:17
 106:3 107:3
 108:10,11 109:9
 116:17 118:6
 122:19 123:15,21
 127:1,1,7 129:3
 129:10 130:11,15
 131:19,21 132:11
 133:9,10
knowing 16:5,7
knowledge 21:20
 31:4 36:11 57:14
known 87:2
knows 87:3 106:14

L

labeled 78:18
lacking 86:19,21
laid 81:20
Lanier 2:15
lapbook 27:4
laptop 27:7 42:15
laundry 8:10
law 25:22
lazy 74:2
learned 78:16
leave 90:20
lecture 26:22 29:20
left 79:15
legal 4:3
legible 51:20
Legislature 23:21
letting 15:14 74:3
let's 8:7,20 117:22
liabilities 25:9
License 1:8 2:6
licensee 2:20 3:12
 4:3 5:5,6,17,19
 14:18 85:13
 106:14 108:14
licensee's 5:20
lift 3:3,8,19,21,22

107:4 108:2,11
lifting 107:19
 108:19 110:14
light 26:6
line 25:3
lines 21:3
link 46:2
Liquor 129:7
list 6:6 8:10 10:1
 12:22 13:3,11,14
 16:19 17:1,17
 37:20 38:14,15
 39:13 41:3,12,16
 41:22 42:6,10
 47:2 48:5 50:10
 50:21 51:18 53:14
 53:22 54:17 80:13
 87:12,16,22 88:3
 89:2,11,12,14
 90:8,12 91:18
 106:10 110:3
 111:18 112:3,6,21
 113:9 115:19
 116:1 117:1 119:1
 119:20 120:6
 122:21 124:1,5,10
 124:19 125:1,21
 125:22
listed 62:12,15
listening 109:7
lists 42:2,3 48:3
 52:13,15 53:6,12
 53:19,20
little 2:8 16:1,3
LLC 1:6
local 25:19
located 2:5 32:3
long 4:6 69:11
 71:16 80:6
longer 108:13
look 15:18,19 20:22
 43:12 52:22
 115:20
looked 83:4
looking 12:21,22
 16:4 82:20 91:14
 104:17 123:14

looks 66:5	ma'am 13:2 67:19	37:16 38:2,6,9,13	100:9,16,19 102:3	5:2,7,15,22 6:9,12
lot 51:5 52:4 127:1	89:10 92:12 93:10	38:16,20 39:4,7,9	102:16,19 103:2,6	6:17,21 7:3,10,12
133:8	94:16 99:19 101:5	39:14,22 40:2,7	103:12,15 104:5	8:3,7,11,15,20 9:2
loud 63:2	104:8 105:4	40:11,13,18,20	106:2,6,8 108:6	9:7,18,21 10:3,9
Love 72:3	106:15 107:7,22	41:11,15,18,21	109:1,2,6,8,11,17	10:13,21 11:2
	134:20	42:3,5,12,17,21	109:18,20 110:1,4	12:16,20 13:5,8
		43:1,4,9,11,20,22	110:7,10 111:13	13:13,16,20 14:1
M	mean 51:2 56:3	44:1,5,9,11,13,15	111:17,20 112:1,4	14:6,10,21 15:4
machine 10:17	61:15 76:18 86:15	44:18,22 45:5,9	112:7,8,16,20	16:13,16 17:16,19
20:14	90:10,12 106:13	45:14,17,19 46:1	113:1,5,8,13,17	18:3,6 33:13
Madam 12:10,11	107:2 116:21	46:7,10,17 47:17	113:18,22 114:3	38:12,18 46:19
16:15 46:18 62:18	123:10 126:7	47:18,19 49:11,13	114:14,17 115:14	47:7,10,14,22
64:15 70:7,10	128:3,7,17 129:16	49:20,21,22 50:3	115:18,22 116:12	48:19,22 49:12
75:11 79:4 85:17	130:6 131:4,7,15	50:6,9,14,17,22	116:16,19,21	51:10,21 52:6,10
87:19 90:5 125:10	131:16 132:12	51:9 52:1,14,22	117:2,10,11,15,17	52:12,18,21 53:2
125:12 126:9	Meaning 71:6	53:3 54:13,18,19	117:21 118:4,10	53:10,15,18 54:5
magnetometer	means 114:21	55:4,9,11,12,13	119:10,14 120:3	54:12,15,20 55:1
61:18,19	meant 88:5,6	55:16,21 58:15	120:16 121:1,10	55:7,14,19,22
major 25:13	measure 57:11	59:6,11,16,19	121:17,21 122:5	56:9,13,17,21
majority 4:1,20	mechanics 66:5	60:1,3,5,7,10,13	122:15 123:2,11	57:9,18 58:2,6,9
making 15:16 44:6	mechanism 18:16	60:18,22 61:4,14	123:20 124:3,5,9	58:13 59:10,13,18
71:3,7 73:21	30:11,12	61:20 62:2,6,11	124:11,17,20	59:21 60:6,9,12
88:13 115:1,14	media 131:22	62:14,18 63:5,13	125:3,5,9,12,14	60:15,20 61:2
management 1:6	meet 85:10,15	63:17,21 64:8,12	125:17,20 126:1,3	62:17 64:19 65:4
45:8	94:21 109:5	64:15,17,20 65:2	126:5,6,8,12	65:10,14 66:2,10
manager 71:2 82:4	meeting 1:3 69:9	68:4,11 70:7,10	133:20 134:3,6,10	66:13,17,20 67:2
mandated 43:15	meets 94:20	70:17,20 71:10,13	134:17	67:12,16,20 68:2
manual 12:13	member 1:20,21,21	71:16,20,22 72:2	members 3:15,19	68:6,9,15,19 69:5
15:12 37:13 57:2	1:22 4:11,14,19	72:6,8,11,15,19	4:8 29:5 49:18	69:10,16,20 70:2
82:18 83:1,20	5:8,14 8:2,4 11:7	73:1,5,8,11 74:4,8	54:16 96:9 106:11	70:5,8 75:13 76:2
97:2	11:14,20 15:9	74:12,21 75:3,7	108:5 135:2	76:6,13,20,22
map 131:15	16:15,18 17:1,4,9	75:10,12,15,19,21	mention 20:18,21	77:4,9 79:1,5
marshal 29:2	17:14,17,22 18:5	76:7,17 77:2,6,13	127:15	80:11,18,21 81:3
Martini 76:9	18:7,8,10,12,14	77:15,20 78:4,8	met 1:14 77:16	81:8,12,17,22
material 99:22	18:21 19:8,11,17	78:11,19 79:2,4,7	85:6	82:3,7,12 85:19
103:22 104:1	19:20 20:1,15	79:13,22 80:3,6,9	metal 58:18,22	85:22 87:11,20
materials 18:22	21:2,8,13 22:1,6,9	82:10,13,17,20	59:2 61:18,21	88:2,7,22 89:8,14
19:12 22:19 23:18	22:15 23:14 24:2	83:5,8,10,16,19	128:10,13	89:17,19,22 90:2
61:7 99:10,17	24:5,10,19,22	84:2,6,8,11,15,20	methodology 62:9	90:6,18 91:7,10
100:4 101:1,4,14	25:2 26:9,19 27:2	85:17,20 86:2,6,9	methods 62:5	91:13,20 92:4,9
102:4 108:13,17	29:14 30:2,10,14	86:12 87:9,18,21	Michael 5:10 86:5	92:13,15,19,22
109:13 111:4	30:17,19 31:5,8	88:5,8,9,11,15,17	86:6	93:8,11,17,20
124:14	31:11,15,17,20	88:18,19,20 89:6	Microsoft 46:14	94:3,6,12,18 95:8
matter 1:5 30:22	32:6,13,16,19,22	90:4,7,17 91:16	middle 55:15	95:12,19 96:7,15
94:13 95:1 96:11	33:4,8,15,21 34:3	91:21 93:19,22	MIKE 1:22	96:19,22 97:5,9
98:18,21 133:13	34:8,12,18 35:2,6	94:4 95:10,13,16	Miller 1:16,19 2:3	97:14,19,22 98:3
135:7	35:8,13,15,18,21	98:12,16 99:6	2:12 3:21 4:13,18	98:15 99:8 100:2
matters 130:7	36:4,16 37:1,15			

100:8,20 101:7,10 101:21 102:2 103:9,14,18 104:7 104:9,13 105:1,3 105:7,15 106:1,7 106:9,20 107:1,15 108:4,8 109:3,15 109:22 110:2,5,8 110:11,18 111:3,9 111:11 112:2 118:3 121:7 123:4 123:8,13 124:1,4 124:7,15,19,22 125:6,11,13,15,18 126:2,10,14,19 129:5,15 130:5 132:5,7,9,15,18 132:22 133:3,7,17 134:16,18,22 minimize 29:12 minors 15:8 misconstrued 118:15 missing 16:10 53:8 mission 9:13 mistake 90:16 mistaken 90:15 mistakingly 51:17 90:11 misunderstood 88:20,21 mode 30:7 modifications 36:6 modified 101:19 103:20 Money 46:14 months 97:18,20 97:21 motives 132:1 moving 28:18 MPD 20:7 36:18,18 36:21 MPD's 20:9 Mpras 5:4,4 6:1,2 6:10,13,17,20 7:1 7:5,11,14 8:6,9,14 8:17 9:1,4,9 10:2	10:7,11,15 11:1,3 11:9,16,22 12:18 13:2,6,10,15,19 13:21 14:2,7 16:20,22 17:3,7 17:13,20 21:10,15 22:5 23:13,15 24:16,21 25:1 33:12 34:1 37:2 37:17,20 38:5,8 45:1,4,6 46:9,14 47:2,17,18,21 48:6,12,20 49:1,5 49:8 51:7,16 52:2 52:7,11,17,19 53:13,16 54:4,7 54:22 55:3 57:6 57:10,22 58:3,7 60:16 62:20 63:3 63:12,15 64:20,22 67:2,6,15,19,22 68:8 69:21 70:3 75:4,9,18,20 76:4 76:19,21 77:10,14 77:16,19 78:1,6,9 78:10,13,20 79:7 79:10,18 80:2,4,8 81:5,11 82:15,19 82:22 83:22 84:3 84:16 85:14 86:5 86:8,11,20 88:3 89:7,10,16,18,21 90:1,8,11 91:6,8 91:11 92:2,5,12 92:14,16,21 93:3 93:10,14 94:15 95:2,4 96:5 97:3,6 97:10,18,21 98:2 98:13,20 99:7,19 100:4 101:5,8,17 101:22 102:9,18 102:22 103:5,8,19 104:8,11,21 105:2 105:4,8,20 106:4 106:15,21 107:7 107:12,22 110:16 111:2,5,10,16,19	112:10,19,22 113:3,7,10,16,21 114:2,8,16 115:10 115:17,21 116:3 116:15 117:2,19 118:2,9 119:8,13 120:2,9,22 121:8 121:14,19 122:3 122:11 123:1,6 124:8 126:16 134:20 135:4 multiple 56:15 <hr/> N name 5:12 75:22 82:2 122:20 named 84:11 names 38:14,14 39:10,20 41:9 52:4 53:8 92:17 narcotics 25:12 nature 16:10 NE 1:7 necessarily 87:15 necessary 101:19 need 20:9 44:7 74:10 82:4 83:15 93:19 94:4 106:14 124:13,16 125:2 needed 19:5 needing 26:6 needs 94:1 134:19 never 46:3 128:11 131:11 new 11:20,22 12:3 12:15 22:21 67:5 67:6 72:5,6 74:14 77:7 86:15,18 93:18,21 97:1 98:22 99:5 101:5 101:8 104:3 newly 43:15 NICK 1:20 night 1:6 68:22 69:6,7,8,18,22 83:11 127:14 128:3 129:8	130:17 nightclub 32:1 112:12 121:15,20 127:2 nights 131:13 nine 81:10,11,12 89:5 91:2,9 111:15 112:5 113:19 114:15,15 115:2,15 116:1 118:19,19 119:7 120:1 121:6,21 125:2 normal 128:15,17 normally 97:17 notes 19:4 notice 2:16 133:6 notifications 16:9 notify 20:7 36:21 notifying 20:6 noting 16:9 number 9:7 10:21 28:19 29:3 47:1 54:8,9 120:14 126:13 numbers 28:9 53:6 N.E 2:5 N.W 1:15 <hr/> O OAG 1:24 objections 93:6 obviously 90:15 110:21 occurred 26:7 31:2 36:1 39:18 41:7 occurs 83:13 odd 62:11,14 63:10 66:7 offer 2:21 3:1,7 24:11 57:15 85:8 103:22 offered 24:14 offering 23:1,6,7 office 53:17 officer 43:16 44:4 128:4	officers 28:14 29:4 56:15 127:17,20 128:6 132:19 133:5 oh 9:8 10:11 12:20 13:5 18:3 21:13 37:8 43:9 44:6 45:22 56:9,13 60:9 61:3,4,4 65:2 68:15 76:20 84:15 88:15 91:20 95:10 101:10 104:8 120:22 121:7 129:6 OIC 3:5,11 23:1 74:14 96:2 99:7 101:3 121:12 okay 2:3 4:13,18,20 5:7,22 6:9,12 7:10 8:22 9:1,8,21 10:3 11:2,14 12:16 13:8,16,20 14:1,6 14:21 15:4,4 16:13 17:2,9,14 18:3,6,10 19:8,17 22:6,15 23:14 24:2,10 25:2 26:9 27:2 28:15 29:14 29:20 30:2,17 31:5,17 32:16 33:4,16,21 34:12 35:8,13,18 36:16 38:9 39:14 41:11 42:12 43:9 44:5,6 44:22 45:5,9,19 46:7,10,17,19 47:21 48:6,13,19 48:22 49:22 50:2 50:7 51:9,21,22 52:6,10 53:11,15 53:18 54:1,5,12 54:15,20 55:1,11 55:19 56:9,13,17 56:21 57:9,18 58:2,9,9,13 60:6 60:15,20 63:17,21 64:8,12,14,19
---	--	---	--	---

67:12 68:15,19,20 69:10,16 70:2,5,5 70:6,20 71:13 72:2,8,11 73:5,11 74:4 75:3,10 77:9 77:13,14 78:19 79:1,2 81:3,8,12 81:22 82:7,12,17 83:5,10 84:2,6 85:19,22 86:12 87:9,12 88:2,7,18 88:22 89:22 90:3 90:17,18 91:1,7 91:10 92:4,15,19 92:22 93:17,21 94:3,6,12,18 95:8 95:15,19,21 96:2 96:8,9,19 97:14 98:4,15 99:6,8,8 99:12 100:8,20 101:10,12 102:2 103:3,6,8,18 104:7 105:3,4,7 105:15 106:1,7,20 107:1,12,15 108:4 108:5,8 109:1 110:4,7,15,18 111:11 112:20 114:14 115:17 116:12 118:2,3 119:20 121:1 122:15 123:4 126:2 129:15 130:5 132:5,15,18 132:22 133:7 134:16,17,18,22 old 20:19 22:21 67:4 99:4 omit 123:12 once 20:12 37:12 45:3 48:13 115:11 115:12 ones 67:5,7 80:16 80:19 113:2,4,11 133:15 open 69:1,8,14 70:4 75:6,8 109:12	113:8 116:20,22 129:8 130:17 131:11,12,14 opened 26:4 opening 78:3 96:14 96:17,18 108:15 operations 43:18 opportunity 118:16 119:3 opposed 45:19 order 3:2 76:10 77:11 ordered 78:5 original 7:17 49:9 51:18 53:12,14,19 54:17 93:4 103:21 outline 9:15 25:4,4 43:2,7,15,17 60:13 outlined 59:19 outside 20:7 29:4 36:19 56:16 69:3 91:18 127:17,21 overseeing 71:3 overview 26:5 37:9 owner 126:15	parties 3:4 15:22 20:6 party 20:8 pass 120:11 passed 9:22 51:18 51:19 52:3 101:4 pat 16:11 path 51:6 patrons 15:7,15 Patterson 1:7 2:5 patting 58:18,19 pat-down 20:11 58:1 59:5,8 73:20 127:16 128:15,17 payment 44:16,19 44:20 104:20 payments 45:6,21 people 20:7 26:12 28:5,8 38:16,21 39:16 40:21 41:5 41:8 42:8 50:6,10 50:12 51:14 54:10 58:19 61:12 62:1 69:3 70:11 73:17 73:20 81:9 112:12 116:17 121:14,20 123:16,22 124:4,6 125:1,21 127:1,11 128:4,7,18 129:16 131:6,22 132:1,20 133:9 134:4,7 percent 127:19 perfectly 130:22 perform 33:22 performer 83:6 period 72:14 person 12:7 29:8,9 30:3 34:20 36:20 86:18 128:19 129:22 133:13 134:11 personal 122:18 personnel 23:17 26:4 28:10 37:14 71:6 81:20 persons 73:21 89:11	person's 16:5 47:11 perspective 102:20 phases 24:8 phone 34:7,11,12 physical 61:19 66:5 physically 32:2 65:13 70:15 picked 47:15 place 23:3,4 28:6 30:21 78:7 131:15 132:14 plan 3:10,13 7:18 12:15 19:3,10 20:18 71:4 74:13 74:20 84:14 97:16 98:22 99:3,21 100:6,15 101:6,9 102:5,7 103:13 112:14 113:12 115:11 planting 68:12 please 15:10 109:4 126:17 plug 128:13 plus 13:17 96:4 119:7 121:6,21 plus-sub s 36:5 point 3:6 4:11 5:21 12:11 19:6 64:8 73:19 74:8 79:21 84:16 102:21 107:3 123:10,14 points 43:10 57:15 85:8 police 1:10 29:3,9 32:4 56:14,20 127:17,19 128:4,6 132:19 133:5 politicians 131:22 portions 85:6 posing 123:19 position 70:21 71:17,19 87:7 positive 130:12 positively 23:20 possession 7:8 38:10 62:21 63:19	64:3 possible 74:11 81:6 110:13 possibly 132:4 posted 37:21 92:6 power 129:20 PowerBook 42:14 PowerPoint 24:9 26:11 27:4 powers 25:5,17 practical 29:17 precaution 127:22 127:22 128:9 premises 61:12 prepared 14:4 presence 86:21 present 1:18,23 6:15 72:12 80:16 80:19 118:14 119:6,11,18 presentation 27:8 presented 2:21 54:1 64:5 67:1 85:5,9 presiding 1:17 presumably 53:3 pretty 83:22 117:11 prevent 52:8 primarily 102:6 116:5 primary 72:9 print 54:2,14 printer 46:15 printing 33:3 prints 46:16 prior 7:8 34:16 69:9 96:18 105:21 107:18 private 43:15 44:3 probably 7:5 127:6 problem 14:14 93:12 problems 101:20 procedure 131:2 procedures 10:16 20:11 71:3
	P			
	pack 100:3 packet 43:21 99:17 100:3 101:1 page 12:5 61:1,3,6 65:1 85:9 paid 49:15 122:13 Panasonic 27:4 paper 45:11,14 84:9 parameters 58:5 paraphrasing 117:12 Pardon 75:21 part 11:8 23:1 29:5 63:22 64:5 82:18 83:1 103:3 105:9 111:17 114:7,21 participate 79:11 participated 39:17			

proceed 106:11	97:13 128:1	really 5:20 46:12	123:9	87:3
proceedings 5:21	P-R-O-C-E-E-D...	51:4,11 56:22	relates 98:22	respond 5:21 6:3
process 12:6 18:16	2:1	67:21 90:19	relayed 114:9	30:4
22:22 24:6,7,14	p.m 2:2 4:5 33:6	104:14 108:6	relevant 124:21	responding 29:6
78:16,18 79:20	135:8	114:22 118:6,6	relying 102:5	responses 3:16
processed 45:3	<hr/> Q <hr/>	119:4 120:18	remaining 89:5	responsibilities
produce 39:10	question 12:19	122:19	remedy 28:22	92:11
progress 102:1	14:4 18:4 37:9	reason 21:8 50:18	remember 97:15	responsibility 5:20
project 42:18	55:8 57:3 64:18	66:8 89:6 115:1	117:7	responsible 131:16
projected 26:11	85:20 94:22	127:10	reopen 133:11	responsive 89:2,4
projecting 43:6	100:11 105:16	reasonably 39:15	reopening 105:22	result 64:7
projector 27:6	107:2,2 108:9	reasons 53:1	reopens 112:13	Retailer 1:8
prolong 51:11	110:22	recap 2:7 4:14	repeat 11:8	returned 3:4
promised 109:13	questions 3:17 6:5	receipt 64:22 76:5	replaced 86:16	retyped 48:21
proof 104:20	7:22 16:14 29:19	76:6	replay 27:13	review 3:9 109:20
proper 20:11 73:22	46:20 55:6 60:19	receipts 64:21	replica 66:6	110:13
properly 93:15	62:16 78:21 82:8	receive 44:16,19	report 82:14 83:14	reviewed 109:17
protect 127:19	82:11 95:7 110:20	74:9,15 101:6,9	85:4	reviewing 15:13
provide 6:10 11:15	quick 55:5,9 64:17	received 74:22	reporter 47:16	85:5
11:17 21:4,6 22:9	82:11 85:20	87:22 120:10	representation	revised 3:5,11,13
36:4 37:7 40:15	100:11	recirculated 41:10	95:20	22:21
49:16 64:1,10	quickly 16:9	41:22	represented 3:11	revising 12:2
66:12 93:4 107:5	110:12	recognition 25:9,11	60:11 67:13 77:21	revisions 84:4
121:4 122:17	quite 23:19 117:18	61:9	78:1	rewritten 103:20
provided 14:8	<hr/> R <hr/>	recognize 50:22	representing 22:4	Rhee 75:16,16,17
21:11,12 22:11,14	radio 36:19,20	51:1,2	reputation 94:1	76:9,9 77:10
26:5 36:8 37:4,5	Rally 56:18	recollection 39:3	request 4:17,20 6:6	right 5:15 6:11,15
40:16 42:7 48:5	rationale 22:16	77:18	13:21 107:8 108:2	10:11 16:14 17:19
73:15 89:13,18,20	Raymond 5:10,11	record 9:10 37:18	123:5	22:21 26:17 30:17
90:15 91:17 95:5	41:13 47:6,9	red 16:8	requested 6:14	31:8 35:22 38:10
95:17 98:9,14	58:12 72:21 76:11	redact 122:18	11:4 58:4 77:12	42:3 49:14 50:1,5
110:12 134:19	76:15 126:17,20	redundant 78:15	134:21	50:7,16,19 54:6
provider 23:16	129:6,16 130:6	Reeves 1:15	requesting 4:15,16	55:3 56:17 58:14
provides 102:8	132:6,8,11,16,19	reference 13:12	requests 4:2 11:11	60:7 65:10,14
providing 22:16,20	133:1,5,12,18	referring 59:14,15	107:6	66:2,20 70:6 71:1
68:22 94:2	134:1,5,8,13	85:13	require 40:7	73:12 74:6,17
public 123:10	135:5	reflect 9:10	required 37:14	77:6 78:6 80:10
pull 23:12 117:4,22	read 25:4 48:8,15	regarding 4:12	41:1 67:8 68:11	80:14 82:5,6,8
pulled 130:2	readdressed 85:14	11:12 25:20	requirement	83:16,19 90:2
purchase 10:20	reading 76:3	regime 98:8,9	102:13	91:4 93:1 94:10
11:17	ready 6:2,3 69:14	registration 25:5	requirements	95:22 96:10 97:5
purchased 10:19	real 55:9 64:17	regular 46:13	104:4	98:4,5 99:14,15
12:1 77:21	66:15 100:10,10	53:19 58:10	resend 99:1	100:18,21 101:11
pursuant 83:1 99:7	101:22 123:3	regulations 25:7,19	resolution 9:13	101:11 104:18
112:13 113:11	realize 127:12	reinforcement 64:7	25:6 27:11	106:9 108:4
put 29:21 30:5	realized 48:12	relate 59:1	resolutions 88:14	109:22 110:1,19
46:15 57:8 94:1		related 104:14,15	respect 61:21 84:14	110:19 113:13,17

115:20 118:16 121:10 123:1,2 124:2 126:22 129:1 130:3 134:14,14 135:1 risk 123:19 Rivero 1:24 2:11 4:22 5:1,18 83:2 84:4,5,7,10,18,21 role 70:21 79:16,18 84:13 87:7 91:22 Romeo 5:10 77:11 room 1:15 27:20 131:14 rooms 70:3,4 roster 39:20 rude 76:19 rules 25:7 Ruthanne 1:16,19 r,sum 9:16,16 R-H-E-E 75:17	schedule 96:12 scheduled 2:18 school 116:6 screen 26:12 27:5,7 42:19 43:6 screening 58:17 se 102:12 search 26:1 127:16 128:7 searching 58:19 131:5 seasoned 23:16 second 11:5,10 21:20 43:16 48:11 48:16 51:19 52:3 68:1,3,4 81:13,13 81:14 99:15 103:1 103:3,12 Secondly 6:13 seconds 131:3 section 105:13 security 3:10,13 7:17 9:15 12:13 12:15 15:12 16:11 19:3,10 20:17 21:18 23:17,22 24:18 28:10,14 37:13,14 38:1,3 43:15,19 44:4 49:19,20,21 57:2 65:16 68:11 69:17 71:2,4,5,11,14 72:3,9,9,12,20 73:2,16,19 74:13 74:20 75:20 80:14 81:20 82:18 83:1 83:13,20 84:14 86:3,16 91:3,4,9 92:3 97:2,16 98:22 99:3,21 100:6,15 101:6,8 102:4,7,12 103:13 104:3 105:19 112:14 113:12 115:11 119:8 122:12 127:16 132:20	see 2:8 3:2 8:8,21 17:16 22:18 27:6 28:11 32:11 52:14 57:1 65:9 78:22 87:15,15 90:18 94:20 106:21 122:16,20 129:1 seeing 54:16 68:13 69:3 seen 12:17 send 7:1 34:9 104:21 106:4 107:13 sending 6:19 sensitive 63:4,5 sent 6:5 11:5,10 13:4,6 16:20 85:2 99:1 118:12 separate 105:16 separating 15:22 20:6 serve 115:5 service 25:7,8 services 34:10 session 3:14 7:20 19:1 21:19,21 31:9,21 38:22 39:17 40:22 63:7 69:13 80:1 81:14 106:12 114:12 sessions 34:19 38:1 38:4 79:8 101:15 set 4:4 21:16 40:14 63:1 93:18,21,21 114:12 sets 22:16 setup 27:19 seven 17:2 43:18 severe 127:5 share 117:4 Shaw 5:5 47:11 48:4,8,13,18 49:3 49:6,18 50:2,5,8 50:13,16,20 52:3 52:16,20 53:13 67:22 69:19,21 70:1 91:11 114:9	sheet 24:17 40:15 48:10,14 50:19 78:18 81:20 93:5 sheets 41:7 47:5,8 81:18 shepherd 28:7 show 19:19 130:16 130:18 shows 92:5 shut 5:6 133:18 side 28:17 sign 40:16 41:1 48:9 81:21 signature 45:11 signed 6:14 10:4 41:8 46:7,8 121:11 sign-in 40:9,14 41:7 53:20 81:18 93:4 sign-up 24:17 48:14 Silverstein 1:22 3:20 60:1 94:21 simple 105:13 123:3 simply 67:8 78:13 79:19 single 12:5 43:18 50:11 sir 17:3,13 22:8 24:4,16,21 26:18 30:16,18 31:3,10 31:16 34:15,15 35:7 40:6,12 41:17,18 42:22 44:17 62:13 65:1 71:12,15 72:1,7 72:10 73:4,10 75:2 77:19 83:9 112:22 115:10 134:1,2,5,13,17 sitting 85:3 situation 28:22 56:19 120:14 situations 15:21 16:1 36:12,13	65:21 66:7 six 97:18,19,21 99:2 slide 26:11 slip 74:3 small 131:13 Smith 30:1 solicit 34:10 somebody 36:21 53:7 68:13,18 73:17 75:22 86:21 133:21 soon 2:10 74:11 81:6 107:14 sorry 5:2 11:7 12:10,18,21 18:8 55:16,17,17 61:5 61:6 62:13 76:18 78:10 82:22 86:8 90:5 104:8 sort 61:14 86:18 sounds 46:12,22 114:20 speak 5:17 15:10 18:19 73:14 126:18 speaking 4:19,20 specific 24:11 25:8 31:7 specifically 18:17 27:20 58:4,22 91:8 99:1 103:21 105:5 specifies 97:4 specify 97:3 speeding 130:1 spend 51:5 127:10 spoken 25:17 stabbed 133:21 staff 27:12 29:5 49:17,18 57:14 73:16,19,20 75:8 83:13 86:22 102:8 102:12 112:13 133:14 134:12 staff's 104:3 stage 133:10
S				
safe 14:13 23:4 29:12 safer 24:1 safety 123:9 satisfaction 3:9 4:17 85:7,11,16 Saturday 13:7 save 47:5 saw 29:10,11 133:1 saying 22:20 32:8 41:21 44:1 51:8 89:3 107:4 108:14 109:19 112:9 115:19 120:17 134:3,6,10,14 says 43:17 74:13,14 76:7 78:7 81:13 90:8,21 91:17 119:10 scan 54:21 scanner 10:19 11:18 77:8,11,22 scenario 27:14 scene 28:1				

stand 14:19 27:12	summary 1:6 2:17 2:18 135:6	team 34:20	104:14,15 108:20	track 76:11
standpoint 118:5	supplement 92:20	techniques 28:7 43:19 64:2	117:3 125:7	tracking 76:15
start 8:2,4 43:14 69:13	support 28:13	tell 28:12 29:9 106:13 124:11 128:22	127:19 128:1 133:4,8	train 23:22 38:17 61:21 65:16 75:8 86:22 100:6 116:8
started 109:9	supposed 37:18 67:4,5 71:8 74:15 89:1 129:18	telling 50:11,17 53:5 129:19 132:3	thinking 121:6	trained 12:1 21:21 49:17 50:12 57:13 60:14 65:7 82:4,5 88:4 89:12,12,16 90:13 99:20 112:11,15 114:1,6 114:6 115:13,13 116:11,13 117:9 117:14 120:8 123:17
state 7:16 23:21 25:8,19 56:10	Supposedly 38:18	term 59:9	Third 7:14	
stated 3:1,8 46:21 52:3	sure 5:16 15:16,17 17:11 31:17 60:3 71:3,7 73:18,21 79:15 84:12 87:13 104:10 108:7 123:9	terms 37:3 74:13 74:14 91:18	thoroughness 20:13	
statement 88:13	suspension 1:7 2:17,18 3:3,8,19 3:21,22 107:4,19 108:3,11,19 110:15 135:6	terrorism 25:11	thought 58:7 98:4	
statements 88:1	swear 14:11,13	testified 14:20 129:22	thousands 128:18	
states 115:11 119:17	switching 73:19,21	testimony 8:13 10:14 96:3,6,8 98:11 99:20	throwing 15:16	
station 32:4	sworn 14:18	th 23:20	Thursday 31:14,14 31:15 32:12,14,15 32:16	
Status 1:8 135:7	syllabus 9:5 20:20 55:5 56:8 59:17 59:18,20,22 60:8 64:1 96:4	thank 2:11 5:14 14:21 18:2 26:21 26:21 38:12 56:21 60:20 62:18 64:15 65:3 70:10 75:10 75:11 76:8,9 77:13 79:3 80:10 85:17 87:9,10 100:19 110:17 111:2,12 135:3,4 135:5	ticket 130:3	
stop 63:1	synopsis 12:5,8	Thanks 90:17	time 2:21 5:19 12:22 14:4 22:11 22:13 23:19 31:20 33:5 48:4 51:5 56:12 80:5,20 83:12 97:12 99:21 103:1,3,17 104:10 108:1,2 116:10 117:19 120:18 121:18 127:5,10 131:8,8 132:13 133:16 134:2,9	trainees 40:8
straight 9:22	system 45:7 46:11 46:13	thing 8:5 11:4 17:15 18:1 66:15 67:14 78:14 124:12 127:14,15 128:2 130:10 131:8	TIPS 12:9 105:8	trainer 12:7,9 42:6 42:7 49:15 63:6 63:14
street 1:7,15 2:5 129:2,12	<hr/> T <hr/>	things 6:18 8:12,13 8:16,18 9:22 16:9 19:5 28:18 37:10 37:11 56:7 69:2 74:1,3 88:6 128:6 128:13 130:11,12 130:13	tired 74:1	training 6:14 7:15 7:17,19 9:15 10:4 11:3,5,12 12:6 14:9 15:1,5,12 18:15,22 19:12,21 20:2,5,20 21:3,16 21:17,18 22:7,10 22:11,14,17,18 23:3,6,7,9,17 24:6 24:8,11,14 26:6 26:10 31:1,4,9 33:9,22 34:17,19 35:9,11,19 36:1,3 36:7 37:4,5,7 38:1 38:3,22 39:17 40:1,4,8,22 42:9 43:2,16 44:4,16 49:4 50:10 56:4 56:12 57:4,5,6,17 57:19 58:5,16 63:7 64:1,10 65:6 65:7,18 66:1,12 66:15 67:18 68:1 68:3,5 69:9,12 70:12 73:3,6,9,14 74:9,16,22 78:8 78:11 79:8,21 80:1,5,7,19,22
strengthen 64:6	table 81:21 86:14 86:15	think 2:7 14:12 47:4 56:3 67:6 77:5,20 85:1 86:20 94:9 96:3	times 80:16 119:21 128:6 130:15	
strike 64:9	take 14:4 39:4 69:11 83:15 89:9 108:13		today 4:4,7 17:4 33:20 72:13,15 88:6 98:11 99:12 101:4 109:10,13 112:21 117:17 124:13	
structured 19:9	taken 9:11 115:3,5		TIPS 12:9 105:8	
students 114:10,15	talk 27:9 58:21 76:18,19 79:20		tired 74:1	
stuff 122:19 131:7	talked 36:12		today 4:4,7 17:4 33:20 72:13,15 88:6 98:11 99:12 101:4 109:10,13 112:21 117:17 124:13	
subject 9:3 30:22 94:13 95:1 96:11 98:18,21	talking 27:10 43:4 43:10 56:4,6 61:9 61:11,22 87:4 88:10 91:4 121:15 121:19		times 80:16 119:21 128:6 130:15	
submission 3:10	taught 30:5 102:15		times 80:16 119:21 128:6 130:15	
submissions 12:12	teach 78:17 105:9		TIPS 12:9 105:8	
submit 17:20 90:21 95:18 108:1			tired 74:1	
submitted 3:12,15 7:18 12:13 14:2 17:5 23:18 24:20 42:20,21 43:1,3 78:17			today 4:4,7 17:4 33:20 72:13,15 88:6 98:11 99:12 101:4 109:10,13 112:21 117:17 124:13	
submitting 9:9,11			tomorrow 89:21 90:1,3 106:18 111:10	
subsequent 13:3			tools 66:22,22	
sub-areas 25:14			top 83:6	
suffering 128:20,20 128:21			total 93:15 112:18	
sufficient 127:16 128:12,14			totally 35:15 89:4	
sufficiently 85:1			touch 27:17,22,22	
suggested 83:2				
suggestion 83:2				
Suite 1:15				

81:4,7,14,15 89:9 93:1,3 94:7,15 95:17 96:1,14,17 97:4,8,17 98:8,9 99:4,5,9,17,22 100:3 101:1,3,14 101:15 102:4,8 105:10,12,12,17 105:21 106:17 107:9,13,18 108:12,14,17 111:6 112:17 114:11 115:3,6 116:5 118:21 119:3,7 122:1,4 trainings 47:3 94:13 95:1 96:12 97:1 transcript 117:5 118:1 translate 47:20 102:6 tries 29:8 trigger 113:19 114:4 trouble 129:13 true 50:20,21 truth 129:19 trying 18:17 20:17 28:22 52:8 73:18 118:6 120:14,18 turn 4:8 68:17 94:19 twice 21:21 two 22:16 33:10,11 33:12,13,15 41:7 42:1,2,3 43:13 48:3 53:6,20 60:17 61:3 85:9 114:16 two-use 83:3 type 69:2 typed 48:18 typing 85:4 t/a 1:6	Um-hum 58:6 111:11 129:5 underage 15:7,18 understand 26:14 47:12 51:4,7 59:11 65:11 66:13 91:2 102:14 113:5 113:6,14 120:16 122:11 133:4,12 understandable 87:6 understanding 26:16 29:15 30:20 104:3 110:17 114:22 understands 60:19 understood 37:1 74:21 75:3 117:8 unfortunately 7:6 52:11 unit 29:6 universe 50:1,4 111:21 115:7 118:17 121:13 122:22 125:4,7,10 126:9 update 67:8 93:6 updated 12:3 49:10 upstairs 131:14 use 10:16 11:5,12 20:19 27:5 28:4 56:11 58:18 59:3 63:1,8 64:2 65:17 65:17 66:15,22 67:1 76:12 105:5 128:10 usually 83:18	verbally 95:14 verification 11:17 verify 29:15 30:12 version 20:18,19 103:21 versus 98:8 vertical 16:6 videotape 133:2 views 25:22 Virginia 9:12 23:20 virtue 23:8 voted 3:6,18 voting 3:20,22	122:16,18 123:11 126:20,22 129:10 130:22 131:19,22 132:10 133:9,20 wanted 4:8 9:4 19:6 37:10 51:12 52:14 64:6 79:19 104:9 130:19,21 warm 23:2 Washington 1:15 wasn't 65:6 67:7 103:20 109:6 114:17 watched 131:4 way 26:17 40:3 71:8,9 102:7,13 118:7 127:18 129:19 130:4 131:5 weapon 2:13 weapons 58:20 128:8 website 9:12 Wednesday 77:17 109:5 117:6 120:21 week 21:22 31:13 34:6,13,14,16 71:21,22 72:13 107:10,13 130:14 weird 14:12 well-over 70:16,17 well-taken 15:17 went 4:6 12:8 19:4 19:7 36:10 37:11 40:3 48:14 53:4 62:9 78:13,15,20 96:3 109:16 110:2 112:2 131:1 weren't 63:6,13 67:17 129:7 130:17 We've 87:17 whoa 76:17,17 Williams 86:5,6,14 wired 5:6 wish 127:14 131:12	witness 14:17,19 wondering 48:1 words 48:21 109:8 117:7,12 work 34:21 75:6 101:22 112:12,14 113:11,22 114:4 115:12 116:7,8 121:22 122:5 127:3,20 working 69:3 81:6 114:19 115:4 116:17 121:15,20 123:16,18 wouldn't 52:5 53:5 106:22 wrap 133:9 write 102:16,20 writing 95:21 102:10 104:11 123:6 written 30:14 102:12,14 134:21 wrong 32:20 33:1 50:21 93:13 127:15 128:7 129:14 wrote 83:22 102:11 103:12 W2 122:7,14,20 W2s 122:16,16 124:16 125:2,2,19 126:11
<hr/> U <hr/>	<hr/> V <hr/>	<hr/> W <hr/>	<hr/> Y <hr/>	
	varies 69:19,20,22 various 65:20 vary 69:17 venue 75:5 82:16 97:6 131:12 venue's 105:22 verbalizing 28:21 30:9	wait 61:4,5 76:17 107:20 112:1 133:3,3 waiting 36:19 walk 18:18 24:13 40:2 walked 26:15 65:20 66:7 Walker 44:14 walking 29:7 wall 42:18 Walter 75:15,16,16 76:8 wand 61:16 62:1,1 62:3,7,8,10 64:2 64:10 65:7 wanding 57:20 58:1 59:4 62:22 68:17 wands 20:10,18,21 63:1,9,19 65:5,6,9 65:12,17,17 66:4 67:3,4,9,14,21 68:11 70:13 want 8:5,9,11 17:11 29:1 37:17 46:20 51:5,11 53:11 71:9 74:2 80:12 84:12 85:2 87:12 90:19 106:10,11 106:12 116:22 120:19,20 121:1	year 21:1 years 57:12 87:2 126:22 127:4 128:18 131:8,15 132:12 134:2 Year's 72:5,6 Yesterday 35:20,21	<hr/> P <hr/>
			<hr/> O <hr/>	
			o 3:7	

1	25 24:22 38:13,14 38:19 47:2 50:6,8 50:10,12 51:14 80:13 89:3 111:14 112:11,19,20 113:7,9 114:7,21 115:2,15,19,20 116:2 117:1 118:19,19 119:7 119:20 120:6,7 121:6,21 124:4,6 124:8 125:1	79:14,15 80:3		
1 13:14,17,17 28:16 29:16 87:16 88:12 88:17 90:8 99:16 100:21 1:00 77:17 1:30 77:17 117:20 10 127:17 132:19 10th 2:16 100 127:19 11:00 90:1 13 126:22 127:4 128:17 131:8,15 132:12 134:2 13-251-00068 1:9 2:4 14th 1:15 15th 2:17 31:18 32:10 33:1 72:20 16 38:11,14 39:16 41:5 50:15 51:13 120:5 126:6 16th 31:14,15 32:8 32:9,17 36:1,8 38:6 39:18 17th 3:12,18 72:22 18 86:12 18th 13:7 19 133:17 19:00 33:6	251 129:4 27 132:20	8 8 9:8,19 13:14,17 99:9,13 8th 34:14 8:30 69:13		
	3	9		
	3 10:14 14:5 94:7 95:21,22 101:13 104:15 3-2 3:19 300 128:4 132:20 33 1:7 2:5	9th 34:14 9:00 69:13 9:30 33:7 79:14 80:3 911 129:3 96 2:15		
	4			
	4 82:14 94:12 95:20 95:21,22 104:19 131:3 4th 26:1 4:30 4:5 400S 1:15			
	5			
2	5 3:6 13:18 96:1 105:4 5:00 4:5 5:10 2:2 50 56:15,15			
2 28:18 100:22 2:00 2:14 20 70:14,16,17,19 2000 1:15 20009 1:16 2002 16:2 2012 7:21 18:12 19:21 21:4 23:7 31:2,4 73:6 94:17 95:3,17 100:13 2013 1:10,13 73:9 21 54:10 21st 38:7 73:9 22 1:13 22nd 72:16	6			
	6 1:10 61:8 96:11 98:5,6 6th 2:12 6:44 135:8 60626 1:8 2:6			
	7			
	7 98:7 7:00 33:6,15 48:7			