

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD
SUMMARY SUSPENSION HEARING

IN THE MATTER OF: :
: :
: :
THE STADIUM GROUP, LLC : Case No.
t/a STADIUM : 13-251-00072
:

Monday,
June 3, 2013

ABC Board Hearing Room
Frank D. Reeves Municipal Center
2000 14th Street, N.W., Suite 400S
Washington, D.C.

The above-entitled matter came on
for hearing, pursuant to notice, at 1:19 p.m.

BEFORE:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Board Member

DONALD BROOKS, Board Member

MIKE SILVERSTEIN, Board Member

APPEARANCES:

On Behalf of the Licensee The Stadium
Group, LLC t/a Stadium:

KAREN TODD, ESQUIRE

of: The Bouchet Law Firm
601 Pennsylvania Avenue, N.W.
South Building
Suite 900
Washington, D.C. 20004
(202) 742-6324

On Behalf of the Government of the
District of Columbia:

CHRISSY GEPHARDT, ESQUIRE

FERNANDO RIVERO, ESQUIRE
District of Columbia
Office of the Attorney General
441 4th Street, N.W.
Washington, D.C. 20001
(202) 727-3400

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

(2:09 p.m.)

CHAIRWOMAN MILLER: Good

afternoon, ladies and gentlemen. I'd like to welcome you to a Special Summary Suspension Hearing before the District of Columbia Alcoholic Beverage Control Board.

Today is June 3rd, 2013. My name is Ruthanne Miller. I'm the chairperson. To my right is Mr. Donald Brooks, and to my left is Mr. Mike Silverstein, Board Members. And joining us shortly will be Mr. Herman Jones.

The Board has three members in attendance right now for the conduct of business and three constitutes a quorum.

Copies of today's hearing, Calendar Agenda, are available at the receptionist's desk.

Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to refrain from any disruptive noises or actions

1 in the hearing room.

2 If you have any electronic
3 devices, pagers, cell phones or such, please
4 make certain that they are turned off to avoid
5 any interruption of the proceedings.

6 Please note that there is a piece
7 of paper on each table at the front. When you
8 come forward, please take a seat and sign in.
9 This is to ensure the correct spelling of your
10 name for the record.

11 The Open Readings Act requires
12 that the public hearing on a case be open to
13 the public. The Board may, consistent with
14 Section 405B of the Open Meetings Act, enter
15 a closed meeting during or after the public
16 hearing on a case to consult with an attorney
17 to obtain legal advice, discuss settlement
18 agreements or deliberate upon a decision in an
19 adjudication proceeding.

20 So, we are here for one case
21 today. It is a summary suspension hearing
22 involving The Stadium, Retailers Class CN, No.

1 82005, located at 2127 Queens Chapel Road,
2 N.E. This is Case No. 13-251-00072.

3 At issue is a serious incident
4 that occurred on May 26th, 2013 that resulted
5 in the stabbing of three patrons and one
6 security personnel.

7 As a result of this incident, the
8 chief of police, Cathy Lanier, closed the
9 establishment pursuant to her authority under
10 D.C. Official Code, Section 25-827.

11 Chief Lanier submitted a letter to
12 ABRA dated May 26th, 2013, seeking revocation
13 of the establishment's ABC license. The Board
14 voted on May 29, 2013 to continue the
15 suspension of the establishment's license.

16 The Respondent requested a hearing
17 on May 30th, 2013 under D.C. Official Code,
18 Section 26-826C.

19 Today, the Board will be hearing
20 testimony from the Office of the Attorney
21 General, the Respondent and their respective
22 witnesses.

1 The purpose of the hearing is so
2 that the Board can determine under D.C.
3 Official Code 25-826, whether the operation of
4 the Respondent present an imminent danger to
5 the health and safety of the public.

6 The Board will be announcing its
7 decision at the conclusion of today's hearing.
8 The Board asks that the parties stick to the
9 facts and issues related to the incident.

10 The facts and issues are those
11 contained in the Summary Suspension Notice
12 dated May 30th, 2013. The Board is only
13 interested in hearing about those matters that
14 could be used to establish whether the
15 establishment is an imminent danger to the
16 health and safety of the public.

17 The Board will begin this case by
18 hearing the opening statement from the
19 Government, represented by Senior Assistant
20 Attorney General, Chrissy Gephardt, followed
21 by the opening statement of Ms. Karen Todd,
22 counsel for the Respondent.

1 But, before we begin with any
2 opening statements, I'd like the parties to
3 introduce themselves for the record and let
4 the Board know whether there are any
5 procedural matters that the parties would like
6 to bring to the Board's attention.

7 Thank you. Okay. Let's start
8 over here to --

9 MR. REDDING: James T. Redding,
10 owner.

11 CHAIRWOMAN MILLER: Okay.

12 MS. TODD: Karen Todd, attorney
13 for the Claimant.

14 CHAIRWOMAN MILLER: All right.

15 MS. GEPHARDT: Chrissy Gephardt on
16 behalf of the District of Columbia.

17 CHAIRWOMAN MILLER: Okay. So, --
18 and you've signed in? All right.

19 Are there any preliminary matters?

20 MS. GEPHARDT: There is a
21 preliminary matter in this case. The parties
22 have spoken with each other, and have agreed

1 on an offer and compromise that we would like
2 to present to the Board. I have copies of it.

3 I don't know how you would like to
4 proceed in this matter. Madam Chairwoman, I
5 don't know if you want to go through each one
6 or if you want time to read it, and then we
7 can go through each -- each item.

8 CHAIRWOMAN MILLER: I would
9 suggest that you read it so that it is on the
10 record, and we'll follow along, instead of our
11 just reading it.

12 MS. GEPHARDT: Okay. Okay. So
13 this offer and compromise will be presented to
14 the ABC Board by myself at the summary
15 suspension proceeding.

16 Please be advised that this is a
17 proposed compromise. Accordingly, it is the
18 discretion of the Board to accept or reject
19 this offer.

20 So, the offer and compromise
21 consists of the following terms. The Stadium
22 Group, trading as Stadium, agrees to conduct

1 and complete training within the next 72 hours
2 for all existing security personnel, to
3 include all procedures described below.

4 And all of the items in the offer
5 and compromise are based on the facts of the
6 case, as determined by the case report written
7 in this -- in this -- for this case.

8 So, second, the licensee agrees to
9 escort violent aggressors to the MPD
10 reimbursable detail officer or officers
11 customarily posted immediately in front of the
12 establishment when such detail is in place.

13 As the Board may be aware, this
14 was an incident involving a violent
15 altercation inside the establishment and,
16 therefore, this provision here is -- the goal
17 is to get the establishment to deal with
18 violent aggressors, how to deal with them, how
19 -- the staff knows -- knows what to do when
20 there has been a violent incident and,
21 therefore, that is how that provision got into
22 the OIC.

1 The third one is that the licensee
2 agrees to utilize four MPD reimbursable detail
3 officers on Friday and Saturday nights between
4 eleven p.m. and four a.m.

5 Currently, there are two, and so
6 this would be doubling the number of
7 reimbursable detail officers on the premises.

8 Number four, is that the licensee
9 agrees to incorporate detailed procedures in
10 its security plan on how security personnel
11 are to handle violent altercations in the
12 establishment, including appropriate methods
13 for detaining and controlling aggressive
14 patrons.

15 Again, this is a situation where
16 there was a violent altercation, and there was
17 some question about how that was dealt with by
18 security staff, how to manage it, how to
19 identify it, and how to report it to police.

20 Fifth is the licensee agrees to
21 incorporate, revise training on how to aid an
22 injured or ill patron inside the 120

1 establishment, including calling for outside
2 medical services.

3 Again, this goes back to the
4 violent incident where people are injured
5 inside the establishment, how to notify
6 police, how to notify 911 immediately when
7 something like that is happening.

8 Six, the revised security plan
9 will address the establishment's procedure for
10 preserving a crime scene. This is part of a
11 new law that essentially requires that the
12 crime scenes be preserved in incidences where
13 somebody has been injured, where there has
14 been use of a weapon and this, again, is
15 intended to address an incident -- this
16 incident where the crime scene was not
17 preserved.

18 Item number seven, the revised
19 security plan will address the proper protocol
20 for drafting and maintaining incident logs.

21 This provision also ties into this
22 incident where an incident log was created,

1 however, it didn't meet the standards by which
2 the incident lot is supposed to -- supposed to
3 adhere to, at least according to the security
4 plan of the establishment. So, it did not
5 come into -- it was not what the actual
6 security plan dictated as to what an incident
7 report is supposed to contain.

8 Number eight, the licensee will
9 provide training on situations where it is
10 necessary to contact MPD immediately, such as
11 a violent incident inside the establishment,
12 or when a patron needs or requests medical
13 attention.

14 And this is about the timing in
15 terms of the immediacy of contacting 911 and
16 getting medical help as soon as possible.

17 Number nine, the licensee agrees
18 to have a representative available to meet
19 periodically with the MPD District Commander,
20 or designee to review any issues concerning
21 licensee operations or the activities of
22 security personnel.

1 This provision is intended to open
2 up the channels of communication between the
3 licensee and the MPD and the commander to
4 address ongoing security issues, to address
5 questions that may come up, you know, that
6 either side can bring potential issues to the
7 surface and discuss like how things can be
8 better and more effective and more efficient.

9 The licensee agrees to document
10 the date on which any weapons are recovered
11 from patrons and to consult MPD on the
12 disposition of the weapons.

13 The licensee will document the
14 date and the time of the consultation and
15 include the name and the badge number of the
16 officer consulted.

17 The licensee also agrees to post a
18 sign indicating that any weapon recovered from
19 patrons will be confiscated.

20 This is again, just intended to
21 create a safer environment in terms of
22 checking for weapons at the door, how to

1 dispose of them, how to report them, things
2 like that.

3 Number eleven, the licensee agrees
4 to continue the use of wands at the entrance
5 of the establishment for the purpose of
6 detecting metal objects, including weapons
7 carried by patrons. The wands will be used in
8 conjunction with physical pat-down searches to
9 be specified in the licensee's security plan.

10 This is a -- this is something the
11 licensee is currently doing, and this is
12 intended to just encourage them to continue to
13 use this as a best practice.

14 Number twelve, the licensee agrees
15 to use electronic devices to detect false ID's
16 presented by patrons. The electronic ID
17 scanners will be used in conjunction with the
18 full manual ID checking procedures contained
19 in the licensee's security plan.

20 Again, this is another provision
21 that the licensee is currently compliant with
22 and the only thing that, perhaps, is

1 different, is that the ID scanners would be
2 used every day of the week as opposed to just
3 Fridays and Saturdays.

4 Number thirteen, the licensee
5 agrees to provide training on the use of ID
6 detecting devices to include the use of manual
7 ID review techniques, in addition to the ID
8 detecting devices.

9 This provision, like the others
10 are intended to just make sure that Stadium is
11 a safe place for patrons and that -- that only
12 people who are over 21 are allowed to enter.

13 Fourteen, the licensee agrees to
14 incorporate the change in its security
15 practices contained in this agreement into its
16 security plan, and to provide a revised
17 security plan within four days.

18 It is pretty self-explanatory that
19 the items in this OIC would be incorporated
20 within their new security plan, which should
21 be presented to the Board within four days.

22 Number fifteen, the revised

1 security plan will also state that cameras
2 utilized by the establishment will be
3 operational. This is another provision under
4 the new law that the cameras within
5 establishments should be operational, and that
6 is essentially stating that -- citing that
7 they are.

8 Number sixteen, the revised
9 security plan will also state that any footage
10 of a crime of violence, or a crime involving
11 a gun will be maintained for 30 days, and that
12 any security footage will be made available
13 within 48 hours upon request from ABRA or MPD.

14 And I believe -- is that one of
15 the new ones? This statement, footage of the
16 crime scene?

17 MR. RIVERO: Yes.

18 MS. GEPHARDT: Okay. That also is
19 part of the new law which states that footage
20 of the crime scene must be kept or maintained
21 for 30 days and made available with 48 hours.

22 And number seventeen, this matter

1 should be referred to the Office of the
2 Attorney General for a show-cause review.

3 It is pretty clear that -- self-
4 explanatory that this matter should be
5 referred to OAG to review for show case -- for
6 a show-cause notice. And that is it.

7 CHAIRWOMAN MILLER: Okay. Mr.
8 Rivero, do you want to introduce yourself for
9 the record.

10 MR. RIVERO: Good afternoon, Board
11 Members. Fernando Rivero, for the District of
12 Columbia.

13 CHAIRWOMAN MILLER: Thank you.

14 And Mr. Jones is here now as well.

15 Okay. I just first want to check
16 with the licensee to make sure that this is an
17 offer and compromise that you are agreeable
18 to, and whether you have any comments before
19 we have the Board decide on this.

20 MS. TODD: Yes, we are in
21 agreement with the offer and compromise. And,
22 yes -- no, and we have no comments on anything

1 that she said.

2 CHAIRWOMAN MILLER: Okay. All
3 right. Well, I think that we will proceed,
4 then, with Board questions, and I just want to
5 welcome Mr. Jones and let you know that what
6 has happened this far is Ms. Gephardt has read
7 the offer and compromise that is before us
8 into the record with a few explanatory
9 statements.

10 Okay. So, we are going to do
11 Board questions right now. I will start with
12 a few and then turn to my colleagues.

13 So, my basic question is, there
14 was a stabbing here that occurred that
15 resulted in some serious injury to patrons.
16 So, what in this OIC would prevent that from
17 happening again?

18 MS. GEPHARDT: Well, in this
19 situation, the -- I believe the investigation
20 revealed that the weapon that was used was the
21 stem of a champagne glass or of a champagne
22 bottle.

1 So, in this case, this was not a
2 lack of diligence on the part of the
3 establishment to screen for weapons coming
4 inside the establishment. Of course, they --
5 you know, it was not their fault that somebody
6 turned a champagne glass into a weapon.

7 However, it was the response
8 afterwards that was concerning in which the
9 way the establishment handled these victims
10 after they received these very serious
11 injuries.

12 CHAIRWOMAN MILLER: So you are
13 saying that there is nothing in here that
14 would, then, make the establishment any safer
15 if opened it tomorrow with all these elements
16 of the offer and compromise accepted. That
17 could -- the same thing could happen.

18 MS. GEPHARDT: Well, I mean, sure.
19 I guess, in any restaurant or club or
20 nightclub or bar, if somebody wants to take
21 the glass and turn it into a weapon then, you
22 know, that is obviously not -- not their

1 fault.

2 I mean, obviously, though, there
3 are things that they can do to ensure that
4 things like that do not even get started.

5 Perhaps, you know, having security in more
6 locations, having people sort of monitor --

7 CHAIRWOMAN MILLER: So, but that
8 is not in here, though, is it, that where
9 their security locations are going to change
10 or anything?

11 MS. GEPHARDT: Well, that is --
12 that is something that you do point out. I do
13 know that the establishment, I believe, had 27
14 security personnel that night.

15 However, it is not clear where
16 exactly they were stationed, and that is one
17 of the things that -- that did not -- was not
18 revealed in this investigation, where these
19 security members were located throughout the
20 club.

21 I do know that during the
22 incident, one of the security members. In

1 fact, it was one of the ones that got cut,
2 jumped over a wall to try to defuse the
3 situation, but it is unclear where that person
4 came from in terms of where he was supposed to
5 be positioned.

6 So, perhaps, you know -- I do not
7 know. We have not -- we have not -- since it
8 is not a part of the offer, we have not talked
9 about that in terms of, you know, making sure
10 that people are in certain positions and so
11 that if someone comes in from the outside,
12 they can find out, okay, John was here, Bill
13 was here.

14 You know, this is this person that
15 worked that night. Here was their position.
16 This is what they -- this is what their
17 position is intended to do. You know, they
18 are supposed to -- they got the left here.
19 They got the right. They have the whole front
20 row of the VIP section. Whatever.

21 That -- that is not clear at this
22 time.

1 CHAIRWOMAN MILLER: Okay. Did you
2 want to address that?

3 MS. TODD: Yes.

4 CHAIRWOMAN MILLER: Okay.

5 MS. TODD: We have revised our
6 security plan after this incident has
7 occurred, and we have strategically changed
8 the way security will be placed inside the
9 location of the club.

10 We have our head of security with
11 us as well, who is new to the club. He just
12 started about a month ago, so he has revised
13 a lot of what -- what has taken place from
14 previously until now.

15 And we have a copy of it. I did
16 not make copies for everyone at the Board, but
17 I can approach and show you if you would like
18 to see it.

19 In addition --

20 CHAIRWOMAN MILLER: We can make
21 copies.

22 MS. TODD: You can make copies?

1 CHAIRWOMAN MILLER: Yes.

2 MS. TODD: In addition, we have
3 ordered plastic champagne flutes now after
4 this incident has occurred because of that,
5 because we do recognize that, since they did
6 not bring a weapon inside the club, that they
7 were able to now create one, and we are trying
8 to obviously mitigate our liability and felt
9 the club ownership has purchased it -- it has
10 not come in yet, but that is going to be
11 something that they are going to implement
12 going forward.

13 The only issue with that is, I
14 think that the -- it kind of -- when you are
15 trying to create a certain kind of a look, the
16 plastic does kind of degrade it. And some
17 customers may insist upon it, but we have no
18 problem with implementing it where we do
19 plastic going forward, and we will just use
20 glasses inside the restaurant portion of the
21 club, and not on the floor where the club
22 actually takes place.

1 CHAIRWOMAN MILLER: So, is that
2 the only --

3 MS. TODD: Well, in respect to the
4 glass --

5 CHAIRWOMAN MILLER: Yes.

6 MS. TODD: -- I was just answering
7 your very specific question --

8 CHAIRWOMAN MILLER: Right.

9 MS. TODD: -- as to the weapon
10 that was used.

11 CHAIRWOMAN MILLER: Right.
12 Because, there are a lot of provisions here
13 that talk about stopping a weapon from coming
14 in as opposed to using what is inside the
15 club.

16 MS. TODD: Well, and again, I did
17 not want -- for example, we just had a
18 conversation about the additional two SOD
19 officers outside the club, where we feel,
20 since they are so far away from where the club
21 is, it does not necessarily help us.

22 But we are trying to be agreeable

1 here and trying to mitigate things as much as
2 we can. But we have no problem with doing --
3 adding the plastic champagne flutes to the
4 agreement and because -- to me, that would go
5 to the heart of the issue, more so than the
6 additional SOD officer, since they are not on
7 the premises, and we cannot even get MPD to
8 bring -- allow them on the premises.

9 They are a hundred feet away. So,
10 to me, it would seem like trying to mitigate
11 what is going on inside to be a little bit
12 more helpful. I agree with that. But we have
13 no problem with adding that inside the
14 agreement.

15 CHAIRWOMAN MILLER: Okay. So
16 there would not be any glassware --

17 MS. TODD: Inside the --

18 CHAIRWOMAN MILLER: -- inside
19 where the club is?

20 MS. TODD: -- the club section,
21 portion. It will just be in the restaurant as
22 well.

1 CHAIRWOMAN MILLER: Okay. I just
2 want to follow up, you know, without -- in the
3 event we do not go to hearing. You know, if
4 there is a hearing, we will get into all of
5 this.

6 MS. TODD: Absolutely.

7 CHAIRWOMAN MILLER: But you are --
8 you sent up to the Board a diagram, I think,
9 indicating where security would be
10 positioned, and is this --

11 MS. TODD: I have not gotten the
12 document back to --

13 CHAIRWOMAN MILLER: Oh, okay. I
14 have two pages.

15 MS. TODD: That is -- one is for
16 the previous with the bigger red dots, and the
17 smaller one is the -- you do not have a copy.

18 MS. GEPHARDT: Oh, I am just going
19 to see --

20 MS. TODD: I am sorry.

21 MS. GEPHARDT: -- the copy.

22 MS. TODD: Can you have her come

1 back and make copies for the Government --

2 CHAIRWOMAN MILLER: I am sorry.

3 MS. GEPHARDT: Oh, I have it.

4 Thanks.

5 MS. TODD: Yes. So the one with
6 the bigger dots --

7 CHAIRWOMAN MILLER: Okay.

8 MS. TODD: Yes. So this would
9 have been the previous security layout, and
10 this one is the updated security layout, the
11 one with the smaller dots.

12 And the incident occurred -- if
13 you could tell me on that -- on VIP table two,
14 between two and three. And, typically, there
15 is a security person in that red dot there,
16 but what we're going to do is, we're going to
17 add a security person that is going to go in
18 between here and in between here as well.

19 Because, the person that -- that
20 because, typically, that security person is
21 between three and four looks more toward the
22 stage to protect the dancers, and not

1 necessarily behind.

2 So our security head manager has
3 now decided to place an additional person
4 there that focuses just on that table, a row
5 of VIP customers that line up against there as
6 well.

7 So, it is really -- it does make
8 an -- and also, I think there was a question
9 as to how many people were present. Security
10 was 34, total. And I have a list of all the
11 attendees that were present that day, a sign-
12 in sheet.

13 CHAIRWOMAN MILLER: So, how would
14 this, the new security positioning have
15 prevented or mitigated --

16 MS. TODD: Well, I think if you
17 had a security person that was there, they
18 probably would have saw the argument ensue in
19 the first place, as opposed to, then, once the
20 fight breaks out.

21 Because, if you have someone that
22 is looking directly at that group, as opposed

1 to now mitigating it after the fight breaks
2 out, they would have been able to observe
3 maybe voices or anything, things of that
4 nature, and then try to, then, break that up
5 first, as opposed to it getting to the point
6 where we see it once the fight breaks out.

7 Because, the fight breaks out at
8 3:05, it ends at 3:08, between three minutes
9 you have three people -- or four people that
10 have been injured.

11 CHAIRWOMAN MILLER: So there is a
12 person in a different position. Is there also
13 -- are there additional security as well?

14 MS. TODD: There is not additional
15 security --

16 CHAIRWOMAN MILLER: There is not?

17 MS. TODD: -- but it is going to
18 be positioning, really -- really what it is.
19 It is just -- it is just really where you put
20 your manpower, and that person is going to be
21 solely responsible for looking directly at
22 that group as opposed to having other

1 responsibilities.

2 Because, there was security there
3 but, you know, again, within three minutes a
4 fight can break out and end. So, if you turn
5 your back as you are doing something else, you
6 are not then focused specifically on certain
7 areas within the club that are strategic.

8 So, we are now strategically
9 placing people in the club to do one thing and
10 one thing only, and that is to focus on making
11 sure there are not conflict issues within the
12 club itself.

13 CHAIRWOMAN MILLER: Okay. So, if
14 you are not adding, are you taking away from
15 someone else, though?

16 MS. TODD: I don't think so, but I
17 can have the security person come up and
18 really answer that question if you would like.

19 CHAIRWOMAN MILLER: Okay. I don't
20 want to -- you know, we are not in the hearing
21 yet.

22 MS. TODD: Right.

1 CHAIRWOMAN MILLER: But we have to
2 evaluate --

3 MS. TODD: Okay.

4 CHAIRWOMAN MILLER: -- what you
5 are giving to us.

6 MS. TODD: Okay.

7 CHAIRWOMAN MILLER: So I'm kind of
8 hesitant here as to --

9 MS. TODD: Well, if you will
10 notice -- if you will notice that, depending
11 on the particular time of day that these that
12 -- I mean, depending on the day where -- I
13 mean, like a Friday or a Saturday where you
14 have probably more people than you would have
15 maybe like on a Monday or a Tuesday night, you
16 don't have -- you may have security and they
17 may end up being -- if they are here and they
18 are here as opposed to placing one here and
19 here, security may be walking around, doing
20 more observation.

21 There may be those types of posts
22 as well, but what we are trying to do now is

1 to strategically place people in specific
2 locations and have them be responsible for
3 that area as opposed to just having them
4 circulating and then, all of a sudden, there
5 is an area that then erupts in violence, and
6 then you have no one there to --

7 CHAIRWOMAN MILLER: And what is it
8 about that particular area that is more
9 important than another area?

10 MS. TODD: Well, there is no --
11 there is no one particular area. I think what
12 we are doing is we just -- there are more
13 areas where we strategically place security,
14 but I think what we -- what we failed to do in
15 that area, there is security that was there,
16 but I think they were multitasking.

17 So, the problem is, in certain
18 areas where we have security that are
19 multitasking and checking wrist bands and
20 making sure people have wrist bands to go up,
21 making sure that someone is not touching a
22 dancer, that -- that type of nature, we want

1 to make sure that these security people are
2 specifically looking to try to mitigate any
3 type of violence occurring in the club.

4 CHAIRWOMAN MILLER: Okay. Okay.
5 I will let some others ask questions and then
6 I will come.

7 Mr. Silverstein.

8 MEMBER SILVERSTEIN: First, the
9 third part of this, "Licensee agrees to
10 utilize four MPD reimbursable officers." Do
11 you mean request? You can't deploy police.
12 We do not have that power. Okay. Request and
13 ask that they be sent there.

14 Have the police agreed at this
15 point to provide additional or --

16 MR. RIVERO: May I speak to that?

17 CHAIRWOMAN MILLER: Okay. Mr.
18 Rivero.

19 MR. RIVERO: As with the prior
20 case where I was recently in front of the
21 Board, any agreements about reimbursable
22 detail is a matter between the licensee and

1 the Metropolitan Police Department.

2 As recently as what I think last
3 year, I just casually looked at the statute
4 that indicated that the Alcoholic Beverage
5 Regulation Administration shall not be
6 involved in setting any numbers.

7 MEMBER SILVERSTEIN: Right.

8 MR. RIVERO: As a result, you can
9 imagine why, you know, if we have any numbers
10 to be set up, we want to ensure that that is
11 ultimately something that happens between the
12 Metropolitan Police Department and the
13 licensee.

14 MEMBER SILVERSTEIN: Okay. So
15 then you will request them.

16 MR. RIVERO: There are -- there
17 are payment issues and arrangements to be --
18 yes, but those requests can be made.

19 MEMBER SILVERSTEIN: Okay.

20 MR. RIVERO: And it is not
21 inappropriate for the licensee in this
22 agreement to commit, for instance, to say we

1 will request four -- let's say, just give a
2 number. We will request a minimum of four
3 officers on Fridays and Saturday nights.

4 MEMBER SILVERSTEIN: Yes.

5 MR. RIVERO: Okay. What the
6 agreement is saying is not that ABRA is
7 involved in setting a minimum number, but the
8 licensee agrees to pay for that number and to
9 request that number.

10 MEMBER SILVERSTEIN: Okay.

11 MR. RIVERO: So, as you all know,
12 the way it words out -- and, you know, MPD
13 makes an arrangement with them. Payment is
14 made and the officers are assigned.

15 MEMBER SILVERSTEIN: Okay. Then
16 we are speaking -- Mr. Rivero and I are
17 speaking the same language here.

18 CHAIRWOMAN MILLER: Okay.

19 MEMBER SILVERSTEIN: You can't
20 order them here.

21 My concern is piggy-backed on the
22 Chair's, and that is not the prevention of an

1 untoward incident. These thing can happen at
2 any time. It is what happens after.

3 It is -- the law requires that
4 crime scene be preserved, that there is an
5 expectation here that 911 be called. All of
6 these things were supposed to be in place
7 prior to that.

8 My question is, if we were to
9 accept this at this moment, what, at this
10 moment is different than what happened a week
11 ago.

12 You are promising things, but what
13 -- that will occur within X hours, but at this
14 moment, what is different?

15 MR. RIVERO: From the point of
16 view of where we stand today and where the
17 security plans prior to the incident, some of
18 the elements in the security plan -- and I
19 have discussed this in a prior case -- are new
20 because the law says you have to have these
21 things in.

22 That law is a recent law.

1 MEMBER SILVERSTEIN: The law --

2 MR. RIVERO: The law is a recent
3 law --

4 MEMBER SILVERSTEIN: Right.

5 MR. RIVERO: -- and, you know, it
6 is not -- it is probably not general knowledge
7 of it --

8 MEMBER SILVERSTEIN: This is the
9 Omnibus --

10 MR. RIVERO: That is right. Yes.
11 It is -- right. It is a portion of that
12 Omnibus that has recently passed.

13 MEMBER SILVERSTEIN: 45402.

14 MR. RIVERO: Yes. And it may be
15 that it is not general knowledge at this
16 point. But in the prior case, the agreement
17 was designed to have the security plan meet
18 the new standard.

19 Okay. That new standard is
20 something new in this case. Previously, the
21 security plan lacked any mention of how to
22 address a crime scene, for instance. It was

1 simply not required to do so.

2 Now they are required to do so.
3 This is something that is different because,
4 in this case, one of the central concerns was
5 how do you respond to an incident where
6 someone turns an ordinary object into a weapon
7 and respond in such a way that you can have an
8 investigation that could lead to, you know, a
9 resolution and more public safety issues
10 resolved.

11 But, you cannot do that if you
12 don't have a crime scene, which is one of the
13 central concerns that arose in this case.

14 Now, something new. The licensee
15 is required to maintain everything in place so
16 that crime scene investigators can address
17 what happened. So, that is one thing that is
18 new in -- today, that was not before, to
19 answer the Board question.

20 Another thing that is new today
21 that wasn't in the Board -- you know, that is
22 strictly -- a part of this agreement is that

1 we want to ensure, even though the security
2 plan may have spoken to it, we want to make
3 sure that there is training to do specific
4 things that are connected to this case.

5 Two things. One, call the police.
6 Two, get people who are in an altercation
7 escorted out. In this case, as the report
8 shows, there is conflicting evidence, but it
9 -- the evidence suggests that it was not the
10 establishment that contacted the police, but
11 a bystander and other people.

12 All right. So, that is new in the
13 sense that we are now making sure that there
14 is training to have this happen.

15 And then the second thing is that
16 the video, according to the report, showed
17 that the victims were leaving on their own
18 without any escort or anybody asking them
19 about, you know, medical attention inside the
20 premises.

21 That is different in this plan, in
22 that training will be required within the time

1 period stipulated in the agreement so that
2 everybody knows to do this going forward.

3 So, there was not really going --
4 at least from the Government's perspective,
5 prior to this incident, there is no clear
6 evidence that there was training that clearly
7 reflected that you have to do what your
8 security plan says you have to do.

9 So, as a result of this plan, we
10 now have the clarity, because all parties are
11 on notice, we are requiring you, the
12 employees, to have this particular training
13 and you know what to do now, given the
14 experience of this case.

15 So that new awareness and new
16 training are new components, as well as the
17 changing the security plan to meet the new
18 standard of the law which was also a recent
19 thing to acquire. I hope that answers your
20 question.

21 MEMBER SILVERSTEIN: It does.

22 Thank you, Mr. Rivero.

1 MS. TODD: Yes. Thank you. To
2 answer your question about going forward --
3 well, there are a couple of things, because
4 there is some conflicting information that is
5 going.

6 First, Stadium did call -- Stadium
7 employees did call 911. I have a copy of the
8 phone records of the person that made the
9 call. Her name is Olga Lavinchi, and she
10 actually made the call at 3:07. And she is
11 also the ABC licensee manager that was on duty
12 at the time of the occurrence.

13 Secondly, with regard to the crime
14 scene, as you can imagine, part of the problem
15 was the amount of people that were existing
16 the club at the time frame that it happened.

17 When the fight, the altercation
18 broke out -- and this is not to make any
19 excuses, because what should have happened
20 was, the person that actually saw the fight
21 happened, he should have radioed security and
22 let everybody else know.

1 He should not engage in an
2 altercation by himself, since he engaged by
3 himself and he ended up getting injured,
4 himself.

5 Now, at this point, security
6 doesn't know what is actually happening. They
7 just see that their security person is
8 injured. They think that he is the one in the
9 altercation, as opposed to him trying to break
10 up the altercation, and then himself getting
11 injured.

12 So, with all that occurring and
13 him not following protocol, which I do think
14 was necessary for him to do, the injured --
15 the people that were injured, it didn't appear
16 to be that they were as injured as they were,
17 because they were able to get up and they said
18 they were fine and they walked out of the
19 club.

20 And I don't know what made them
21 actually think that they should actually walk
22 out of a club, considering that they were --

1 one of them actually received a stab wound.

2 And, at that time, when he walked
3 out, he actually met another security person
4 that met him out front who then called SOD.

5 Now, the way this report reads --
6 and I have spoken to all the people involved
7 -- it does seem as though 911 was not called
8 by Stadium, and I have a record of that here
9 today to show that the fight broke out at
10 3:05, at 3:07, 911 was called.

11 And then, the second thing was
12 that we just let the patrons walk out with --
13 injured, and did not seem to care.

14 The third prong of it was the
15 crime scene preservation. Because everyone
16 got up and left as if nothing was wrong, the
17 club thought, okay, there was a fight.
18 There's broken glass. Let me try to clean
19 this up so people will not get cut and further
20 injuries happen.

21 They did not realize it was an
22 actual crime scene until the police came and

1 said how badly the victim had been injured.

2 So, we have updated the security
3 plan. We have made sure that it is in
4 compliance with the law as well as the
5 guidelines of this agreement, and we included
6 the crime scene component in here to make sure
7 that what the -- what the busboys will now do,
8 the barbacks will do now, is they will stand
9 around the scene and make sure no one goes to
10 touch anything, and wait for the -- wait for
11 the police to come and let them know that it
12 is now clear that they can actually do their
13 investigation.

14 But they now know not to do that,
15 but I think their initial -- their initial
16 instinct was, "We see glass. Let's clean up
17 the glass so that no one gets cut walking over
18 the glass, so no one gets injured because
19 there are things spilled all over the place."

20 So, that is what it was. I think
21 there was definitely some confusion on that
22 part, as well.

1 MEMBER SILVERSTEIN: I have no
2 further questions.

3 CHAIRWOMAN MILLER: Mr. Brooks.

4 MEMBER BROOKS: Yes. Thank you,
5 Madam Chair.

6 I've got a question on -- going
7 back to number three for the reimbursable
8 detail. How many do you have now?

9 MS. TODD: Two.

10 MEMBER BROOKS: Two. And you are
11 adding two more?

12 MS. TODD: Yes.

13 MEMBER BROOKS: And you said that
14 -- or at least someone said that they are
15 about a hundred feet away.

16 MS. TODD: Yes.

17 MEMBER SILVERSTEIN: Yards away.

18 MS. TODD: Yards away.

19 MEMBER BROOKS: So, what's the
20 difference between having two a hundred feet
21 away and having four a hundred feet away?

22 MS. TODD: I agree with you. This

1 was the -- this was the ask of the government
2 to do so, and in trying to -- since our -- my
3 client has been closed for nine days now, and
4 I recognize that we're trying to comply with
5 parts of the agreement, I asked the same
6 thing.

7 Because, I would request that MPD
8 actually be in front of the door and actually
9 assist in, you know, incidents happening,
10 because we don't have radio to them.

11 We have to actually go outside and
12 actually get them, and if they are a hundred
13 yards away, then they have to -- by the time
14 we leave the premises to actually walk across
15 the street to get them, the incident is over.

16 So, it doesn't necessarily help us
17 with security to actually have an additional
18 four. And apparently MPD's rules do not allow
19 them to be on the premise and even in front,
20 not out -- you know, not in five, or even in
21 front so they could actually go out and say,
22 "Hey, something is happening. Come help us."

1 CHAIRWOMAN MILLER: Mr. Rivero,
2 did you want to respond to that?

3 MR. RIVERO: Yes. I just want it
4 to be clear that the government is not
5 restricting the positions of these MPD
6 officers in any way.

7 As I indicated in my prior
8 explanation, that is really up to MPD and the
9 licensee to work out. If the licensee wants
10 someone right in the front door, we think that
11 is a great idea but, obviously, buy-in from
12 MPD is required for that.

13 If no one can make MPD, you know,
14 take that position, certainly, it is not
15 within the purview of our office to insist
16 upon that.

17 For that reason, we have what we
18 can insist on in this agreement, which is to
19 have the licensee request for the officers --
20 to have the licensee discuss with MPD the
21 placement of those officers.

22 CHAIRWOMAN MILLER: Right.

1 MR. RIVERO: Now, not every -- not
2 every geographic setting is the same. Right.
3 For instance, I understand, in a prior case,
4 you literally just had a distance of like
5 across the street because of the way that the
6 -- that that establishment was designed.

7 In this instance, the greater
8 distance appears to be taken up by a parking
9 lot that is fenced in, and then there is the
10 street where the police officers routinely
11 place themselves.

12 So, that is the difference in the
13 cases now, so there is an additional distance
14 taken up by a parking lot. So, because we are
15 not in the position to insist upon the
16 placement of officers inside of that parking
17 lot, which would be the equivalent of the
18 shorter distance in the prior case I mentioned
19 we, of course, leave it up to the licensee who
20 has expressed a willingness to engage with MPD
21 on those discussions about placement.

22 CHAIRWOMAN MILLER: Right. That

1 would -- right. That is a negotiation that
2 has to occur between the licensee and MPD.

3 MS. TODD: But MPD has insisted
4 that they cannot place police officers on our
5 premises, therefore, they would -- there would
6 be four officers outside on the street, which
7 is a hundred yards away, than there would be
8 assisting on the premises.

9 And there is a parking lot that
10 really does create a longer distance for you
11 to get to MPD because of that.

12 MEMBER BROOKS: Okay. And one
13 other question. I'm looking at number fifteen
14 of the -- the cameras.

15 MS. TODD: Yes.

16 MEMBER BROOKS: How many cameras
17 do you have now?

18 MS. TODD: I believe it is --

19 MR. REDDING: Sixty-one cameras.

20 MEMBER BROOKS: Sixty-one cameras.
21 Are all of them operational?

22 MR. REDDING: All of them are

1 operational right now. There are a couple
2 that are coming out in black-and-white, two or
3 three out of the 61.

4 So we are getting those in color
5 and there are a couple of angles that they
6 want us to work on that don't get shots. We
7 are going to add two or three more cameras to
8 make sure we cover that area.

9 MS. TODD: But I do have camera
10 footage if you would like to see, just from
11 the angles from where our cameras do place, if
12 you want to see that, as well.

13 MEMBER BROOKS: Okay.

14 MS. TODD: I did bring that in as
15 well.

16 MEMBER BROOKS: Thank you, Madam
17 Chair.

18 CHAIRWOMAN MILLER: Okay. Mr.
19 Jones.

20 MEMBER JONES: Thank you, Madam
21 Chair.

22 I guess I just want to go back to

1 just the overall premise behind the OIC, and
2 I guess I'll ask Ms. Gephardt.

3 MS. GEPHARDT: Yes.

4 MEMBER JONES: Well, I apologize.
5 I was tardy, so I'm not sure. Are you the
6 architect of said document?

7 MS. GEPHARDT: Mr. Rivero and I
8 were the architects.

9 MR. RIVERO: Well, and also the
10 licensee. This is the product of a
11 negotiation between both parties.

12 MEMBER JONES: Okay.

13 MR. RIVERO: He did provide a lot
14 of the items you see.

15 MEMBER JONES: Okay. So I guess
16 I'll direct it to everyone.

17 What, in this document
18 fundamentally changes the nature of the
19 operations of the establishment that will help
20 me understand and appreciate that it is now
21 safer than it was prior to the occurrence of
22 this incident?

1 CHAIRWOMAN MILLER: I believe that
2 the assurance in here that will -- that will
3 make it -- or make you feel that it is a safer
4 place is that the -- all the current security
5 staff will be trained within the next 72
6 hours.

7 MEMBER JONES: So, it is item
8 what?

9 CHAIRWOMAN MILLER: It would be --

10 MEMBER JONES: Item one?

11 CHAIRWOMAN MILLER: Item number
12 one.

13 MR. RIVERO: Which incorporates
14 everything.

15 CHAIRWOMAN MILLER: Which
16 incorporates everything now.

17 MEMBER JONES: What does that
18 mean, when you say "incorporates
19 everything"?

20 MR. RIVERO: It says "The Stadium
21 agrees to conduct complete training within 72
22 hours for all existing security personnel, to

1 include all procedures described below.

2 MEMBER JONES: Okay.

3 MR. RIVERO: So that means two
4 through --

5 CHAIRWOMAN MILLER: Through
6 seventeen or --

7 MR. RIVERO: Two through seventeen
8 as they apply to procedures.

9 MEMBER JONES: As they apply to
10 procedures.

11 MR. RIVERO: Right.

12 CHAIRWOMAN MILLER: Right.

13 MR. RIVERO: So, for instance,
14 number 17 is not relevant.

15 MEMBER JONES: Correct.

16 MR. RIVERO: So it's the kind of
17 procedures.

18 MEMBER JONES: Okay.

19 MR. RIVERO: We don't -- we don't
20 incorporate that.

21 MEMBER JONES: All right. Is that
22 -- were you finished?

1 CHAIRWOMAN MILLER: No. I mean --

2 MEMBER JONES: Okay.

3 CHAIRWOMAN MILLER: Yes, that is
4 basically what I was going to say. And then,
5 I mean, to go through each one, they are
6 specifically addressed -- or addressing the
7 problems that happened in this incident.

8 For instance, not calling 911
9 immediately, assisting the victims, sending
10 them off to MPD to get assistance, not having
11 security personnel in the positions to
12 adequately address the situation once it
13 erupted, the improper maintenance of an
14 incident log after the incident, the sweeping
15 up of the crime scene and the cleaning of the
16 area so as to eliminate all evidence from the
17 area.

18 So, each -- you know, each of
19 those things are addressed in here to -- all
20 the weaknesses which allowed this whole thing
21 to happen where these victims basically walked
22 out of the establishment on their own.

1 I mean, you have a guy with his
2 guts hanging out. And to -- to put an end to
3 this kind of thing from happening again, to --

4 MEMBER JONES: No. I just have to
5 cut you off there. So you mentioned those --
6 those things specifically are addressed in
7 here, but I don't see that level of
8 specificity in this document.

9 I just see they will be trained on
10 the proper techniques of X. So, foolish me,
11 I would have assumed that they would have had
12 some type of training in place already related
13 to that.

14 So, are you indicating that they
15 did not have training on the proper techniques
16 to do something that's been a law since
17 January 14th of 2013?

18 CHAIRWOMAN MILLER: Well --

19 MEMBER JONES: I am just trying to
20 understand and comprehend how this is
21 significantly different now, and what about it
22 specifically is different.

1 I am getting a lot of
2 generalities, but I am not getting any
3 specifics.

4 CHAIRWOMAN MILLER: I understand
5 your question. I believe that, you know, in
6 reviewing the security plan, at least as it
7 exists today, which the last time I think it
8 was updated was -- at the least the version I
9 have is December 1st, 2011.

10 A lot of these things are not
11 outlined in there. Now, while I was not at
12 the training or the trainings they have had in
13 the past on how to deal with certain
14 situations, I know that the security plan that
15 is currently in existence didn't address some
16 of these things.

17 MEMBER JONES: What things didn't
18 it address?

19 CHAIRWOMAN MILLER: So, for
20 example, one of the things that we saw was a
21 problem was the use of force and how to detain
22 aggressive patrons.

1 One of them said you should never,
2 ever, ever use choke holds.

3 MEMBER JONES: Okay. So the pause
4 right here. So, it did address it, because it
5 said not to do it. Correct?

6 CHAIRWOMAN MILLER: Right. But
7 again, in terms of how they were trained on
8 that, I mean, I don't know.

9 MEMBER JONES: Okay. So I guess
10 it kind of speaks to my concern. It is not so
11 much what the words in the document say, it is
12 how the personnel live the words that are in
13 the document.

14 So, what are they going to be --
15 what is going to be done differently?

16 CHAIRWOMAN MILLER: Right.

17 MEMBER JONES: Specifically
18 different to help them live it the way that it
19 is intended to be lived as it is stated in the
20 security plan.

21 CHAIRWOMAN MILLER: Right.

22 MEMBER JONES: Because, we have

1 testimony now -- not testimony, but people
2 speaking to the fact that, hey, we had a
3 security person in our establishment who
4 didn't do what he was supposed to do, which
5 led to the situation becoming worse.

6 So, am I to take from that, that
7 that individual was not trained properly, or
8 that that individual chose not to adhere to
9 the training that he received?

10 And, if so, what about this is now
11 going to help mitigate either one of those two
12 instances from occurring, either him not being
13 trained properly or him living the training as
14 he was -- received it?

15 And "him," being "general him" or
16 any of the security person that you speak of.

17 MS. TODD: Can I answer it, this
18 question? Okay. Can I answer? Can I speak?

19 MEMBER JONES: Oh, yes.

20 MS. TODD: Okay. Thank you. And
21 I completely understand your concerns. And I
22 don't think that everything in this document

1 is going to be able to address every single
2 thing that occurred that night.

3 But what we have done is, we have
4 instituted training that occurred and I did
5 bring, as well, with me an agenda that covers
6 all the things that was trained in the
7 training that day, and I provided the person
8 conducting the training a copy of this report
9 so that he could then evaluate what are the
10 things that actually went wrong and how we can
11 try to mitigate that going forward.

12 So -- and furthermore, our
13 security is trained, but I think -- again,
14 people make mistakes and I think, in the heat
15 of the moment, you think, "How do I" --
16 instead of him calling, he's thinking, "How do
17 I prevent this from getting worse? Let me try
18 to break up a fight," and, you know, sometimes
19 people just, you know, drop to the wayside and
20 just gut reaction goes into, you know, trying
21 to stop the problem from happening, and that's
22 why we wanted to retrain people to understand

1 you doing that made the situation worse.

2 You ended up getting injured and
3 now the people that could have assisted you in
4 getting this problem taken care of couldn't
5 because they didn't know it was happening.

6 So, I agree with you in that
7 training is necessary. But sometimes -- and
8 I am not trying to make any excuses on behalf
9 of the establishment -- people will just go
10 off of their gut as opposed to following what
11 they've been trained to do.

12 That is why we wanted to retrain
13 people on those incidents and to -- and
14 furthermore, I can provide the Board with a
15 copy of the training certificates that they
16 all received, in addition to what they were
17 trained in, specifically in handling a crime
18 scene, helping victims when they are injured
19 so that these things don't happen in the
20 future.

21 And, really, to address what your
22 main concern is, how to prevent this from

1 happening again. I can't stand here before
2 you and say this won't happen again because,
3 obviously, if someone is able to come into an
4 establishment and create a weapon in there, I
5 don't know what else they are able to do,
6 because people can become creative.

7 But, we are trying to mitigate
8 that by now switching out the glass champagne
9 flutes with plastic ones so that now that's
10 one less thing that they can use now inside
11 there.

12 We also went through our security
13 plan and revamped it because we do realize
14 it's a little outdated and there can be some
15 updates made to it, and we want to make sure
16 it also follows the legality issues that they
17 were stating that it wasn't up to snuff
18 apparently, because this Omnibus Bill that's
19 also been out there.

20 So, I'm willing to share that with
21 you so you can see specifically what our
22 security was trained in yesterday and also

1 give you certificates to show that they were
2 all trained yesterday because we understood
3 the severity of what happened, and we do not
4 want to see those things happen in the future.

5 MEMBER JONES: Okay. So from a --
6 one of the things that I gathered from you
7 were saying, though, is that people may act or
8 react -- people in the employ at that
9 establishment may react out of their -- their
10 gut, and you can't control that?

11 Is that one of the things that you
12 inferred there?

13 MS. TODD: No. What I am saying
14 is that when people do that, that is why they
15 need to be retrained because your -- your
16 question to her was, you know, was he not
17 trained.

18 And I am saying I think he was
19 trained. He was just acting out of a gut
20 reaction as opposed to following what he was
21 trained to do. That is why sometimes you have
22 to do several trainings so that people can

1 then be reinforced to know, don't follow your
2 gut. Follow procedure. Understand that. By
3 doing this, look what happened. You ended up
4 getting injured. Four people got injured. We
5 want to mitigate. We don't want to create a
6 bigger problem.

7 MEMBER JONES: So the person that
8 received training before, that person didn't
9 adhere to their training. They reacted off of
10 their gut.

11 And you are indicating that, hey,
12 you can't guarantee that training alone is
13 going to mitigate the problem that you
14 experience where individuals don't use their
15 training, but they go off of their gut.

16 So, that's one element of this
17 OIC. I recognize that, but it doesn't appear
18 as if training is the answer.

19 MS. TODD: I think training is
20 helpful.

21 MEMBER JONES: It's helpful.
22 Agreed. Okay.

1 MS. TODD: I think that training
2 is helpful. I -- honestly, I started off by
3 saying that we can't make guarantees that this
4 won't happen again because I can't -- I don't
5 -- I can't in the foreseeable future, know
6 what next can occur, but we're trying to
7 mitigate.

8 And that's really what, I guess,
9 the purpose of these trainings -- these
10 trainings do, is to mitigate when -- when you
11 see someone in an altercation, how do you now
12 make sure that, as opposed to making it
13 escalate, how do we deescalate the problem.

14 And that's why you do further
15 training so people can then -- can reinforce,
16 "Don't engage until I call backup. I need to
17 make sure I don't engage before I call
18 backup," which I think is very important and
19 probably training 101 that he should have
20 definitely followed.

21 MEMBER JONES: Okay. So, based on
22 what you're presenting here, your feeling

1 about this, what you are asking me as an
2 individual Board Member to accept --

3 MS. TODD: Yes.

4 MEMBER JONES: -- is that there is
5 something about the training that is going to
6 occur or has occurred recently that is
7 different enough from the training that
8 occurred before that it will help to insure
9 better adherence to the training, or are you
10 changing something about your protocol,
11 overall?

12 Are you changing the nature in
13 which you do the training, you are going to do
14 it more frequently or are you going to do it
15 more often? Has the training program, itself,
16 changed, or do you have to do an online exam
17 before you get certified?

18 MS. TODD: Well, the --

19 MEMBER JONES: I'm just trying to
20 figure out what difference is in place.

21 MS. TODD: Absolutely. Well, the
22 first thing is, the training -- the training

1 actually came up to speed with the law.

2 The issues with the crime scene,
3 for example, that wasn't something that was
4 being trained for because it wasn't required
5 by law.

6 Cleaning up the crime scene is an
7 issue because all of the issues that occurred
8 happened after the fight. That's really where
9 the club fell below the standard that is
10 expected of them.

11 So, what the training really
12 wanted to focus on was how -- because, the
13 club has had issues before and they've been
14 doing very well with wanding. They've been
15 making sure that people don't come into the
16 club with a weapon.

17 So now that you have an issue
18 where someone is actually creating a weapon
19 inside the club, how do we mitigate those
20 circumstances now that you have those before
21 us.

22 So, the first thing is, don't

1 clean up the crime scene, make sure you try to
2 preserve what's going on. That wasn't part of
3 the manual before and it wasn't part of the
4 law before so, yes, certain things change, and
5 the law has changed so now we're trying to
6 train to make sure that people stay up to par
7 with what's going on with the law. So that's
8 the --

9 MEMBER JONES: When was your last
10 training?

11 MS. TODD: The last training that
12 occurred?

13 MEMBER JONES: Prior to the one
14 that you just did in reaction to the summary
15 suspension. When was the last training that
16 you did for all of your personnel prior to
17 this owner's suspension?

18 MR. REDDING: I would say it was
19 roughly about 12 months ago.

20 MS. TODD: But we also --

21 MEMBER JONES: So the last time
22 you trained was 12 months ago?

1 MR. REDDING: Correct.

2 MEMBER JONES: Have you hired any
3 new security personnel since 12 months ago?
4 Have you hired any new security personnel
5 since 12 months ago?

6 MS. TODD: We have security -- we
7 have a new security team that just took place
8 this last -- within this last month. Well,
9 actually, I would say last month in May. In
10 May.

11 MEMBER JONES: In May.

12 MS. TODD: In May, yes.

13 MEMBER JONES: Okay. Was that
14 prior to this owner's suspension?

15 MS. TODD: Yes.

16 MEMBER JONES: Okay. Why weren't
17 they trained?

18 MS. TODD: I can't say that they
19 weren't trained, just because they were new.

20 MEMBER JONES: You just said they
21 -- training the last time was 12 months.

22 MS. TODD: Well, he was referring

1 to -- he's referring to the previous security
2 that was there, not the new security.

3 MEMBER JONES: Do you want to help
4 with --

5 MR. REDDING: I can clarify.

6 MEMBER JONES: Okay.

7 MR. REDDING: In May, beginning of
8 May, we brought in a whole new security team
9 to replace the old security team, and they've
10 already had -- and this is Dan.

11 This is the new security team
12 leader. Owns the company, so we brought him
13 here with us today and we gave him a copy of
14 our plan which was the security plan that was
15 in effect as of the end of -- beginning '12 --
16 end of '11, '12.

17 And his men already had
18 certificates in training. He does a lot of
19 other clubs and -- nightclubs in D.C., so I
20 hired them on board to stiffening the -- our
21 -- what's going on with the club right now.

22 And all his men already had

1 certificates at the time for the training.
2 But, like you said, we retrained on -- after
3 these incidents happened, after the fact, and
4 then so we started -- we had a big training
5 session yesterday where roughly 27 or 28 boys
6 were trained yesterday.

7 MEMBER JONES: So the bottom line
8 is you didn't train -- you didn't retrain, I
9 guess, these -- his security people when they
10 started with you in May. You just assumed
11 that they had sufficient and adequate training
12 enough to deal with these situations when you
13 hired him and his company?

14 MR. REDDING: I didn't assume. He
15 gave us the certificates for all the employees
16 he brought on board that had the training.

17 MEMBER JONES: What training?
18 What did that training consist of?

19 MR. REDDING: It's the same
20 training that we had come in on Sunday to do
21 for security.

22 MEMBER JONES: So, did it include

1 how to handle a crime scene?

2 MR. REDDING: I don't know. I
3 wasn't at the training.

4 MEMBER JONES: So you don't know
5 what the training consisted of, so you don't
6 know what the certificate was valid for.
7 Correct?

8 MR. REDDING: With the
9 certificates that we received yesterday, they
10 are the same type of certificates. That's all
11 I do know.

12 MEMBER JONES: So the training
13 certificates that you took as valuable enough
14 to have these men serve as security for your
15 establishment in May?

16 You assumed they included crime
17 scene, or you just assumed they were adequate
18 --

19 MR. REDDING: Well, I --

20 MEMBER JONES: -- without
21 verifying what that training consisted of?

22 MR. REDDING: I did not know the

1 law, sir, so I -- I would not know --

2 MEMBER JONES: You don't know
3 about the law?

4 MR. REDDING: -- about crime
5 scene. I would not know about that.

6 MEMBER JONES: Okay. Well, who
7 would -- in your establishment, who is
8 responsible for knowing the law, in your
9 establishment, your organization? Who is
10 responsible for knowing and staying up to date
11 with the law?

12 MR. REDDING: The law firms that
13 we have working for us would --

14 MEMBER JONES: Say that one more
15 time.

16 MR. REDDING: The lawyers that are
17 working for us previously, besides Karen,
18 would let us know -- update and let us know
19 what is going on within the industry for
20 security and what needs to be updated.

21 We've been pretty good with that
22 from day -- well, from day one.

1 MS. TODD: Again in the --

2 MEMBER JONES: You've been pretty
3 good with that from day one, but you're saying
4 that you didn't know that the law changed in
5 January 14th of 2013 about crime scene and,
6 thus, you didn't incorporate additional
7 training associated with the new law.

8 MS. TODD: Again, sir, the people
9 that do -- typically do these security
10 trainings are -- they are the ones that
11 actually were the ones who brought it to our
12 attention, as well as OAG.

13 Now, in the agreement it states
14 that, I believe number nine, "The licensee
15 agrees to have a representative available to
16 meet periodically with MPD District Commander
17 or a designee."

18 I would imagine at that point,
19 since we are agreeing to have that happen,
20 that we could then be brought up to speed as
21 to what laws have occurred because,
22 unfortunately, they are in the business of

1 running a night club, so I can't -- I don't
2 want to make it seem like they are going to
3 know every time a law has changed.

4 But, having this provision in
5 here, I think, would allow for them to then
6 know about updates to provisions in the law
7 that could affect their establishment so that
8 they know they are up to code.

9 MEMBER JONES: Were the busboys
10 trained?

11 MS. TODD: The busboys?

12 MEMBER JONES: Yes. The wait
13 staff or whatever individuals --

14 MS. TODD: They were not a part of
15 the security training. No, they were not.

16 MEMBER JONES: Okay.

17 MS. TODD: But we will have an
18 all-staff meeting, because we have updated
19 that in the security plan so that the crime
20 scenes have been preserved, so they do not
21 automatically think to go clean up just
22 because they see glass.

1 MEMBER JONES: So they haven't
2 been trained yet, but you plan on doing that?

3 MS. TODD: I don't necessarily
4 think it will be a training that is necessary
5 for the bus boys to respond. It will just be
6 a directive from management to let them know
7 that, instead of cleaning up automatically --
8 because right now the directive is
9 automatically, when you see glass, to clean it
10 up to avoid injury, and so that's just their
11 knee-jerk reaction to do so.

12 So now the directive will change
13 so that they know that if they see a fight or
14 an altercation that has broken out, that they
15 will just stand there and block the scene so
16 that they don't -- so no one else will get
17 injured.

18 MEMBER JONES: Okay. And do you
19 feel like the establishment followed its
20 protocol as it is stated in security plans as
21 it relates to dealing with injuries?

22 MS. TODD: I definitely think

1 there was some issues. For example, the choke
2 hold. There was -- there was a statement by
3 the investigator that said that someone was
4 put in a head lock.

5 And I also understand why they may
6 have felt the need to do that, considering
7 that someone was being -- it was in imminent
8 danger, but that -- our security plan said
9 that, and we violated it.

10 So, yes, I do agree with you that
11 there were things that weren't followed, and
12 that is why we have updated it.

13 MEMBER JONES: Anything related to
14 handling of injured patrons?

15 MS. TODD: Injured patrons, we've
16 also added that in there as well, to make sure
17 that we do not leave a patron that's injured
18 until the ambulance -- EMS has come.

19 But, also, not to make excuses,
20 those patrons actually got up and left and
21 said they were fine and walked outside.

22 And so, since there was this big

1 confusion occurred, it wasn't until the
2 security outside actually saw him as badly
3 injured as he was, was when he contacted the
4 FOB.

5 But 911 was called at 3:07. We
6 have documented evidence of that. So, it
7 wasn't as if we saw a fight break out and we
8 did not do anything about it.

9 So I do want to make that clear
10 and put that on the record, that we do have
11 documentation, and 911 was called. So, with
12 regard to that piece, I do -- I do disagree
13 with the government.

14 But, I will say that we definitely
15 should have made sure that someone stayed with
16 each of those individuals, and we have
17 included that in the security plan, and we
18 definitely will have a conversation with all
19 employees about that as well.

20 MEMBER JONES: Okay. And just to
21 make -- I guess just to make sure I am
22 following to the best that I can, in the 17

1 points that are in here on this OIC, the main
2 thing that we -- that I should look to, to
3 have some level of assurance that lessons have
4 been learned and the proper mitigating steps
5 are in place are related to item one, which is
6 that the security staff will be trained.

7 MS. TODD: I don't think you can
8 look at it in a vacuum. Are you answering for
9 me or -- I don't know --

10 MEMBER JONES: Well, item one is
11 inclusive of the other items that are related
12 to procedural items, that they are not
13 detailed or specified in the OIC, but I'm
14 assuming they are detailed and specified
15 somewhere.

16 MS. TODD: Correct.

17 MR. RIVERO: Just so that the
18 position of our office is clear, these are
19 agreements which we have for some time now,
20 the drafting with licensees in situations like
21 this.

22 The agreements often rely on the

1 content of a security plan. Some of these
2 security plans can go to 30 pages in length.
3 And so, it would not be efficient to have a
4 document before the Board that is a settlement
5 agreement essentially that's 30 pages in
6 length, which is why we use language to
7 incorporate a document that can then be
8 changed in whatever way is necessary after the
9 Board expresses its concerns, because we may
10 have an exchange with the licensee and decide
11 to have three points that need to be changed
12 in the security plan but, as a result of the
13 exchange with the Board, a fourth point should
14 be changed.

15 And so, we don't have an agreement
16 that is going to spell out every single
17 provision in language that is going to be
18 used, but merely what the actual point is.

19 So, I'll give you an example.
20 Number one is correct. The basis concern that
21 office has is that -- well, first of all, I
22 want to take a step back because when we

1 approach these situations, the legal standard
2 is "imminent danger."

3 And, as I indicated in a prior
4 case with another provision that speaks to the
5 chief of police power in a similar imminent
6 danger situation, we have to be certain that
7 there is -- we know of nothing that can be
8 done to change the operations of the
9 establishment, and so the establishment must
10 remain closed.

11 This is a high standard. But, as
12 the case law indicates, all standards are read
13 reasonably. That means, to us, that there's
14 no one hundred percent safe establishment.

15 To begin with that kind of a
16 standard is, in effect, to read a strict
17 liability standard into the statute, and it's
18 not there.

19 So, we are approaching this
20 situation with -- through a reasonable
21 interpretation. So we identify what went
22 wrong.

1 And so, one of the -- as in a
2 prior case where we thought part of the
3 problem was a poor business decision to bring
4 a musical act that just brought a lot of
5 troublemakers.

6 In this case, we don't have
7 evidence to suggest that -- that the knife or
8 someone that admits it way in, which means
9 that somebody at the front door was doing his
10 or her job.

11 But, a normal object was turned
12 into a weapon. And so, we have a suggestion
13 from the licensee to use plastic. That,
14 largely, would help to mitigate exactly what
15 happened in this case. It's exactly what
16 happened in this case, that the glass was used
17 as a weapon.

18 But really what concerned us is
19 not so much because, you know, these can
20 happen, these things can happen. A fork or a
21 knife could be used as a weapon.

22 What concerned our office is how

1 do you respond afterwards. And so, the bulk
2 of this document reflects those concerns.

3 And we started with the point
4 where we, as an office, had no reassurance
5 because we had no evidence that training was
6 properly implemented and that training was
7 frequent enough so that it addressed any of
8 the issues that we saw in the report, issues
9 concerning how the establishment reacted to
10 the situation.

11 So we lead off with that. That is
12 why, number one is training. Now, in order
13 not to have a paragraph that's very long, we
14 simply incorporate all relevant points below.

15 And we addressed the particular
16 points that we think are of significance to
17 this case, and I would draw the Board's
18 attention to number four.

19 Licensee agreed to incorporation
20 detailed procedures in its security plan on
21 how security personnel are to handle violent
22 altercations in establishments, including a

1 how to address aggressive patrons.

2 This language gets a some of the
3 proffers that have been made here, because
4 this is not an evidentiary hearing, both from
5 our side with respect to what we saw in the --
6 in the report, and the licensee proffers
7 concerning that individual person's conduct.

8 So, we refer, then, naturally, to
9 the security plan. And the security plan will
10 have specific language on what to do and what
11 not to do.

12 Again, in this case, the security
13 plan, as reflected in the report, indicated
14 that no choke holds, for instance, are to be
15 applied.

16 But then there's another provision
17 right there very close to it that says choke
18 holds are not to be applied at all except in
19 life-threatening circumstances.

20 So, there was an instance where
21 there is conflicting language. And so, we
22 wanted to make sure that that vagueness was

1 removed so that there's no clarity, and then
2 that there's training that, then, effectuates
3 that guidance.

4 So, we incorporate the security
5 plan elsewhere. It indicates that the
6 security plan is to be revised and turned over
7 to the Board.

8 MS. TODD: It is number fourteen.

9 MR. RIVERO: And it's number
10 fourteen. Now, we use the language "within
11 four days." It could be tomorrow within four
12 days, a security plan turn -- that it will be
13 that reflects each of these main points.

14 So, the way that we negotiate
15 these documents, we tried to strike a balance
16 between pointing out the important items and
17 then leading the actual meaty substantive
18 instruction to the security plan and to the
19 licensee to conduct training.

20 I hope that helps to clarify the
21 question a little bit.

22 MEMBER JONES: A bit, but I have a

1 bit of an extension to that.

2 MR. RIVERO: Yes.

3 MEMBER JONES: So, the hope is
4 that the licensee would then architect a
5 document that addresses the government's
6 concerns?

7 MR. RIVERO: Yes.

8 MEMBER JONES: Right?

9 MR. RIVERO: Yes.

10 MEMBER JONES: Where's the check
11 and the balance? Do you then review it and
12 approve the security plan? I think the answer
13 is no. So then, where is the check and where
14 is the balance to that?

15 MR. RIVERO: I know that I have
16 reviewed security plans to make sure that, for
17 instance -- I'm going to give you an example.

18 Licensee agrees to incorporate
19 detailed procedures in security plan and how
20 security personnel to handle violent
21 altercations.

22 Let's say I get a security plan in

1 the process of this case and I see that
2 there's language completely missing. I will
3 obviously say, there's something missing here.
4 You need to include language to address this.

5 Okay. So in that regard, I would
6 -- I would see that there's language in there
7 and that would be fine, and then I would say,
8 you know, it could be filed.

9 Similarly, the Board, if it so
10 wishes, when it receives the plan and sees
11 that there is language in there. But, for
12 instance a particular aspect or a particular
13 point that the Board thinks is important isn't
14 articulated or explicitly addresses it,
15 otherwise it might be the Board has an
16 opportunity to point that out.

17 What we would do is, we would look
18 at it and would say, well, it meets with our
19 satisfaction and move forward.

20 MEMBER JONES: So, as far as this
21 OIC, does the Board have that opportunity?

22 MR. RIVERO: Certainly.

1 MEMBER JONES: Okay.

2 MR. RIVERO: I mean, the Board can
3 receive a security plan and react to it in any
4 way that it wishes.

5 We would look at the security plan
6 to make sure that it incorporates the things
7 that we have agreed that it is to incorporate
8 in this agreement before we would say, you
9 know, we bless this because, obviously, we're
10 signing this agreement, too.

11 MEMBER JONES: Right.

12 MR. RIVERO: So, if we say that a
13 security plan is to incorporate point A and
14 the security plan just goes off the Board
15 without point A, either we didn't see it or we
16 didn't care that they didn't include it.

17 But, obviously, we want to see it.
18 So, once Point A is included, then that's what
19 our concern is.

20 MEMBER JONES: So, let me phrase
21 it this way.

22 MR. RIVERO: Yes.

1 MEMBER JONES: Some from the point
2 forward, you -- the quote you brought to my
3 attention specifically, incorporate detailed
4 procedures --

5 MR. RIVERO: Right.

6 MEMBER JONES: -- in the security
7 plan.

8 Do you make the decision or
9 assessment as to what is "detailed"? Does the
10 Board make the decision or assessment of
11 whether it is detailed? Where -- how do we
12 know when that benchmark has been met to know
13 that they are in compliance with this OIC and,
14 thus, I guess, essentially could reopen?

15 There doesn't seem to be any
16 checks in here. Just -- to me, I read this
17 and it just says if they do it any -- any
18 level as they may interpret in sufficient
19 detail --

20 MR. RIVERO: Right.

21 MEMBER JONES: -- and they submit
22 it, then they've checked the box.

1 MR. RIVERO: Right.

2 MEMBER JONES: And they qualify
3 for point four.

4 MR. RIVERO: And the direct answer
5 to your question is the standard of law. In
6 D.C. Code 25-402 or 403, the law itself says
7 security plans are to address -- the law
8 itself doesn't actually indicate we want this
9 and this and this and that and that and that
10 particular way articulated.

11 The Council and presumably the
12 Board or ABRA made a decision as to how it
13 wanted to incorporate or address a security
14 plan, what it needed to contain.

15 So, the law very specifically
16 indicates what is to address this, that and
17 the other. Right. And so, this leaves
18 parties in a sort of vague area, if you will,
19 because the standard articulated by the law is
20 presumed -- is a very long one. Okay.

21 MEMBER JONES: Agreed.

22 MR. RIVERO: Now, in fact, the

1 standard in this agreement is higher is than
2 the agreement that is indicated in 25-402 or
3 403.

4 But the word in the statute is
5 "address." So, for instance, a security plan
6 could say, "We will not be checking IDs at the
7 door." Well, the plan addressed checking IDs
8 at the door.

9 But we, at the OAG take a
10 different view, and so we have language in
11 there that says, "This is how we are going to
12 do it." Okay.

13 And whether -- and we are not
14 going to get into the position of saying,
15 "Well, you need, you know, five people
16 checking IDs. We're not happy with one
17 person.

18 So, it's a question of the level
19 of specificity and detail with which this
20 Board is satisfied. And, of course, it's also
21 a question of the specificity and detail with
22 which our office is satisfied.

1 But we rely on a legal standard in
2 order to do that, and we know that when we are
3 approaching this legal standard, we want to --
4 we don't want to go too far out afield without
5 the proper authority to do so.

6 So, I think that, by using this
7 language -- and, by the way, there are current
8 procedures in the existing document. That was
9 just -- I was referring to some vagueness and
10 conflicting instruction, which I think they
11 can clean up in, you know, very quickly.

12 Then, when you're looking at this
13 kind of specificity, then you say to
14 yourselves, you know, what is the legal basis
15 to insist on this level of detail as opposed
16 to the other. Okay.

17 Because we are on this legal
18 ground, this is why parties come to the table
19 together, our office and the licensee. We
20 negotiate it, we bring together a voluntary
21 plan that contains language that both parties
22 are satisfied with.

1 If the Board chooses to include
2 another vision, to introduce another area that
3 is not included in the security plan, that's
4 obviously the Board's prerogative to do so.

5 But I wanted to make sure that the
6 Board is clear on what our position is and
7 what -- how -- from what legal ground we begin
8 to negotiate an agreement that looks like this
9 and how we satisfy ourselves with the level of
10 specificity that we require, both in this
11 agreement and in the incorporated security
12 plan.

13 That was a lengthy answer --

14 MEMBER JONES: No.

15 MR. RIVERO: -- to your question.

16 MEMBER JONES: I'm quite verbose,
17 myself, so I'm a kindred spirit with you, sir,
18 in other words. Thank you for that.

19 MR. RIVERO: I hope that helps
20 you.

21 MEMBER JONES: Yes. Thank you.

22 Thank you, Madam Chair.

1 CHAIRWOMAN MILLER: With that, a
2 few more questions.

3 Okay. And with respect to the
4 process, I mean, I think what happens here
5 sometimes is when the OIC is being explained,
6 different ideas come up, such as the plastic
7 ware and the positioning, and they are not in
8 the OIC that's before the Board at this time.

9 But, from what I understand is,
10 you have verbally -- the licensee has verbally
11 stated that they -- they should be added to
12 the OIC that the Board can --

13 MS. TODD: We have no problem with
14 putting it on the record or putting it in the
15 OIC agreement. That's not a problem.

16 CHAIRWOMAN MILLER: Okay.

17 MR. RIVERO: Yes, and I have been
18 in another case where the parties simply
19 revise the document and presented an alternate
20 document for the Board to review.

21 And I suppose we could do that.
22 We don't mind that at all.

1 CHAIRWOMAN MILLER: I also have
2 just a few more question before the Board
3 breaks to consider how to proceed, and what's
4 before it.

5 Number seven talks about the
6 revised security plan will address the proper
7 protocol for drafting and maintaining incident
8 logs.

9 So, it is not fair to me -- I
10 mean, we're looking at how things were, how
11 things are going to be changed to make things
12 safer. So, it's not fair to me, on its face
13 what was wrong with the incident log and how
14 that is going to change.

15 MS. TODD: Well, in the security
16 plan it states that the head of security is
17 supposed to fill out the incident log as well
18 as put the time of the incident and all
19 witnesses so that it could before the police
20 if there is a crime, and also address future
21 incidences and mitigating things.

22 In our incident log the manager,

1 our regular manager did it and not the
2 security manager. So it was mainly in trying
3 to follow our own security plan as well as
4 making sure that it's done properly so that
5 it's helpful as opposed to it just -- the plan
6 seemed to focus more on the fact that the
7 person who actually did this incident -- the
8 stabbing incident got away more so than
9 focusing on the time of the incident, the
10 location of witnesses, things of that nature
11 that would have been a little bit more helpful
12 in gathering information further for an
13 investigation.

14 CHAIRWOMAN MILLER: Okay. So one
15 of the themes I think I'm hearing in this is
16 that the employees weren't necessarily
17 following even the security plan that was in
18 place.

19 MR. RIVERO: Correct.

20 MS. TODD: Correct.

21 MR. RIVERO: That's right.

22 CHAIRWOMAN MILLER: So, is there

1 something -- we don't have before us -- and I
2 guess this is a detail that's going to be
3 worked out, but that would be something, I
4 think, the Board is interested in. Why would
5 we believe that the employees are going to
6 follow the new security plan?

7 MS. TODD: Well, I think a couple
8 of things. There's new management, and I
9 think that there's just been a lot of
10 confusion when you have new people and
11 everyone kind of not knowing where their
12 positioning is.

13 And I think that the training that
14 occurred yesterday really made that clear as
15 to whose roles and responsibilities were to do
16 what, as opposed to people, then saying, "I'm
17 going to do this and I'm going to do that."

18 And, at the time, the head of
19 security wasn't present at the actual event,
20 so the manager took over and did it. But --
21 so he would have really been getting
22 secondhand information in order.

1 So, the manager on duty was the
2 one who actually did the report, so that was
3 part of the reason why it was done. But OAG
4 wanted to have the incident report logged, to
5 make sure that we follow -- you know,
6 following what our plans that we were supposed
7 to do during that time frame.

8 CHAIRWOMAN MILLER: Okay. And did
9 you -- did you give to the Board, through our
10 staff or anything, the training that was done?
11 You said you had an agenda of the training?

12 MS. TODD: I do have an agenda.
13 No, I haven't given it to anyone on the staff
14 yet.

15 MEMBER JONES: You said you had an
16 agenda as well as certificates?

17 MS. TODD: I do. Do you want
18 both? Yes.

19 CHAIRWOMAN MILLER: Could you also
20 just proffer -- I know this isn't an
21 evidentiary hearing, but you've mentioned
22 this, and it seems like an important point

1 that you now have a new security -- head of
2 security and security team. Everything is new
3 since May? Is that correct?

4 MS. TODD: Well, I don't want to
5 say everyone on the security team is new, but
6 there is a good number of new security that
7 has been brought on with the head of security.

8 CHAIRWOMAN MILLER: And who is
9 that? I understand he's here.

10 MS. TODD: Dan Pearson. He's
11 right behind me right there.

12 CHAIRWOMAN MILLER: And there is a
13 name of the security company -- security
14 company?

15 MR. PEARSON: D&P Investigation
16 Security Services.

17 CHAIRWOMAN MILLER: It has to be
18 on the record.

19 MS. TODD: D&P Investigative
20 Security Services. That's Investigation
21 Security Services.

22 CHAIRWOMAN MILLER: Okay. And

1 that -- okay. If I understand you without --
2 you know, without this being an evidentiary
3 hearing, but is it your position that it is
4 not -- it is not the problem with the new
5 security company, it is just that this -- some
6 things were new that -- that night?

7 MS. TODD: Some things were new
8 regarding --

9 CHAIRWOMAN MILLER: Well, you say
10 it's hard -- I am not saying that was the --
11 I don't want to even get into -- I mean, I
12 understand that there was somebody made a
13 weapon there and an altercation and there were
14 a lot of reasons why certain things went
15 wrong, but the reason you have a new security
16 company, that was not related to how this
17 incident was handled?

18 I mean, I just want to know how to
19 evaluate why -- the point that we have a new
20 security company.

21 MS. TODD: Oh, the security --
22 excuse me. The security company came prior to

1 this incident actually occurring, so it wasn't
2 that -- wasn't the case.

3 However, I think there have just
4 been some lapses in security in the past and
5 so just trying to strengthen security, they
6 brought in a team that was recommended that
7 had kind of cleaned up some other clubs that
8 -- in the D.C. area.

9 So Dan came, and his group came
10 highly-recommended. So, my client decided to
11 engage them to see if they could then help
12 create a much stronger team for the Stadium
13 Group.

14 And you've submitted an agenda and
15 a list of certificates --

16 MS. TODD: Yes.

17 CHAIRWOMAN MILLER: -- indicating
18 the people that had the new training.

19 MS. TODD: Yes, I did.

20 CHAIRWOMAN MILLER: Okay.

21 MS. TODD: Yes.

22 CHAIRWOMAN MILLER: All right.

1 Any other questions?

2 MEMBER JONES: Yes, a question in
3 follow-up.

4 CHAIRWOMAN MILLER: Okay. Yes.

5 MEMBER JONES: On the night of the
6 incident, how many security staff did you
7 have?

8 MS. TODD: I have a listing also,
9 I think. I can also bring --

10 MEMBER JONES: How many?

11 MS. TODD: I'm going to give you
12 the number once I -- I just want to find this
13 and give you the accurate -- it's between 32
14 and 34.

15 MEMBER JONES: Between 32 and 34.

16 MS. TODD: Yes.

17 MEMBER JONES: Okay. So in the
18 package that you just submitted there are only
19 29 certificates. Is there a reason why
20 there's a discrepancy?

21 MS. TODD: There should be -- I --
22 I believe there were -- there should be

1 additional, because there was 29 additionally
2 --

3 MEMBER JONES: Well, there is a
4 folder here labeled "Security certificates."

5 MS. TODD: Yes. And then -- yes.
6 And then there is --

7 MEMBER JONES: So --

8 MS. TODD: -- there is a second
9 folder that I just got the rest from Dan
10 because --

11 MEMBER JONES: So there is
12 something that says "Stadium certificates"?

13 MS. TODD: Yes.

14 MEMBER JONES: Those are --

15 MS. TODD: Those are the
16 additional.

17 MEMBER JONES: Those are
18 additional. All right.

19 MS. TODD: I should have added
20 that to your list. I apologize. But those
21 were a part of it.

22 MEMBER JONES: And you said you

1 have a list?

2 MS. TODD: Yes.

3 MEMBER JONES: Of security staff.

4 Would you like somebody --

5 MEMBER JONES: Yes.

6 MS. TODD: Okay. And those were
7 the staffs that were on duty that night, the
8 night of the incident. That's the list of the
9 people that were there the night of the
10 incident.

11 CHAIRWOMAN MILLER: I'm sorry.
12 What did you say?

13 MS. TODD: The list that I'm
14 providing him is the list of the security that
15 was on staff that night of the incident.

16 CHAIRWOMAN MILLER: Okay.

17 MEMBER JONES: So, on this sheet,
18 there's a time-in, time-out, and there is a
19 pay column? I'm sorry. This is the
20 attendance sheet, I guess, or the -- is this
21 the time sheet for your security?

22 MS. TODD: What is that?

1 MR. REDDING: Correct. It is a
2 sign-in sheet when they come to work, and sign
3 out.

4 MEMBER JONES: Okay. So, on the
5 first page up to, I guess, a gentleman by the
6 name of Black, there's a time in and then it
7 is "till close," and it has a dollar amount
8 right there.

9 Then, after that there are four --
10 four to five names. I can't quite make it
11 out. There is no time in and there is no time
12 out listed for these individuals.

13 And, on the entire second page
14 there are no time outs listed for anyone. I'm
15 just trying to get a feel for -- this doesn't
16 seem to be very well-kept or maintained.

17 MS. TODD: Well --

18 MEMBER JONES: So, what am I to
19 take from this document?

20 MS. TODD: You are talking about
21 the time outs versus the time ins?

22 MEMBER JONES: From a -- I'm just

1 going to assume that there's a column here
2 that says "Pay." So I'm using -- I'm assuming
3 you're using this document as a mechanism to
4 pay your employees, or pay your staff.

5 MS. TODD: Okay.

6 MEMBER JONES: This document
7 doesn't seem to be very-well -- the time ins
8 are blank in many instances. The time outs
9 are blank in several instances, and it just
10 seems to be poorly-maintained.

11 I'm just trying to get a feel for,
12 is this representative of your standard or is
13 this a deviation of some sort?

14 MR. REDDING: That is a sign-in
15 sheet for the security to sign in so we know
16 that the man has signed in and he's come on to
17 work.

18 We then get a detailed sheet
19 hourly from security. It is just our little
20 way of making sure that all these men came in
21 to work with what they are sending us on a
22 spreadsheet with everything out there.

1 Some of those are different
2 because you have some in-house security versus
3 --

4 MEMBER JONES: Do you happen to
5 have a copy of that in a more detailed,
6 cleaner version that you sent in?

7 MS. TODD: No. I didn't -- I
8 didn't bring one of those.

9 MEMBER JONES: Okay.

10 MS. TODD: But I will say, though,
11 that in this instance, being that it was the
12 night of that incident occurring, that's
13 probably why a lot of the security may not
14 have signed out at whatever particular time.

15 I'm not sure, but --

16 MEMBER JONES: How about the sign
17 in part?

18 MS. TODD: Given the time frame, I
19 don't -- I don't keep that document, but you
20 did mention that half of it had not been
21 signed out, and so that --

22 MEMBER JONES: Several of them

1 haven't been signed in, either, so that -- the
2 incident would explain why they didn't sign
3 in?

4 MS. TODD: No, no, no, no.

5 MEMBER JONES: Okay.

6 MS. TODD: I am not saying that.
7 I am referring to the signing out portion of
8 it. That could have been why that part had
9 not been filled out.

10 MEMBER JONES: Thank you.

11 MS. TODD: Okay.

12 CHAIRWOMAN MILLER: I just have
13 one other follow-up. With respect to using
14 what is in the club as a weapon, you know, we
15 talked about the glassware.

16 MS. TODD: Yes.

17 CHAIRWOMAN MILLER: Is there
18 anything else? Do you have forks and knives
19 in there or anything like that?

20 MS. TODD: There are forks and
21 knives at the club, yes, when people are
22 dining and to eat --

1 CHAIRWOMAN MILLER: No, not in the
2 restaurant. You seemed to describe like a
3 separate part, like a restaurant and then a
4 club.

5 So, in the club -- I know there
6 are folks and knives in the restaurant, and
7 glass, and you didn't seem to -- you seemed to
8 give the impression -- give me the impression
9 that that's pretty different from the club
10 area.

11 MS. TODD: It is.

12 CHAIRWOMAN MILLER: But you don't
13 have problems in the restaurant?

14 MS. TODD: We do not.

15 CHAIRWOMAN MILLER: And that in
16 the club area you are getting rid of the --
17 you would be willing to get rid of the
18 glassware for plastic ware to get rid of that
19 --

20 MS. TODD: That stem issue, yes.

21 CHAIRWOMAN MILLER: Yes.

22 MS. TODD: There -- people are

1 given -- not -- if they order food, they have
2 bar food, like wings and sliders and things of
3 that nature, so they are given knives and
4 forks, but they are butter knives. They are
5 not steak knives.

6 But there is a -- there is a steak
7 house in-house as well, so there is -- there
8 are steak knives as well inside the club.

9 CHAIRWOMAN MILLER: Okay. So
10 there any controls from getting from the
11 restaurant to the club or the steak house to
12 the club, if somebody wanted to get in a knife
13 that way?

14 MS. TODD: They don't serve steaks
15 in the club. They serve bar food in the club
16 and they serve steaks in the restaurant area.

17 So, unless someone maybe slid a
18 knife into their pocket or something like
19 that, I can't see how that would then get over
20 there.

21 But, again, that's -- unless
22 someone has some suggestions on how to operate

1 -- I mean, I don't necessarily know how they
2 would go about, I guess, serving steaks
3 without a steak knife.

4 CHAIRWOMAN MILLER: No, I
5 understand that. I just don't know the layout
6 of your place.

7 MS. TODD: Okay.

8 CHAIRWOMAN MILLER: And I just
9 didn't -- you know, when you -- when you come
10 from the outside you get wanded and all that,
11 and no knives are getting in, so I was just
12 curious --

13 MS. TODD: About other possible
14 weapons --

15 CHAIRWOMAN MILLER: Could it get
16 in from the -- from that, from the restaurant
17 --

18 MS. TODD: Yes.

19 CHAIRWOMAN MILLER: -- into the
20 club is -- you don't go outside? Is that
21 right?

22 MS. TODD: Not -- you are saying -

1 - oh, they don't go outside and come back in.
2 Is that what you are saying? No, if you go
3 back outside, you get wanded to come back in.

4 CHAIRWOMAN MILLER: Right. No, I
5 understand that, and this is just going on
6 from maybe a tangent.

7 MS. TODD: Yes.

8 CHAIRWOMAN MILLER: But you were
9 saying, at one point how, you know, you can't
10 anticipate everything that might happen in the
11 future, so you had a glass, so if you get rid
12 of the glass, that is not going to happen in
13 the future.

14 And so then I was just curious
15 about knives. Is that something that can get
16 -- is the club and the restaurant connected
17 inside -- so it could?

18 MS. TODD: I can't say that it
19 wouldn't. I mean, I can't make those
20 representations to you, but I do know that
21 typically in the bar area, it's just bar food.

22 CHAIRWOMAN MILLER: Yes.

1 MS. TODD: So, if someone got a
2 knife, a steak knife, it would probably come
3 from the restaurant area where they were
4 served in that.

5 But I think typically in this
6 moment that would probably be more
7 premeditation if someone was actually thinking
8 about doing something harmful to someone
9 inside.

10 CHAIRWOMAN MILLER: Right.

11 MS. TODD: And I think in these
12 instances it is an occurrence that is kind of
13 like a spontaneous outburst that occurs and
14 whatever is next to you is what is occurring,
15 not "I'm thinking about taking a knife,
16 sticking it in my pocket and then walking out
17 to then hurt somebody."

18 I don't think that that is the
19 intention of people. I hope that that is not
20 the intention of people as they are going
21 about having a good time in an establishment.

22 CHAIRWOMAN MILLER: Okay.

1 MEMBER JONES: Madam Chair.

2 CHAIRWOMAN MILLER: Yes.

3 MEMBER JONES: Just to follow up.

4 Is there a regulated ingress and egress
5 between the two portions of the establishment,
6 the club portion and the restaurant portion?

7 MS. TODD: If you -- for you to
8 enter the club, period, there's no separate
9 entrance for the restaurant and the club. So,
10 for you to enter the club and go to the
11 restaurant, you have to go through the
12 security process, because there's no separate
13 entrance.

14 Is that what you are asking me?

15 MEMBER JONES: Yes. So I can be
16 in the restaurant --

17 MS. TODD: You can get to the club
18 part, but you can't -- you can't exit --
19 there's no -- there's no restaurant exit.

20 MEMBER JONES: Can I get from the
21 restaurant to the club?

22 MS. TODD: Yes.

1 MEMBER JONES: Okay. Without
2 going through security?

3 MS. TODD: Yes.

4 MEMBER JONES: So, there is no
5 regulated ingress and egress by security
6 separating or at the point at which I can
7 leave and transition from the restaurant into
8 the club?

9 MS. TODD: Well, the club and the
10 restaurant are all one and the same. They are
11 all together. So it is not like there is --
12 it is not like -- you know, I say there is a
13 separation, but it is not separate, if that
14 makes any sense.

15 MEMBER JONES: So if I am sitting
16 down, eating a steak and I have a knife,
17 right, there's no -- there's nothing in your
18 security that will prevent me from taking that
19 knife from the restaurant to the club area?

20 MS. TODD: No, there is nothing in
21 my security that would do that.

22 MEMBER JONES: Okay.

1 MS. TODD: There is no -- no. No.
2 No. But I would -- I would imagine that --
3 again, if that person wanted to stab someone
4 inside the restaurant, there is nothing in my
5 security that would stop that, either, unless
6 I stopped people giving people knives.

7 CHAIRWOMAN MILLER: Okay.

8 MEMBER JONES: Thank you.

9 CHAIRWOMAN MILLER: Anything else?

10 MR. REDDING: Yes. I would just
11 like to say that we also could go to plastic
12 knives and forks in the actual club itself,
13 but not have an issue with it being bar food,
14 so that we don't have any metal knives or
15 metal forks in the club.

16 CHAIRWOMAN MILLER: But you'd
17 still have the knives in the restaurant.
18 Correct?

19 MS. TODD: That's correct.

20 CHAIRWOMAN MILLER: So the issue
21 of taking a knife from the restaurant, if that
22 is an issue, we're just exploring that.

1 MR. REDDING: Right.

2 CHAIRWOMAN MILLER: But that
3 wouldn't solve that issue, taking the knife
4 from the restaurant to the club.

5 MS. TODD: But we haven't had any
6 incidences with anyone using a knife in the
7 restaurant or a steak knife in the restaurant.

8 So, I don't want us to confuse the
9 facts here --

10 CHAIRWOMAN MILLER: No.

11 MS. TODD: -- and get that
12 involved in --

13 MEMBER JONES: Well, just to be
14 fair, you also have -- have you had any
15 instances where you've had the use of a broken
16 food glass used --

17 MS. TODD: No. We have one right
18 now.

19 MEMBER JONES: That. No. Prior
20 to this one?

21 MS. TODD: No. The current one
22 right now.

1 MEMBER JONES: All right. So
2 we're trying to think ahead of the game a
3 little bit so --

4 MS. TODD: Oh, absolutely,
5 absolutely. I'm -- by no means am I saying
6 that you shouldn't.

7 MEMBER JONES: Okay.

8 CHAIRWOMAN MILLER: All right.
9 Any other questions?

10 (No response.)

11 CHAIRWOMAN MILLER: Okay. So the
12 Board is going to recess and consider the OIC
13 that's been presented to us and everything
14 that has been said during this hearing.

15 So, you all can take a short
16 break, as well, and I am going to just read
17 the instructions and we will take a vote on
18 our having deliberation in the executive room
19 -- board room.

20 Okay. The Chairperson of the
21 Alcoholic Beverage Control Board for the
22 District of Columbia and, in accordance with

1 Section 405, of both the Meetings Amendment
2 Act of 2010, I move that that ABC Board hold
3 a closed meeting for the purpose of seeking
4 legal advice from our counsel on Case No. 13-
5 251-00072, Stadium, per Section 405.B of the
6 Open Meetings Amendment Act of 2010, and
7 deliberating upon this matter for the reasons
8 cited in Section 405.B-13 of the Open Meetings
9 Amendment Act of 2010.

10 Is there a second?

11 MEMBER JONES: Second.

12 MEMBER BROOKS: Second.

13 CHAIRWOMAN MILLER: Mr. Brooks has
14 seconded the motion. I will now take a roll
15 call vote on the motion before us now that it
16 has been seconded.

17 Mr. Brooks?

18 MEMBER BROOKS: I agree.

19 CHAIRWOMAN MILLER: Ms. Miller
20 agrees.

21 Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.

1 CHAIRWOMAN MILLER: Mr. Jones?

2 MEMBER JONES: I agree.

3 CHAIRWOMAN MILLER: It appears
4 that the motion has passed by a four/zero/zero
5 vote.

6 I hereby give notice that the ABC
7 Board will recess this proceeding to have a
8 closed meeting in the ABC Board conference
9 room pursuant to the Open Meeting Amendment
10 Act of 2010.

11 Thank you. And our staff will let
12 you know when we are ready to come back.

13 (Whereupon, the matter recessed
14 for an Executive Session at 3:38 p.m.)

15 CHAIRWOMAN MILLER: Okay. So we
16 are back on the record.

17 The Board has had a chance to look
18 carefully over the proposed OIC and considered
19 the representations that were made, and this
20 is how we would like to proceed at this point.

21 Number one, I know that the
22 licensee has brought their person in charge of

1 security here, and we would actually like to
2 hear from him about the training that was
3 conducted and a little bit more, his
4 assessment of what -- what is different now
5 than before, and just get -- since he is here,
6 get a picture of his view of the security
7 situation.

8 We have also had a chance to go
9 through, line-by-line, the offer and
10 compromise, and it is a good skeleton, and we
11 have a few suggestions for improvement, and we
12 will go over that afterwards, but we -- we
13 just would like to actually hear from your
14 security person.

15 MS. TODD: Okay. No problem.

16 CHAIRWOMAN MILLER: And this just
17 -- this is fairly briefly, but he is here and
18 it's like, you know --

19 MS. TODD: We have no problem.

20 CHAIRWOMAN MILLER: Okay.

21 MR. PEARSON: Daniel Pearson, head
22 of security.

1 CHAIRWOMAN MILLER: Okay. And you
2 are -- you had a security company before you
3 came to this -- to Stadium, or you had a
4 company and you worked at the Stadium, or what
5 is your relationship?

6 MR. PEARSON: My relationship is I
7 run a company and also I provide my expertise
8 in my position there as head of security.

9 CHAIRWOMAN MILLER: So your being
10 head of security is not a full-time job at the
11 Stadium. Is that right?

12 MR. PEARSON: It is now.

13 CHAIRWOMAN MILLER: It is?

14 MR. PEARSON: Yes.

15 CHAIRWOMAN MILLER: Are you still
16 running a different company where you are
17 doing something else?

18 MR. PEARSON: No. Well, I run a
19 company that provides -- outside of this, yes.

20 CHAIRWOMAN MILLER: Okay. So,
21 what does that company do?

22 MR. PEARSON: Security.

1 CHAIRWOMAN MILLER: For different
2 clubs in the area or what?

3 MR. PEARSON: We specialize in
4 investigation as far as, I would say, divorce
5 issues. We do event staffing. We're licensed
6 with the security branch for D.C. to provide
7 those services.

8 CHAIRWOMAN MILLER: So and how did
9 you come to Stadium to take over the security?

10 MR. PEARSON: I came to Stadium
11 through hearing of their situation there and
12 how they want to improve on their security,
13 and also by the recommendations of Mr. Jackson
14 to provide such services for the Stadium.

15 CHAIRWOMAN MILLER: Okay. So,
16 even before this incident it was recognized
17 that there were things to improve on?

18 MR. PEARSON: They saw fit that
19 they wanted to improve their security, yes.

20 CHAIRWOMAN MILLER: Okay. So the
21 training you provided -- would you have a
22 question about that before I go into training?

1 MEMBER SILVERSTEIN: I'm
2 interested in that. Are we saying that they
3 wanted to improve it, or they wanted to do it
4 less -- more economically or -- what were the
5 -- what were the things they wanted to
6 improve?

7 MR. PEARSON: Well, when I say
8 "improve," meaning in the business you always
9 want to put a good foot or a good team
10 together and expand and grow -- in growth.

11 And I came on to the situation to
12 facilitate that there is a more, I would say,
13 organized team that is presented there, and
14 that is working there.

15 It's become -- my experience has
16 been making sure that items of the security
17 plan are followed through, that there are
18 adequate security there for events, for
19 whether these special engagements or just
20 regular nightly activities. I guess --

21 CHAIRWOMAN MILLER: How long had
22 you been there before this incident?

1 MR. PEARSON: Before this
2 incident? I would say probably -- probably
3 like 30 days, 30 days.

4 CHAIRWOMAN MILLER: So were you
5 dealing with new security personnel, or with
6 their old security personnel?

7 MR. PEARSON: There's a -- there's
8 a mixing of the security. Some of the
9 security -- there's an evaluation period
10 that's being done where security that are not
11 up to part or became complacent, those were
12 faded out, and new security was brought in to
13 bring up the standard of the security.

14 CHAIRWOMAN MILLER: Okay. So, was
15 there a mixture in place at the incident, time
16 of the incident, or was it all new?

17 MR. PEARSON: I believe it was --
18 on the date of this occurrence?

19 CHAIRWOMAN MILLER: Yes.

20 MR. PEARSON: I believe it was a
21 mixture.

22 CHAIRWOMAN MILLER: Mixture.

1 Okay. And were you there that day?

2 MR. PEARSON: No, I wasn't there
3 that day.

4 CHAIRWOMAN MILLER: Okay. So is
5 that changing --

6 MR. PEARSON: Yes, that is
7 changing.

8 CHAIRWOMAN MILLER: Okay. You are
9 going to be there every -- every time there's
10 an event, every time it is open or what?

11 MR. PEARSON: Yes. I'll be there
12 and also there will be a representative there
13 in case -- you know how emergencies does
14 happen where there's family or whatever, but
15 there will be a representative of myself there
16 as well, if I'm not there --

17 CHAIRWOMAN MILLER: Okay. And did
18 you --

19 MR. PEARSON: -- that's in charge.

20 CHAIRWOMAN MILLER: Did you
21 conduct any training to the personnel before
22 they started at this location?

1 MR. PEARSON: Well, the staff that
2 was being merged in were trained previously,
3 and I believe that the staff that was there
4 before had previous training as well.

5 CHAIRWOMAN MILLER: So when you
6 say they were trained, what were they trained
7 in accordance with? Like what -- not -- like
8 you said the new people, were they trained --
9 they weren't trained in accordance with the
10 security plan for this location, they were
11 trained just in general how to handle
12 situations?

13 MR. PEARSON: Correct.

14 CHAIRWOMAN MILLER: Okay.

15 MR. PEARSON: Part of the training
16 was verbal, judo, handling irate customers,
17 deescalating issues or problems that may occur
18 during the course of their duties, and that
19 was conducted by Mr. Geoff Jackson as well,
20 those individuals that were on.

21 CHAIRWOMAN MILLER: And who
22 conducted the training yesterday? Is that

1 when there was training?

2 MR. PEARSON: Yes. Yes, ma'am.

3 CHAIRWOMAN MILLER: Who conducted
4 that?

5 MR. PEARSON: Mr. Geoff Jackson.
6 Ron Monroe, along with Mr. Geoff Jackson.

7 CHAIRWOMAN MILLER: So -- and that
8 training, is that in conjunction with the
9 security plan in place, or is it just a
10 general training?

11 MS. TODD: I could answer that.

12 CHAIRWOMAN MILLER: Okay.

13 MS. TODD: Geoff Jackson is the
14 one who helped us write the security plan.

15 CHAIRWOMAN MILLER: Okay.

16 MS. TODD: And to looking over the
17 revisions that we had. So, yes, it was in
18 conjunction with that.

19 CHAIRWOMAN MILLER: Okay. And did
20 you do an evaluation -- or are you doing an
21 evaluation about the adequacy of the security
22 procedures in place and then what needs

1 improvement?

2 MR. PEARSON: Yes. I've been
3 speaking directly with ownership on things
4 that we need to improve on, and we are making
5 those changes and have made those changes.

6 CHAIRWOMAN MILLER: And are they
7 going to be reflected in the new security
8 plan?

9 MS. TODD: Yes.

10 CHAIRWOMAN MILLER: Okay. All
11 right. Other questions?

12 Yes, Mr. Jones.

13 MEMBER JONES: Thank you, Madam
14 Chair.

15 Just -- it is probably me, but I
16 am having a little bit of following just
17 exactly the sequence of events. So, you are
18 currently the head of security?

19 MR. PEARSON: Correct.

20 MEMBER JONES: Okay. Are you head
21 of security as an employee, or are you head of
22 security as a contractor through your company?

1 What's your company? D&P?

2 MR. PEARSON: D&P Investigations
3 and Security Services.

4 MEMBER JONES: D&P Investigations
5 and Security Services.

6 MR. PEARSON: Right.

7 MEMBER JONES: So, what -- how are
8 you employed or in this role of head of
9 security at Stadium Club?

10 MR. PEARSON: I am hired through
11 the club as far as an individual working
12 through my company.

13 MEMBER JONES: So does Stadium
14 have a contract with D&P and, in that
15 contract, your company has provided you to
16 serve as that contract, or to execute that
17 contract?

18 MR. PEARSON: Correct.

19 MEMBER JONES: Okay. So, there's
20 a contractual relationship that is in place
21 between the Stadium Club and its legal entity
22 -- entityship, and your company, D&P?

1 MR. PEARSON: Correct.

2 MEMBER JONES: All right. Does
3 that contract -- is it a written contract? Is
4 it an informal verbal contract? Is it -- what
5 is the nature of that contract?

6 MR. PEARSON: The nature of that
7 contract is to -- to head and to make sure
8 that security is being provided.

9 MEMBER JONES: I'm sorry. Is it a
10 written contract that you have?

11 MR. PEARSON: Yes.

12 MEMBER JONES: Okay. And that --
13 the names on that are the Stadium, LLC, or
14 whatever its name is, legal name is and D&P,
15 not your personal name?

16 MR. PEARSON: Correct.

17 MEMBER JONES: Okay. So, you are
18 facilitating the company's contractual
19 obligation as the head of security, but you
20 are an employee or an owner of the company
21 right there?

22 MR. PEARSON: Right.

1 MEMBER JONES: Okay. So, what is
2 the extent, or what is the term of that
3 contract? When did it start and when does it
4 end?

5 MR. PEARSON: The starting period,
6 I believe, was -- I believe it was mid-April.
7 I'm not looking at the document. Probably
8 like mid-April, and the basis of that contract
9 was to, one, come in, and to evaluate and
10 then, after the evaluation, give my assessment
11 to the ownership and to what needs to be
12 changed, and then move directly from that
13 point.

14 MEMBER JONES: Okay. And when did
15 you begin your role as the head of security
16 for the establishment?

17 MR. PEARSON: I began that role --
18 that role mid-May.

19 MEMBER JONES: Mid-May?

20 MR. PEARSON: Yes.

21 MEMBER JONES: So, roughly a month
22 after their contract started?

1 MR. PEARSON: After the evaluation
2 period. Correct.

3 MEMBER JONES: So you have a
4 contract, and that contracts mid-April, and it
5 goes through some period of time.

6 So it started in mid-April, but
7 you didn't start as head of security in mid-
8 April, you conducted an assessment, and then
9 the outcome of that assessment, one of the
10 outcomes was actually be your head of
11 security, and you started being head of
12 security mid-May?

13 MR. PEARSON: Well, that was in
14 the recommendation, that I should be their
15 head of security.

16 MEMBER JONES: Right.

17 MR. PEARSON: There was a
18 recommendation that -- that we would -- my
19 company, which is myself and Danny Pearson,
20 would assess and evaluate and, from that
21 point, correct and change moving forward.

22 MEMBER JONES: Understood. So --

1 and that started -- that being your role as
2 the head of security, as well as the other
3 output that came from your assessment was to
4 begin implementation as of mid-May.

5 MR. PEARSON: Correct.

6 MEMBER JONES: Okay. Who was head
7 of security prior to mid-May?

8 MR. REDDING: John Titus.

9 MEMBER JONES: John Titus. Was
10 that included as part of your assessment?

11 How did you make the assessment
12 that you were -- that they should now hire you
13 as the head of security over what they were
14 doing before?

15 What was -- what was wrong with
16 what they were doing before with this Mr.
17 Titus person and how they were implementing
18 it? What was the output of your assessment?
19 How did you come to that conclusion?

20 MR. PEARSON: Well, the process of
21 my assessment was that individuals were there
22 would have more of a distinctive look, a more

1 professional. They stand out more.

2 A part of my evaluation was that -
3 - that there would be additional security
4 added to the location.

5 MEMBER JONES: Okay. But you had
6 no -- did you meet Mr. Titus, or this
7 individual that was head of security?

8 MR. PEARSON: No.

9 MEMBER JONES: No. Okay. So you
10 didn't have a mechanism by which you evaluated
11 --

12 MR. PEARSON: I didn't evaluate --

13 MEMBER JONES: -- his role or what
14 he was doing, you just said --

15 MR. PEARSON: I looked at --
16 sorry. I'm sorry.

17 MEMBER JONES: Go ahead. No. Go
18 head.

19 MR. PEARSON: I looked at the
20 overall security at that point. I wasn't
21 judging Mr. Titus at that time.

22 MEMBER JONES: Okay.

1 MR. PEARSON: I was just looking
2 at the overall security.

3 MEMBER JONES: All right.

4 MR. PEARSON: And what I can
5 improve on, from what I saw.

6 MEMBER JONES: All right. And
7 then it was the establishment's decision to
8 relieve whoever was head of security and put
9 you in that place?

10 MR. PEARSON: Correct.

11 MEMBER JONES: Okay. On the night
12 of the incident, who was the head of security?

13 MR. PEARSON: On the night of the
14 incident Mr. Anthony Smart was acting the role
15 of head of security.

16 MEMBER JONES: Okay. So it is --

17 MR. PEARSON: I wasn't there.

18 MEMBER JONES: So, Anthony Smart,
19 you had delegated your responsibilities to a
20 Mr. Anthony Smart?

21 MR. PEARSON: Correct.

22 MEMBER JONES: So, Anthony Smart,

1 you had delegated your responsibilities to a
2 Mr. Anthony Smart?

3 MR. PEARSON: Correct.

4 MEMBER JONES: Who is he?

5 MR. PEARSON: Mr. Anthony Smart is
6 an individual that works for my company.

7 MEMBER JONES: An individual that
8 works for your company?

9 MR. PEARSON: Correct.

10 MEMBER JONES: How long has he
11 been under your employ?

12 MR. PEARSON: He's been under my
13 employment for six years.

14 MEMBER JONES: Six years. And how
15 long has he been at Stadium?

16 MR. PEARSON: He's been at
17 Stadium, I would say about mid-May.

18 MEMBER JONES: About mid-May.
19 Okay. And was he trained?

20 MR. PEARSON: Yes.

21 MEMBER JONES: By whom?

22 MR. PEARSON: Geoff Jackson.

1 MEMBER JONES: By Geoff Jackson.

2 Was he trained in the security plan?

3 Specifics of the security plan?

4 MR. PEARSON: I would say no.

5 MEMBER JONES: No. Okay. Any
6 particular reason why he was not trained in
7 that security plan, based on your assessment
8 and your implementation of this new security
9 protocol?

10 Was that not part of the protocol,
11 to secure -- to train the employees or the
12 staff on the security plan?

13 MR. PEARSON: Would you repeat the
14 question again. I'm sorry.

15 MEMBER JONES: You came on board -
16 -

17 MR. PEARSON: Right.

18 MEMBER JONES: -- in mid-May, and
19 you had Mr. Anthony Smart as delegated your
20 responsibility as head of security to Mr.
21 Anthony Smart.

22 And I thought you said that he

1 wasn't trained specifically on the security
2 plan, and I was asking was that part of your
3 -- when you did your assessment, was training
4 on a security plan part of your assessment
5 that what -- as what should be done in order
6 to help improve what were the perceived
7 problems as you define them in your
8 assessment?

9 MR. PEARSON: Mr. Smart wasn't
10 trained in the security plan that was there at
11 that time. My assessment of the security plan
12 -- I really wouldn't know how to answer that
13 one.

14 MEMBER JONES: Okay.

15 MR. PEARSON: To be truthful.

16 MEMBER JONES: So, but he wasn't
17 trained on the security plan, but he was --
18 was he expected to know what was in the
19 security plan as your -- I'm assuming you are
20 his boss.

21 MR. PEARSON: Correct.

22 MEMBER JONES: As head of

1 security. Was it your expectation that he
2 should know what was in a security plan and
3 act in accordance therewith?

4 MR. PEARSON: Yes.

5 MEMBER JONES: Yes?

6 MR. PEARSON: Yes.

7 MEMBER JONES: Okay. So, him not
8 doing so on that night, did that bring about
9 a point of concern for you as head of
10 security?

11 MR. PEARSON: Yes.

12 MEMBER JONES: Yes. Was there any
13 action taken against this employee, Mr.
14 Anthony Smart for him not following the rules,
15 not following your expectations, not acting in
16 accordance with what was the security plan?

17 MR. PEARSON: The action that was
18 taken for Mr. Smart was to make sure that he
19 was trained and he was available for the
20 training on the security plan, and make sure
21 that information was available to him.

22 MEMBER JONES: But there were no -

1 - no consequences for him not following or
2 abiding by your expectations. Correct?

3 MR. PEARSON: I believe it was a
4 consequences as far as a verbal -- verbal
5 reprimand.

6 MEMBER JONES: Okay.

7 MR. PEARSON: But outside of that,
8 I wanted to make sure that he was trained
9 properly with the new current laws.

10 MEMBER JONES: As well as with the
11 security plan?

12 MR. PEARSON: Correct.

13 MEMBER JONES: Okay. In your
14 assessment, did that include an understanding
15 or a delta between what they were doing before
16 in their security practices and what you are
17 now going to be doing going forward and, if
18 so, can you summarize that?

19 So you came in because you were
20 made aware of the fact that they had some
21 concerns with security in their current
22 practices? You came and you were paid to do

1 an assessment.

2 The output of that assessment, I
3 am going to make a leap and say was to provide
4 some feedback as to how they could improve.

5 MR. PEARSON: Right.

6 MEMBER JONES: What were those
7 improvement steps that you detailed in your
8 assessment report?

9 MR. PEARSON: Just the handling of
10 customers and the handling of certain
11 situations that they may run across.

12 MEMBER JONES: Such as?

13 MR. PEARSON: Such as complaints
14 about drinks, how to deescalate that,
15 complaints on their money -- say money being
16 mistakenly picked up in the establishment,
17 because it's the environment we're in, how to
18 handle that situation.

19 The assessment as far as meeting
20 individuals at the front door, because the
21 front door is the gateway of anything that's
22 happening inside your establishment, getting

1 a better feed and a better read to turn away
2 certain patrons that may cause issues and
3 confusion in the establishment.

4 MEMBER JONES: Okay. So with that
5 specific example, what is different about what
6 they were doing before and what you propose
7 they do and you implemented in mid-May?

8 MR. PEARSON: What they were doing
9 before was almost like a machine in a sense.
10 There was really not too much interaction.
11 Now we interact, meaning get a better feel,
12 get a better feel of the individual that's
13 coming in.

14 We're more personable as far as --
15 because, as the individual comes in, just
16 using the front door, for example, you meet
17 this individual for the first time, it's kind
18 of intrusive that you're basically asking this
19 person to divulge whatever is in their
20 pockets, whatever.

21 Now, their presentation now is
22 they are verbally greeted, "Hello, how you

1 doing, ma'am? How you doing, sir? Welcome to
2 the Stadium Club. Would you mind removing the
3 objects out of your pockets? Or would you
4 mind opening your purse so I could see what's
5 inside your purse?"

6 So now, it's more -- a more
7 customer service-oriented instead of a machine
8 of "Come in. Let me see your ID. And, let's
9 get searched."

10 MEMBER JONES: Okay. Mr. Smart,
11 he was trained on the 2nd?

12 MR. PEARSON: Yes, sir.

13 MEMBER JONES: Okay. And were you
14 -- you were trained on the 2nd as well?

15 MR. PEARSON: I was retrained on
16 the 2nd as well.

17 MEMBER JONES: You were retrained
18 on the 2nd as well. The training that you
19 participated in, what -- did you have a -- did
20 you have any say or influence into the
21 curriculum or the construct of the training?

22 MR. PEARSON: I believe every --

1 every establishment is different. So, the
2 training was kind of molded for that
3 establishment.

4 MEMBER JONES: Okay.

5 MR. PEARSON: Of what that -- what
6 goes on.

7 MEMBER JONES: And you influence
8 that? Because you're saying Mr. -- somebody
9 else did the training.

10 MR. PEARSON: Correct.

11 MEMBER JONES: And you were
12 retrained during that training?

13 MR. PEARSON: Correct.

14 MEMBER JONES: Did you provide
15 feedback to this individual, I think, Jackson?
16 Did you provide feedback to him and say, "Hey,
17 I need this?"

18 MR. PEARSON: Ron Monroe. Yes.
19 We gave -- I gave feedback to Ron Monroe on --
20 in the process of the training.

21 MEMBER JONES: Okay. Well, I
22 guess I'm asking it from this standpoint.

1 I'll just cut to the quick.

2 So, on the 2nd, you were
3 participating in this training because you had
4 an incident and the thought was that this
5 training was to help show the divergence from
6 -- well, I should say the reinforcement of
7 practices that you should have followed on the
8 night of the incident and, going forward, this
9 training is now going to reinforce what those
10 proper practices are.

11 Was it -- was that introduced by -
12 - was that incorporated -- excuse me, into the
13 training session so that it was brought about
14 in a certain way. And, if so, how was it
15 brought about?

16 Like what -- what emphasis was
17 placed on it? How was it emphasized? What
18 was done differently in the training on the
19 2nd versus the training that you had prior to
20 that, since you were retrained, right?

21 MR. PEARSON: The training that we
22 had prior really didn't go through crime scene

1 incidents.

2 MEMBER JONES: Okay.

3 MR. PEARSON: Which was never
4 presented before, and I've been at several
5 establishments where that was never touched
6 upon.

7 So, this was a change in the
8 training practices and -- and that the
9 instructor was giving -- giving us.

10 How was it -- how was it
11 influential? It opened our eyes to as far as
12 -- as was stated earlier, it's not relying on
13 gut reaction, but more procedural-wise how to
14 handle a situation that -- for that incident
15 that occurred.

16 MEMBER JONES: Okay. All right.
17 And just to make sure I'm clear, so as far as
18 Anthony Smart was concerned, there was no
19 tangible consequence associated with him not
20 following protocol or not meeting your
21 expectations?

22 He didn't have to deal with

1 anything any more so than any of the other
2 employees, or in terms of getting trained,
3 make sure they are up to speed on the security
4 plan, et cetera, correct?

5 There's no unique corrective
6 action directed towards Anthony Smart as
7 opposed to the corrective action that you are
8 applying across all of your staff?

9 MR. PEARSON: Well the corrective
10 response was making sure that he was there
11 available for that training, making sure that
12 he was taking notes, asking questions. He was
13 very involved in the training.

14 MEMBER JONES: Okay.

15 MR. PEARSON: And very involved by
16 asking questions. And also demonstrating what
17 he thought was right and what was -- and from
18 the instructor view, corrected those -- those
19 normal techniques that he normally would have
20 done.

21 MEMBER JONES: Okay. And that was
22 different and distinct from all the other

1 staff how?

2 MR. PEARSON: It was more one-on-
3 one, because he was -- he was pulled to the
4 side as well.

5 MEMBER JONES: Okay.

6 MR. PEARSON: And -- and more
7 emphasis was on him as well, and also myself.

8 MEMBER JONES: Okay. All right.
9 Thank you. Thank you very much, sir.

10 CHAIRWOMAN MILLER: Did you
11 replace any employees after the incident?

12 MR. PEARSON: No, ma'am.

13 CHAIRWOMAN MILLER: But you
14 replaced them before?

15 MR. PEARSON: Yes, ma'am.

16 CHAIRWOMAN MILLER: Okay. Based
17 on their attitude, complacency or what did you
18 say? You said, you know, you replaced them
19 with new ones. For what reason?

20 MR. PEARSON: The reason, some of
21 the employees were -- the individuals were
22 replaced because of, one, they wasn't

1 reporting on time. Their production wasn't as
2 I would view as top quality.

3 Their appearance wasn't up to par
4 as far as with the dress code that they
5 already had initialized as far as being
6 dressed properly, shirts and their pants and
7 everything like that, giving a business look,
8 a professional -- a more professional look.

9 CHAIRWOMAN MILLER: Okay. Yes.

10 MEMBER JONES: On the training
11 that took place on the 2nd, were -- who was in
12 attendance?

13 MR. PEARSON: All the individuals?

14 MEMBER JONES: Yes.

15 MS. TODD: We provided you a list
16 with the certificates. Did you get that? Do
17 you still have that?

18 MEMBER JONES: I have -- I have
19 certificates, but I -- I don't have a list, so
20 are you asking should I -- I should -- I'm
21 taking from what your question is that I
22 should take the certificates as a list of

1 attendees?

2 MS. TODD: Would you like us to
3 compile a list for you and provide it to the
4 Board at another date? Is that what you are
5 asking -- requesting? I am just --

6 MEMBER JONES: No. I was asking
7 the security -- head of security.

8 MS. TODD: You want him to
9 remember everyone? I just -- I was confused
10 by the question. That is all.

11 MEMBER JONES: So, on the 2nd,
12 what was your expectation of who was to
13 receive the training on the 2nd, based on the
14 head of security's feedback?

15 Because, I am assuming he is
16 responsible for that aspect of it, in terms of
17 making sure his staff is trained and ready to
18 implement as to your -- as to your
19 expectation?

20 So, what was your expectation as
21 to who should have been trained on the 2nd.
22 So, is your response to the question, say,

1 everyone who got a certificate that was --
2 that matches your expectation?

3 MR. PEARSON: Everyone that works
4 in the field of security and involved in the
5 operations of Stadium was trained on that day.

6 MEMBER JONES: So everyone that
7 works in security and --

8 MS. TODD: Yes. We also trained
9 the bartenders as well that day. They got --
10 they got an alcohol awareness training as
11 well.

12 MEMBER JONES: Okay. And for that
13 training, is there an attendance list?

14 MS. TODD: I didn't provide an
15 attendance list because I thought I just
16 needed to do certificates, however I could --
17 we did have a list that we created from it
18 that we could provide to the Board if that's
19 necessary.

20 MEMBER JONES: Okay. And --

21 MS. TODD: I didn't think it was
22 necessary.

1 MEMBER JONES: So, based on what
2 you indicated, the 25th, this is the sign-in
3 sheet that was provided for the individuals
4 that worked on the 25th.

5 Are all these people still under
6 your employ, or your responsibility, to your
7 knowledge?

8 MR. PEARSON: I believe -- yes.
9 Everybody is still there. I don't remember
10 all the names that were on there. There was
11 an exclusion. I believe his name was -- I
12 don't know if he was on the sign-in sheet, but
13 D'Onte -- I forgot his last name.

14 MEMBER JONES: It is not on the
15 sheet, but there is a certificate in there for
16 D'Onte something-or-other.

17 MR. PEARSON: Mr. D'Onte's
18 employment has been expired from the Stadium
19 employ.

20 MEMBER JONES: Okay. So, he was
21 at the training on the 2nd, but he was fired
22 when?

1 MR. PEARSON: He was fired -- he
2 was fired --

3 MEMBER JONES: I just want to make
4 sure. So he was at the training on the 2nd,
5 yesterday?

6 MR. PEARSON: Yesterday. Correct.

7 MEMBER JONES: So he was fired
8 between sometime after the training and now?

9 MR. PEARSON: He was fired from --
10 he received training, but he was -- he was
11 moved or transferred from Stadium Club to
12 another location. So, he's not going to be
13 working at the Stadium Club.

14 MEMBER JONES: Okay. So he wasn't
15 fired?

16 MR. PEARSON: He wasn't fired.
17 I'm sorry.

18 MEMBER JONES: Okay.

19 MR. PEARSON: Wrong choice of
20 words.

21 MEMBER JONES: So he was
22 transferred -- assignments?

1 MR. PEARSON: Correct.

2 MEMBER JONES: All right. And
3 what was the reason for that?

4 MR. PEARSON: Of his transfer?

5 MEMBER JONES: Yes.

6 MR. PEARSON: Just on another
7 location.

8 MEMBER JONES: Okay.

9 MR. PEARSON: Nothing -- nothing
10 that he did wrong or anything. He just
11 transferred to another location.

12 MEMBER JONES: Okay.

13 MR. PEARSON: So I wasn't aware or
14 couldn't remember on that sign-in sheet, the
15 20 --

16 MEMBER JONES: The sign-in sheet
17 from the 25th?

18 MR. PEARSON: Correct.

19 MEMBER JONES: Okay.

20 MR. PEARSON: I didn't know if his
21 name was on that sign-in sheet.

22 MEMBER JONES: Got it.

1 MR. PEARSON: But I was letting
2 you know that he was no -- he is not on -- he
3 is not at that location anymore.

4 MEMBER JONES: Understood.

5 MR. PEARSON: But he did received
6 training on the 2nd.

7 MEMBER JONES: Okay. The reason
8 why I was asking is that there is an
9 inconsistency between the names on the list on
10 the 25th and the certificates, at least from
11 what I can tell.

12 Clearly, there is some nicknames
13 that are -- well, what appear to be nicknames.
14 There is a guy by the name of Bear. Another
15 guy by the name of Gladiator.

16 MEMBER SILVERSTEIN: Is that a
17 nickname?

18 MEMBER JONES: I don't know.
19 Can't really tell. So, it is hard for me to
20 make a direct correlation between the staff
21 that you say is still under your employ and
22 whether or not they actually received training

1 as per the certificate.

2 So, I was hopeful that a more
3 formal sign-in sheet may be of the attendants
4 of the training would help me do a better
5 correlation, but that is your --

6 MS. TODD: You are looking for the
7 certificates to match up with their nicknames,
8 as well? Is that what you are asking for?

9 MEMBER JONES: No, not at all.
10 I'm looking for there to be a correlation
11 between an employee --

12 MS. TODD: Well, the sign-in
13 sheet, if they had "Bear" and not used their
14 real name, we would not put "Bear" on the
15 certificate. So, that is what I'm asking.
16 You want a sign-in sheet that actually
17 reflects their -- their nicknames?

18 MEMBER JONES: I would like to
19 have the ability to correlate what you are
20 saying is the individual that was trained to
21 an individual that I can confirm is in your
22 employ.

1 And if I can't do that with
2 nicknames, then I will offer you an
3 opportunity to help me reconcile that.

4 MR. PEARSON: I can tell you the
5 government names of the individuals that you
6 have questions on. The individual named
7 Gladiator, his name is Keith Delts, which is
8 represented in the certificates.

9 You said -- you stated another
10 name.

11 MS. TODD: Bear.

12 MR. PEARSON: Bear?

13 MEMBER JONES: Bear.

14 MR. PEARSON: Bear is Anthony
15 Smart.

16 MEMBER JONES: Oh. Okay. Thank
17 you.

18 MR. PEARSON: Is there another
19 name?

20 MEMBER JONES: No. Those are the
21 -- well, those are the two nicknames that were
22 obvious.

1 MR. PEARSON: Okay.

2 MEMBER JONES: Thank you.

3 I'm done.

4 MEMBER SILVERSTEIN: Okay.

5 CHAIRWOMAN MILLER: Go ahead.

6 MEMBER SILVERSTEIN: My question
7 is, I thought I heard you say that you had
8 eliminated some people because they didn't
9 produce enough value, I think was the term you
10 used, and also that you didn't like the way
11 that some people came to work, their dress was
12 inappropriate or something like that.

13 And certainly, I understand that.
14 But you said that you had not taken any action
15 against the individual who had involved
16 himself in putting someone in a headlock,
17 which led to some of these problems and, in
18 fact, to the chief of police closing.

19 My question is -- is one of
20 culture here. I'm cool with the idea that you
21 want people to handle themselves in a
22 professional way, but I'm very concerned about

1 the failure to take action in a case where
2 it's in clear violation of the procedures that
3 you set forward and that led to such a serious
4 circumstance.

5 Are you saying that you are not
6 going to, that you wouldn't move this person
7 to another place, that you are setting the
8 example out to your employees, that you don't
9 really have to follow procedure in order to
10 maintain your job at this job site?

11 MS. TODD: I think --

12 MR. PEARSON: Well, one of the
13 things I would like to hang my hat on is that
14 I try to be very detailed and professional in
15 how I conduct my business.

16 One of the things that I would say
17 for every individual is that they get the
18 proper training and they are told.

19 Individuals make mistakes out of
20 rash reaction, but I wanted to make sure that
21 everyone has a chance to be trained properly.
22 I wanted to make sure that everyone has the

1 chance to know what is required of them and
2 how to proceed forward, in case they get into
3 that situation again.

4 I want to make sure that there is
5 training available, as stated also in the new
6 floor plan, that there is consistent training,
7 not just one training, but consistent training
8 so that these -- these reactions not only come
9 from, I guess, impulse, but by constant going
10 over what is required of them.

11 MEMBER SILVERSTEIN: This place
12 has been -- this licensee has been closed by
13 the chief of police because she feels that
14 there is an imminent danger here, and it was
15 because of actions that took place involving
16 a fight, involving someone who, A, was not
17 trained and, B, -- or at least was not, you
18 know, that you did not have training, and that
19 because of that and this violation of policy
20 led to this situation.

21 And you are saying to me that you
22 want to have a second chance, and I'm a little

1 concerned because of the gravity of the
2 situation, and the fact that this was the one
3 specific individual who clearly violated what
4 is pretty clearly written down there.

5 This is a -- this is a concern, a
6 specific concern, has nothing to do with
7 theory of training. It has to do with the
8 fact that somebody violated something that
9 blood flow -- that there was blood, that there
10 were serious injuries, and that that
11 individual is still there.

12 And the question is, is there a
13 message being sent here, that there is not --
14 that there may not be repercussions and
15 consequences?

16 MS. TODD: Mr. Silverstein --

17 MEMBER SILVERSTEIN: Yes.

18 MS. TODD: -- can I interrupt for
19 a second, because I don't want to distort some
20 of the facts that I think are happening here
21 with the security's role in this incident,
22 because I can concede to your point that Bear

1 -- well, I don't know which security person's
2 nickname it was, but this security person on
3 detail did follow his gut reaction, and that
4 was the problem.

5 But, the incident in terms of, I
6 think where the imminent danger came involved
7 with Chief Lanier, had to do with the fact
8 that there was an incident that happened that
9 I'm not sure if we can point to the fact that,
10 had he not jumped in and engaged, that those
11 incidents would have occurred irrespective of
12 the fact that he didn't call --

13 MEMBER SILVERSTEIN: Right.

14 MS. TODD: -- for backup.

15 So, I don't want to make it seem
16 as though his involvement is what caused the
17 imminent danger. The imminent danger
18 occurred, and what we are trying to do is
19 mitigate that by having everybody be retrained
20 so that they understand that.

21 We do want to try to minimize
22 these issues. Absolutely. And we agree with

1 you one hundred percent, that that is what the
2 consequence was.

3 We want to make sure that everyone
4 is trained, that they understand that. Since
5 he's new, I think that what he was doing
6 previously was let me see where people are not
7 willing to listen, aren't willing to
8 cooperate, and if I tell you to do one thing
9 and do it twice and I see that you are not
10 interested in doing it, then going forward,
11 now we understand that that is what is
12 happening.

13 So, I just wanted to make sure
14 that it didn't look like we were just not
15 taking this situation -- taking it lightly and
16 not holding him accountable for what he did.
17 Absolutely.

18 But, I'm -- even the MPD officer
19 that did the training yesterday -- because I
20 sat in on it as well, said that he
21 understands, as an MPD officer, that you do
22 have knee-jerk reactions when you see an

1 altercation.

2 Sometimes you will -- your knee
3 jerk reaction is to end it, not thinking that
4 there's glass involved and not realizing that
5 you are just trying to -- trying to solve the
6 problem.

7 So, with that being said, I think
8 that that is really what happened here, more
9 so than him trying to make it worse. And we
10 recognize that and -- and the MPD officer who
11 did the training recognized it as well.

12 MEMBER SILVERSTEIN: Well, we
13 certainly want to move this thing forward, and
14 we want to be looking both at what wrong, and
15 how we can --

16 MS. TODD: Absolutely.

17 MEMBER SILVERSTEIN: -- move
18 forward in a safe and positive way. We have
19 to be able to -- you know, we need both the
20 rear view mirror and the big windshield.

21 MS. TODD: Absolutely. I agree
22 with you one hundred percent on that.

1 MEMBER SILVERSTEIN: No further
2 questions.

3 CHAIRWOMAN MILLER: Okay. Mr.
4 Pearson, are you going to be involved in the
5 new security plan and the writing of the
6 additions that are represented in this
7 proposed OIC, or no? Okay?

8 MS. TODD: We have already updated
9 the security plan, and we worked with Geoff
10 Jackson on updating the security plan, because
11 we got the -- the agreement yesterday from
12 OAG, so we knew -- we knew it was coming and
13 we kind of had an idea of what was going on,
14 so we have a copy.

15 We just want to make some
16 additional additions, obviously, for any of
17 the Board's concerns.

18 CHAIRWOMAN MILLER: Okay.

19 MS. TODD: And we definitely have
20 no problem with working with him on that as
21 well, but he has a copy of it as well.

22 CHAIRWOMAN MILLER: Okay. Well, I

1 was just curious. Maybe they don't overlap,
2 but you had been evaluating the security, so
3 I didn't know if any of your recommendations
4 for improvement are going to be reflected in
5 the new security plan.

6 MS. TODD: Yes.

7 CHAIRWOMAN MILLER: Yes, they are.
8 Okay. Good.

9 MEMBER JONES: Madam Chair.

10 CHAIRWOMAN MILLER: Yes. Mr.
11 Jones.

12 MEMBER JONES: Just for
13 clarification.

14 So you have a new security plan.

15 MS. TODD: Yes.

16 MEMBER JONES: That security plan

17 --

18 MS. TODD: It's an updated one.
19 It's not new.

20 MEMBER JONES: Oh.

21 MS. TODD: Yes.

22 MEMBER JONES: Revised, updated?

1 MS. TODD: Yes.

2 MEMBER JONES: Is that better?
3 Security plan.

4 MS. TODD: Yes, but we are going
5 to update it again after this hearing today.

6 MEMBER JONES: Okay.

7 MS. TODD: So the --

8 CHAIRWOMAN MILLER: Right.

9 MS. TODD: -- communication from
10 the Board, as well.

11 MEMBER JONES: Okay. Is part of
12 the OIC to train your security staff on the
13 updated security clearance, the revised
14 security clearance?

15 MS. TODD: Yes. Well, the -- a
16 lot of what we've done -- a lot of what is in
17 the OIC was already in the security plan.
18 It's now getting everybody on the same page.

19 The updates that we have, like the
20 crime scene, for example, and add additional
21 injury -- like helping injured parties --
22 patrons, those things were added, but they

1 were already trained on those issues, as well.

2 But you are talking about for what
3 the Board's recommendations are, in addition
4 to that, those --

5 MEMBER JONES: So, whatever ends
6 up being in the final security plan.

7 MS. TODD: Yes. Everyone will
8 have a copy of that security plan.

9 MEMBER JONES: Will they be
10 retrained on it? Or trained on it. Not
11 retrained, because they haven't -- they don't
12 have that security plan, correct, because that
13 one is revised?

14 MS. TODD: Well, the security
15 plan, I don't necessarily think that there
16 needs to be a training unless the --

17 MEMBER JONES: Right.

18 MS. TODD: -- government proffers
19 for it to be a training. They do need to read
20 it and understand what is in it because
21 they've been trained already on security with
22 -- in the security plan that is there.

1 They may just need to know, okay,
2 this is where -- this is who -- like, for
3 example, we've added who our CPR personnel
4 are. So, they will need to know who those
5 people are in case there is an issue, to
6 contact those people.

7 So, there's things in there that
8 they need to know, and we are willing -- you
9 know, and we will have it -- and on the back
10 of the security plan we have a page where
11 everyone has to sign acknowledging that
12 they've read it.

13 So, we want to make sure that that
14 happens, and he will be the one handling that
15 going forward.

16 MEMBER JONES: Okay. But there
17 won't be a specific training on the revised
18 security plan is what I'm hearing, as is
19 planned right now. And that's fine. I just
20 want to understand.

21 MS. TODD: No, I --

22 MEMBER JONES: Okay.

1 MS. TODD: There is no -- there is
2 no specific training on the specifics of the
3 security plan as long as they have read it and
4 they know who to contact --

5 MEMBER JONES: Okay.

6 MS. TODD: -- for specific things
7 because the security plan is not changing so
8 much that there needs to be an additional
9 training from yesterday to today.

10 MEMBER JONES: So the training
11 plan is not training that much that there
12 needs to be an additional training --

13 MS. TODD: No.

14 MEMBER JONES: But not what --

15 MS. TODD: The -- they have been
16 trained on the security plan that we have in
17 place.

18 MEMBER JONES: The current one
19 that hasn't --

20 MS. TODD: The current one.

21 MEMBER JONES: -- been revised?

22 MS. TODD: No. But what I am

1 saying is, the revisions that were added --

2 MEMBER JONES: Yes.

3 MS. TODD: -- those were trained
4 on because, even though it is not in the plan,
5 Geoff Jackson knew to include those things
6 because I had already had a conversation with
7 OAG on Friday.

8 I relayed all those issues in
9 addition to all the things that occurred, so
10 he knew what to cover in the actual training.
11 We are just adding -- it is now just a matter
12 of form. We are just adding the language into
13 the plan, and now we are going to give it to
14 them so that they acknowledge it and have read
15 it, and we are going to make sure that they
16 all read it and sign off that they have read
17 it.

18 MEMBER JONES: Okay. I guess --
19 the sequence is off to me, but I think I
20 understand.

21 So, OA -- are you -- you guys
22 presented to us earlier that the meat that

1 provides you comfort with presenting to this -
2 - presenting to us this OIC, the meat, is
3 going to be in the details of the security
4 plan.

5 MS. TODD: Correct.

6 MEMBER JONES: Is your expectation
7 to get a copy of that to confirm?

8 MS. TODD: Correct.

9 MEMBER JONES: Okay.

10 MS. TODD: Yes.

11 MEMBER JONES: Okay. Thank you.

12 That is all.

13 Thank you, Madam Chair.

14 CHAIRWOMAN MILLER: I just want to
15 understand the chronology here, though. It
16 sounds like you -- the licensee has already
17 revised the security plan based on
18 conversations with OAG.

19 MS. TODD: Yes.

20 CHAIRWOMAN MILLER: And so it has
21 been revised in accordance with what is
22 delineated in the proposed offer and

1 compromise?

2 MS. TODD: Yes.

3 CHAIRWOMAN MILLER: And they were
4 trained on -- on all these items --

5 MS. TODD: Yes.

6 CHAIRWOMAN MILLER: -- yesterday?

7 MS. TODD: Because we knew what
8 they were going to be because we spoke to OIG
9 --

10 CHAIRWOMAN MILLER: Okay.

11 MS. TODD: -- on Friday. I spoke
12 with OAG on Friday, and so we wanted to make
13 sure that we had them trained, since we were
14 closed, and it would have been hard for us to
15 get them trained otherwise.

16 CHAIRWOMAN MILLER: Okay.

17 MS. TODD: Because we all had them
18 not working, let's get them trained and get
19 them --

20 CHAIRWOMAN MILLER: And you have a
21 revised security plan already, but you haven't
22 shown it to OAG yet?

1 MS. TODD: I've given her a copy
2 of it, yes.

3 MS. GEPHARDT: We -- I just
4 received it.

5 MS. TODD: But she just received
6 it today.

7 CHAIRWOMAN MILLER: Okay. So
8 then, it really just depends, if there are no
9 major differences --

10 MS. TODD: Yes.

11 CHAIRWOMAN MILLER: -- from the
12 Board, then there won't need to be more
13 training, but everybody will have to see what
14 is different in the plan.

15 But, if there is a major
16 difference --

17 MS. TODD: Yes.

18 CHAIRWOMAN MILLER: -- that
19 requires training, you would do it?

20 MS. TODD: Yes.

21 CHAIRWOMAN MILLER: Okay. Do you
22 have a question?

1 MEMBER BROOKS: No.

2 CHAIRWOMAN MILLER: Okay.

3 MEMBER SILVERSTEIN: It seems like
4 we would -- if there is no reason for us to
5 vote yes or no on the OIC right now until we
6 get the further information on whether this
7 meets with your approval, and then we could,
8 rather than take a pig in a poke, we could
9 move forward on this, all of us, with -- with
10 a better understanding of what it is that we
11 are voting on.

12 CHAIRWOMAN MILLER: Yes, right.
13 That -- that is something we were going,
14 anyway, but they -- I think they are further
15 ahead on schedule than we thought.

16 Basically, the next -- I think we
17 are finished with asking Mr. Pearson some
18 questions, and then we were going to just go
19 over where we thought the OIC need a little
20 more improvement.

21 And one of the items was going to
22 be that we were not really going to vote on

1 this until we saw the revised security plan
2 because that has all the details and the meat
3 in it.

4 And we would look at that in
5 conjunction, but this would be the road map of
6 what is remaining to do.

7 Do you have a question?

8 MEMBER SILVERSTEIN: I agree,
9 Madam Chair.

10 CHAIRWOMAN MILLER: Oh, yes.

11 MEMBER SILVERSTEIN: I think we
12 are all --

13 CHAIRWOMAN MILLER: I guess --

14 MEMBER SILVERSTEIN: I think we
15 are at this point --

16 CHAIRWOMAN MILLER: At this point.
17 Okay.

18 MEMBER SILVERSTEIN: -- in debt to
19 you for moving forward on this, as you have,
20 that -- that we can avoid the difficulty of a
21 full hearing, that this is -- this is, in
22 fact, half forward that you have presented us.

1 CHAIRWOMAN MILLER: Okay. So now,
2 I think that we are ready to move to that
3 place where we will just address the offer and
4 compromise and what -- what we need in order
5 to vote on this.

6 Okay. So, the first most basic
7 item which everybody seems to acknowledge, is
8 the security plan that contains -- the revised
9 security plan so that we can assess whether it
10 meets the representations made in the offer
11 and compromise.

12 As far as what we would like to
13 see reflected in the security plan that may
14 not be represented here, one is with respect
15 to training. And I think Mr. Pearson even
16 touched on it. It is pretty basic.

17 The frequency within which you do
18 the trainings --

19 MS. TODD: Yes.

20 CHAIRWOMAN MILLER: -- and when
21 there is a new employee, how soon -- or when
22 does that employee get trained. That should

1 be specifically addressed.

2 Separate from -- I just want to
3 deviate for one minute. Separate from the
4 security plan, it is -- OIG has stated that
5 they think the training is a really big issue
6 in this case, and we could see that, as well.

7 So, we would like you to address,
8 separate from the security plan, how training
9 -- what was the training like before and how
10 it is different now. How it is different, so
11 that it will address the problems that we saw
12 in this case.

13 And I think Mr. Pearson touched
14 upon that and was looking at that, anyway.
15 So, probably you have already assessed that,
16 but we -- we would like to see that in
17 writing, as well, so that we have some -- some
18 confidence that things have changed, as well.

19 And also, if you could address --
20 this was brought out also at this hearing --
21 if you have a policy before and after with
22 respect to ramification for failing to follow

1 protocol or approach, whatever that may be,
2 just so that the Board has an understanding of
3 that.

4 I mean, even including for this
5 event. I understand that that doesn't mean
6 that, oh, somebody -- something happened, you
7 didn't fire them. Why not? It is kind of
8 like what did you do and how was it, you know,
9 treated.

10 We don't think that we need you to
11 pinpoint security positioning, as you
12 addressed earlier, you know, because that may
13 be something that should be flexible or -- so
14 we don't have to have that.

15 But, we would like to know -- we
16 would like to see an approach and a rationale
17 for that as well.

18 MS. TODD: In the security plan?

19 CHAIRWOMAN MILLER: What?

20 MS. TODD: In the security plan?

21 CHAIRWOMAN MILLER: Yes.

22 MS. TODD: Okay.

1 CHAIRWOMAN MILLER: We would also
2 like to have added your commitment to replace
3 the glassware with plastic.

4 MS. TODD: In the security plan?

5 CHAIRWOMAN MILLER: Not in the --
6 in the OIC, anyway.

7 MS. TODD: Okay. Okay. Okay.

8 CHAIRWOMAN MILLER: Number nine of
9 the OIC talks about a representative meeting
10 periodically with the MPD district commander
11 or designee to review issues concerning
12 license operations and the activities of the
13 security personnel.

14 That is pretty vague. We would
15 wonder if you could make that more specific a
16 commitment. You know, of a certain period of
17 time or something to that effect.

18 Number eight, this seems to go to
19 calling 911, or whatever, and we just think
20 that -- we would like to see something in the
21 security plan -- I think this is in the
22 security plan -- where it's just very clear

1 when you call 911 or, you know what it is.

2 And finally, I think this is still
3 an issue. Mr. Jones, you can correct me if I
4 am wrong. But -- yes. Mr. Jones was asking
5 before about -- oh, well, it doesn't sign with
6 it -- who gets trained -- who gets trained and
7 what -- who are your employees, and did your
8 employees get trained.

9 And so, we went through this in
10 another case, but if it can be very clear for
11 the record, such as your employees identified
12 by the W-2 or their 1099, or that they are
13 specifically -- however it is, they are your
14 employees, and they have been trained.

15 I think, specifically with respect
16 to the security. But, let me make this one
17 other point also for the security plan.

18 I think you mentioned that in some
19 -- that in some instances, it is not just
20 personnel, a security personnel, it is the
21 bartenders have some role or the busboys have
22 some role or whoever has a role in any part of

1 security, even if they are not security
2 personnel, identify what it is that their
3 responsibility is.

4 And they may not need a "formal,"
5 big training, but they -- we want to know that
6 they've been explained and directed as to what
7 their role is and that they understand that.

8 All right. I think that covers my
9 list. Did I -- any Board Member see anything
10 that I forgot?

11 (No response.)

12 CHAIRWOMAN MILLER: Okay. Do you
13 have any questions about that?

14 MS. TODD: So just to be clear of
15 what is going in the offer confer agreement
16 and what is going into the security plan,
17 because I just want to know -- the only thing
18 that I see that we are changing from the --
19 that we are putting in the offer in the
20 agreement is the -- replacing the plastic cups
21 and --

22 CHAIRWOMAN MILLER: That can be --

1 I mean, it can be in either place. We just
2 want to know --

3 MS. TODD: It can be in -- okay.
4 You just want to see it written somewhere.
5 Okay.

6 CHAIRWOMAN MILLER: That they are
7 doing that.

8 MS. TODD: Okay.

9 CHAIRWOMAN MILLER: That they --
10 yes.

11 MS. TODD: Okay. Okay. And my
12 final question is, just after we have added
13 these changes into our security plan, which
14 can be done today, and they have changed the
15 OIC agreement, how soon, then, can the
16 establishment then reopen?

17 CHAIRWOMAN MILLER: As soon as the
18 Board --

19 MS. TODD: Approves.

20 CHAIRWOMAN MILLER: -- approves or
21 is satisfied with it. So, the sooner you get
22 it to us, the sooner we can look at -- look at

1 it.

2 MS. TODD: Okay.

3 CHAIRWOMAN MILLER: I mean, we
4 will do it as soon as we can. I can't really
5 commit to a time.

6 MS. TODD: Okay.

7 CHAIRWOMAN MILLER: I mean, we do
8 meet on Wednesday, but I -- I can't be sure,
9 you know, depending on when you give
10 everything to the Board, you know, how much
11 time Board Members are going to need to
12 analyze it or whatever. But we will do it as
13 quickly as we can.

14 You know, I know that -- I know
15 you are anxious to reopen, and we have to --
16 but our responsibilities, we have to be --

17 MS. TODD: Absolutely.

18 CHAIRWOMAN MILLER: -- assured
19 that we -- we have everything we need to be
20 comfortable that it is safe.

21 So, the sooner you get it to us,
22 the sooner we will look at it.

1 MS. TODD: Okay.

2 CHAIRWOMAN MILLER: If you have
3 already revised the security agreement, it
4 does not seem like it will take too long on
5 your part.

6 Do you have any questions?

7 MR. RIVERO: Yes.

8 CHAIRWOMAN MILLER: Okay.

9 MR. RIVERO: We are just going to
10 have to come up with a way or -- to attach
11 language where both parties make
12 representations that this is an offer and
13 compromise and, you know, we could do that by
14 way of signing or what have you.

15 But, part of the purpose of the
16 hearing is, of course, the Board, on the
17 record asks both parties do you agree to this
18 offer and compromise, and so there is that
19 assent on the record.

20 So, if the Board doesn't mind the
21 assent being made by written representations,
22 we can certainly send in a revised OIC

1 tomorrow, along with the revised security
2 plan, if that is the expectation.

3 MEMBER SILVERSTEIN: Could you --

4 MR. RIVERO: Pardon?

5 MEMBER SILVERSTEIN: If you could

6 --

7 CHAIRWOMAN MILLER: We want to
8 make sure we understand your question.

9 MR. RIVERO: Sure. When you have
10 an offer and compromise, the Board asks
11 questions of the parties, "Do you all agree to
12 this?" --

13 CHAIRWOMAN MILLER: Yes.

14 MR. RIVERO: -- and then it votes
15 on the agreement. There is not an agreement
16 right at this point in time where we are in
17 front of the Board, to which we can say "We
18 assent," because there are going to be changed
19 to that document.

20 CHAIRWOMAN MILLER: Yes.

21 MEMBER SILVERSTEIN: Right.

22 MR. RIVERO: So, if the Board --

1 if the parties don't have a problem with
2 dispensing with that requirement of orally on
3 the record, documenting that assent, we can
4 make those representations in writing when we
5 send the plan, the revised document that you
6 have in front of you.

7 CHAIRWOMAN MILLER: Right.

8 MR. RIVERO: Taking into account
9 these -- this discussion.

10 CHAIRWOMAN MILLER: Right.

11 MR. RIVERO: And append, of
12 course, the revised security plan, which was
13 never before you today.

14 CHAIRWOMAN MILLER: Right.

15 MR. RIVERO: What was before you
16 today was this document.

17 CHAIRWOMAN MILLER: Correct.

18 Right.

19 MR. RIVERO: This will be revised.

20 CHAIRWOMAN MILLER: Correct.

21 Okay.

22 MR. RIVERO: And typically, you

1 know, both parties then sign it. And so we
2 have agreed to -- we have a binding agreement.

3 So, if the licensee, you know,
4 agrees, we certainly don't take a different
5 view, we will make representations in writing
6 through signatures that we agree to the plan
7 contained in the document, and we can submit
8 it to the Board that way for the Board's
9 consideration without the necessity of having
10 us being in front of the Board and ask us, "Do
11 you agree? Do you agree?"

12 CHAIRWOMAN MILLER: I think that -
13 -

14 MR. RIVERO: That's the point I'm
15 trying to make.

16 CHAIRWOMAN MILLER: Do you have
17 any objection to that?

18 MS. TODD: I have no objection to
19 that, Your Honor.

20 CHAIRWOMAN MILLER: Okay. Okay.
21 That will work. And then we will have
22 everything before the Board for us to

1 evaluate and say, "Okay," you know --

2 MS. TODD: Yes.

3 CHAIRWOMAN MILLER: I do want to
4 make sure it is clear, what is coming in.
5 Okay. It is going to be a very little, but
6 somewhat modified OIC, the revised security
7 plan, a description on the training, before
8 and after.

9 MS. TODD: A discussion on the
10 training, because I handed you guys an agenda.
11 Are you guys giving that back?

12 CHAIRWOMAN MILLER: Yes, we will
13 give it back.

14 MS. TODD: Okay.

15 CHAIRWOMAN MILLER: Here is the
16 revised training. What we are saying is --
17 and I want to make this fairly simple. The
18 training was a big part of this case.

19 MS. TODD: Yes.

20 CHAIRWOMAN MILLER: And so,
21 therefore, we would like you to point out what
22 is different from training now, why is it

1 better now than before, so that we can be
2 confident, or more confident that it is going
3 to work.

4 So, separate from the security
5 plan, it is just --

6 MS. TODD: Yes, I agree.

7 CHAIRWOMAN MILLER: Okay.

8 MS. TODD: Can we make clear the
9 issues that we are going to cover so that we
10 make sure we meet what you guys -- what your
11 expectations are, because the government has
12 offered that the crime scene, cleaning up the
13 crime scene and not helping the victims and
14 not calling 911, even though we have evidence
15 that we did, were three of the major issues
16 that occurred after the fact.

17 So, are those the differences that
18 you are looking for in terms of what we have
19 done in the training?

20 CHAIRWOMAN MILLER: Well, the
21 crime scene, that is obvious.

22 MS. TODD: Yes.

1 CHAIRWOMAN MILLER: Right. Okay.

2 MS. TODD: Absolutely. I am not
3 saying that one -- one is more important.

4 CHAIRWOMAN MILLER: And I,
5 personally, I don't think it -- you know, that
6 kind of stuff -- you don't have to go into too
7 much detail about that. That's obvious.

8 You did have that before you had -
9 -

10 MS. TODD: Yes. I am not saying
11 to do that. I just want to make sure we are
12 on the same page as to what it is that you are
13 looking for in terms of --

14 CHAIRWOMAN MILLER: Well, I think
15 someone -- what the other issue was, you know,
16 following protocol.

17 MS. TODD: Okay.

18 CHAIRWOMAN MILLER: They didn't
19 follow it before. What -- are they going to
20 follow it --

21 MS. TODD: Yes. That's what I
22 wanted to hear.

1 CHAIRWOMAN MILLER: Yes.

2 MS. TODD: Okay. I just wanted to
3 know what you wanted me to write on here.
4 Okay.

5 CHAIRWOMAN MILLER: Okay. And if
6 there is anything else, you know, that stands
7 out to you.

8 I think you could also address in
9 the training, just -- this is going to be --
10 probably going to be in the security plan as
11 well, but the issue about the staff, the
12 busboys, you know --

13 MS. TODD: Okay.

14 CHAIRWOMAN MILLER: -- but I think
15 that is different than it was. So, the rest
16 is kind of a -- oh. The -- and then the list
17 of employees and certificates or whatever, the
18 match-up.

19 MS. TODD: Okay.

20 CHAIRWOMAN MILLER: Okay.
21 Anything else?

22 (No response.)

1 CHAIRWOMAN MILLER: Okay. Do you
2 want this back? That hospitality training?

3 MS. TODD: Yes, please.

4 CHAIRWOMAN MILLER: And the --
5 anything else you need?

6 MS. TODD: The certificates --

7 CHAIRWOMAN MILLER: For now.

8 Okay.

9 MS. TODD: And everything else I
10 think you do have. We have copies of
11 everything else.

12 CHAIRWOMAN MILLER: Okay. Fine.
13 Okay. If there aren't any other questions,
14 then we will look forward to your submission.
15 Okay.

16 All right. Then, this hearing is
17 adjourned.

18 (Whereupon, the hearing was
19 concluded at 5:44 p.m.)

20
21
22

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