DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

La Kazbah, LLC
 t/a Marrakech Restaurant Fact-
2149 P Street, NW Finding
Retailer CT - ANC-2B Hearing
License No. 90204
Case #15-251-00108

(Aggravated Assault Inside
of the Establishment)

June 24, 2015

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street, N.W.,
Suite 400S, Washington, D.C. 20009, Chairperson
Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

EARL JONES, ABRA Investigator
CHAIRPERSON MILLER: Okay. Good afternoon, everyone. So we are here for Case No. 15-251-00108, Marrakech Restaurant, which is located at 2149 P Street, N.W., License No. 90204, in ANC-2B.

And we have invited you all for what is called a Fact-Finding Hearing. It is not an evidentiary hearing. No one is on trial for anything. We are not taking evidence, but we do want to gather a little bit more information about some facts relating to an incident that occurred on June 6th, on which date Chief Lanier did close the establishment, and the Board, at that time, did not continue the suspension.

Why don't I ask you first to introduce yourselves for the record?

MR. HAKAR: Ailani Hakar, the owner of Marrakech Restaurant.

CHAIRPERSON MILLER: Okay.

SERGEANT MABLE: Detective Sergeant
Anthony Mable, MPD.

CHAIRPERSON MILLER: Detective Mable?

SERGEANT MABLE: Sergeant, yes.

CHAIRPERSON MILLER: Okay. Sergeant?

What did you say? Sergeant?

SERGEANT MABLE: Yes, ma'am.

CHAIRPERSON MILLER: Okay.

SERGEANT MABLE: M-A-B-L-E.

CHAIRPERSON MILLER: Welcome Mable.

I'm sorry, could you spell your last name?

SERGEANT MABLE: M-A-B-L-E.

CHAIRPERSON MILLER: B-L-E. Right.

SERGEANT MABLE: Yes.

CHAIRPERSON MILLER: Yes, hi.

LIEUTENANT ROMAN: Hi, I'm Lieutenant Patricia Roman.

CHAIRPERSON MILLER: Lieutenant Patricia Roman. Okay.

LIEUTENANT ROMAN: Yes.

CHAIRPERSON MILLER: Welcome. Thank you. Mr. Jones?

INVESTIGATOR JONES: Investigator Earl
Jones with ABRA.

CHAIRPERSON MILLER: Okay. I think what I would suggest is if we just might start with Mr. Jones to give us the report related to this case.

INVESTIGATOR JONES: Oh, okay.

CHAIRPERSON MILLER: Did you have something else in mind?

INVESTIGATOR JONES: Well, I don't want to tell you how to -- I know normally we would have -- no, I'll go ahead and do it.

CHAIRPERSON MILLER: If you have a better suggestion, I'm --

INVESTIGATOR JONES: Oh, I don't have a better suggestion. I thought we normally would have MPD.

CHAIRPERSON MILLER: Oh, if you would like to, because often I have been in the room where I have asked MPD and they always defer to the Investigator first, but if you all would like to proceed first, that would be just fine.

SERGEANT MABLE: Whatever your
procedures are. I don't mind.

CHAIRPERSON MILLER: See sometimes that depends on the facts of the case. So I don't really have a preference. Do you?

MEMBER SILVERSTEIN: Well, whoever has done the most recent work on it would probably be best.

SERGEANT MABLE: Well, we have a continuing investigation going on in relation to the criminal part of it, yes. So where would you like me to start? Just in reference to --

CHAIRPERSON MILLER: Well, a background first and then where we are now?

Where you are now.

MEMBER ALBERTI: Well, maybe --

CHAIRPERSON MILLER: Yes?

MEMBER ALBERTI: -- you could speak to what your knowledge of the incident on June 6th.

SERGEANT MABLE: Okay.

MEMBER ALBERTI: So start there.

SERGEANT MABLE: Okay.

MEMBER ALBERTI: What did you observe?
I mean, why were you called? I mean, just can you talk about that incident?

SERGEANT MABLE: Yes.

MEMBER ALBERTI: You know and which --
you know, the incident that led to the police closure.

SERGEANT MABLE: Okay.

MEMBER ALBERTI: So you can talk to us about that.

SERGEANT MABLE: Great.

MEMBER ALBERTI: Okay.

SERGEANT MABLE: Well, basically, there was an incident inside of the club where, I guess, two complainants were dancing on the dance floor and one of them accidentally bumped into another guy.

CHAIRPERSON MILLER: Yes.

SERGEANT MABLE: At that point, his drink was wasted on himself and he became a little agitated. At that point, he got a little agitated. I believe some words were exchanged. The guy offered to buy him another drink. He
refused that and, at that point, I believe, they
began a fight, a physical fight between those two
guys.

There were several other suspects who
jumped in on the fight as well as the guy that
was dancing with the first guy. The melee
between those, I guess, two people versus the
seven folks and a female.

Security was called. They came to the
scene and separated the incident. To my
knowledge, the complainant went back and he
pushed his drink out of the suspect's hand again.
At that point, another melee began and security
came back and put the guys out.

He appeared to go out, you know. Now,
the video is kind of grainy, but it appears that
the guy walked out the club on his own. And he
came outside. They had two officers outside
working the club detail. It doesn't appear that
they were notified of anything going on inside at
that point.

Within our investigation it shows that
the club after talking to some of the bouncers, they had asked the guy did he need an ambulance or anything like that, he refused. They went back to their hotel through, I guess, a cab and later on that evening after, you know, sleeping a little while, they called for ambulance and went to the hospital.

CHAIRPERSON MILLER: Yes.

SERGEANT MABLE: We were called by the hospital actually.

CHAIRPERSON MILLER: Okay.

SERGEANT MABLE: Later on that evening, so one of my detectives went to the hospital and the other one went to the club and reviewed the video. And that's the basis of what happened that day. And from then on, you know, an investigation continues.

CHAIRPERSON MILLER: So you sent one to the hospital and one to the club? But then when was it decided to close the place?

SERGEANT MABLE: I'm not sure. That didn't fall on my department.
CHAIRPERSON MILLER: Okay.

SERGEANT MABLE: It come from downtown, so I don't know, yes --

CHAIRPERSON MILLER: Okay. Okay.

SERGEANT MABLE: -- when it took place.

MEMBER SILVERSTEIN: Mr. Jones.

CHAIRPERSON MILLER: Yes? Oh, Mr. Jones? Oh, no, wait a second.

MEMBER SILVERSTEIN: We can call the Investigator.

CHAIRPERSON MILLER: Well --

MEMBER ALBERTI: May I ask a question?

CHAIRPERSON MILLER: Do you have a question for the sergeant? Yes.

MEMBER ALBERTI: Yes. Sergeant Mable, so I'm just going to read what you said very briefly. So there was a large fight, seven people or more inside, according to what information you were given?

SERGEANT MABLE: Yes, sir.

MEMBER ALBERTI: You saw this on the
video?

SERGEANT MABLE: No, you can't see the
-- the fight is not shown on video at all.

MEMBER ALBERTI: Okay.

SERGEANT MABLE: The video only shows
the -- pretty much the outside.

MEMBER ALBERTI: Okay.

SERGEANT MABLE: You can see some of
the inside, but you don't see the fight on the
video.

MEMBER ALBERTI: All right. So --

CHAIRPERSON MILLER: Okay.

MEMBER ALBERTI: -- according to your
information, there was a large fight inside,
right? And they broke -- security broke it up.

SERGEANT MABLE: Yes, it was --
according to the complainant, it was like seven
people who jumped on him.

MEMBER ALBERTI: And security broke it
up, right?

SERGEANT MABLE: Correct.

MEMBER ALBERTI: And then it started
again? How did it start again?

SERGEANT MABLE: Well, I don't know if he broke up the fight per se, but the incident itself was squashed by security.

MEMBER ALBERTI: Okay.

SERGEANT MABLE: And then it appears, well, coming from some of the witness' statements, that the actual complainant came and knocked another drink out of his hand, that's when the fight actually really, really erupted --

MEMBER ALBERTI: Okay.

SERGEANT MABLE: -- at that point.

MEMBER ALBERTI: And then what happened? Did they throw --

SERGEANT MABLE: At that point, it appears that bouncers and security took the guys out of the club, the two guys out. And as they were taking them out, he grabbed one of the guys, you know, dreadlocks from his head and they had to physically make him let go of the dreadlocks and then they took him outside, escorted him out.

MEMBER ALBERTI: Did they have
reimbursable detail outside?

SERGEANT MABLE: Yes, they did.

MEMBER ALBERTI: And when were they notified?

SERGEANT MABLE: I don't have that knowledge. I know they never went into the club. But I believe outside there was some kind of flashlight or something like that flashed and that's when the security -- the outside reimbursable detail was notified through this blinking light or whatever or flashlight.

MEMBER ALBERTI: All right. Because that's a concern to me is how quickly they notified the reimbursable detail. And that's why I wanted you to --

SERGEANT MABLE: And that was when everybody was leaving the club, they had the flashlight. You can kind of see it on the -- like I said, it's really grainy the video that I saw. The detective said he saw it actually there, so it's a lot clearer.

MEMBER ALBERTI: Yes.
SERGEANT MABLE: But what I got was kind of grainy.

MEMBER ALBERTI: Okay. Thank you.

That's helpful. Thank you so much.

CHAIRPERSON MILLER: Any other questions? Lieutenant, did you want to add anything, at this time?

LIEUTENANT ROMAN: No.

CHAIRPERSON MILLER: Okay. And you will get a chance to, don't worry. Okay. Mr. Jones, do you want to add anything at this time?

INVESTIGATOR JONES: Not really. I think that I guess the questions I can kind of elaborate on things.

CHAIRPERSON MILLER: Yes.

INVESTIGATOR JONES: But what the detective mentioned is pretty much what took place.

CHAIRPERSON MILLER: And you know that based on?

INVESTIGATOR JONES: From my interviews as well as video footage.
CHAIRPERSON MILLER: Okay.

INVESTIGATOR JONES: Yes, ma'am.

CHAIRPERSON MILLER: All right. And you have video footage with you. Is that right?

INVESTIGATOR JONES: Yes, ma'am.

CHAIRPERSON MILLER: Okay.

INVESTIGATOR JONES: It's grainy like the detective just mentioned, but we will talk about that as well.

CHAIRPERSON MILLER: Okay. I think maybe just before we go into the video, I just want to check with Mr. Hakar.

MR. HAKAR: Me.

CHAIRPERSON MILLER: Do you have anything you wanted to add, at this point?

MR. HAKAR: Yes. Thank you for asking the question about if we had police detail or not, because the day when they close us down, they said we didn't.

CHAIRPERSON MILLER: Oh.

MR. HAKAR: And it was wrong, because I got a call from the Chief of Police Commander.
He said he is coming to shut me down between 5:00 and 6:00. I asked him is there reason, the other reason why you are doing that? He said well, you will know when we get there, so you better be there to be served. I never been so -- I never been to police station before, so I -- so what does it mean to be served? He said we coming to shut you down. You better be there between 5:00 and 6:00.

Well, the first thing I did is I called Mr. Jones, because he came a couple of times and gave us his card and I had his card in my hand. And I said the only person who can actually help me out on a Sunday is an ABRA person.

So I called and he was kind enough to come in to the establishment and ask us questions and look at the video and see what happened. And we tried to figure out who the person that actually got hurt, because we don't know who the person is, because we have cameras. We inherit these cameras from the previous owners. And we
try to figure out where the incident was. At the
time when the person was leaving, it was 2:00.

People still dancing on the dance
floor. If there was a big fight, don't you think
that these people would stop and start looking at
the fight? Nobody did.

So we waited from 5:00 to 6:00, nobody
showed up. So they showed up at 8:00 and they
posted, they close us down. And I was like why
did you say, didn't you say you were supposed to
be here at 6:00, so you can -- they said that
that's just a little technical stuff. That's
fine.

Half hour later they came back. They
took the poster down and they put another poster
that is supposed to be 6:00. And I told the
officer, this is wrong. You should leave it as
is. And you should -- the poster said 6:00, it
closes at 8:00. I know it's technical, but he
goes no, I take the blame for it. It's my
mistake. I was supposed to be bringing this a
long time ago.
I said well, is there somebody to talk to about this issue? So the next day, I went to D2 and I talked to Commander Hill. I said so you guys shut us down yesterday. This is the name of my business. He went upstairs and he came down and he goes no, we never shut you down.

I was like what do you mean? He said well, apparently, according to Commander Hill said that our party is called Aura Party. Our restaurant is called -- the business is called Kazbah and the restaurant is called Marrakech, that's what the police detail is based on.

So they went and typed Aura instead of typing the address of the business. It came up that we don't have no police detail. We have no liquor license. Maybe that's where they made the mistake.

First of all, they said we didn't -- we failed to call the police. We pay police detail to come in there and assess the situation. It's up to them to make the call, because that's why we pay them.
And he said no, we never had -- you never called 911 and we also come and measurement to the neighbors. We been in that place for four years. You guys probably had that space here so many times before -- four years before. Almost every two months you guys had an issue with that space. We been there for four years. Not even a single infraction. Not even a single call.

And those guys came out and make us become -- the poster still on the wall. And we had reservations on Sunday, Monday and Tuesday and we had to make excuses. We cannot tell our customers that they shut us down because we are endangerment to the neighborhood and probably didn't call the police detail.

We called them so many times. We tried to talk to different detectives and different police officers. We explained to them that we had the police detail. You should go on the invoice that we pay, that we got on Monday from detail, that the police were there. Nobody wants to listen to us.
And it was an obvious -- I mean, I'm not saying maybe we did something wrong. We are not fully knowledgeable of probably the club business, but we followed, because I followed things to the letter. Everything that they asked for, cameras, police detail, six security guys on 120 people in the club.

So more than that and then we try to tell them that there was a mistake we made. Can you just, you know, consider or talk to -- he said no, we cannot do anything about it. So that's pretty much the extent of what happened.

MEMBER SILVERSTEIN: What was the last part about making changes?

MR. HAKAR: I'm sorry?

MEMBER SILVERSTEIN: What was the last thing you said? I'm sorry, I didn't hear it.

MR. HAKAR: Changes about?

MEMBER SILVERSTEIN: The last thing that you said, that something --

MR. HAKAR: Oh, I asked them. I called them to like reverse their decision, based
on the fact that they actually made the mistakes on even the letter that they served me with, that they said we had -- we didn't call -- failure to call 911. And I called them and said why don't you look at your police detail and you know the police were right there talking to whoever the person, supposedly the victim, and you know that at least one of the two -- you know, being -- the measurement is very relative, the neighbors are very relative.

But one fact is either we do or we don't have police detail. And that is when they made the mistake, because we had the police detail.

CHAIRPERSON MILLER: Okay. I just want to note that Mr. Jones has joined us at the end of the dias.

MEMBER JONES: Thank you, Madam Chair.

CHAIRPERSON MILLER: Were you there that day, that evening?

MR. HAKAR: I was there. That was a very slow night. I was there until 2:15.
CHAIRPERSON MILLER: Yes.

MR. HAKAR: I saw that my security was there, my two managers were outside, because we try to make sure, as good neighbors, we don't want people to be standing outside in the middle of the night and screaming. We try to get my managers outside as well as the police detail.

CHAIRPERSON MILLER: Yes.

MR. HAKAR: And told the security guys to move people, because people start coming out of the club and try to -- because between us and The Fire Place, it's too much mess. Just try to get people out of the way. This way we don't have problems with the neighbors.

I saw everything was in place. I left around 2:15. And there was no issues until Saturday night when a detective came in and he wants to talk to me about an incident that happened that I thought was something minor. It turned out to be probably bigger than what I thought, you know.

CHAIRPERSON MILLER: Okay. Thank you.
Any other questions? Mr. Alberti?

MEMBER ALBERTI: So, Mr. Hakar --

MR. HAKAR: Yes, sir.

MEMBER ALBERTI: I want to thank you for coming in. I mean, we are not here to sort of discuss what MPD did. I mean, that's not our purview and that's more than we get. But you have -- you know that we reviewed this and didn't find any cause to continue the closure.

MR. HAKAR: Yes.

MEMBER ALBERTI: So we are here. But I -- so are you -- I'm sure you have talked to staff about what happened that night.

MR. HAKAR: I have talked.

MEMBER ALBERTI: All right. And so are you aware of any sort of fight of any significance in the establishment that night?

MR. HAKAR: Yes. I think there was an incident as the --

SERGEANT MABLE: Sergeant.

MR. HAKAR: -- Sergeant said. It's the same incident, that the same -- that the
security guy told me the same thing. The guy spill a drink on somebody and they got into an argument and the guy tried to get in the middle, security guy tried to get in the middle of it to break it up. But we have six security guys with 120 people, because it was a very, very slow night, and try to, you know, diffuse it as fast as they can.

But again, when somebody say oh, I don't want to do the thing -- I never heard about the one coming back and spilling the drink again on the person. I didn't hear that from my guy. But all what I heard was that they broke the fight. And then they notified the manager that was in the front by radio that they are bringing a guy down because of the argument and all that stuff.

And they notified police officers they were bringing somebody down, because they were fighting upstairs.

MEMBER ALBERTI: Okay.

MR. HAKAR: And then the police
officers -- so from the door when the guy was coming and he talked to him and asked him if he needed assistance or you need an ambulance. He asked him four times if he needed an ambulance. He said no, I don't need anything. I just want to go. I don't like people from DC. I'm from New York. We have better fun in New York.

CHAIRPERSON MILLER: Okay.

MR. HAKAR: I just want to go home. And I said -- the officer said okay, are you sure you don't need any assistance? I mean, they did their job. And the guy walked probably about a half block because they called Uber and Uber came in and for whatever reason the girl told Uber to go around and Uber probably refused, that's what I heard, and then the girl and the guy walked down all the way to The Fire Place to catch a taxi from there. And that's it.

MEMBER ALBERTI: So your staff notified MPD when they were bringing someone out?

MR. HAKAR: Yes. And two managers were downstairs on the street, because of the
closing time that we have to --

MEMBER ALBERTI: Okay. Which is great

procedure.

MR. HAKAR: Okay.

MEMBER ALBERTI: That's what we want to hear.

MR. HAKAR: And that actually was the question light to us. And when he flashed the light, meaning that somebody is coming down.

MEMBER ALBERTI: That's how they do it. All right.

MR. HAKAR: And maybe -- because mainly reason I got somebody that knows -- I am a restaurant guy. I got somebody that understands the club business, the club industry and we --

this way we can work it the right way. We don't want to be sloppy because we know what the neighbors are like.

MEMBER ALBERTI: Okay. So how many reimbursable details?

MR. HAKAR: We get two.

MEMBER ALBERTI: Two?
MR. HAKAR: Yes.

MEMBER ALBERTI: All right. And how often do you have them?

MR. HAKAR: We have them every time we have an event.

MEMBER ALBERTI: Pardon? Every time you have an?

MR. HAKAR: Every time we have an event. If we have an event, we have -- we call them.

MEMBER ALBERTI: What is an event?

MR. HAKAR: Event is when we get together with a group of people. Say you want to come in, you want to party, you want to throw a party at our club and we host that.

MEMBER ALBERTI: Okay. Because you also have a restaurant there?

MR. HAKAR: Yes, um-hum.

MEMBER ALBERTI: What's the name of the restaurant?

MR. HAKAR: Marrakech.

MEMBER ALBERTI: Oh, the restaurant is
1 Marrakech.

2 MR. HAKAR: Um-hum.

3 MEMBER ALBERTI: And then what is

4 the --

5 MR. HAKAR: It's Marrakech. The whole

6 entity is Marrakech.

7 MEMBER ALBERTI: I know. But what do

8 you bill the event space as?

9 MR. HAKAR: The -- it's like for

10 example, it's Aura is more like a feel-good type

11 of party. Like you give a name to the party.

12 It's not the --

13 MEMBER ALBERTI: Okay. So you give

14 the party a name.

15 MR. HAKAR: Yes. We give a name to

16 the party, yes.

17 MEMBER ALBERTI: Okay. I gotcha. I'm

18 starting to understand. All right. All right.

19 All right. And that's not like -- is there a

20 regular schedule for these Aura parties or these

21 events?

22 MR. HAKAR: Well, it was -- we do only
-- we used to do Friday and Saturday. And then
it was a little bit too much for the neighbors.
And we cut Saturday and we just want to do just
Friday. And it was even too much for the
neighbors. And we said even actually that
morning of the last party --

MEMBER ALBERTI: Yes.

MR. HAKAR: -- we decided that that is
going to be the last party. Because I don't want
-- I would rather keep the restaurant and have a
good relationship with the neighbors. We thought
that is going to, you know, go smooth. There is
no issues. You know, and we can keep it. But
the more you do, you get into the club industry,
the more you don't want to do it any more.

MEMBER ALBERTI: Okay.

MR. HAKAR: And we just wanted --
that's not the -- the last one since we had the
incident, we never had another party again.

MEMBER ALBERTI: So I mean, I am
asking some questions about the layout and this
is going to go towards questions about cameras
later.

MR. HAKAR: No problem.

MEMBER ALBERTI: So the restaurant, you have two floors here, right?

MR. HAKAR: We have the restaurant on first floor.

MEMBER ALBERTI: Is the restaurant used --

MR. HAKAR: And we have two floors.

MEMBER ALBERTI: Above that? And do you generally use those floors?

MR. HAKAR: Not mostly the third floor, just that first floor where the club is, because the restaurant is almost like separate. We don't allow any parties in the restaurant or something like that, just the first floor, because that's separate door.

MEMBER ALBERTI: For the restaurant?

MR. HAKAR: To the upstairs. Yes. It is the restaurant. It has a separate door.

MEMBER ALBERTI: Yes.

MR. HAKAR: And then the lounge is
MEMBER ALBERTI: Oh, the lounge is upstairs?

MR. HAKAR: Yes, upstairs that's where we have the event and we host the event.

MEMBER ALBERTI: Okay. But is the lounge open on a regular basis?

MR. HAKAR: We open it as just as a bar.

MEMBER ALBERTI: Okay.

MR. HAKAR: We close only Monday and we open the rest of the week.

MEMBER ALBERTI: Great.

MR. HAKAR: From 6:00 to midnight.

MEMBER ALBERTI: Okay. All right. So you mentioned about having the cameras,

inheriting the cameras from the previous owners.

MR. HAKAR: Yes.

MEMBER ALBERTI: Why did you make -- I think I know, but why did you make that comment?

MR. HAKAR: Well, because we inherited
because it's a used space and it's very, very --
because we were not even thinking about even
having a nightclub at all. The thing is the
economics. The thing is the rent is so high and
the restaurant, ethnic restaurant is not like --
it's not that -- you go to Moroccan food probably
once a year.

MEMBER ALBERTI: Yes.

MR. HAKAR: So we figure we can boost
our income with one event a week. It will help
us pay for the rent and pay for everything else.
The reason I said inherited because these
cameras, at some point, they freeze sometimes.

MEMBER ALBERTI: They what?

MR. HAKAR: They freeze. They --
CHAIRPERSON MILLER: Freeze.

MR. HAKAR: Yes.

MEMBER ALBERTI: Okay.

MR. HAKAR: So what we did after a
recommendation from Mr. Jones is that we needed
to redo them again. And we hire somebody last
week and we redid all the cameras and we actually
just -- I send him -- I showed him the invoice and I showed him some of the position of the camera. They ask us for like to be able to see the door, should be right at the bar, so we have seven cameras that are functional and working.

MEMBER ALBERTI: Okay. Very good. I'm not going to ask any more questions. I'm sure there is going to be more questions about that, but I'll let that -- I'll stop right here.

MR. HAKAR: All right.

MEMBER ALBERTI: But thank you very much. You have been very helpful.

MR. HAKAR: Thank you.

CHAIRPERSON MILLER: Others? I just have a couple follow-up. I wasn't clear what you said with respect to you changing your operations. Are you stopping having a club? No?

MR. HAKAR: No, no, no, no. We stop the club.

CHAIRPERSON MILLER: Okay.

MR. HAKAR: I have two kids. I want to go home and sleep. You know, I went away on
vacation. I have another business at the salon, another restaurant, another club. And since we have the club, we just -- neighbors are not happy. The noise, turn the music down, we don't want people in the street.

I'm not saying that they are right or I'm wrong. It just time not to have these events. Should be able to just make whatever and just stop these parties. I just don't want to have this.

I mean, we are open. We open a bar. If we make money, we make money. If we don't make money, it's fine.

CHAIRPERSON MILLER: So the area that was used for this club is just like a regular bar/lounge?

MR. HAKAR: Yes.

CHAIRPERSON MILLER: But no nightlife parties?

MR. HAKAR: Well, it used to be. It used to be. I don't know if you -- I mean, it used to be Pasha.
MR. HAKAR: You know, back in the day and he has the -- so and back in the day, it used to be the party place. And we try to do a lounge for a period of time. So we apply for the hookah license almost probably three years now and we still have. Our purpose is actually to have the hookah and a bar and we call it a day, because we can make up the difference in the hookah and all that stuff. We are still waiting for the license. They say you can serve hookah, but we still waiting for the license to begin. Three years now.

MR. HAKAR: Yes.
CHAIRPERSON MILLER: Okay. So that's how you alerted the police.

MR. HAKAR: That's -- to my knowledge, I'm a restaurant guy again, maybe work in club business for so many years, that's how been told that they notify, because he used to own his own club and the same security people used to work for him, so they are very, very familiar with how to work a fight.

CHAIRPERSON MILLER: Okay.

MR. HAKAR: And I think what happened is that they escort one person and then 10 minutes later they escort the other person out by notifying the management in the front as well as the police detail.

CHAIRPERSON MILLER: Okay. And you didn't call 911, you dealt with the police that were there or what?

MR. HAKAR: Well, this is the tricky side.

CHAIRPERSON MILLER: Okay.

MR. HAKAR: From my understanding, if
I'm paying police detail to be there, they are police officers still. They are the 911. They are the one that make the call either to call or not to call.

If you are coming to me, I'm walking in the street and I fell and a police officer was standing right there and he say want me to file a report for you? And you say no, no, no, I can go home. I don't care. I just want to go home. Maybe that's the judgment of police officer not to call or probably he didn't see that there was enough reason to actually call for backup or call 911 or even because the guy refused four times been asked if he wants an ambulance. He said no, I just want to go home.

CHAIRPERSON MILLER: Okay. Okay. Thank you. All right. Any other questions?

MEMBER SILVERSTEIN: Footage.

CHAIRPERSON MILLER: Do we want to see the video?

MEMBER SILVERSTEIN: I want to see the footage.
CHAIRPERSON MILLER: Okay. Mr. Jones, do you have footage there?

INVESTIGATOR JONES: Yes, I do, ma'am.

CHAIRPERSON MILLER: Okay. How long is it? Like what do you have?

INVESTIGATOR JONES: Well, I specifically would like to -- the part that it is grainy, but not as grainy as the outside, which is really what we need to focus on.

CHAIRPERSON MILLER: Okay.

INVESTIGATOR JONES: I believe. And what -- to encompass what was really the matter of the closure. The other piece, well, I wanted to offer -- are we going to excuse MPD or --

CHAIRPERSON MILLER: Oh.

MEMBER ALBERTI: No.

CHAIRPERSON MILLER: Well --

MEMBER SILVERSTEIN: I had a couple of questions.

CHAIRPERSON MILLER: Oh, you have --

MEMBER SILVERSTEIN: But I want to see the video first.
CHAIRPERSON MILLER: Are you in a hurry? Are you in a hurry? Can you hang out?
You are in a hurry?

SERGEANT MABLE: Well, I wouldn't say hurry. I'm fine.

CHAIRPERSON MILLER: Do you want to ask your questions now?

MEMBER SILVERSTEIN: Yes.

CHAIRPERSON MILLER: It sounds like -- we don't like to detain them unnecessarily.

MEMBER SILVERSTEIN: I could. I just want to determine in terms of the facts what we know, what we think we know and what source this information was.

There was some sort of fight in there. We do not have any video of the fight. Is that correct? Anybody?

SERGEANT MABLE: That comes from -- solely from the complainants.

MEMBER SILVERSTEIN: Pardon?

SERGEANT MABLE: That comes from the complainant that there was a fight in the
MEMBER SILVERSTEIN: I can't hear you.

SERGEANT MABLE: I'm sorry. I'll get a little closer to the mike. That comes solely from complainants that there was a fight inside. I have no video source to support it.

MEMBER SILVERSTEIN: That was from the complainant?

SERGEANT MABLE: Yes.

CHAIRPERSON MILLER: Okay.

MEMBER SILVERSTEIN: The complainant said he was dragged out in a chokehold. Is that correct?

SERGEANT MABLE: He also said that he said there was a fight. He was stomped. He was punched several times and stomped by the suspect and said he was dragged out by his -- by security in a chokehold.

MEMBER SILVERSTEIN: Do we have any video of him either being dragged out in a chokehold or walking out or leaving not in a chokehold?
SERGEANT MABLE: I don't have any video supporting that he was dragged out in some kind of chokehold, no, not at all.

MEMBER SILVERSTEIN: Do we have video of him leaving?

INVESTIGATOR JONES: Yes, we do, sir.

MEMBER SILVERSTEIN: And in what state or condition?

INVESTIGATOR JONES: He was walking at all times.

MEMBER SILVERSTEIN: He is walking at all times. Okay. He said that he was dragged to the corner and dumped, according to -- do we have video of that?

INVESTIGATOR JONES: No, sir.

SERGEANT MABLE: I don't have video of that. I have spoken to one of the detectives that is investigating the case and he stated that he spoke with, I guess, just the doorman of The Fire Place that is right down the street.

MEMBER SILVERSTEIN: Yes.

CHAIRPERSON MILLER: Yes.
SERGEANT MABLE: And that's supposedly where he was dumped at, down that way. And he said that he saw the guy outside as well as a female and they were standing and they were talking about New York and so it had to be the same people. And they weren't dumped or dragged down there at all.

MEMBER SILVERSTEIN: We heard that he was at a hospital.

SERGEANT MABLE: He went to the hospital on his --

MEMBER SILVERSTEIN: And he was treated for injuries?

SERGEANT MABLE: He had injuries, yes.

MEMBER SILVERSTEIN: And it was there that this person who was injured somehow told this story and it was based on that that so much of this happened. But at this point, it appears that some of his story was untrue or at least exaggerated greatly.

MEMBER SHORT: Unsubstantiated. It's unsubstantiated.
MEMBER BROOKS: Unsubstantiated.

MEMBER ALBERTI: It's presently unsubstantiated.

INVESTIGATOR JONES: Right.

MEMBER SILVERSTEIN: It's unsubstantiated.

INVESTIGATOR JONES: That's correct.

MEMBER ALBERTI: Presently, presently.

INVESTIGATOR JONES: Yes, it more or less needs to be done. This hadn't been corroborated yet, at this point.

CHAIRPERSON MILLER: He hasn't been cooperating? Is that what you --

INVESTIGATOR JONES: No. Hasn't corroborated. The story hasn't been --

CHAIRPERSON MILLER: Corroborated.

MEMBER SILVERSTEIN: Oh, corroborated.

MEMBER ALBERTI: Corroborated.

INVESTIGATOR JONES: Yes.

CHAIRPERSON MILLER: Yes.

MEMBER SILVERSTEIN: Have we tried to contact this gentleman?
INVESTIGATOR JONES:  Yes.

MEMBER SILVERSTEIN:  Have you tried to contact him since then?

INVESTIGATOR JONES:  Well, since then?

MEMBER SILVERSTEIN:  Yes.

INVESTIGATOR JONES:  He has been talked to several times. We believe that he may have went back to New York to start his therapy for his injuries, so we haven't talked to him in the last several days.

MEMBER SILVERSTEIN:  He has not responded?

INVESTIGATOR JONES:  Not in the last several days, no.

MEMBER SILVERSTEIN:  Okay. Okay. No further questions, sir.

MEMBER SHORT:  I just --

CHAIRPERSON MILLER:  Yes, Mr. Short?

MEMBER SHORT:  Thank both of you, Officers, for coming here. It sounds like this was just a miscommunication of some type. And I would like to thank you all for your service.
You go through an awful lot.

SERGEANT MABLE: Thank you, sir.

MEMBER SHORT: And you have to investigate when somebody makes allegations. That's all a police officer can do is --

SERGEANT MABLE: Yes, sir.

MEMBER SHORT: -- investigate, follow the investigations. Someone said they were injured and they wound up in the hospital with a broken hip. But there is no footage. There is nothing else. There was reimbursable detail there, correct?

SERGEANT MABLE: That's correct.

MEMBER SHORT: And now, I would just like to ask a question of the owner, if you don't mind. Since this incident, have you done anything to make any corrective actions or anything that -- to keep this kind of thing from happening to you again, i.e., having better footage so that --

MR. HAKAR: Well, we got new camera actually.
MEMBER SHORT: Okay.

MR. HAKAR: We send the copy of the bill to Mr. Jones to be able to see what we did. It's not -- and we got new. We remove the old DVR and we put brand new DVR for -- about to be accessed a lot faster if ever there is -- if ever there is --

MEMBER SHORT: Okay. Let me stop you right there. So that means Mr. Jones is going to come back out and make sure that it's working properly now?

MR. HAKAR: Yes, yes.

MEMBER SHORT: Okay. That's all I have, Madam Chair. Thank you.

CHAIRPERSON MILLER: Okay. All right. Anything else, especially for the police officers?

MEMBER SILVERSTEIN: Mr. Jones, what can you tell us about that?

MEMBER ALBERTI: Well, wait, wait, wait.

CHAIRPERSON MILLER: Do they want to
be excused? I thought that MPD wanted to be
excused. Am I correct?

SERGEANT MABLE: Well, I mean --

CHAIRPERSON MILLER: You are all
right?

SERGEANT MABLE: Whatever you need me
to do. I'm fine.

CHAIRPERSON MILLER: Okay.

MEMBER ALBERTI: Well, if there is no
more questions of MPD, I mean --

CHAIRPERSON MILLER: Are there?

MEMBER ALBERTI: -- there is no reason
for them to stay.

MEMBER SHORT: Thank you again for
your service.

SERGEANT MABLE: Thank you.

MEMBER SILVERSTEIN: Thank you very
much.

CHAIRPERSON MILLER: Okay. We
appreciate your coming down. Thank you. You are
welcome to stay if you like though, you know.

SERGEANT MABLE: Okay.
CHAIRPERSON MILLER: If you want to see the video.

MEMBER SHORT: I'm good.

MEMBER ALBERTI: Yes, it's not that entertaining. Thank you. Thank you so much.

MEMBER SHORT: I'm good.

SERGEANT MABLE: Until the next time.

MEMBER ALBERTI: Right.

CHAIRPERSON MILLER: All right. Mr. Rodriguez has a question before we see the video.

MEMBER RODRIGUEZ: Yes. For the owner, sir.

MR. HAKAR: Yes, sir?

CHAIRPERSON MILLER: Yes.

MEMBER RODRIGUEZ: I noticed that you are very concerned about the neighbors. You always mentioned the neighbors, that you don't want to interrupt the neighbors and that's a good thing. But what about the neighbors? Did they complain to you?

MR. HAKAR: Well, I got a couple of emails. Of course, you guys -- I'll be very,
very blunt. I'm from somewhere else and I got a
couple of emails from some -- one of the -- we
were working together as a group, me and the
neighbors, and there is a building across the
street, another building to the left and I went
to a couple of the meetings that they had
concerns when we moved there and we just
purchased the business and we moved there.

And then they talking about the
history and stuff and I said you know what, I'm
not going to tell you I'm not going to have
parties. I'm going to have parties. But they
are gong to be -- it's not going to be the same
thing. There is going to be security. There is
going to be all that stuff.

And so they had my name on the email
by -- probably by accident and the communication
between them was pretty much hostile. I mean,
some of them like us, some of them don't like us.
And some of them made some racial comments about
the crowd that comes in the area and all that
stuff. And they don't want that kind of people
in the area, which is everybody is free to say
whatever they want.

And I mean, most of them come and dine
in my restaurant. And we build a good
relationship. And I just want to keep it that
way, that's why I decided I wouldn't do the club
any more.

MEMBER RODRIGUEZ: Yes, sir. But on
this very night --

MR. HAKAR: Yes.

MEMBER RODRIGUEZ: -- were there any
complaints from the neighbors to you?

MR. HAKAR: No, no, no. Because the
reason the neighbors complain is when people get
out of the club at 2:30 in the morning --

MEMBER RODRIGUEZ: Yes, sir.

MR. HAKAR: -- and just stand outside.

CHAIRPERSON MILLER: Yes.

MR. HAKAR: Our biggest concern is to
move people out slowly.

MEMBER RODRIGUEZ: Right.

MR. HAKAR: And get most of our staff,
including the police detail to move people out of
the area.

MEMBER RODRIGUEZ: Yes.

MR. HAKAR: We actually make sure
because there is a building on the left. We make
sure that people pass that building all the way
to the hotel before we actually say, you know,
let's call it a night.

MEMBER RODRIGUEZ: Right.

MR. HAKAR: So we don't let anybody in
the street.

MEMBER RODRIGUEZ: So you are working
pretty well with the neighbors. But on this very
night, there were no complaints from the
neighbors?

MR. HAKAR: No. There was not.

MEMBER RODRIGUEZ: Okay. Thank you.

Thank you, sir.

CHAIRPERSON MILLER: Others? Okay.

I think we are ready for the video then.

MEMBER ALBERTI: So --

CHAIRPERSON MILLER: Oh, I'm sorry.
Did you have a question?

MEMBER ALBERTI: -- I'm wondering how much -- just to save time, I'm wondering how much of this video we need to see because I don't think -- it doesn't seem to be little doubt about what happened. I think there seems to be little doubt about what happened. I'm not sure. Unless the video is going to show us something that we don't already know, then what I'm more curious about is having a discussion about what Mr. Jones knows about the new system.

And that's just a suggestion to sort of move things forward here, rather than kind of waste time seeing something that is not going to provide us with any more information, but what is really I think at focus here is what is going on moving forward with the new systems.

So that's just my suggestion.

CHAIRPERSON MILLER: Others? Mr. Jones, what did you have in mind to show us?

INVESTIGATOR JONES: Pretty much what Chairman Alberti said. I mean, it's what I have
here is everything that has already been stated.

CHAIRPERSON MILLER: Okay.

INVESTIGATOR JONES: You can clearly see individuals come out. You can see the general manager is -- uses his flashlight to indicate to the MPD detail two officers who were sitting right out front --

CHAIRPERSON MILLER: Okay.

INVESTIGATOR JONES: -- of the door.

As soon as the injured party comes out, he is walking out on his own power. They approach him.

CHAIRPERSON MILLER: Okay.

INVESTIGATOR JONES: He actually walks off from them and goes down towards P and 21st, I believe, and then he ends up coming back. They have him sit down in a chair that is out front that the restaurant has next door to them.

CHAIRPERSON MILLER: Okay.

INVESTIGATOR JONES: The general manager brings out ice for the guy's leg, because he complained about his leg is hurting. At that point, he is asked several times by management as
well as MPD if he wants medics to -- to be assisted by medics. He refuses on several occasions and states that he just wants to go home.

At that point, there was an Uber driver that was contacted. From what -- there were two different versions of what happened with Uber. The initial -- because of our investigation when we do closures, we only have a very limited time to get all the information that we can.

CHAIRPERSON MILLER: Right.

INVESTIGATOR JONES: So when we present it to you, a lot of the information -- well, I shouldn't say a lot, but there are some-- there is some information that we do miss, because we don't have that large block of time to work with.

So what I was told at the time was that the Uber driver picked them up, but the guy was complaining inside the car that his leg was hurting and the Uber driver came back and dropped
him off. I guess saying look, I don't want the liability for this.

And then they ended up hailing a cab.

Got into the cab and that was the end of the night.

The second story that I heard actually from MPD was that the Uber driver pulled up, the guy was complaining about his leg before he got into the car and the Uber driver just basically pulled off, like I'm not dealing with it. So they never got into the car.

CHAIRPERSON MILLER: Okay.

INVESTIGATOR JONES: And then hailed a cab and they got into the cab. From that point, the victim rested until Saturday evening when he contacted medics to respond to where his hotel was. They picked him up, took him over to George Washington Hospital. At that point, he was transferred over to MedStar and that's pretty much my knowledge of what took place.

CHAIRPERSON MILLER: Okay.

INVESTIGATOR JONES: As far as that
was concerned.

CHAIRPERSON MILLER: No. I think that what Mr. Alberti may be inferring is that we have heard really good synopses and are all consistent here about what happened that night. And we may not really need to look at a depiction of that.

INVESTIGATOR JONES: Yes, ma'am.

CHAIRPERSON MILLER: Because I'm not sure that any of those facts are at issue. And so I think also what Mr. Alberti may be alluding to is well, maybe what is significant to the hearing now is that the cameras be better if we are hearing that they are grainy and they are hard to see because of the event, you know, for security in the future, that you have a better camera system.

And it sounds like you already do have a better camera system or you are getting that in place. So I don't know. If Mr. Jones has the video, if there are some Board Members who would like him to show the video or any part of the video, you know, you should speak up, because
it's right here and he could do it.

MEMBER SILVERSTEIN: I don't think there is a need for it, because at this point --

CHAIRPERSON MILLER: Yes.

MEMBER SILVERSTEIN: -- my main concern on this, there were two, one was, that we get a better understanding of what happened. And the second was that we are able to ensure that there are clear video, so that if other events happen in the future, we will at least have them documented and memorialized.

CHAIRPERSON MILLER: Yes.

MEMBER SILVERSTEIN: Mr. Jones, my question to you and I think this probably could end it for me, you have been there, you are working with them. What is the state of the video system now or what is the state of the upgraded video system?

INVESTIGATOR JONES: Well, at this point, I have been given information from the tech who installed the new equipment. However, I haven't been -- and I just received this
information, so I haven't been over to the
establishment to review or to observe any of the
new equipment or placements.

Because when I did respond to the
location when I was made aware of this closure or
this pending closure on that Sunday evening, the
first thing after I conducted my interviews, I
wanted to review video footage. I can clearly
see that the video footage was very grainy, as
well as some of the cameras were out and some of
the cameras were misplaced.

I did a floor plan of the cameras for
this place a number of years ago for you all.

MEMBER SILVERSTEIN: Right.

INVESTIGATOR JONES: And at that time,
it was -- I think the system was adequate. At
this point in time, it's not.

CHAIRPERSON MILLER: Yes.

INVESTIGATOR JONES: And so I did
speak with the owner about that information and I
talked to him about redoing his system as well as
placements for the cameras, because we also
talked about the exit, the second exit that he
has for the lounge upstairs. It's a separate
doorway. And there is no camera in that exit
stairwell.

So a patron could clearly say I was
thrown down the stairs. I was choked out. I was
whatever the case may be --

CHAIRPERSON MILLER: Yes.

INVESTIGATOR JONES: -- if you have no
video footage to say yay or nay. We talked about
camera placement. We talked about the clarity as
far as the cameras are concerned.

And so they are going to have to go
ahead and expound on what they -- what has been
done thus far. And then I could probably do a
follow-up after that.

MEMBER SILVERSTEIN: And Mr. Hakar,
what have you done and how have you addressed
these issues that Investigator Jones has brought
up?

MR. HAKAR: Yes. Well, since I took
his recommendations and we call a tech and he fix
them all. They are all fixed right now. He can
go right now or go any time he wants to. He can
get in the office and look at all of the
placement of the cameras and everything that he
told us to do, by the letter we did it.

MEMBER SILVERSTEIN: Thank you. And
would it be possible for Mr. --

CHAIRPERSON MILLER: Okay.

MEMBER SILVERSTEIN: -- Jones to find
some time to go back there and take a quick look
and report back to us?

CHAIRPERSON MILLER: Yes.
INVESTIGATOR JONES: Yes, sir.

CHAIRPERSON MILLER: Great. Okay.

MEMBER SHORT: Madam Chair?

CHAIRPERSON MILLER: Yes, Mr. Short?

MEMBER SHORT: Mr. Jones, you
mentioned something about a second exit?

INVESTIGATOR JONES: Yes, sir.

MEMBER SHORT: What were your concerns
with that again?

INVESTIGATOR JONES: My concern was
that in that stairwell for the -- that the
entrance to the lounge portion of the building--

    MEMBER SHORT: Okay.

    INVESTIGATOR JONES: -- is basically
a landing with a stairwell that goes straight up.
So and there is no coverage in that stairwell.
So anybody that exits coming down, they could be
intoxicated. They could be -- there could be an
altercation. And they could clearly say, you
know, someone that is intoxicated could easily
slip and then say you know what, I was thrown
down the stairs.

    MEMBER SHORT: Okay.

    INVESTIGATOR JONES: Although that
didn't happen, sir.

    CHAIRPERSON MILLER: Yes.

    INVESTIGATOR JONES: So I told him
that these are the things that they need to do to
cover themselves.

    MEMBER SILVERSTEIN: Okay.

    INVESTIGATOR JONES: For purposes, you
know.
MEMBER SHORT: Well, have they complied?

INVESTIGATOR JONES: Well, again, I haven't -- I mean, from what I'm told, yes, they did. But I haven't been back since.

MEMBER SHORT: Okay. All right.

Good. Okay.

INVESTIGATOR JONES: Right.

MEMBER SHORT: So that would be something that you will look at when you --

INVESTIGATOR JONES: Yes, sir.

MEMBER SHORT: Okay. And you don't have a problem with that?

MR. HAKAR: Oh, no, no problem.


Thank you.

MEMBER SILVERSTEIN: No further questions.

CHAIRPERSON MILLER: Okay. Mr. Alberti? Mr. Alberti has a question, right?

MEMBER ALBERTI: Was that Mr. Silverstein?
CHAIRPERSON MILLER: He said --

MEMBER SILVERSTEIN: I said no further questions on my part.

MEMBER ALBERTI: Oh, okay.

CHAIRPERSON MILLER: Oh, I thought you said no --

MEMBER ALBERTI: Thank you. Just real quick. So, you know, we talked about grainy video. So have you seen the video in the normal light that you would use in the evening? And what kind of cameras did -- have you -- are you aware of the abilities of these cameras in low light? I'm not sure how to ask that question,

MR. HAKAR: As far as the lighting and how visibility on --

MEMBER ALBERTI: Yes.

MR. HAKAR: -- the footage?

MEMBER ALBERTI: Yes, that's what I'm getting at.

MR. HAKAR: Yes, with this -- with the other one that were working, but the problem is
it was very -- the way we did it, that's why it
looks a little dark and stuff because the old DVR
you couldn't get -- has no USB. It has no disk.
So literally we had to go and take a phone and
take a picture of the whole thing and send it to
them, because there was -- we don't have no
choice.

But with this one, it's all clear.

It's -- the new one is --

MEMBER ALBERTI: Even in low light?

MR. HAKAR: Yes.

MEMBER ALBERTI: Even in low light?

MR. HAKAR: Yes.

MEMBER ALBERTI: Okay. Okay. And you
are willing to work with Mr. Jones?

MR. HAKAR: Oh, he can come in

whenever he wants.

MEMBER ALBERTI: I'm speaking with the
system replacements. Okay. I mean, it's to your
benefit. I mean, he has got experience and he
knows the pitfalls of what can happen in a club.

MR. HAKAR: No problem.
MEMBER ALBERTI: So all right. Thank you.

CHAIRPERSON MILLER: Great. Anything else? Okay. Well, thank you very much for coming down.

MR. HAKAR: Thank you very much.

CHAIRPERSON MILLER: Okay.

MEMBER ALBERTI: Thank you, Investigator Jones.

INVESTIGATOR JONES: Thank you.

CHAIRPERSON MILLER: Okay. It's 2:28. We have a hearing at 2:30. People are coming in. I'm just going to go get my file for the next case.

(Whereupon, the Fact-Finding Hearing in the above-entitled matter was concluded at 2:29 p.m.)