

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :  
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Case #13-251-00047 #13-251-00046: :  
and #13-251-00045 :  
Superclub Ibiza, LLC t/a Ibiza : Fact  
1222 1st Street NE : Finding  
License #74456 : Hearing  
Retailer CN, ANC-6C :  
Assault Occurred Inside of the :  
Establishment, Sale to Minor, :  
Interfered with an Investigation: :  
Failed to Follow Security Plan :  
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July 10, 2013

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

PRESENT

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- MIKE SILVERSTEIN, Member

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

11:09 a.m.

CHAIRPERSON MILLER: Okay. Good morning. The Board is back on the record for a fact-finding hearing related to Case Nos. 13-251-00047, 13-251-00046, and 13-251-00045 related to Ibiza located at 1222 1st Street, N.E., License No. 74456 in ANC-6C.

First, let me ask you all to introduce yourselves for the record.

MR. TRUONG: Aldo Truong, managing member of Ibiza.

MR. TUNG: Ralord Tung, manager, floor manager.

CHAIRPERSON MILLER: Okay.

MR. MOLLOY: Brian Molloy, former investigator with ABRA.

SERGEANT CONBOY: Good morning. Sean Conboy, Metropolitan Police.

CHAIRPERSON MILLER: Welcome.

I want to say to begin with this is a fact-finding hearing. It's not an

1 evidentiary hearing. We're not taking  
2 testimony from anybody.

3 We're not going to make some kind  
4 of a finding against anybody as a result of  
5 this case but we are gathering information  
6 that could be used by the agency or passed  
7 onto the Attorney Generals Office or whatever,  
8 but it is not -- nothing you say is considered  
9 evidence.

10 The Board has concerns that we  
11 want to raise with you to get an understanding  
12 of what your practices are and will be.  
13 Concerns that arose out of an incident on  
14 March 24.

15 They were related to the agency's  
16 inability to get, I believe, videos from you  
17 regarding what occurred that day, certain  
18 interference with the ABRA investigation. The  
19 Board is concerned about your practices for  
20 preventing alcohol from being sold to minors.

21 If I haven't said anything  
22 specifically yet, it's not really totally

1 limited to that. I think Mr. Molloy raise  
2 some other concerns for the investigation of  
3 Board Members. In general those are some of  
4 our concerns.

5 I just want to ask the Sergeant if  
6 you have any time constraints, whether you  
7 need to speak first to anything related to  
8 those incidents or we can hear first from the  
9 licensee as to what their practices are. Do  
10 you have any time constraints? We don't like  
11 to keep police off the street.

12 SERGEANT CONBOY: No, ma'am. I'm  
13 in training this week.

14 CHAIRPERSON MILLER: All right.  
15 Hope you're not missing your training. Okay.

16 I think if you want to -- do you  
17 think there is a better way to proceed? This  
18 fact-finding is not really a specific order  
19 that we have to go in but I've raised some  
20 concerns about the videos. I think that's a  
21 really big concern. If you want to address  
22 what went wrong that night, how things are,

1 has anything changed.

2 MR. TRUONG: First and foremost,  
3 we just want the Board to know that we always  
4 cooperate with ABC investigators and MPD as to  
5 incidents that occur inside and right outside  
6 the establishment. We do that by having video  
7 cameras installed in the premise, in the  
8 nightclub, and on the outside of the  
9 nightclub.

10 We just want the Board to know  
11 that it has been six years that we've been  
12 there and these surveillance cameras have  
13 slowly one by one, you know, gone out and  
14 we've had to replace cameras one by one.

15 On this particular night we tried  
16 to look for the incident and the angle of  
17 footage for Mr. Molloy here. However, I  
18 wasn't able to find that particular angle and  
19 the camera footage that was recorded and given  
20 to Mr. Molloy, I guess, did not show what he  
21 needed to see.

22 The camera angles that were needed

1 were on a hard drive that crashed. There are  
2 four DVR hard drives at the club. Two are  
3 running, two have crashed, one has been  
4 replaced, the other one is going to be fixed  
5 soon.

6 CHAIRPERSON MILLER: Mr. Molloy,  
7 would you like to articulate what your concern  
8 was specifically with this video?

9 MR. MOLLOY: Yes. As my report  
10 detailed, just to address what Mr. Truong  
11 said, initially in person they are very  
12 cooperate. I've never had trouble getting  
13 into the club or talking to anybody who is an  
14 employee there.

15 But, at the same time, I feel like  
16 through these three investigations I was  
17 mislead or lied to several times about the  
18 availability of the video footage and when it  
19 would be given to me. When I initially asked  
20 for it, there were three different incidents  
21 in three different areas so I was asking for  
22 five or six cameras.

1                   At the time I walked through the  
2 club I pointed out which cameras I wanted.  
3 When I talked to Mr. Rowkalski, who is in  
4 charge of that, he was very cooperative. He  
5 said he could give me all those cameras and it  
6 would be no problem. They never mentioned  
7 degradation of the camera system or any  
8 problems they were having with the hard  
9 drives.

10                   Then when he said he would provide  
11 those five or six camera angles, they never  
12 showed up. Then he stopped answering my phone  
13 calls and no one answered my emails until much  
14 later on in the investigation when I had to  
15 start threatening that this was becoming  
16 interference with my investigation.

17                   Only then did I get one camera  
18 angle with some of the worst quality footage  
19 I've ever seen in any nightclub. I would  
20 suggest that in the future they get cameras  
21 designed for very low levels of light. I've  
22 seen them at other clubs like at The Scene.

1 It's almost as if you're watching it in  
2 daylight. They have some really good cameras  
3 out now.

4 MR. TRUONG: Just to respond to  
5 that, during that time --

6 CHAIRPERSON MILLER: Were you  
7 finished?

8 MR. MOLLOY: No. What I was going  
9 to say --

10 MR. TRUONG: I'm sorry.

11 CHAIRPERSON MILLER: Can you hold  
12 it and then we'll turn to you next.

13 MR. MOLLOY: Only until I began  
14 informing them this was going to become  
15 interference in an investigation did they say  
16 the video camera footage was available. They  
17 didn't mention that it was just going to be  
18 one camera and really poor quality.

19 They said the video camera footage  
20 was available and they were responding to my  
21 complete request. I picked it up. It was two  
22 hours at one bar where you couldn't really see

1 anything anyway.

2 When I questioned them about that,  
3 that's when I finally found out, you know,  
4 several weeks after the incident, "Our hard  
5 drive crashed." Had I found out earlier in  
6 the investigation, it could have gone much  
7 differently but the timing of it makes it seem  
8 like a convenient excuse.

9 CHAIRPERSON MILLER: The time of  
10 it makes it seem like --

11 MR. MOLLOY: Finally telling me  
12 that there was a hard drive problem several  
13 weeks after the event.

14 CHAIRPERSON MILLER: Okay.

15 MR. TRUONG: I'd like to respond.  
16 This has happened before in the past and we  
17 were able before to pull footage off of a  
18 crashed hard drive. During this time that Mr.  
19 Molloy was waiting we had our IT guy Archie  
20 try to pull this footage from the crashed hard  
21 drive.

22 He was unable to which is why it

1 took that long for us to respond. It's not  
2 like we were just ignoring the situation. We  
3 really were trying to pull the footage that  
4 was on this hard drive that crashed.

5 CHAIRPERSON MILLER: So the  
6 crashed hard drive affects all five cameras?

7 MR. TRUONG: No. There are 48  
8 cameras on four hard drives, 12 on each hard  
9 drive. At this time two of the hard drives  
10 were out. One has recently got replaced so  
11 one still needs to be replaced.

12 CHAIRPERSON MILLER: There was no  
13 useful footage from that evening. Is that  
14 correct?

15 MR. TRUONG: I mean, there's  
16 footage. It's just not any of the ones he  
17 requested. We have right now, I believe, 16  
18 angles that show a picture but none of the  
19 angles that Mr. Molloy requested.

20 CHAIRPERSON MILLER: What about  
21 what Mr. Molloy said about the quality of the  
22 camera?

1 MR. TRUONG: It just depends on  
2 where it is in the club. Some of our angles  
3 have good quality. Some of them just really  
4 don't have good quality. When we bought the  
5 equipment it was the latest technology out six  
6 years ago. I'm sure there's been  
7 technological advances in cameras from six  
8 years ago.

9 If the Board would like, we want  
10 to be able to cooperate and get ABC any  
11 footage that they request. Maybe we should  
12 upgrade our camera system. We don't mind  
13 doing that.

14 CHAIRPERSON MILLER: You don't  
15 mind upgrading your camera system? Do you  
16 have plans to upgrade the camera system?

17 MR. TRUONG: I think we did. Over  
18 the past couple years a lot of cameras have  
19 been going out. Two hard drives have crashed.  
20 I was talking about it months ago with my  
21 partner and he thought it was pretty much time  
22 to get a new camera system in there.

1 CHAIRPERSON MILLER: But you  
2 haven't.

3 MR. TRUONG: No, we have not.

4 CHAIRPERSON MILLER: Okay.

5 Do Board Members want to ask  
6 questions on this topic right now?

7 MEMBER BROOKS: I do.

8 CHAIRPERSON MILLER: Mr. Brooks.

9 MEMBER BROOKS: How many cameras  
10 do you have?

11 MR. TRUONG: Forty eight.

12 MEMBER BROOKS: Okay. Any idea  
13 what the estimated cost would be to upgrade  
14 those cameras?

15 MR. TRUONG: Recent quotes that  
16 I've been looking at online for each 12 camera  
17 system they run about \$2,000 so you're  
18 probably looking at about \$8,000.

19 MEMBER BROOKS: So \$8,000. To me  
20 that doesn't seem like a lot of money to do  
21 what needs to be done.

22 MR. TRUONG: It's a lot of money

1 when you put it in the perspective of all of  
2 our expenses at the club.

3 MEMBER BROOKS: Okay. But given  
4 the reports that we have in front of us,  
5 \$8,000 is minor. You say you've been in  
6 business for how long?

7 MR. TRUONG: Six years.

8 MEMBER BROOKS: Six years at this  
9 location?

10 MR. TRUONG: Yes, sir.

11 MEMBER BROOKS: Do you plan on  
12 being in business in the future at the same  
13 location?

14 MR. TRUONG: We hope so.

15 MEMBER BROOKS: You hope so?

16 Thank you, Madam Chair.

17 CHAIRPERSON MILLER: Mr.  
18 Silverstein.

19 MEMBER SILVERSTEIN: Are you in a  
20 financial position to make these improvements  
21 that Board Member Brooks was talking about?  
22 There have been some reports out that you've

1 run into some financial difficulties.

2 MR. TRUONG: Yes. We did file for  
3 Chapter 11 protection to try to restructure  
4 our debts in a way that's management with our  
5 weekly income. If the Board recommended it,  
6 we also agreed on our end that it was time for  
7 a camera update to the club.

8 MEMBER SILVERSTEIN: So you're  
9 telling us you would have access to the  
10 necessary credit line of crediting even with  
11 your bankruptcy. No further questions.

12 CHAIRPERSON MILLER: So when  
13 you're talking about the camera system, are  
14 you also talking about your hard drives or is  
15 that something separate?

16 MR. TRUONG: Yes. The cameras  
17 plus the hard drive.

18 CHAIRPERSON MILLER: Okay. You're  
19 talking about, if you know, what Mr. Molloy is  
20 recommending, the type of camera that would  
21 actually show high-quality coverage?

22 MR. TRUONG: We do have what are

1 called night-vision cameras.

2 CHAIRPERSON MILLER: Okay.

3 MR. TRUONG: We do have those  
4 cameras but I guess out nightclub is darker  
5 than a lot of other places because we are  
6 mainly a dance nightclub where people come and  
7 dance. Other lounges and bars and restaurants  
8 they keep the lighting pretty lighter than  
9 what we do.

10 Our lights are off except for our  
11 dance lights that move around. If a dance  
12 light isn't hitting a certain area, then that  
13 area is dark. Only when the dance light that  
14 are moving around hit an area is that area  
15 lite up.

16 CHAIRPERSON MILLER: With these  
17 new cameras would it pick up the dark areas as  
18 well?

19 MR. TRUONG: I've read about them.  
20 They said up to 60 feet in darkness so they  
21 should be able to with the new cameras.

22 CHAIRPERSON MILLER: Okay. Well,

1 just on this topic, I've heard you say a few  
2 times if the Board recommended that you do  
3 that, then you would do it or something. I  
4 would suggest that the Board would recommend  
5 that you do that unless any Board Member  
6 disagrees.

7 I also think it would be a good  
8 idea if you could coordinate with Mr. Molloy  
9 so that we have the confidence that you are  
10 getting the right kind of camera.

11 MEMBER ALBERTI: Mr. Molloy  
12 doesn't work for us anymore.

13 CHAIRPERSON MILLER: Oh.

14 MR. MOLLOY: We'll assign a  
15 different investigator.

16 CHAIRPERSON MILLER: You know,  
17 just so they are getting one that will solve  
18 the problem.

19 Do you all have anything else?

20 MEMBER ALBERTI: I have questions.

21 CHAIRPERSON MILLER: Go ahead. On  
22 this topic? Go ahead.

1 MEMBER ALBERTI: Yes.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: Mr. Molloy, thank  
4 you very much for coming and spending time  
5 with us. We appreciate your reports. As  
6 always they were excellent and very thorough.

7 That evening your report says that  
8 you spoke with Mr. Truong about the cameras.

9 MR. MOLLOY: That evening.

10 MEMBER ALBERTI: About the videos?

11 MR. MOLLOY: Yes. Just trying to  
12 find the right spot on the report on April 5th  
13 when I visited. I wasn't there the night of  
14 the incidents. We only got the 251s.

15 MEMBER ALBERTI: Okay. So it was  
16 on April 5th?

17 MR. MOLLOY: Yes.

18 MEMBER ALBERTI: So this happened  
19 on March 24th. Is that correct?

20 MR. MOLLOY: Correct.

21 MEMBER ALBERTI: And it was April  
22 5th that you visited the establishment.

1 MR. MOLLOY: Yes.

2 MEMBER ALBERTI: Okay. And it was  
3 on the application that you spoke with Mr.  
4 Truong about the video?

5 MR. MOLLOY: Yes.

6 MEMBER ALBERTI: Okay. Your  
7 report says that you advised him to save the  
8 video?

9 MR. MOLLOY: Yes. That's correct.

10 MEMBER ALBERTI: Okay.

11 MR. MOLLOY: I sent him an email  
12 earlier on the 4th to inform him as soon as  
13 possible that I would need the video from the  
14 night of the 24th.

15 MEMBER ALBERTI: Did he  
16 acknowledge that email?

17 MR. MOLLOY: No. I didn't receive  
18 a response to that email.

19 MEMBER ALBERTI: Okay. Did he  
20 seem to be aware of it when you spoke with him  
21 on the 5th?

22 MR. MOLLOY: Yes.

1                   MEMBER ALBERTI:   Okay.   Was it  
2                   your impression that he understood what you  
3                   were directing him to do on the 5th?

4                   MR. MOLLOY:   Absolutely.   He  
5                   seemed to understand it was the camera system.  
6                   He knew what I was asking for and was very  
7                   cooperative in person and directed me to speak  
8                   with Mr. Rowkalski.

9                   MEMBER ALBERTI:   Did you  
10                  specifically tell him which cameras?

11                  MR. MOLLOY:   No.   I talked with  
12                  Mr. Rowkalski.

13                  MEMBER ALBERTI:   When did you talk  
14                  to Mr. Rowkalski?

15                  MR. MOLLOY:   Later that same  
16                  evening on the 5th.

17                  MEMBER ALBERTI:   And did you tell  
18                  him exactly which cameras you wanted?

19                  MR. MOLLOY:   Yes.

20                  MEMBER ALBERTI:   Thank you.   I may  
21                  come back to you.

22                  Mr. Truong, simple question.   The

1 video that was supplied to Investigator  
2 Molloy, Mr. Molloy, what was the view on that  
3 camera?

4 MR. TRUONG: I believe the view  
5 was a bar with really poor light and bad  
6 footage. I can't remember exactly.

7 MEMBER ALBERTI: You don't  
8 remember. All right.

9 Do you know what that view was?

10 MR. MOLLOY: Yes. It was one  
11 camera angle probably 60-plus feet away  
12 pointing at a bar. It was the bar related to  
13 the one incident where the 19-year-old who was  
14 either intoxicated or --

15 MEMBER ALBERTI: The bar --

16 MR. MOLLOY: But other than  
17 telling that it was a bar, there was really  
18 very little you could pick up from the video.

19 MEMBER ALBERTI: Was this one of  
20 the cameras you had asked for?

21 MR. MOLLOY: Yes.

22 MEMBER ALBERTI: Mr. Truong, what

1 kind of camera is focused on that? What type  
2 of camera is focused on that bar?

3 MR. TRUONG: I don't know the  
4 exact model but they were top of the line when  
5 we bought them in 2006 and installed them.

6 MEMBER ALBERTI: Are they infra-  
7 red cameras?

8 MR. TRUONG: They were infra-red  
9 low night vision cameras.

10 MEMBER ALBERTI: Mr. Truong, you  
11 said have four hard drives?

12 MR. TRUONG: Yes.

13 MEMBER ALBERTI: Forty-eight  
14 cameras, 12 on each. Let's talk about that.  
15 You said only three of them are functioning  
16 currently?

17 MR. TRUONG: Three that are  
18 functioning. We are in the process of --

19 MEMBER ALBERTI: Do you number  
20 your cameras? How do you identify them if I  
21 said which cameras are on? How are they  
22 organized? Which cameras are on which hard

1 drive? How would you describe that to me? By  
2 number of the camera, position? How would you  
3 describe that to me?

4 MR. TRUONG: We would describe it  
5 by what you see on the screen.

6 MEMBER ALBERTI: How is that  
7 organized? Is it scattered throughout the  
8 club?

9 MR. TRUONG: By room.

10 MEMBER ALBERTI: By room. Okay.

11 MR. TRUONG: Bars.

12 MEMBER ALBERTI: Pardon?

13 MR. TRUONG: By room and bars.

14 MEMBER ALBERTI: By room and bars.  
15 Okay. Let's go through this. I'll call it  
16 camera 1. You pick whatever one you want.  
17 Tell me which room and bars it is.

18 MR. TRUONG: I don't know that off  
19 the top of my head. I would have to look at  
20 the system.

21 MEMBER ALBERTI: Can you supply  
22 that for us?

1 MR. TRUONG: Yeah, I guess.

2 MEMBER ALBERTI: Is that a yes?

3 Is that a positive yes?

4 MR. TRUONG: Yes.

5 MEMBER ALBERTI: How long would it

6 take you to supply that for us?

7 MR. TRUONG: Forty-eight cameras

8 to look at the cords, a week.

9 MEMBER ALBERTI: Okay. I'm a

10 little confused here. So the investigator

11 says to you, "I want that camera there and

12 those two cameras in room one. I want those

13 two cameras in room four." How would you know

14 which hard drives to go to?

15 MR. TRUONG: They normally don't

16 say "I want that camera." They usually say,

17 "I'm looking for this area."

18 MEMBER ALBERTI: Okay. How would

19 you know which hard drive to go to?

20 MR. TRUONG: Each hard drive has a

21 screen that shows 12 camera angles on each.

22 By what was asked of us we could look at each

1 one and just pick out the correct camera  
2 angle.

3 MEMBER ALBERTI: Oh. So you don't  
4 really need to look at the cords. You could  
5 sit down, look at the camera angles for each  
6 of those hard drives, and list which rooms and  
7 which bars. Right?

8 MR. TRUONG: Right.

9 MEMBER ALBERTI: How long would  
10 that take you? I'm trying to be helpful. I'm  
11 trying to make your job easier so you don't  
12 have to be searching through all the cords and  
13 finding which one. How long would that take  
14 you?

15 MR. TRUONG: To look at the screen  
16 that day a couple hours.

17 MEMBER ALBERTI: All right. So  
18 maybe before next week you could give us a  
19 list of which hard drives and which rooms and  
20 bars on each one. A list of 12 for each one  
21 telling us what they're suppose to be looking  
22 at?

1 MR. TRUONG: If they're down,  
2 though, how am I suppose to know what they're  
3 pointing at?

4 MEMBER ALBERTI: Oh, okay. Let's  
5 talk about the ones that are down. Three of  
6 them are running. Right? You can get three  
7 of them at least. Right? Let's talk about  
8 the ones that are down. What is down? It's  
9 not recording on the hard drive. Is that  
10 correct?

11 MR. TRUONG: Right.

12 MEMBER ALBERTI: Is it not viewing  
13 at all?

14 MR. TRUONG: The hard drive  
15 completely crashed so the computer doesn't  
16 even turn on for the cameras to be able to  
17 view.

18 MEMBER ALBERTI: Okay. So you  
19 have no way of even monitoring what your staff  
20 or customers are doing in those areas. Is  
21 that correct?

22 MR. TRUONG: Until that hard drive

1 is replaced.

2 MEMBER ALBERTI: Okay. Which area  
3 is down?

4 MR. TRUONG: I could not tell you  
5 off the top of my head.

6 MEMBER ALBERTI: What's your  
7 involvement with the club on a day-to-day  
8 basis?

9 MR. TRUONG: I'm a managing  
10 member. I oversee the day-to-day operations.

11 MEMBER ALBERTI: And you don't  
12 know which one is down? Okay. That doesn't  
13 give me a whole lot of confidence in your  
14 ability to manage this establishment. You  
15 don't even know out of four segments of your  
16 club which one isn't being monitored? Is that  
17 what you just told me?

18 MR. TRUONG: They are mixed and  
19 matched. There's just not one hard drive per  
20 room.

21 MEMBER ALBERTI: Well, I mean,  
22 there may be more than one room on a hard

1 drive but is one room divided between hard  
2 drives?

3 MR. TRUONG: Yes.

4 MEMBER ALBERTI: Oh, that's not  
5 what you told me earlier. It's organized by  
6 room and by bar. I'll have a better  
7 understanding when you provide your list to  
8 us. All right?

9 MR. TRUONG: All right.

10 MEMBER ALBERTI: When you provide  
11 your list, tell us for the one that is down  
12 which area it's suppose to be monitoring. We  
13 would really like within a week.

14 MR. TRUONG: We've been plagued by  
15 this camera system for quite some time. It's  
16 been going down.

17 MEMBER ALBERTI: That's all right.  
18 I'm simply asking --

19 MR. TRUONG: I would rather just  
20 replace the system.

21 MEMBER ALBERTI: That's cool but  
22 that doesn't relieve you of my request.

1 CHAIRPERSON MILLER: Let me just  
2 ask you how quickly you would replace the  
3 cameras.

4 MR. TRUONG: Like two weeks.

5 CHAIRPERSON MILLER: Two weeks?

6 MEMBER ALBERTI: Fine. In a week  
7 I still want -- Ms. Miller, I still want that  
8 list from him in a week. It goes to this  
9 case, not the future.

10 MR. TRUONG: Can I an email that?

11 MEMBER ALBERTI: You can provide  
12 it to our general counsel Ms. Jenkins. All  
13 right?

14 Now, when did -- okay. The camera  
15 angles, the views that Mr. Molloy requested,  
16 when did that -- were they on more than one  
17 hard drive or just one hard drive?

18 MR. TRUONG: At the time both hard  
19 drives were down and we recently just  
20 replaced --

21 MEMBER ALBERTI: Listen to my  
22 question. Were they on one drive? How many

1 hard drives were those views on?

2 MR. TRUONG: I couldn't tell you.  
3 The angles that he requested I could only find  
4 one angle for. The angles that he requested,  
5 the areas that he requested were down.

6 MEMBER ALBERTI: Were down?

7 MR. TRUONG: I couldn't tell you  
8 if it was on hard drive 1 or 3.

9 MEMBER ALBERTI: But it was on one  
10 of those two -- it was on one of the two --

11 MR. TRUONG: That were down.

12 MEMBER ALBERTI: -- that were  
13 down. When did they go down?

14 MR. TRUONG: To be honest I  
15 couldn't tell you. Until something happens  
16 and we actually check up on the system --

17 MEMBER ALBERTI: So you are the  
18 day-to-day manager. You've got two hard  
19 drives down so only half the cameras in your  
20 club are working. You've got a pretty busy  
21 club and you don't remember when they went  
22 down. You're not giving me a whole lot of

1 confidence here, Mr. Truong. You really are  
2 not giving me a whole lot of confidence in  
3 your ability to safely manage this  
4 establishment.

5 MR. TRUONG: We address problems  
6 as we see them. If I didn't see that they  
7 were down, how could I address the problem?

8 MEMBER ALBERTI: Do you check your  
9 cameras every day?

10 MR. TRUONG: Why would we need to  
11 check our cameras?

12 MEMBER ALBERTI: Specifically to  
13 see if they are operating. If they're not  
14 operating, does someone tell you that they're  
15 not operating? You know, as a businessman if  
16 I have equipment that fails, I would hope  
17 someone would come tell me that I have  
18 equipment that's failed. Does no one tell you  
19 that the equipment has failed?

20 MR. TRUONG: No. I go around and  
21 let's say I am the managing member so my job  
22 is to make sure everything is running

1 smoothly. I wouldn't find out that a camera  
2 was down unless we had an incident in the  
3 areas or we needed to --

4 MEMBER ALBERTI: I'm not talking  
5 about a camera. I'm talking about a whole  
6 hard drive. I'm not talking about one view on  
7 a screen which I can understand you missing.  
8 I'm talking about a whole hard drive. Pretty  
9 hard to miss. You walk into the room and  
10 you've got your bank of 12 on one screen and  
11 it's black. That tells me it's not up and  
12 running. Not hard to miss.

13 MR. TRUONG: But there's only one  
14 screen.

15 MEMBER ALBERTI: For all 48?

16 MR. TRUONG: One screen for 12.  
17 It's recording even though it's not showing on  
18 the screen. When we want to see each hard  
19 drive, we plug the monitor into the hard drive  
20 of the screen that we want to see.

21 MEMBER ALBERTI: So you only have  
22 one screen?

1 MR. TRUONG: Right.

2 MEMBER ALBERTI: All right.

3 MR. TRUONG: To monitor.

4 MEMBER ALBERTI: How often do you  
5 check your hard drives?

6 MR. TRUONG: We check them when we  
7 have incidents.

8 MEMBER ALBERTI: When you have  
9 incidents. At no other time?

10 MR. TRUONG: In the past, no but I  
11 see what you're saying.

12 MEMBER ALBERTI: I understand but  
13 it seems pretty obvious to me. Okay. So when  
14 did you have -- you had one repaired but not  
15 the other. Right? When did you have it  
16 repaired?

17 MR. TRUONG: I had it repaired two  
18 weeks go.

19 MEMBER ALBERTI: Two weeks ago.  
20 And who does that for you?

21 MR. TRUONG: Archie.

22 MEMBER ALBERTI: RG?

1 MR. TRUONG: Archie, our IT guy.

2 MEMBER ALBERTI: Archie. How does  
3 he bill you? Does he bill you -- I mean, is  
4 it a flat rate for the year or any repairs?  
5 Does it bill you by repair? How does he bill  
6 you?

7 MR. TRUONG: Per repair.

8 MEMBER ALBERTI: By repair. Do  
9 you have a bill for this one?

10 MR. TRUONG: No, we pay him cash.  
11 He's like our friend. It's not like we take  
12 it to a store.

13 MEMBER ALBERTI: He didn't give  
14 you a receipt? How do you claim this as a  
15 business expense if you have no receipt? Or  
16 don't you claim it as a business expense? You  
17 just eat it?

18 MR. TRUONG: For this particular  
19 instance, yes.

20 MEMBER ALBERTI: Yeah. No wonder  
21 you're in bankruptcy. So what proof do we  
22 have that it's working? If we send someone in

1 there to monitor you could show them the three  
2 of them are working?

3 MR. TRUONG: Yes.

4 MEMBER ALBERTI: Do you have any  
5 proof that they crashed? You didn't even know  
6 that they crashed.

7 MR. TRUONG: I'm not an IT guy. I  
8 just know the cameras are down. The angles  
9 that --

10 MEMBER ALBERTI: And no one told  
11 you they were down. Is that correct?

12 MR. TRUONG: Correct.

13 MEMBER ALBERTI: All right. Who  
14 would know that they were down?

15 MR. TRUONG: Obviously if the  
16 camera angles aren't working, they're down.

17 MEMBER ALBERTI: Who would know?  
18 That's not my question. Who would know?

19 MR. TRUONG: I found out.

20 MEMBER ALBERTI: Who would know?

21 MR. TRUONG: Who would know?

22 MEMBER ALBERTI: Who would know?

1 In your club who would know?

2 MR. TRUONG: Nobody would know  
3 until we checked on --

4 MEMBER ALBERTI: So you had no  
5 idea they were down? Right?

6 MR. TRUONG: (No audible  
7 response.)

8 MEMBER ALBERTI: Okay. So I have  
9 to take your word that they were down?

10 MR. TRUONG: Right.

11 MEMBER ALBERTI: Mr. Molloy.

12 MR. MOLLOY: Yes.

13 MEMBER ALBERTI: Do you remember  
14 which views you asked for?

15 MR. MOLLOY: Yeah. There were  
16 several pointing at the bar where the 19-year-  
17 old had jumped behind.

18 MEMBER ALBERTI: You remember  
19 several. How many?

20 MR. MOLLOY: Off the top of my  
21 head, it was at least two on the bar and then  
22 two on the VIP stage but --

1                   MEMBER ALBERTI: Wait, wait, wait.  
2                   Two at the bar with the 19-year-old event.  
3                   Right?

4                   MR. MOLLOY: Yep.

5                   MEMBER ALBERTI: Okay. What else?

6                   MR. MOLLOY: Then at least two  
7                   pointing at the VIP stage where the other  
8                   assault occurred. And definitely one that was  
9                   pointing at the exit door on Patterson Street.  
10                  It was a bear minimum of five.

11                  I did also leave an open-ended  
12                  request that if any of the other cameras  
13                  caught any of the event because the security  
14                  staff had taken the 19-year-old. Once the  
15                  security staff had stepped into the fight on  
16                  the VIP stage, they moved people to their  
17                  customer service room. I asked for any camera  
18                  in that -- sorry, I'll take a step back. That  
19                  bar and the VIP area are the same large room  
20                  at Ibiza.

21                  Any camera that caught any of the  
22                  security staff movement across the room all

1 the way to the customer service area but I did  
2 not point out any particular cameras because,  
3 as you said, they do have quite a few cameras  
4 in Ibiza so I didn't walk around and point out  
5 every single one that might have caught any  
6 movement.

7 MEMBER ALBERTI: That bar and the  
8 VIP stage are on what floor?

9 MR. MOLLOY: I would say the  
10 ground floor but to get there you go down a  
11 few steps and then walk through a hallway and  
12 then come back up a couple steps but it's  
13 still basically the first floor.

14 MEMBER ALBERTI: Okay. I have no  
15 further questions right now on this topic.

16 CHAIRPERSON MILLER: Does anybody  
17 else on this particular topic?

18 All right. Unless you all have  
19 any further comments on this, we can move  
20 along to some other issues.

21 I think what we have certainly  
22 addressed is that the quality of the video

1 that was produced was almost unusable and you  
2 have serious problems with your cameras.

3 You are going to -- I believe you  
4 are committing here today to replace them and  
5 get the night vision cameras and to do so in  
6 consultation with ABRA staff so you make sure  
7 you get the cameras that are going to do the  
8 job they need to do.

9 MR. TRUONG: Yes.

10 CHAIRPERSON MILLER: Okay. So  
11 moving then off that topic, I guess I want to  
12 ask Mr. Molloy again if there are some other  
13 areas that we should address at this fact-  
14 finding hearing with respect to any  
15 interference with the ABRA investigation  
16 because it sounds like from what I've heard  
17 that you all were very polite.

18 It seems like you were working  
19 with him but you actually may have wasted a  
20 lot of his time and weeks of telling him you  
21 were going to get something to him that you  
22 didn't get to him.

1                   I want to go to that area if there  
2                   is a little more to go to so that we don't  
3                   have this problem in the future if there is  
4                   something we can identify that needs to be  
5                   changed that you will agree to change. Is  
6                   there something you want to address on that  
7                   topic?

8                   MR. MOLLOY: Sure. It actually is  
9                   what we were just talking about. If they are  
10                  going to repair or replace a lot of their  
11                  camera system, I don't know if this can be  
12                  best addressed by changing their security plan  
13                  or another agreement with ABRA, but as part of  
14                  their procedures to set up for the night, Mr.  
15                  Truong or somebody else, maybe Mr. Rowkalski,  
16                  can go through and make sure at the start of  
17                  every night all 48 cameras are working.

18                  Or they can create a log when one  
19                  or two of them are down, camera 7 and camera  
20                  32 are down. That way they know for any given  
21                  night exactly which cameras are working before  
22                  they start letting in hundreds of customers

1 and an assault happens or a 19-year-old jumps  
2 behind the bar.

3 CHAIRPERSON MILLER: Do you have a  
4 response to that?

5 MR. TRUONG: I don't see a problem  
6 with that.

7 CHAIRPERSON MILLER: Okay. I  
8 think also similar to where Mr. Alberti was  
9 coming from, I think we've seen in the  
10 security plan a layout of where the cameras  
11 are and they are numbered or something so it's  
12 easy to refer to. I think that's something --

13 MR. MOLLOY: That would be very  
14 helpful.

15 CHAIRPERSON MILLER: That would be  
16 helpful to everyone. Okay. This isn't a show  
17 cause hearing or anything but this is the type  
18 of hearing where we are gathering facts but we  
19 want you to get things in place so they are  
20 working.

21 I know that when you talk about an  
22 \$8,000 figure, while that may not be a low

1 figure, it's better to spend that on cameras  
2 than to spend it on penalties for problems  
3 down the road.

4 MR. TRUONG: I agree.

5 CHAIRPERSON MILLER: Okay. These  
6 all affect safety which is really what this is  
7 about.

8 MR. TRUONG: We do want to provide  
9 a safe environment for our patrons.

10 CHAIRPERSON MILLER: Yeah. Did  
11 you think there was a failure to follow their  
12 security plan, Mr. Molloy?

13 MR. MOLLOY: Their security plan  
14 details without numbers how they have their  
15 video system running and recording and making  
16 it available to the police. I felt that by  
17 the end when it ultimately other than the one  
18 almost unusable camera angle was not made  
19 available to me.

20 Especially since they only told me  
21 about the problems with it several weeks later  
22 after telling me everything was fine. I felt

1 that was a violation of their security plan  
2 that they didn't have that video system  
3 running properly.

4 MEMBER ALBERTI: Ms. Miller, may I  
5 interject quickly?

6 CHAIRPERSON MILLER: Sure.

7 MEMBER ALBERTI: Mr. Molloy, is it  
8 true that their security plan says they will  
9 save video for 72 days?

10 MR. MOLLOY: I need to check.

11 MEMBER ALBERTI: Did I read that  
12 correctly?

13 Mr. Truong, can you answer that?

14 MR. TRUONG: I would have to refer  
15 to our security plan. I don't know.

16 MEMBER ALBERTI: You're the  
17 general manager and you don't know? Okay,  
18 great.

19 Mr. Molloy.

20 MR. TRUONG: I'll have to check  
21 the length of days that the camera should be  
22 recording.

1 MEMBER ALBERTI: Yeah. All right.

2 MR. MOLLOY: Yes. It says, "The  
3 cameras record two groups of hard drives and  
4 maintain in the main computer location the  
5 upper area and the main floor locked in a  
6 private room; the footage is stored up to 72  
7 days."

8 MEMBER ALBERTI: Thank you. And  
9 it wasn't in this case. Is that correct?

10 MR. MOLLOY: It was not.

11 MEMBER ALBERTI: Thank you.

12 CHAIRPERSON MILLER: All right.  
13 Unless there's more on the cameras and  
14 providing them to ABRA, I think the other part  
15 of this hearing is about how you deal with  
16 minors in your establishment, how you prevent  
17 alcohol from being served to minors and what  
18 you do if there is an instance where it's  
19 determined that the minor has had alcohol.

20 MR. TRUONG: If I may --

21 CHAIRPERSON MILLER: Let me ask  
22 Mr. Molloy.

1                   Is that something that is a  
2                   concern of yours from the investigation or of  
3                   the sergeant?

4                   MR. MOLLOY:   It was a concern of  
5                   mine that the 19-year-old individual was  
6                   served alcohol in the establishment but  
7                   without the cameras I wasn't able to look into  
8                   it at all and we're left with wondering did he  
9                   drink in there or did he drink in line right  
10                  before he got inside and they weren't aware of  
11                  it.  I just wasn't able to determine anything.

12                  For any establishment that isn't  
13                  just 21 and up, no matter what they do, even  
14                  if it's marking Xs on hands and giving out  
15                  bracelets to people who are 21, there's always  
16                  a concern that somehow minors are drinking in  
17                  the establishment and it's a big risk.

18                  MEMBER ALBERTI:  Ms. Miller, can I  
19                  ask that we allow Officer Conboy -- is it  
20                  Sergeant Conboy or Officer Conboy?

21                  SERGEANT CONBOY:  Sergeant, sir.

22                  MEMBER ALBERTI:  I would like to

1 give you a chance to talk about what you  
2 encountered when you came in the club that  
3 night and what transpired.

4 SERGEANT CONBOY: Where would you  
5 like me to start, sir?

6 MEMBER ALBERTI: Well, I  
7 understand you came in and you were called in  
8 because some individual had grabbed a bottle  
9 of booze from behind the bar.

10 SERGEANT CONBOY: That's correct,  
11 sir.

12 MEMBER ALBERTI: When you came in  
13 to deal with that situation, can you talk a  
14 little bit about what transpired. What this  
15 individual said to you and that sort of thing.

16 SERGEANT CONBOY: It happened just  
17 like that. The side door was open and  
18 somebody at the side door got my attention.  
19 I walked over and was brought to the customer  
20 service area where we were informed that the  
21 gentleman seated on the couch jumped over the  
22 bar, grabbed a bottle of liquor, and was

1 subsequently detailed by staff.

2 He claimed he was an uncover  
3 informant for the FBI. He was exhibiting  
4 signs of inebriation or intoxication from  
5 presumably liquor. He disclosed that he was  
6 19 years old.

7 If I remember correctly, he still  
8 had faint X marks on his palms that he had  
9 been identified as under 21 prior to entering  
10 the establishment and they had made an attempt  
11 to mark that. He subverted that by washing  
12 his hands probably repeatedly to get the marks  
13 off.

14 He was talkative and kind of  
15 friendly. Swore up and down that he was  
16 working for the Government so there may be  
17 some other issues with that gentleman but he  
18 was under the influence of something and he  
19 had washed his hands.

20 MEMBER ALBERTI: So he had the  
21 faint marks on what part of his hand?

22 SERGEANT CONBOY: On the back of

1 his hand.

2 MEMBER ALBERTI: The back of his  
3 hand?

4 SERGEANT CONBOY: Back of his  
5 hand.

6 MEMBER ALBERTI: Okay. It looked  
7 like what kind of mark?

8 SERGEANT CONBOY: It looked like a  
9 big black Magic Marker if I remember  
10 correctly.

11 MEMBER ALBERTI: Could you discern  
12 a shape?

13 SERGEANT CONBOY: It was an X.

14 MEMBER ALBERTI: An X? Okay. All  
15 right. Okay. Thank you.

16 SERGEANT CONBOY: Sure.

17 MEMBER ALBERTI: I have no further  
18 questions of the officer at this point.

19 CHAIRPERSON MILLER: Okay. I  
20 forgot exactly where I was but I think I was  
21 trying to figure out if there were some  
22 concerns that we wanted to look at here

1 regarding the practices with the minors. I  
2 think you did articulate, Mr. Molloy, that  
3 there is a risk when you let in individuals  
4 under 21 but you couldn't see what happened  
5 because you didn't get the video.

6 MR. MOLLOY: I do know in general  
7 from my experience even if you do put a  
8 bracelet on everyone who is over 21 and Xs on  
9 everyone who is under 21, in a crowded club  
10 people find a way to get a drink and they can  
11 drink.

12 Even if it's not directly from the  
13 bartender to their hand, they will have a  
14 friend who is 21 to order a drink and then  
15 give it to them. It is a big risk any club  
16 owner takes when they let him people over 18.  
17 In this case obviously it took them some time  
18 to try to wash Magic Marker off their hand.

19 If they added the men's room to  
20 the security patrol or even had someone in  
21 there making sure no one is just standing  
22 there scrubbing Xs off their hand, that might

1 help with the issue. That's just up to them.

2 MR. TRUONG: I just want to  
3 address that. Even if an underage patron was  
4 able to wash the X off his hand, all of our  
5 staff, all of our bartenders and cocktail  
6 waitresses are trained to only serve patrons  
7 with wristbands.

8 CHAIRPERSON MILLER: With  
9 wristbands. You do the wristband thing as  
10 well?

11 MR. TRUONG: Before patrons come  
12 in they either get a big permanent black  
13 marker X on their hands if they are under 21  
14 and over 18. They get a wristband if they are  
15 21 and over. That separates who can drink and  
16 who cannot drink.

17 Our security staff is trained that  
18 if they even see anyone that doesn't have a  
19 wristband on holding a drink, they get kicked  
20 out immediately. If they see someone underage  
21 with a faint X that looks like it had been  
22 washed, they will bring them outside and re-

1 put the X on the hand.

2 CHAIRPERSON MILLER: Why do you  
3 have the X if you use the wristbands?

4 MR. TRUONG: It's a double  
5 caution.

6 CHAIRPERSON MILLER: Okay.

7 MR. TRUONG: You have two layers  
8 of protection there. You have the wristband  
9 for those that are 21 and up, and you can  
10 identify the under 21 with the big black X on  
11 their hands.

12 CHAIRPERSON MILLER: Okay.

13 MR. TRUONG: It's easier for our  
14 staff to notice than just having wristbands.

15 CHAIRPERSON MILLER: So was there  
16 an injury that night?

17 MR. MOLLOY: In one of the cases  
18 with the fight on the VIP stage a male patron  
19 -- I forget his name but it's in the report --  
20 had actually suffered some facial fractures.  
21 Depending on who I talk to, some people say he  
22 just got hit with a shoe.

1           The victim says he blacked out  
2           when he got hit with something very hard so he  
3           doesn't remember exactly but his doctor told  
4           him the way the fractures were made it seemed  
5           much more like he was hit with a bottle. The  
6           doctor didn't believe it was a shoe.

7           Then for the affray outside on  
8           Patterson Street from the reports I got from  
9           the complainant who emails in, I believe, to  
10          another government agency and it got forwarded  
11          over to ABRA, she said several of the people  
12          in her group had injuries, some of which were  
13          severe enough that they had to miss days of  
14          work. What those injuries were I --

15                 MEMBER SILVERSTEIN: They were  
16          severe enough that -- please repeat that?

17                 MR. MOLLOY: Severe enough that  
18          they had to miss days of work. This happened  
19          Saturday night into Sunday morning so I'm  
20          guessing that next week of work.

21                 CHAIRPERSON MILLER: Okay. Are  
22          there any other concerns that people want to

1 raise?

2 MEMBER ALBERTI: Questions?

3 CHAIRPERSON MILLER: Yeah. Go  
4 ahead.

5 MEMBER ALBERTI: Mr. Truong, just  
6 so I understand, your standard procedure for  
7 identifying individuals, their age and whether  
8 they are 21 or older, is what again? Walk me  
9 through those procedures.

10 MR. TRUONG: Okay. Everyone is in  
11 line to get into the establishment. Everyone  
12 gets ID'ed. If they are 21 and over they get  
13 a wristband that identifies them as 21 and  
14 over and they are allowed to purchase alcohol  
15 inside the establishment. If they are under  
16 21, they get a big black permanent marker X on  
17 both hands.

18 MEMBER ALBERTI: On both hands?

19 MR. TRUONG: On the outside of  
20 both hands. On the back of them.

21 MEMBER ALBERTI: What was that?

22 MR. TRUONG: We also check to make

1       sure they are not intoxicated if they are  
2       under 21.

3                   MEMBER ALBERTI:    So what do these  
4       wristbands look like?

5                   MR. TRUONG:    They are vinyl  
6       plastic.  Once they snap in and are broken,  
7       they cannot be put back on.

8                   MEMBER ALBERTI:    Is there a  
9       standard color?

10                  MR. TRUONG:    Different colors on  
11       every night.

12                  MEMBER ALBERTI:    Every night there  
13       is a different color.  Are they branded with  
14       -- are they just plain or are they branded  
15       with your name?

16                  MR. TRUONG:    Plain.

17                  MEMBER ALBERTI:    They're just  
18       plain.  No further questions on that topic.

19                  CHAIRPERSON MILLER:    Any other  
20       topic right now?  Okay.

21                  I just have one other question for  
22       Mr. Molloy.  I think he mentioned something

1 about changing the security patrol or  
2 something in order to have them watch the  
3 minors more carefully. Is that accurate?

4 MR. MOLLOY: I suggested it but I  
5 don't know if it's a perfect solution or right  
6 solution.

7 CHAIRPERSON MILLER: Right. Okay.  
8 Do you have security that patrols?

9 MR. TRUONG: We patrol the  
10 hallways around the back. We don't actually  
11 patrol inside the bathroom.

12 CHAIRPERSON MILLER: Okay.

13 MR. TRUONG: It would be illegal  
14 to patrol inside the bathroom watching people  
15 use the facilities.

16 CHAIRPERSON MILLER: Do you have  
17 cameras near the outside of the bathroom?

18 MR. TRUONG: Always.

19 CHAIRPERSON MILLER: Yes, okay.

20 Good.

21 MEMBER ALBERTI: Do they work?

22 MR. TRUONG: I would have to go

1 back and check.

2 MEMBER ALBERTI: I kind of thought  
3 that. Thank you.

4 MR. TUNG: Mr. Alberti, just to  
5 help you address the camera concerns, I  
6 believe that the best way because we haven't  
7 played with this camera system down and they  
8 are retracking the cords.

9 I believe with that what I wanted  
10 to suggest to Mr. Truong is just to get a new  
11 system. That way you can actually know where  
12 everything is versus trying to find old cords.  
13 That building is about 20 some thousand square  
14 feet.

15 MEMBER ALBERTI: That's fine.  
16 That's fine.

17 MR. TUNG: I believe that would be  
18 the adequate solution.

19 In regards to Mr. Molloy, I really  
20 apologize for wasting your time. The honest  
21 truth is during that time when we found out  
22 the hard drive was down, we told Archie to

1 spend days and almost a week trying to revive  
2 and capture that footage.

3 That was like wholeheartedly what  
4 had happened which got you dragged on.  
5 Afterwards when Mr. Rowkalski wasn't  
6 responding to you, that was the time when he  
7 was waiting for Archie to come forward with  
8 that.

9 Then when he told us we couldn't,  
10 we felt really, really horrible. The only  
11 solution to prevent that in the future and  
12 everything is, as we said to the Board, we  
13 will replace the camera systems.

14 The angling of the camera system,  
15 Mr. Alberti, will be provided to the  
16 inspectors and also to ABRA so that maybe we  
17 don't even need that many new area cameras.  
18 Instead we have cameras that are actually  
19 covering what is in their last five years of  
20 operating have shown those areas being the hot  
21 areas.

22 MR. TRUONG: Problematic areas.

1 MR. TUNG: Yes, if I'm saying it  
2 correctly. Maybe that will help address a lot  
3 better than all these cameras.

4 MEMBER ALBERTI: No. My request  
5 still stands. I will talk to the rest of my  
6 Board Members about whether we are going to  
7 require you to submit that, or ask you to  
8 submit that. I have not withdrawn my request  
9 to make that clear to you and my fellow Board  
10 Members.

11 CHAIRPERSON MILLER: But we  
12 haven't definitively finished this hearing, to  
13 let you know.

14 MR. TUNG: I'm not asking you to  
15 withdraw any request. I was just speaking of  
16 the things that you guys have spoken of. I  
17 just never had a chance to speak.

18 MEMBER ALBERTI: Your name again,  
19 sir? I'm sorry.

20 MR. TUNG: My name is Ralord Tung.

21 MEMBER ALBERTI: Mr. Tung?

22 MR. TUNG: Yes.

1                   MEMBER ALBERTI: Those are things  
2 that should have been done already. You're  
3 going to go forward and you are going to do  
4 the right thing you're telling us and that's  
5 great. I applaud you for that but it doesn't  
6 alleviate the fact that they should have been  
7 done already. You don't need to respond to  
8 that.

9                   CHAIRPERSON MILLER: All right.  
10 Unless there's anything else -- yes, Mr.  
11 Molloy?

12                   MR. MOLLOY: Hopefully the new  
13 camera system will alleviate any of these  
14 problems but, in the future, I don't know how  
15 you guys can try to hold them to this but  
16 making a better commitment to communicate to  
17 investigators would have saved me a lot of  
18 time and kept us both on the same page.

19                   Once you realized there was a hard  
20 drive problem returning one of my emails or  
21 one of my many phone calls as soon as you knew  
22 would have been a lot better than five weeks

1 later when you tell me you have the video  
2 footage I want and it's just one camera.

3 If you keep me apprised of the  
4 situation as soon as you know what the  
5 situation is or any other investigators,  
6 that's going to make things go a lot smoother.

7 Now, when you replace your camera  
8 system, hopefully the answer will just be  
9 there in a week with all the footage you want  
10 and you won't have to update us on technical  
11 problems.

12 CHAIRPERSON MILLER: Okay.  
13 Anything anyone else wants to add?

14 I have a question. You got some  
15 footage, the footage that was available.  
16 Correct?

17 MR. MOLLOY: Yeah, one camera.

18 CHAIRPERSON MILLER: Okay. I know  
19 that there's a letter from our office that  
20 went out from Ms. Walker that went out to Mr.  
21 Truong asking for some footage to be brought  
22 to the fact-finding hearing. Did you bring

1 any footage?

2 MR. TRUONG: No. The footage that  
3 they requested was the same.

4 CHAIRPERSON MILLER: It's the only  
5 one and we have a copy. Our staff has a copy.  
6 Okay. I just wanted to make sure that was the  
7 case. Okay.

8 Some Board Members would like to  
9 just have a quick consultation so if you'll  
10 hang in just a few more minutes, we'll come  
11 back and then wrap this up. Thank you.

12 The Board is going to go into  
13 recess. I'm sorry. You're welcome to leave  
14 or stay, whatever you prefer.

15 SERGEANT CONBOY: Do you need  
16 anything else, ma'am?

17 CHAIRPERSON MILLER: If you don't  
18 have anything else to tell us, thank you very  
19 much for coming.

20 MEMBER SILVERSTEIN: Madam Chair,  
21 first I would like to thank Sergeant Conboy  
22 for his attendance, for his work in the city.

1 I would also like to thank Mr. Molloy, former  
2 investigator, Brian Molloy, for your work  
3 here, for your diligence and your time here.

4 Especially for offering through  
5 your employer to continue to allow us to have  
6 a continuation of your services which are  
7 desperately needed as we transition to new  
8 people. I want to thank you both very much  
9 for your help in this important case.

10 MEMBER ALBERTI: Can I take one  
11 moment?

12 CHAIRPERSON MILLER: Sure.

13 MEMBER ALBERTI: Sergeant, I  
14 apologize profusely again for butchering your  
15 name and your rank. I do appreciate your  
16 coming in and your service. Please accept my  
17 apologies.

18 SERGEANT CONBOY: Happy to be  
19 here, sir.

20 MEMBER ALBERTI: Thank you.

21 CHAIRPERSON MILLER: Thank you  
22 very much.

1                   Okay. Mr. Molloy, you're hanging  
2                   in a little longer?

3                   MR. MOLLOY: Yes.

4                   CHAIRPERSON MILLER: Okay. As  
5                   Chairperson of the Alcoholic Beverage Control  
6                   Board for the District of Columbia and in  
7                   accordance with Section 405 of the Open  
8                   Meetings Amendment Act of 2010, I move that  
9                   the Board hold a closed meeting for the  
10                  purpose of seeking legal advice from our  
11                  counsel on Case No. 13-251-00047, 00046, and  
12                  00045, a fact-finding hearing in Ibiza.

13                  Is there a second?

14                  MEMBER SILVERSTEIN: Second.

15                  CHAIRPERSON MILLER: Okay. I'll  
16                  now call a roll call.

17                  Mr. Brooks?

18                  MEMBER BROOKS: I agree.

19                  CHAIRPERSON MILLER: Mr. Alberti?

20                  MEMBER ALBERTI: I agree.

21                  CHAIRPERSON MILLER: Ms. Miller  
22                  agrees.

1 Mr. Silverstein.

2 MEMBER SILVERSTEIN: I agree.

3 CHAIRPERSON MILLER: Okay. Then  
4 the motion passes by 4-0-0. We are going to  
5 enter a short closed meeting with our counsel  
6 and return very shortly.

7 (Whereupon, at 12:04 p.m. off the  
8 record until 12:15 p.m.)

9 CHAIRPERSON MILLER: Okay. I just  
10 want to wrap this up. I appreciate you coming  
11 down and airing these issues. My  
12 understanding is that you will be getting a  
13 new camera system within the next couple of  
14 weeks and you will be consulting with ABRA  
15 staff to ensure you get the right type to  
16 accomplish the purposes you need to  
17 accomplish.

18 I would recommend that you take  
19 some of Mr. Molloy's suggestions; that being,  
20 when you get these new cameras that there be  
21 a diagram of them, where they are, and that  
22 there be a procedure for checking to make sure

1 they are working, and that there be a log for  
2 any malfunctioning so that you are  
3 accomplishing the purpose that you need to  
4 with those cameras and they contribute to a  
5 safe environment.

6 Mr. Alberti has a request and I'm  
7 going to let him articulate it because he can  
8 do that better than I can with respect to your  
9 current camera system.

10 MEMBER ALBERTI: I want to  
11 reiterate and describe what I was requesting  
12 earlier. I think you said you could do this  
13 in a week.

14 What I would like is as your  
15 camera system exist today, for each hard drive  
16 a list of the 12 camera views that are  
17 associated with each hard drive. Is that  
18 understood?

19 MR. TRUONG: Yes.

20 MEMBER ALBERTI: Okay. I would  
21 also like with that a diagram. It can be just  
22 a very simple diagram of each of the 12

1 cameras for each. It would be one diagram for  
2 each hard drive. It can show the room and,  
3 you know, circle here and point to a bar;  
4 circle here and point to the floor showing  
5 where the cameras are at and where they are  
6 pointing to in each room. All right?

7 It can be a very crude drawing.  
8 I'm not looking for an artist drawing here and  
9 I'm not going to be evaluating it on its  
10 aesthetics as long as it provides the  
11 information that I'm looking for. Is that  
12 understood what I'm asking about?

13 All right. I want it for all  
14 four. There is one currently down you said.  
15 I would like it for all four, even the one  
16 that's down. Is it possible to get that in a  
17 week?

18 MR. TRUONG: What's today,  
19 Wednesday? Next Wednesday?

20 MEMBER ALBERTI: Yes. Okay. I  
21 would like you please to give that to our  
22 general counsel Ms. Jenkins. I'll look

1 forward to having a look at that. Thank you.

2 CHAIRPERSON MILLER: Finally, I  
3 just want to say that we didn't make any  
4 findings today or anything with respect to  
5 whether there was interference with an ABRA  
6 investigation or violation of the security  
7 plan or whatever those issues were that were  
8 touched upon in Mr. Molloy's investigative  
9 report.

10 Because I think they are still  
11 hanging out there, it needs to be looked at  
12 further. I'm going to move that we refer  
13 these cases to the Office of the Attorney  
14 General for them to determine whether to  
15 proceed with a show cause action with respect  
16 to them.

17 I will ask the Board to vote on  
18 that. It's a referral to the Office of  
19 Attorney General. I would like to make that  
20 motion that we refer these cases to the Office  
21 of Attorney General for show cause  
22 determination. Do I have a second?

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MEMBER BROOKS: Second.

CHAIRPERSON MILLER: Mr. Brooks has seconded the motion. All those in favor say aye.

BOARD MEMBERS: Aye.

CHAIRPERSON MILLER: All those opposed? All those abstaining? That motion passes 4-0-0.

That concludes this fact-finding hearing. Thank you all very much.

MEMBER ALBERTI: Thank you for coming.

Mr. Molloy, it's good to see you. Say hello to Mr. Fonseca for me.

CHAIRPERSON MILLER: I think that concludes this morning's proceedings and the Board will recess. Thank you.

(Whereupon, at 12:20 p.m. the hearing was adjourned.)

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