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11:08 a.m.

CHAIRPERSON MILLER: Okay, we're back on the record with our next matter, which is a Show Cause Hearing.

And that is Case Number 13-CMP-00012, Sticky Rice, located at 1224 H Street NE, License Number 72783 in ANC 6A.

Okay, hopefully you've signed in. Would you introduce yourselves for the record please?

MS. GEPHARDT: Hi, Chrissy Gephardt on behalf of the Office of the Attorney General.

MR. FONSECA: Michael Fonseca on behalf of the Licensee. With me is one of the principals, the managing member, Jason Martin.

MR. MARTIN: Jason Martin, managing member of Sticky Rice.

CHAIRPERSON MILLER: Okay, good morning. So you're all here for a Show Cause Hearing. Are there any preliminary matters?

1 MR. FONSECA: No.

2 MS. GEPHARDT: No, there are none.

3 CHAIRPERSON MILLER: Okay. Then  
4 you're ready to proceed with the hearing?

5 MS. GEPHARDT: Yes.

6 MR. FONSECA: Yes.

7 CHAIRPERSON MILLER: Okay. Can  
8 you just tell us how many witnesses you have  
9 or anything?

10 MS. GEPHARDT: I have two  
11 witnesses.

12 MR. FONSECA: I have one.

13 CHAIRPERSON MILLER: Okay. All  
14 right, Ms. Gephardt?

15 MS. GEPHARDT: Yes, Board members,  
16 we are here today for a Show Cause Hearing for  
17 Sticky Rice.

18 In the allegations being alleged  
19 against them are that they failed to refuse to  
20 allow an ABRA investigator to enter or inspect  
21 without delay the licensed premises or  
22 otherwise interfered with an investigation.

1           This charge arises out of behavior  
2           or activity on the night of December 31st,  
3           2012, which was New Year's Eve.

4           Two ABRA investigators went into  
5           the establishment for a compliance check.  
6           They asked to see the license of the  
7           establishment, the ABC license.

8           They were met by the owner of the  
9           establishment, Mr. Martin. And a dialogue  
10          ensued wherein the ABRA investigators  
11          presented identification.

12          Mr. Martin believed that the  
13          identification was false, and the conversation  
14          escalated to the point where eventually the  
15          ABRA investigators were escorted out of the  
16          establishment.

17          And Mr. Martin attempted to grab  
18          their IDs out of their hands. He begrudgingly  
19          finally got the license from the upstairs and  
20          attempted to show it to them.

21          But again, he attempted to grab  
22          their IDs. He accused them of not being real,

1 that they were just pretending to be  
2 investigators.

3 And so essentially the Government  
4 is alleging that because of these actions the  
5 Licensee has violated DC Code 258235. Thank  
6 you very much.

7 CHAIRPERSON MILLER: Thank you.  
8 Mr. Fonseca?

9 MR. FONSECA: Yes, members of the  
10 Board, we will show that factually what  
11 occurred was not an impediment to the  
12 investigators's ability to view the license,  
13 and the extension, and the authorization that  
14 the Board had granted for the New Year's Eve  
15 extended hours.

16 That despite challenging the  
17 credentials on the first floor, Mr. Martin  
18 proceeded upstairs with both investigators  
19 without any significant delay to show them the  
20 licenses, along with security.

21 He had heightened anxiety at that  
22 time, not knowing whether these are actually

1 truly credentialed investigators.

2 And while proceeding behind the  
3 counter or the bar on the second floor where  
4 the licenses were, he did stop one of the  
5 investigators.

6 Because the office was nearby and  
7 he still wasn't really sure who they were, he  
8 pulled the license frame board off of the  
9 wall, put it onto the bar to show them, and  
10 again then demanded to see the identification,  
11 where he was at this time allowed to hold.

12 One of the investigators, and he  
13 reviewed it, and he will testify today to the  
14 fact that the photo ID was not that  
15 investigator.

16 And then subsequently when the  
17 investigators returned with the supervisor,  
18 his testimony will state that the  
19 identification that had been shown to him was  
20 that of the supervisor.

21 So he had concern at that time  
22 prior to the return of them with the

1 supervisor. And he did ask them to leave.  
2 And he is of the opinion that he wouldn't  
3 allow anyone to come in, a patron who had  
4 identification that was questionable.

5 And he felt at that time that he  
6 was within his rights, since he had shown them  
7 what they asked for, for them to then be asked  
8 to leave. That would be our case.

9 CHAIRPERSON MILLER: Okay. You  
10 want to call your first witness?

11 MS. GEPHARDT: Sure. The  
12 Government would like to call its first  
13 witness, Mr. Earl Jones.

14 CHAIRPERSON MILLER: Good morning.

15 MR. JONES: Good morning.

16 CHAIRPERSON MILLER: Do you swear  
17 to tell the whole truth, nothing but the  
18 truth? Okay, thank you.

19 MS. GEPHARDT: Good morning, Mr.  
20 Jones.

21 MR. JONES: Good morning.

22 MS. GEPHARDT: Can you please

1 state your name and spell it for the record?

2 MR. JONES: Earl Jones, first name  
3 E-A-R-L, last name J-O-N-E-S.

4 MS. GEPHARDT: And Mr. Jones,  
5 where do you work?

6 MR. JONES: I work for the  
7 Alcoholic Beverage Regulation Administration.

8 MS. GEPHARDT: And what is your  
9 title?

10 MR. JONES: I'm an investigator.

11 MS. GEPHARDT: And what are your  
12 job duties as an investigator?

13 MR. JONES: I conduct inspections  
14 and investigations of licensed ABC  
15 establishments within the District of  
16 Columbia.

17 MS. GEPHARDT: Okay.

18 MR. ALBERTI: Could you speak up  
19 or turn your mic on?

20 MR. JONES: I conduct inspections  
21 and investigations of licensed ABC  
22 establishments within the District of

1 Columbia.

2 MS. GEPHARDT: And how long have  
3 you been an investigator for ABRA?

4 MR. JONES: Since September of  
5 2009.

6 MS. GEPHARDT: Okay. And are you  
7 familiar with a Licensee by the name of Sticky  
8 Rice?

9 MR. JONES: Yes.

10 MS. GEPHARDT: And did you have  
11 the occasion to visit Sticky Rice on December  
12 the 31st, 2012?

13 MR. JONES: Yes, ma'am.

14 MS. GEPHARDT: And do you know  
15 approximately what time you made a visit?

16 MR. JONES: It was approximately  
17 2:15 in the morning.

18 MS. GEPHARDT: Okay. And what was  
19 the reason for your visit?

20 MR. JONES: Myself and  
21 Investigator Apraku visited the establishment,  
22 because we were assigned that area to monitor

1 for a New Year's Eve initiative that we were  
2 doing.

3 MS. GEPHARDT: And when you say  
4 that area, what are you referring to?

5 MR. JONES: The H Street area.

6 MS. GEPHARDT: H Street, okay.

7 MR. JONES: Yes, ma'am, Northeast.

8 MS. GEPHARDT: And was Sticky Rice  
9 one of the establishments that was on your  
10 list?

11 MR. JONES: Yes, ma'am.

12 MS. GEPHARDT: Okay. Had you  
13 heard at all whether there was a violation  
14 going on at Sticky Rice, or was it purely a  
15 compliance check?

16 MR. JONES: Just a check.

17 MS. GEPHARDT: Okay. So what  
18 happened when you arrived at the  
19 establishment?

20 MR. JONES: Myself and  
21 Investigator Apraku arrived at the  
22 establishment at 2:15 in the morning.

1                   We entered the establishment, and  
2 we were greeted by a staff member at the bar  
3 area. And we requested to speak to an ABC  
4 manager or owner.

5                   MS. GEPHARDT: When you greeted  
6 this bartender or the person at the front  
7 door, did you explain who you were? Did you  
8 show your identification?

9                   MR. JONES: At that time, we  
10 requested to speak with an ABC manager, only  
11 we both presented our credentials to that  
12 staff member.

13                   MS. GEPHARDT: Okay. And then  
14 what happened after that?

15                   MR. JONES: After that, a  
16 gentleman came from behind where I was  
17 standing and introduced himself as the owner.

18                   At that point, I presented my  
19 credentials to him, as well as Investigator  
20 Apraku. And we stated the reason that we were  
21 there.

22                   MS. GEPHARDT: And what was the

1 reason, what did you tell him the reason you  
2 were there?

3 MR. JONES: I told him that we  
4 were there to conduct a check of the licenses  
5 in the establishment due to the extension of  
6 hours, that Licensees were coming in for an  
7 extra hour for that night.

8 MS. GEPHARDT: Okay. So you  
9 communicated to him that you wanted to check  
10 all the licenses or just the extension of  
11 hours?

12 MR. JONES: All the licenses,  
13 ma'am.

14 MS. GEPHARDT: Okay. And what was  
15 the owner's response?

16 MR. JONES: His response seemed to  
17 be very aggressive. There was no need, we  
18 didn't understand the reason why he responded  
19 to us that way.

20 We didn't come in and present any  
21 form of aggression. We just came in matter of  
22 factly. We just wanted to see the licenses.

1 And we didn't understand what his attitude was  
2 about.

3 MS. GEPHARDT: And you said that  
4 he was aggressive and was basically, he did  
5 not receive you guys well. But what was the  
6 content of what he said? What was the actual,  
7 what did he say?

8 MR. JONES: His tone was very  
9 aggressive with us. And when Investigator  
10 Apraku presented his ID to Mr. Martin, he  
11 tried to snatch it out of Investigator  
12 Apraku's hand.

13 And at that point Investigator  
14 Apraku held on to the badge and ID and told  
15 him that he could not take the badge and ID  
16 out of his hand.

17 At that point, we asked to review  
18 the licenses. He begrudgingly took us up to  
19 the second level where the licenses were at  
20 that point.

21 MS. GEPHARDT: Did you show him  
22 your ID?

1                   MR. JONES:  Yes, when we first  
2                   encountered him, I did show my ID to him.

3                   MS. GEPHARDT:  So when he pulled  
4                   the ID out of Apraku's hand, did he say  
5                   anything when he was doing that?  What was the  
6                   reason did he give for pulling it out of his  
7                   hand?

8                   MR. JONES:  I'm assuming his  
9                   reason, because he didn't say, he just  
10                  attempted to snatch it.  So he didn't say at  
11                  that point what was the reason that he was  
12                  trying to snatch it.

13                  MS. GEPHARDT:  Okay.

14                  MR. JONES:  I'm assuming at that  
15                  point, because inside, at that time of night,  
16                  it was dark.  I'm assuming he may not have  
17                  been able to see it at that point or didn't  
18                  get a good look at it.

19                  But there are few and in between  
20                  establishments that we go into with a  
21                  Licensee.  I don't care how dark it is,  
22                  they're not going to snatch it out of your

1 hand.

2 MS. GEPHARDT: Yes. So briefly  
3 tell us what the lighting was like in the area  
4 where you were talking to the owner. Was it  
5 light enough to see the identifications?

6 MR. JONES: Well, we were standing  
7 at the bar area. It was dim, but you could  
8 clearly see the ID and the badge.

9 Once you got away from the bar  
10 area, it was pretty dark until we got up to  
11 the stairway that led up to the second level  
12 or the mezzanine level. And upstairs it was  
13 well lit.

14 MS. GEPHARDT: Okay. And after he  
15 attempted to pull or actually pulled the ID  
16 out of Mr. Apraku's hand, what happened after  
17 that?

18 MR. JONES: As I stated,  
19 Investigator Apraku advised him that he could  
20 not take his ID. At that point I again  
21 requested to review the licenses.

22 And again like I said, he

1 begrudgingly, with his body motions and tone,  
2 he took us up to the second level.

3           Once we reached the second level,  
4 actually Investigator Apraku was behind me,  
5 once I reached the top floor of the mezzanine  
6 area, the second level, he put his hand on my  
7 chest and told me to wait. You wait here.

8           I stopped, I didn't say anything  
9 to him. He went to retrieve the frame that  
10 included all of the licenses, and he brought  
11 it from around the bar.

12           He brought the frame around the  
13 front of the bar. He slammed it on the bar.  
14 And then he said, let me see your ID again.

15           I presented my credentials again,  
16 and he snatched it out of my hand. At that  
17 point, I went back and I snatched it back out  
18 of his hand.

19           And I told him he is not to touch  
20 my credentials. He cannot confiscate them.  
21 And I told him he is in violation or he is  
22 close in violation to interference.

1                   At that point, he told me that's  
2 not you. You've got a fake ID. He pointed to  
3 Investigator Apraku and said, that's him.  
4 He's got a real ID. But you have a fake ID.  
5 Get the F out.

6                   And he said, at that point, he  
7 just said, you won't let me see your ID. You  
8 can't see my licenses.

9                   And so I advised him that he was  
10 in violation of interference. And as he kept  
11 saying get the F out, he started calling  
12 security on both of us. I started making my  
13 way towards the front door.

14                   MS. GEPHARDT: When he grabbed  
15 your badge upstairs and then you grabbed it  
16 back, did you understand why he was grabbing  
17 the badge out of your hand? Did he explain  
18 why?

19                   MR. JONES: I had no idea why he  
20 grabbed it. I had no idea why he snatched it.  
21 This whole thing that was going on was a  
22 surprise to both of us.

1 MS. GEPHARDT: When you arrived  
2 and you began talking to Mr. Martin, or  
3 throughout the process, and you were talking  
4 to him upstairs, and then downstairs, did you  
5 notice anything unusual about him?

6 MR. JONES: I thought his behavior  
7 was a little strange. He didn't appear to be  
8 coherent, to be honest with you. But that's  
9 just my opinion.

10 MS. GEPHARDT: When you said that  
11 you made your way towards the door, and at  
12 that point was security around?

13 MR. JONES: Yes. There were  
14 probably, I would say, maybe three or four  
15 security members that seemed to escort us  
16 towards the front door.

17 Because at that point he started  
18 yelling get the F out, get the F out,  
19 security, security, security. And at that  
20 point we had about three or four security  
21 members surround us and were taking us out the  
22 front door.

1 MS. GEPHARDT: And how did they  
2 take you out?

3 MR. JONES: Again, I wasn't trying  
4 to be of any resistance. So I was making a  
5 straight path towards the front door trying to  
6 get through the crowd.

7 From what I'm understanding,  
8 Investigator Apraku was behind me. As I was  
9 making my way through the crowd, Investigator  
10 Apraku said that someone pushed him, one of  
11 the staff members pushed him.

12 And at that point, I turned  
13 around. And I felt somewhat responsible for  
14 Investigator Apraku, because I trained him.

15 So I told Mr. Martin, I said, you  
16 don't touch one of our investigators. You  
17 have crossed the line. Now you have, it's  
18 basically this could be called assault.

19 MEMBER SILVERSTEIN: I'm sorry,  
20 would you repeat that please.

21 MR. JONES: I told him basically  
22 this could be called assault. So at that

1 point, he just kept screaming. And everybody,  
2 at this point, in the whole tavern was looking  
3 around, like, what's going on.

4 Because he kept yelling get the F  
5 out, get the F out. Get them the F out. And  
6 so we went outside.

7 MS. GEPHARDT: And when you went  
8 outside, what happened after that?

9 MR. JONES: We left the area, and  
10 I called my supervisor, Supervisor  
11 Investigator Stewart. And he advised me to go  
12 back to the establishment and wait for him.

13 I circled around the block and  
14 waited for him. He showed up maybe 15, 20  
15 minutes later. And we all entered the  
16 establishment once again and spoke with Mr.  
17 Martin.

18 MS. GEPHARDT: And how did that  
19 work? Did Mr. Stewart go in first? Did you  
20 guys follow behind? How did you enter the  
21 establishment?

22 MR. JONES: I believe Investigator

1        Stewart went in first, requested to speak with  
2        the owner. I believe they said he had left,  
3        for whatever reason. So it took some time for  
4        him to come back.

5                    When he showed back up we all  
6        spoke with him again up on the second level.  
7        He kept screaming he's got a fake ID, he's got  
8        a fake ID.

9                    Investigator Stewart advised me to  
10       show the ID once again. I showed him the ID  
11       again. He kept screaming that's not him,  
12       that's not him. That's a fake ID.

13                   He kept pointing at Investigator  
14       Apraku saying that's him, that's his ID. But  
15       this guy has a fake ID. And I want you guys  
16       out.

17                   So Investigator Stewart advised  
18       him again of the charge of interference. And  
19       we exited the establishment.

20                   MS. GEPHARDT: So did Mr. Martin  
21       do anything when Mr. Stewart showed him his  
22       ID?

1 MR. JONES: Not that I can recall,  
2 not anything out of the ordinary, no.

3 MS. GEPHARDT: And did all of you,  
4 and this is going back to when you and Mr.  
5 Apraku entered, not only in addition to  
6 showing your badge, did you also announce that  
7 you were an ABRA investigator and the reason  
8 for your visit?

9 MR. JONES: Yes, yes.

10 MS. GEPHARDT: Let's see, did you  
11 know Mr. Martin before you went to visit  
12 Sticky Rice?

13 MR. JONES: I've never seen him in  
14 my life.

15 MS. GEPHARDT: So you didn't have  
16 a prior relationship where there was some bad  
17 blood there or anything?

18 MR. JONES: No.

19 MS. GEPHARDT: Okay. Did you ever  
20 become aggressive with Mr. Martin during this  
21 encounter?

22 MR. JONES: The only time where

1       there may have been some sort of attitude on  
2       my part was when Investigator Apraku told me  
3       that he had been pushed.

4                   And that's when I told Mr. Martin  
5       that he's not to touch any of our  
6       investigators. That was the only time. Prior  
7       to that, there was nothing else that took  
8       place on our behalf.

9                   MS. GEPHARDT: When you first came  
10       into the establishment did you have an  
11       aggressive attitude? And were you short and  
12       not very polite, or did you have some sort of  
13       an attitude that would have rubbed him the  
14       wrong way?

15                   MR. JONES: No.

16                   MS. GEPHARDT: Did you ever put  
17       your hands on Mr. Martin at any time?

18                   MR. JONES: No.

19                   MS. GEPHARDT: When you were  
20       upstairs and he was showing you the licenses,  
21       did you actually view them?

22                   MR. JONES: I didn't see the

1 licenses. He didn't allow me to view the  
2 licenses.

3 MS. GEPHARDT: Because he had them  
4 on the bar, is that correct?

5 MR. JONES: He took them from  
6 around the bar. He brought them to the front  
7 of the bar.

8 He again asked for my ID. He  
9 snatched it. I snatched it back. And I told  
10 him he is not to touch my credentials or to  
11 confiscate them.

12 He said, well, get the F out. And  
13 since you won't let me see your ID, you can't  
14 see my licenses. That was it.

15 MS. GEPHARDT: And does your  
16 identification that you use as an  
17 investigator, is it a photo and a badge?

18 MR. JONES: Yes, ma'am.

19 MS. GEPHARDT: Can you describe  
20 what your identification looks like?

21 MR. JONES: There's an ABRA badge.  
22 And on the other side of the wallet is my

1 Government ID that has my picture on it.

2 MS. GEPHARDT: Okay. And the  
3 identification you showed him that night, was  
4 it your identification?

5 MR. JONES: Yes.

6 MS. GEPHARDT: Is there ever an  
7 occasion where you might use another person's  
8 identification?

9 MR. JONES: No.

10 MS. GEPHARDT: Do you think it  
11 would be possible that you and Mr. Stewart  
12 would have swapped identifications?

13 MR. JONES: No, no.

14 MS. GEPHARDT: So you didn't find  
15 Mr. Stewart's identification sitting on the  
16 console of the car or anything like that?

17 MR. JONES: No.

18 MS. GEPHARDT: Okay. When this  
19 all concluded and you left the establishment  
20 with Mr. Stewart and Mr. Apraku, did you all  
21 go back at any time? Did you go back to the  
22 establishment?

1 MR. JONES: I haven't been back  
2 since.

3 MS. GEPHARDT: Okay. Have you had  
4 any other encounters with Mr. Martin?

5 MR. JONES: No.

6 MS. GEPHARDT: Okay. And do you  
7 know if anybody else, do you know if Mr.  
8 Apraku has gone back to Sticky Rice?

9 MR. JONES: I have no idea.

10 MS. GEPHARDT: Okay. That's all I  
11 have. Thank you.

12 CHAIRPERSON MILLER: Okay, cross?

13 MR. FONSECA: One moment please.

14 CHAIRPERSON MILLER: Okay.

15 MR. FONSECA: Investigator Jones,  
16 would you display your identification for us  
17 please?

18 MR. JONES: Sure.

19 MR. FONSECA: And allow me to show  
20 it to the Respondent, if I may approach the  
21 witness.

22 CHAIRPERSON MILLER: Yes. Would

1 you show it to Ms. Gephardt as well?

2 MR. FONSECA: Now is it your  
3 testimony that identification that I just  
4 displayed, or you just handed to me and I  
5 displayed, is that the identification that you  
6 produced --

7 MR. JONES: Yes, sir.

8 MR. FONSECA: -- on December 31st,  
9 2012?

10 MR. JONES: Yes, sir.

11 MR. FONSECA: Okay. On the  
12 evening that you came in for the compliance  
13 check, did you already have a list indicating  
14 that this establishment had the extended  
15 hours?

16 MR. JONES: We were checking to  
17 see which establishments had the list. But we  
18 do, we did have a listing of establishments  
19 that had the extension of hours.

20 MR. FONSECA: And was Sticky Rice  
21 on that list?

22 MR. JONES: I believe so. This

1 was some time ago, sir.

2 MR. FONSECA: Between the time  
3 that you were on the first floor, and Mr.  
4 Martin challenged your identification and Mr.  
5 Apraku's -- and then as you framed it,  
6 begrudgingly took you upstairs -- how much  
7 time lapsed?

8 MR. JONES: Probably no more than  
9 a minute or two.

10 MR. FONSECA: A minute or two?

11 MR. JONES: Yes.

12 MR. FONSECA: And you testified  
13 that the lighting, once you got to the  
14 stairway, improved. And on the second floor  
15 it was well lit. Is that correct?

16 MR. JONES: Yes, sir.

17 MR. FONSECA: I rephrased it. I'm  
18 not sure if that's exactly how you said it.

19 So is your testimony that, at that  
20 time when Mr. Martin went upstairs, he went  
21 behind the bar? And then your testimony was  
22 he slammed the license board on the bar.

1 MR. JONES: Yes, sir.

2 MR. FONSECA: And it's your  
3 position that you never looked at those  
4 licenses?

5 MR. JONES: I never saw the  
6 licenses.

7 MR. FONSECA: You never saw them?

8 MR. JONES: No.

9 MR. FONSECA: Were there licenses  
10 in the frame?

11 MR. JONES: They appeared to be.

12 MR. FONSECA: And it appeared to  
13 be an ABC license there?

14 MR. JONES: It appeared to be.

15 MR. FONSECA: Did there appear to  
16 be the extended hours?

17 MR. JONES: I couldn't tell.

18 MR. FONSECA: You couldn't tell?  
19 Had you viewed extended hours licenses on the  
20 H Street corridor during the evening?

21 MR. JONES: Yes, sir.

22 MR. FONSECA: You know what they

1 look like?

2 MR. JONES: Yes, sir.

3 MR. FONSECA: And it's your  
4 testimony now that you didn't see that on the  
5 license board?

6 MR. JONES: Again, there are a lot  
7 of Licenses. They tend to hold on to old  
8 licenses, the more rectangular licenses versus  
9 the long eight and a half by --

10 MR. FONSECA: Understood.

11 MR. JONES: Right. So I couldn't  
12 tell if that was the extension, or if it was  
13 an old license, or a caterer's license. I  
14 couldn't see from where I was standing because  
15 I wasn't allowed to get close to the frame.

16 MR. FONSECA: Well, what prevented  
17 you from getting close to the frame? Because  
18 you were both on the same side of the bar now,  
19 correct?

20 MR. JONES: We were both on the  
21 same side of the bar. What Mr. Martin did was  
22 he slammed the frame onto the bar. Then he

1 laid it down.

2 He snatched my ID. When I  
3 snatched it back from him, and I advised him  
4 that he could not take my ID, that's when,  
5 again, he yelled get the F out. If you won't  
6 let me see your licenses, I won't let you see  
7 mine. I'm not going to fight him for it.

8 MR. FONSECA: Yeah, I find that  
9 interesting, because you're repeating that  
10 phrase several times now.

11 And in your report, that never was  
12 stated. And I think that's a significant  
13 remark, that if I can't see your licenses,  
14 your IDs, you can't see my licenses. You had  
15 quotes in your report --

16 MR. JONES: Uh-huh.

17 MR. FONSECA: -- on more than one  
18 occasion. Your reports, I would consider, are  
19 thorough. But I find this somewhat strange,  
20 that what you're testifying to now is not  
21 contained in your report.

22 Do you have a reason why you would

1 not place that into your report?

2 MR. JONES: I think at that point  
3 because I focused more on the fact that he  
4 snatched the IDs, or the ID I should say. And  
5 it was a factor of the constant cursing and  
6 getting the F out.

7 And at that point, to me it didn't  
8 matter if I saw the license at that point.  
9 Because now we've gotten into a confrontation.  
10 And I don't need to go any further.

11 So that's a lot of the reason why  
12 I didn't mention that part. Because at that  
13 point my reason for being there is done. I'm  
14 finished.

15 I don't need this to go any  
16 further. I don't want to take this to the  
17 next level with this gentleman. And so I  
18 exited the establishment.

19 MR. FONSECA: Okay. Now --

20 MR. JONES: But you're questioning  
21 me about seeing the licenses. So I can tell  
22 you that I wasn't able to see them.

1 MR. FONSECA: Well, at that point  
2 you chose not to pick up the board and examine  
3 them.

4 MR. JONES: Well, at that point I  
5 believed that had I tried to, then there would  
6 have been a situation. And I just didn't want  
7 to go that route. For me it's not worth going  
8 that route.

9 MR. FONSECA: Your testimony  
10 suggests, and I want you to be able to correct  
11 it if that's the case, that Mr. Martin pushed  
12 Mr. Apraku. Is that what you were trying to  
13 testify to?

14 MR. JONES: This is, and again you  
15 will have to ask Investigator Apraku, as I was  
16 exiting or making my way through the crowd  
17 towards the front door, because I was in the  
18 front, he was behind me.

19 And at that point he said that  
20 someone pushed him. Later on, I was advised  
21 that it was Mr. Martin. So again, that's  
22 something that you would have to --

1                   MR. FONSECA:  And obviously he  
2                   testifies.  I will ask that question.  But  
3                   when you exited, did you exit first?  Were you  
4                   the first one at the staircase going down?

5                   MR. JONES:  Yes, sir.

6                   MR. FONSECA:  And where was Mr.  
7                   Apraku?

8                   MR. JONES:  Investigator Apraku was  
9                   behind me.

10                  MR. FONSECA:  And then who followed  
11                  behind the two of you?

12                  MR. JONES:  At that point, once we  
13                  reached the lower level, we had maybe two or  
14                  three security surrounding us.

15                  MR. FONSECA:  And where do you  
16                  recall Mr. Martin being in relationship to the  
17                  security, behind them?

18                  MR. JONES:  I believe he was behind  
19                  them.

20                  MR. FONSECA:  Mr. Stewart, and I  
21                  just go to the time that you returned with  
22                  Supervisor Stewart.  He enters first and he

1 asked to see the owner. Is that correct?

2 MR. JONES: Yes, sir.

3 MR. FONSECA: Okay. When the owner  
4 does appear, did Mr. Stewart display his  
5 identification?

6 MR. JONES: From what I remember,  
7 I believe he did. Yes, sir.

8 MR. FONSECA: At that time, did you  
9 hear Mr. Martin declare that's the ID that you  
10 had been carrying --

11 MR. JONES: No.

12 MR. FONSECA: -- when you first  
13 came in?

14 MR. JONES: No.

15 MR. FONSECA: You did not hear  
16 that?

17 MR. JONES: No.

18 MR. FONSECA: And you're  
19 maintaining your testimony on the record that  
20 you and the other investigator were never  
21 aggressive prior to having been touched?

22 MR. JONES: Yes.

1 MR. FONSECA: So when you first  
2 entered, you all did not display any  
3 aggression?

4 MR. JONES: No, sir.

5 MR. FONSECA: I'll ask you one last  
6 time. If you chose to, you would have had the  
7 opportunity within a matter of seconds to  
8 review the license frame and determine that  
9 everything was in compliance, correct?

10 MR. JONES: I can't say that.

11 MR. FONSECA: Well, the question,  
12 had you chosen to do that, you review license  
13 boards all the time.

14 MR. JONES: Yes, but I don't have  
15 Licenses screaming at me get the F out either.  
16 You can't see my license if you won't let me  
17 see your badge.

18 MR. FONSECA: All right. No  
19 further questions.

20 CHAIRPERSON MILLER: Okay, Board  
21 questions? Mr. Brooks?

22 MEMBER BROOKS: Yes, thank you,

1 Madam Chair. Investigator, have you ever been  
2 there before, to Sticky Rice for any  
3 inspections?

4 MR. JONES: The only time I had  
5 gone to this establishment was when an  
6 investigator who is no longer here had a case,  
7 maybe two years ago, two and half years ago.

8 And I went along with him to work  
9 on that case. That was, I believe, the only  
10 time I was there.

11 MEMBER BROOKS: Yeah, I think you  
12 might have testified before earlier that you  
13 did not know Mr. Martin.

14 MR. JONES: Yeah, I don't know him,  
15 sir.

16 MEMBER BROOKS: Okay. Did he  
17 physically touch you?

18 MR. JONES: The only time that he  
19 did physically touch me was when I reached the  
20 second level, and he put his hand in my chest  
21 and told me to wait here. And then he went to  
22 retrieve the licenses.

1                   MEMBER BROOKS: Now, you said he  
2 put his hands in your chest.

3                   MR. JONES: He stopped my momentum.  
4 I was moving forward, and I thought that I was  
5 following him. And he abruptly stopped me and  
6 told me you wait here.

7                   MEMBER BROOKS: Okay. Did he  
8 appear to be intoxicated to you?

9                   MR. JONES: I would say that the  
10 behavior was strange.

11                   MEMBER BROOKS: Did you smell  
12 alcohol coming from him?

13                   MR. JONES: I didn't smell alcohol.  
14 His eyes looked a little funny to me. But I  
15 can't say whether or not that's what it was,  
16 that there were any type of alcohol or drugs  
17 involved. But to me his eyes looked a little  
18 funny. And his behavior was extremely strange  
19 to the both of us.

20                   MEMBER BROOKS: And finally, how  
21 was the lighting that night in the  
22 establishment?

1                   MR. JONES:  As I said, on the first  
2                   level, it's pretty dark on the first level.  
3                   Once you enter the establishment, there are  
4                   lights over the bar area, which is where we  
5                   first encountered the staff member, and then  
6                   Mr. Martin walked up.

7                   So at that point, you could see IDs  
8                   if we presented them right there at the spot.  
9                   But once you leave the bar area and you start  
10                  to walk through the first level, it's fairly  
11                  dark until you get to the stairwell as you're  
12                  trying to go up to the second level.

13                  MEMBER BROOKS:  Okay.  And how was  
14                  the crowd?  Was it a large crowd there?

15                  MR. JONES:  It was pretty packed  
16                  that night.

17                  MEMBER BROOKS:  Okay.  So all this  
18                  was in earshot, the alleged screaming, was in  
19                  earshot of his customers?

20                  MR. JONES:  Everybody heard it.

21                  MEMBER BROOKS:  Okay.  Thank you,  
22                  Madam Chair.

1 CHAIRPERSON MILLER: Okay. Others?

2 MEMBER SILVERSTEIN: Mr. Jones, so  
3 my question involves the laying of hands on  
4 you. You're saying that the only time that  
5 Mr. Martin laid hands on you was as the top of  
6 the steps?

7 MR. JONES: Yes, sir.

8 MEMBER SILVERSTEIN: Did he push  
9 you? Were you walking into him? I'm trying  
10 to figure out if he pushed you back, or if he  
11 just went like this and you walked into his  
12 hand. To me that makes a big difference.

13 MR. JONES: For me it was more of  
14 a push. As I was walking up there, he was in  
15 front of me as I was walking up the stairwell.  
16 And I got to the top stair following him.

17 He turned around and, again, my  
18 momentum is moving forward. He turned around  
19 and then he stuck his hands in my chest and  
20 said you wait here.

21 So it's not a thing where he  
22 already had his hand out and I'm walking into

1 it. He stopped me from moving forward.

2 MEMBER SILVERSTEIN: Did you at any  
3 time feel intimidated by this or --

4 MR. JONES: No.

5 MEMBER SILVERSTEIN: -- that there  
6 was any concern for your safety?

7 MR. JONES: No.

8 MEMBER SILVERSTEIN: No further  
9 questions.

10 CHAIRPERSON MILLER: Okay, others?  
11 You made a statement that, let's see,  
12 something about with respect to finding out  
13 that Mr. Martin was pushed. That you were  
14 advised --

15 MEMBER SILVERSTEIN: Mr. Apraku.

16 CHAIRPERSON MILLER: Oh, I'm sorry,  
17 Mr. Apraku. Thank you. Oh, I think you were  
18 advised that it was Mr. Martin who pushed Mr.  
19 Apraku.

20 MR. JONES: Yes, ma'am.

21 CHAIRPERSON MILLER: Who advised  
22 you?

1 MR. JONES: Investigator Apraku.

2 CHAIRPERSON MILLER: Okay. And I  
3 think you also made reference to your being  
4 aggressive after there was aggression towards  
5 you.

6 And I heard your testimony about  
7 the aggression towards you with respect to  
8 pushing your chest and snatching your badge.  
9 What was the aggression that you took, if any?

10 MR. JONES: My standpoint is that  
11 after the total attitude from the owner,  
12 hindering me from being able to do my job,  
13 which is he's putting his hand in my chest,  
14 and pushing me, and telling me you can't come  
15 here, or you wait, that type of thing, and  
16 then snatching my ID.

17 And then throughout this whole  
18 time, I never said anything derogatory to the  
19 gentleman. I never came off any kind of way  
20 negative to him. And matter of fact, he's  
21 cussing and telling us to get out. I said  
22 fine.

1                   But when Investigator Apraku was  
2 behind me and he tells me these guys are  
3 pushing me, now I have an attitude. Because  
4 enough is enough.

5                   And again, it wasn't anything where  
6 I put my hands on Mr. Martin, none of that. I  
7 just told him matter of fact don't push my  
8 investigator. And that was it.

9                   CHAIRPERSON MILLER: So it was just  
10 your tone --

11                   MR. JONES: Yes, ma'am.

12                   CHAIRPERSON MILLER: -- basically.

13                   MR. JONES: Yes, ma'am.

14                   CHAIRPERSON MILLER: Okay. Thank  
15 you. Okay, any other questions?

16                   MR. ALBERTI: Yeah.

17                   CHAIRPERSON MILLER: Mr. Alberti.

18                   MR. ALBERTI: Investigator Jones,  
19 forgive me. Because I'm going to start at the  
20 beginning, okay?

21                   MR. JONES: Yes, sir.

22                   MR. ALBERTI: So you and

1 Investigator Apraku entered the establishment.  
2 Who'd you introduce yourselves to when you  
3 entered?

4 MR. JONES: There was a staff  
5 member who was manning the bar, that was right  
6 there at the corner of the edge of the bar, as  
7 soon as we walked in the door. The bar is  
8 right there.

9 MR. ALBERTI: And did you show that  
10 person your credentials?

11 MR. JONES: Yes, sir.

12 MR. ALBERTI: And you told them who  
13 you were?

14 MR. JONES: Yes, sir.

15 MR. ALBERTI: Okay. What happened  
16 next?

17 MR. JONES: At that point we  
18 advised why we were there. We asked for an  
19 ABC manager or owner. Mr. Martin immediately  
20 walked up.

21 MR. ALBERTI: Okay. So Mr. Martin  
22 walks up?

1 MR. JONES: Yes.

2 MR. ALBERTI: Who showed Mr. Martin  
3 their badges first?

4 MR. JONES: I believe I did.

5 MR. ALBERTI: You or Mr. Apraku?

6 MR. JONES: I did.

7 MR. ALBERTI: You did. And did he  
8 challenge your credentials at that point?

9 MR. JONES: At that point he looked  
10 at it strange. And then he asked for  
11 Investigator Apraku, because Investigator  
12 Apraku already had it out to give to him  
13 anyway.

14 Investigator Apraku had presented  
15 his credentials to Mr. Martin. Mr. Martine  
16 tried to snatch his and --

17 MR. ALBERTI: Wait, wait, wait.  
18 We're going to get there, we're going to get  
19 there.

20 MR. JONES: All right.

21 MR. ALBERTI: So you said he looked  
22 a little strange. What's that mean?

1 MR. JONES: He looked at it like he  
2 didn't, his eyebrows curled, he looked  
3 strange.

4 MR. ALBERTI: Okay. So then at  
5 this point Investigator Apraku's got his ID  
6 out. And Mr. Martin's attention turns to Mr.  
7 Apraku. Is that correct?

8 MR. JONES: Yes, sir.

9 MR. ALBERTI: Okay. When you say  
10 he tried to snatch it, describe that a little  
11 bit more in detail to me.

12 MR. JONES: As far as I'm concerned  
13 or as far as he is concerned?

14 MR. ALBERTI: Wait, wait, wait.

15 MR. JONES: There were two  
16 instances.

17 MR. ALBERTI: My question was, you  
18 testified that Mr. Martin attempted to snatch  
19 Mr. Apraku's credentials.

20 MR. JONES: Okay.

21 MR. ALBERTI: Answer my questions.  
22 He tried to snatch it out of Mr. Apraku's

1 hands?

2 MR. JONES: Yes, sir.

3 MR. ALBERTI: Okay. Can you  
4 describe to me in a little bit more detail how  
5 that went down?

6 MR. JONES: Investigator Apraku had  
7 his hands on his ID.

8 MR. ALBERTI: Okay.

9 MR. JONES: He had his billfold out  
10 showing him his ID. Mr. Martin attempted to  
11 take it. And Investigator Apraku had to grab  
12 with both hands and bring it back and tell him  
13 you can't take my ID.

14 MR. ALBERTI: Okay. Now, before  
15 Mr. Martin reached out to take hold of Mr.  
16 Apraku's ID, did he make any requests of Mr.  
17 Apraku?

18 MR. JONES: Not that I know of.  
19 No, sir.

20 MR. ALBERTI: So did he request can  
21 I take a closer look?

22 MR. JONES: No. It was the

1 automatic try to snatch it to look at it.

2 MR. ALBERTI: Okay. So there was  
3 no request of I'd like to take a closer look?  
4 He just reached out and grabbed it?

5 MR. JONES: Right.

6 MR. ALBERTI: Okay. And Mr.  
7 Apraku, you said, pulled his hands back with  
8 his ID.

9 MR. JONES: Yes, sir.

10 MR. ALBERTI: Did he challenge the  
11 validity of Mr. Apraku's ID down there?

12 MR. JONES: Never.

13 MR. ALBERTI: Never, okay. So at  
14 this point, you said that Mr. Martin led you  
15 and Mr. Apraku upstairs. Is that correct?

16 MR. JONES: Yes, sir.

17 MR. ALBERTI: Okay. So now you get  
18 up at the top of the stairs, all right. And  
19 you're the first one?

20 MR. JONES: Yes, sir.

21 MR. ALBERTI: There's Mr. Martin,  
22 then you, and then Mr. Apraku?

1 MR. JONES: Yes, sir.

2 MR. ALBERTI: Was there anyone else  
3 with you?

4 MR. JONES: Not at that time, no.

5 MR. ALBERTI: Okay. So you get to  
6 the top of the stairs. How far into the room  
7 at the top stairs? Is it one big room at the  
8 top of the stairs?

9 MR. JONES: Yes. Well, it's a  
10 rectangular type shape. As soon as you walk  
11 up the top of the stairs the bar --

12 MR. ALBERTI: It's not separate  
13 rooms? It's all one big room?

14 MR. JONES: It's all one big room,  
15 but it has like a stairwell that goes into,  
16 like, a second level.

17 MR. ALBERTI: Okay.

18 MR. JONES: But it's all one room.

19 MR. ALBERTI: All one room up  
20 there?

21 MR. JONES: Seems to be.

22 MR. ALBERTI: Okay. So how far

1       into that room did you get before Mr. Martin  
2       told you to halt?

3                   MR. JONES:   At the top of the  
4       stairs?

5                   MR. ALBERTI:  Right at the top of  
6       the stairs?

7                   MR. JONES:   Yes, sir.

8                   MR. ALBERTI:  How far from the top  
9       of the stairs?

10                  MR. JONES:   Right at the top of the  
11       stairs.

12                  MR. ALBERTI:  Okay.  Less than a  
13       foot?  When you were standing there, where was  
14       Mr. Apraku at this point?

15                  MR. JONES:   Behind me on the stair.

16                  MR. ALBERTI:  He was on the stairs?

17                  MR. JONES:   Yes, sir.

18                  MR. ALBERTI:  Okay.  Where is the  
19       bar?

20                  MR. JONES:   The bar is right in  
21       front of us.  As soon as you --

22                  MR. ALBERTI:  How far?

1 MR. JONES: Probably three to four  
2 feet maybe.

3 MR. ALBERTI: Three to four feet  
4 from where you were standing?

5 MR. JONES: Where I was standing.

6 MR. ALBERTI: Okay. So Mr. Martin  
7 retrieves the license. Do you know where the  
8 license was, where he retrieved it from?

9 MR. JONES: It was behind the bar.

10 MR. ALBERTI: What's that mean?  
11 Did you see where he got it from?

12 MR. JONES: Yeah, the licenses were  
13 hanging in one big frame.

14 MR. ALBERTI: On the wall --

15 MR. JONES: Yes, sir.

16 MR. ALBERTI: Behind the bar?

17 MR. JONES: Yes, sir.

18 MR. ALBERTI: Okay. So he brings  
19 it around to the front. And he again asks to  
20 see your credentials?

21 MR. JONES: Yes, sir.

22 MR. ALBERTI: All right. You hold

1       them out to him. Is that correct?

2                   MR. JONES: Yes, sir.

3                   MR. ALBERTI: And you said he  
4       snatched them from you?

5                   MR. JONES: Yes, sir.

6                   MR. ALBERTI: Was there any request  
7       to get a closer look?

8                   MR. JONES: No.

9                   MR. ALBERTI: There was no request  
10      all of any sort to you?

11                  MR. JONES: None.

12                  MR. ALBERTI: Is that what I'm  
13      hearing?

14                  MR. JONES: Yes.

15                  MR. ALBERTI: Okay. I'm sorry for  
16      the leading questions.

17                  MR. JONES: That's okay.

18                  MR. ALBERTI: So he snatched it.  
19      And what was your reaction?

20                  MR. JONES: I snatched it back.

21                  MR. ALBERTI: Okay. Did he try to  
22      resist your retrieving it?

1 MR. JONES: Yes. As I went to  
2 snatch it back, we were going back and forth.  
3 And I finally got it out of his hand.

4 MR. ALBERTI: Back and forth once,  
5 twice?

6 MR. JONES: Maybe twice.

7 MR. ALBERTI: So did you have to  
8 tug hard to get it back?

9 MR. JONES: I would say so.

10 MR. ALBERTI: Or did he just --

11 MR. JONES: I would say --

12 MR. ALBERTI: Or was he just  
13 playing keep away? Or did you both have your  
14 hands on it?

15 MR. JONES: Yes.

16 MR. ALBERTI: You both had your  
17 hands on it?

18 MR. JONES: Yes.

19 MR. ALBERTI: All right. And you  
20 had to pull to get it back?

21 MR. JONES: I had to use some  
22 leverage.

1 MR. ALBERTI: Okay. So after you  
2 got it back, what was the next thing that  
3 happened?

4 MR. JONES: I advised him that he  
5 could not take my credentials, just as he was  
6 told downstairs.

7 And at that point he kept yelling  
8 that's a fake ID, that's not you, get the F  
9 out. And then he said, if you won't let me  
10 see your ID, you can't see my license.

11 MR. ALBERTI: So did he make a  
12 request to take a closer look at it?

13 MR. JONES: If you call snatching -  
14 -

15 MR. ALBERTI: Now, just answer my  
16 question. Did he make a request to take a  
17 closer look at it?

18 MR. JONES: To me that's not a  
19 request.

20 MR. ALBERTI: A request would, may  
21 I see it please, have a closer look at your  
22 license?

1 MR. JONES: That's not what was  
2 said.

3 MR. ALBERTI: Did he make any  
4 request?

5 MR. JONES: That's not what was  
6 said.

7 MR. ALBERTI: Okay. So your  
8 testimony is, at that point, he challenged the  
9 validity of your license. Is that correct?

10 MR. JONES: Yes, sir.

11 MR. ALBERTI: All right. So what's  
12 the next thing that happened? After he  
13 challenges the validity of your license,  
14 what's the next thing that happened?

15 I know it's hard, because there's  
16 a lot of back and forth going on here.

17 MR. JONES: At that point, when he  
18 told us to get out, he called for security. I  
19 started to make my way down.

20 MR. ALBERTI: Back up, he told you  
21 to get out?

22 MR. JONES: Yes.

1 MR. ALBERTI: So after he  
2 challenged your license, how did he tell you  
3 to get out?

4 MR. JONES: He said, get the F out.

5 MR. ALBERTI: Okay.

6 MR. JONES: And he called for  
7 security.

8 MR. ALBERTI: Did he instruct  
9 security as to what to do?

10 MR. JONES: Escort them out. No,  
11 it was get them out.

12 MR. ALBERTI: Okay. He said that  
13 to security?

14 MR. JONES: Yes.

15 MR. ALBERTI: Okay. And what did  
16 security do?

17 MR. JONES: Got us out.

18 MR. ALBERTI: How?

19 MR. JONES: Well, once they  
20 surround you, obviously you have to go.

21 (Crosstalk)

22 MR. ALBERTI: They surrounded you

1 and what did you do when they surrounded you?

2 MR. JONES: I made my way towards  
3 the front door.

4 MR. ALBERTI: You turned around and  
5 went down the stairs?

6 MR. JONES: Yes.

7 MR. ALBERTI: Okay.

8 MR. JONES: Well, I was already at  
9 the bottom of the stairs when they were there.  
10 So he yelled security. Security was in the  
11 area. And so once we got, at least I got down  
12 to the second floor. They were already there.

13 MR. ALBERTI: Oh, so at the top of  
14 the stairs, he's yelling for security.

15 MR. JONES: Yes.

16 MR. ALBERTI: And is that when you  
17 made your decision to go down the stairs?

18 MR. JONES: Yeah. If he's yelling  
19 get out, get out, and then he yells security,  
20 and then I'm making my way through the front  
21 door.

22 MR. ALBERTI: It's his license, and

1       you were following his instructions. Is that  
2       what you're telling me?

3                   MR. JONES: Yes.

4                   MR. ALBERTI: Okay. Did you two  
5       pass Mr. Apraku on the stairs? Because I'm  
6       trying to, did Mr. Apraku ever enter the room  
7       upstairs?

8                   MR. JONES: Yes. Mr. Apraku made  
9       it up to the top floor when Mr. Martin and I  
10      had the exchange.

11                  MR. ALBERTI: Okay.

12                  MR. JONES: He was in back of me on  
13      that second level.

14                  MR. ALBERTI: Okay. On your way  
15      down, how did you become aware that Mr. Apraku  
16      felt that he was pushed?

17                  MR. JONES: It wasn't stated to me  
18      until I made my way halfway through the  
19      establishment towards the front door on the  
20      first level.

21                  And then that's when he yelled at  
22      me and said, hey, somebody pushed me.

1 MR. ALBERTI: Okay. So just to  
2 make it clear, so you chose not to press  
3 forward with examining the license at the top  
4 of the stairs because -- and I don't want to  
5 put words in your mouth.

6 Mr. Martin challenged your  
7 credentials, all right. And then immediately  
8 told you to get out or did any time pass?

9 MR. JONES: The challenge of the  
10 credentials took place. And I would say  
11 probably, it was a very short amount of time  
12 between that and him yelling get out and  
13 security being called.

14 MR. ALBERTI: Did you make any  
15 attempt to examine the licenses in the  
16 interim?

17 MR. JONES: I didn't. Because we  
18 had already gone through the situation with  
19 the ID snatching, him cursing at me telling me  
20 to get the F out. And I can't review his  
21 licenses if I don't let him see the badge.  
22 It's too much going on at this point. And so

1 to me pressing forward would involve an  
2 altercation that I'm not trying to get into.  
3 It's no point.

4 MR. ALBERTI: Okay. So it was at  
5 that point, right after he snatched your  
6 credentials and said to you I won't show you  
7 the licenses unless I see your credentials,  
8 that you made the decision not to press  
9 forward to review the licenses?

10 MR. JONES: He said, you won't let  
11 me see your ID, you can't see my licenses.

12 MR. ALBERTI: And it was at that  
13 point you decided not to press forward. Is  
14 that correct?

15 MR. JONES: Right. Because all  
16 during that transaction, he was screaming get  
17 the F out.

18 MR. ALBERTI: Okay.

19 (Crosstalk)

20 MR. ALBERTI: When did he first  
21 utter that? In the sequence of things, when  
22 did he first utter that?

1                   MR. JONES: That started as soon as  
2 I got my badge back from him.

3                   MR. ALBERTI: Okay. Well, that's  
4 what I'm asking. So you got your badge back  
5 from him. And what happened next? Was there  
6 a time, was there a pause, did you have  
7 dialogue before --

8                   MR. JONES: No, there was no pause.  
9 It was I got the badge back. He said, get the  
10 F out. And then he said, you won't let me see  
11 your badge, you can't see my licenses.

12                   MR. ALBERTI: So he told you to get  
13 out --

14                   MR. JONES: Get the F out.

15                   MR. ALBERTI: Is it before he told  
16 you, you couldn't see the license until he saw  
17 your badge he told you to get out?

18                   MR. JONES: Yes.

19                   MR. ALBERTI: And so it was at that  
20 point that you decided that you would just end  
21 the investigation at that point?

22                   MR. JONES: Yes.

1                   MR. ALBERTI:   Okay.  I have no  
2 further questions, thank you.

3                   CHAIRPERSON MILLER:  Okay.  Further  
4 Board questions?  All right.  Now, questions  
5 on Board questions, Mr. Fonseca?

6                   MR. FONSECA:  Just a couple.  Mr.  
7 Jones, we have a couple of inconsistencies.  
8 In response to Chairman Miller's questions,  
9 and all this relates back to the pushing of  
10 Investigator Apraku.

11                   Consistently through your direct  
12 testimony and cross examination you said that  
13 it had been Mr. Martin.

14                   During one response to Chairman  
15 Miller, you stated these guys are pushing me  
16 is what Apraku told you.  Is that the words  
17 that Apraku told you?

18                   MR. JONES:  Well, first of all,  
19 again, you would have to ask him.  What I  
20 remember him stating was someone pushed him.  
21 As it unfolded, he said that Mr. Martin pushed  
22 him.

1 MR. FONSECA: Well, it's  
2 interesting. Because now again, to Member  
3 Alberti, I put you down in quotations as  
4 saying somebody pushed me, is what he said.

5 MR. JONES: Right. He said,  
6 somebody pushed me. And then as it unfolded,  
7 he said Mr. Martin pushed him.

8 MR. FONSECA: And to Chairman  
9 Miller you said these guys are pushing me. Is  
10 it a fair assumption that if someone  
11 physically touched him, that security was  
12 behind him, not Mr. Martin?

13 MR. JONES: I can't say. I had  
14 assumed that it was security because I thought  
15 that they were directly, I know when I reached  
16 the bottom of the stairwell they were there.

17 And they were around us. And so I  
18 had assumed that it was security until  
19 Investigator Apraku stated it was Mr. Martin.

20 MR. FONSECA: Lastly, in the way  
21 that the second floor is laid out, as Member  
22 Alberti was trying to get, is it not a fact,

1 two things, one that as you were stopped by  
2 Mr. Martin it was the motion of putting an arm  
3 in front of you of which you may have gotten  
4 ahead of his arm.

5 So there was some tension that went  
6 on. It wasn't just a barrier you didn't have  
7 to walk into. Is that correct?

8 MR. JONES: No. That's not what  
9 happened.

10 MR. FONSECA: That's not correct?  
11 Is it not correct that you walked at least two  
12 steps on to the second floor, of which at that  
13 point you begin to enter the entry way to get  
14 behind the bar, for which Mr. Martin was  
15 stopping you to go behind the bar? Is that  
16 accurate?

17 MR. JONES: No. When I had gotten  
18 to the top of the stairwell, I was on the  
19 landing of the stairwell when he turned around  
20 and put his hand in my, stopped my forward  
21 momentum and told me you wait here.

22 There are very few instances where

1 Licenses do not allow us to go behind the bar.  
2 I'm not saying it's something that we do all  
3 the time, but again, there was nobody on the  
4 second level. It wasn't occupied. It was  
5 just us three up there.

6 MR. FONSECA: At this point in time  
7 though, he had already challenged your  
8 credentials on the first floor.

9 And then when he went by in the bar  
10 and put the license board down, he commenced  
11 to challenge them again. Isn't that correct?

12 MR. JONES: On the first level, no,  
13 he had looked at the credentials kind of  
14 strange. He didn't say anything about it  
15 being fake at that point.

16 But when we started walking up,  
17 that's when he said that's not you. It's a  
18 fake ID, those types of things.

19 MR. FONSECA: Your report states as  
20 to what occurred on the second floor.

21 MR. JONES: Yes, sir.

22 MR. FONSECA: And I'm quoting here,

1 "After he said you wait here, Mr. Martin went  
2 behind the second level bar, retrieved the ABC  
3 License, slammed it down on the bar, and asked  
4 to review Investigator Jones's credentials  
5 once more.

6 Investigator Jones again presented  
7 Mr. Martin with credentials followed by Mr.  
8 Martin snatching it from your hands and  
9 stating that's not you.

10 MR. JONES: Yes, sir.

11 MR. FONSECA: Okay. But that's not  
12 what you told Member Alberti just now. There  
13 is an inconsistency from your responses to his  
14 questions, is there not, from your report?

15 MR. JONES: The only thing that  
16 wasn't stated when Member Alberti asked was we  
17 were going back and forth in reference to how  
18 it was snatched.

19 MR. FONSECA: And why it was  
20 presented. Is that more accurate, as to why  
21 you presented the credentials?

22 MR. JONES: Well, I stated that I

1 presented it, because he asked for them. But  
2 that was the reason why I pulled it back out.

3 MR. FONSECA: All right. I have no  
4 further questions.

5 CHAIRPERSON MILLER: Ms. Gephardt,  
6 do you have questions?

7 MS. GEPHARDT: I just have a few  
8 questions. Investigator Jones, how soon after  
9 an incident do you write your case report,  
10 approximately?

11 MR. JONES: Probably within two  
12 weeks.

13 MS. GEPHARDT: And this incident  
14 occurred on December 31st, 2012.

15 MR. JONES: Actually, it was  
16 January 1st.

17 MS. GEPHARDT: Okay. And is what  
18 you're testifying to today as accurate as  
19 possible to what you remember happening on  
20 December 31st, 2012?

21 MR. JONES: Yes, ma'am.

22 MS. GEPHARDT: Are there times

1 where there're some minor inconsistencies in  
2 your story because of the passage of time?

3 MR. JONES: Sure.

4 MS. GEPHARDT: But in general, you  
5 remember what happened in terms of the  
6 sequence of things and some of the major  
7 things that happened?

8 MR. JONES: Well, you have to brief  
9 yourself on what took place. The basis of  
10 what took place that evening is what was  
11 stated here today.

12 I have no reason to go into any  
13 establishment with an attitude, with any type  
14 of beefs, if I could use that word. I don't  
15 have a reason to have any issues with any  
16 establishments.

17 I'm just here to do my job. That's  
18 it. So again, what was stated here was what  
19 took place that evening, basically took place  
20 that evening or that morning.

21 MS. GEPHARDT: So did you come here  
22 today with the intention of, or excuse me, did

1 you go to Sticky Rice on that evening with the  
2 intention of stirring up trouble?

3 MR. JONES: No. I don't even know  
4 these people. I have no reason to do that.

5 MS. GEPHARDT: And is the testimony  
6 that you're giving us today, is it truthful?

7 MS. GEPHARDT: Yes, ma'am.

8 MS. GEPHARDT: Okay. That's all I  
9 have.

10 CHAIRPERSON MILLER: Okay. I think  
11 that completes this witness then. Thank you,  
12 Mr. Jones.

13 MR. JONES: Thank you.

14 CHAIRPERSON MILLER: Do you have  
15 another witness?

16 MS. GEPHARDT: I do have another  
17 witness. I'd like to call Mr. Apraku.

18 CHAIRPERSON MILLER: Good  
19 afternoon.

20 MR. APRAKU: Good afternoon.

21 CHAIRPERSON MILLER: Do you swear  
22 to tell the truth, the whole truth, and

1 nothing but the truth?

2 MR. APRAKU: I do.

3 CHAIRPERSON MILLER: Okay, thank  
4 you.

5 MS. GEPHARDT: Good afternoon, Mr.  
6 Apraku.

7 MR. APRAKU: Good afternoon.

8 MS. GEPHARDT: Can you please state  
9 your name and spell it for the record?

10 MR. APRAKU: My name is Kofi  
11 Apraku. It's spelled K-O-F-I, last name, A-P-  
12 R-A-K-U.

13 MS. GEPHARDT: And Mr. Apraku,  
14 where do you work?

15 MR. APRAKU: I work for the  
16 Alcoholic Beverage Regulation Administration.

17 MS. GEPHARDT: And what is your  
18 title.

19 MR. APRAKU: I am an investigator.

20 MS. GEPHARDT: And what are your  
21 job responsibilities as an investigator? What  
22 do you do?

1 MR. APRAKU: I conduct  
2 investigations and inspections of licensed ABC  
3 establishments within the District of  
4 Columbia.

5 MS. GEPHARDT: Okay. And how long  
6 have you been with ABRA?

7 MR. APRAKU: Since December of  
8 2011.

9 MS. GEPHARDT: Okay. And are you  
10 familiar with a Licensee by the name of Sticky  
11 Rice?

12 MR. APRAKU: Yes.

13 MS. GEPHARDT: And do you remember  
14 having the occasion to visit Sticky Rice on  
15 December 31st, 2012?

16 MR. APRAKU: Yes.

17 MS. GEPHARDT: And what was your  
18 reason for visiting that night?

19 MR. APRAKU: Just a routine check,  
20 a routine check for extension of hours,  
21 license, just to make sure that things were  
22 operating smoothly.

1 MS. GEPHARDT: Okay. And how did  
2 you know to do a routine check? Was this on a  
3 list, or why was Sticky Rice chosen?

4 MR. APRAKU: We were assigned,  
5 Investigator Jones and myself, were assigned  
6 the H Street corridor as part of our task by  
7 the Chief, Johnny Jackson, in order for us to  
8 basically monitor that corridor.

9 MS. GEPHARDT: So were there other  
10 establishments you visited that night in  
11 addition to Sticky Rice.

12 MR. APRAKU: Yes.

13 MS. GEPHARDT: Okay. On H Street?

14 MR. APRAKU: Yes.

15 MS. GEPHARDT: Okay. Do you know  
16 approximately what time you arrived at the  
17 establishment?

18 MR. APRAKU: Approximately about  
19 2:15.

20 MS. GEPHARDT: Okay. And tell us  
21 what happened when you arrived at the  
22 establishment? MR. APRAKU: Well, we

1 arrived at the establishment. We entered into  
2 the establishment. We went directly to the  
3 bar area.

4 There was a female, what I can only  
5 assume as a bartender. We identified  
6 ourselves as ABRA investigators to her. And  
7 requested to speak to an ABC manager or owner.

8 MS. GEPHARDT: Did you show her  
9 your ID?

10 MR. APRAKU: Yes.

11 MS. GEPHARDT: You did, okay. Did  
12 you tell her at that time why you were there?

13 MR. APRAKU: Yes. We just told her  
14 that we were here to do a check, check for the  
15 extension of hours pretty much, and that we  
16 just needed to speak with the ABC manager.

17 MS. GEPHARDT: Okay. And what  
18 happened after that?

19 MR. APRAKU: While we were talking  
20 to her, Mr. Martin came behind us. And we  
21 identified ourselves to him as ABRA  
22 investigators and showed him our credentials.

1 MS. GEPHARDT: Okay. And what kind  
2 of credentials did you show him?

3 MR. APRAKU: Well, I showed him my  
4 badge that has my ID, my Government ID,  
5 attached to it.

6 MS. GEPHARDT: Okay. And is there  
7 anything else besides your ID?

8 MR. APRAKU: My ABRA badge is also  
9 attached to it.

10 MS. GEPHARDT: Oh, the badge, okay.

11 MR. APRAKU: Yes.

12 MS. GEPHARDT: Okay. And you  
13 showed that to Mr. Martin?

14 MR. APRAKU: Yes.

15 MS. GEPHARDT: And did he take a  
16 look at it? Or did he grab it, or what  
17 happened?

18 MR. APRAKU: I presented it to him  
19 while holding it like this, like holding it  
20 out to him. And he held the other end of it  
21 and tried to pull it, pull it towards him.

22 He didn't ask me my permission or

1 anything. He just yanked it. And I yanked it  
2 back in my direction and said, you can look at  
3 the ID but you cannot take it. And he --

4 MS. GEPHARDT: Did he, oh, I'm  
5 sorry. Go ahead.

6 MR. APRAKU: And he let go of it.

7 MS. GEPHARDT: Did he explain to  
8 you why he was grabbing the ID?

9 MR. APRAKU: No.

10 MS. GEPHARDT: Did he look at you  
11 funny? Or did he give you a look like he was  
12 confused, like why are you here, what are you  
13 doing?

14 MR. APRAKU: No. We had told him  
15 as soon as we got there that we were there to  
16 conduct just a regular check, and we needed to  
17 see the ABC licenses.

18 MS. GEPHARDT: Okay. Were you  
19 surprised when he grabbed your ID?

20 MR. APRAKU: Very.

21 MS. GEPHARDT: So what happened  
22 after you grabbed your ID back? What happened

1 after that?

2 MR. APRAKU: He took us up. He  
3 took us up to the second floor area to go look  
4 at the ABC licenses.

5 He had already looked at  
6 Investigator Jones's badge, so he just took us  
7 up to go see the licenses on the second floor.

8 MS. GEPHARDT: And what was your  
9 recollection of what happened downstairs when  
10 Investigator Jones showed his badge?

11 MR. APRAKU: I didn't see him  
12 looking at his badge, per se. He showed him  
13 his badge and then he just moved on to come  
14 and look at my badge. So I didn't really see  
15 what the interaction between them was.

16 MS. GEPHARDT: So you didn't hear  
17 Mr. Martin say anything to Mr. Jones?

18 MR. APRAKU: No, I did not.

19 MS. GEPHARDT: Okay. So was there  
20 any kind of dialogue or explanation for after  
21 he grabbed your badge and then he looked at  
22 Mr. Jones's ID?

1                   Was there any kind of dialogue  
2                   where he said let me take you upstairs? Or  
3                   was it just like he turned around and walked  
4                   upstairs?

5                   MR. APRAKU: I recall Investigator  
6                   Jones saying we just need to see your IDs, can  
7                   you show us your IDs? And he was like, okay.  
8                   And then he just headed up that way, up to the  
9                   stair area. And we just followed.

10                  MS. GEPHARDT: Did he explain why  
11                  he was going upstairs?

12                  MR. APRAKU: No. We just assumed  
13                  that he was taking us to the license.

14                  MS. GEPHARDT: Okay. So you went  
15                  up the stairs. Explain to me what the order  
16                  was in terms of who went up first, who  
17                  followed?

18                  MR. APRAKU: Well, from what I  
19                  recall, I believe Mr. Martin was in the front.  
20                  Investigator Jones was behind him, and I was  
21                  behind Investigator Jones.

22                  As we were climbing the stairs, I

1       could see that Mr. Martin had -- I couldn't  
2       see his hand, but I heard the words, you wait  
3       here.

4                       From my position, I couldn't see  
5       how he had halted Investigator Jones. But as  
6       he halted him on the stairs, I walked around.  
7       Because it's not a very big stairway, but it's  
8       a stairway nonetheless.

9                       So I walked around him to the side  
10      of Investigator Jones up to the landing of the  
11      stairs where he had been halted.

12                      MS. GEPHARDT: So you could not see  
13      any sort of pushing or anything by --

14                      MR. APRAKU: No, I did not.

15                      MS. GEPHARDT: -- Mr. Martin to Mr.  
16      Jones?

17                      MR. APRAKU: No, I did not.

18                      MS. GEPHARDT: Okay. So when he  
19      was pushed, according to Mr. Jones's  
20      testimony, you couldn't actually see it. You  
21      were still on the stairs.

22                      MR. APRAKU: I was still on the

1 stairs behind him.

2 MS. GEPHARDT: Okay. So then at  
3 what point, how long did it take for you,  
4 after you were stopped on that top stair,  
5 until you went around? How long was that?

6 MR. APRAKU: Not long, maybe 30  
7 seconds or something like that.

8 MS. GEPHARDT: Oh, okay.

9 MR. APRAKU: Because it was very  
10 tentative. He stopped him and then in my mind  
11 I was like what am I supposed to do now. So I  
12 just went around him to stand next to him on  
13 the landing on the stairs.

14 MS. GEPHARDT: Okay. And what did  
15 you hear or observe at that point?

16 MR. APRAKU: After that you wait  
17 here, and I moved over to get onto the  
18 landing, I saw Mr. Martin go back behind the  
19 bar, back behind what appeared to be some sort  
20 of bar area and then retrieve a frame that was  
21 hanging on the wall.

22 He pulled it down. He brought it

1 back and put it on the table. And then he  
2 requested to see Investigator Jones's ID  
3 again.

4 MS. GEPHARDT: Okay. And did you  
5 recognize whatever it was he brought back to  
6 the bar area? Did you recognize it to be  
7 licenses, ABC licenses?

8 MR. APRAKU: Most ABC Licensees  
9 have big frames in which they keep all their  
10 licenses. So just off a general assumption  
11 and me having worked with a lot of  
12 establishments, the general assumption was  
13 that was the licenses that he had just pulled  
14 down.

15 But I couldn't see that was  
16 actually the ABC license. Sometimes, as  
17 Investigator Jones testified, they have all  
18 types of them. They have DCRA's information  
19 in there. You can't really tell until it's  
20 presented to you.

21 MS. GEPHARDT: So you weren't able  
22 to view in detail what actually the licenses

1 were in the frame?

2 MR. APRAKU: No.

3 MS. GEPHARDT: And were you given  
4 that opportunity? Or what was your reason for  
5 not going over there to inspect the licenses?

6 MR. APRAKU: Well, the fact that he  
7 put it down, as soon as he put it down and  
8 wanted to see his ID again, halted me.  
9 Because it was literally right in front of  
10 him.

11 He put it down in front of him. It  
12 was like let me see your license? Let me see  
13 you badge again.

14 So when he presented it to him, Mr.  
15 Martin took the ID, took it from him and  
16 basically just kept yelling this is not you,  
17 this is not you, that's not him, this is a  
18 fake. His ID is real. This is a fake.

19 MS. GEPHARDT: And when he said  
20 this ID is real, who was he referring to?

21 MR. APRAKU: He was referring to  
22 me. He said my ID is real, but Investigator

1 Jones's ID was fake.

2 MS. GEPHARDT: So what was your  
3 assumption as to why he was asking  
4 Investigator Jones for his ID again?

5 MR. APRAKU: Truthfully, it was  
6 bizarre. It was bizarre to me. I couldn't  
7 understand it. I was pretty much transfixed.

8 I didn't know what to do in the  
9 scenario. Because I'd never been presented  
10 with a scenario like that before.

11 MS. GEPHARDT: So were you aware  
12 downstairs when Investigator Jones showed his  
13 ID, were you aware at that time that there was  
14 a problem?

15 MR. APRAKU: I was only aware of a  
16 problem when he tried to man handle my ID out  
17 of my hand. That's when I felt like maybe  
18 this guy might have some sort of problem with  
19 us being here, because of the way he tried to  
20 yank my ID out of my hand.

21 But I didn't know that there was  
22 anything going on between him and Investigator

1 Jones.

2 MS. GEPHARDT: After the situation  
3 happened when you first walked in and he tried  
4 to grab the ID out of your hand, were you in  
5 any way, did you feel intimidated about  
6 proceeding forward into the establishment?

7 MR. APRAKU: I wasn't intimidated.  
8 I was more surprised, because that had never  
9 happened to me before. I never had a Licensee  
10 try to grab an ID out of my hand before.

11 MS. GEPHARDT: And did you notice  
12 anything unusual about Mr. Martin in terms of  
13 his appearance or the way he was acting?

14 MR. APRAKU: The behavior was, as  
15 I said before, it was bizarre. But I didn't  
16 smell any alcohol on his breath, so I can't  
17 claim intoxication or anything like that.  
18 However, his behavior was just strange, the  
19 aggression. From the moment we walked in it  
20 seemed that he was aggressive. And we didn't  
21 present him any cause for him to be  
22 aggressive.

1 MS. GEPHARDT: Which actually would  
2 be my next question. Did you have an  
3 aggressive attitude when you came in towards  
4 him? Is that how you presented yourself when  
5 you first walked in?

6 MR. APRAKU: No. There wasn't any  
7 need for aggression. We were doing routine  
8 checks all along H Street. We were just going  
9 from place to place doing routine checks. It  
10 was pretty basic what we were there for.

11 MS. GEPHARDT: Did you know Mr.  
12 Martin before you came that evening to visit  
13 the establishment?

14 MR. APRAKU: No. This encounter  
15 was my first and only time ever going to  
16 Sticky Rice or ever encountering Mr. Martin.

17 MS. GEPHARDT: Okay. Please tell  
18 the Board what happened after he tried to grab  
19 Mr. Jones's ID? What happened at the top of  
20 the stair? What happened after that?

21 MR. APRAKU: He lunged forward and  
22 grabbed the ID. And then he pulled up his

1 face and said this is not you, this is not  
2 you. This is a fake, this is a fake.

3 And Investigator Jones gabbed it  
4 back. And he says if you won't let me see  
5 your ID, you can't see my licenses. And then  
6 he just proceeded to start screaming get the F  
7 out, get the F out, get the F out.

8 Again, at this point I was still in  
9 disbelief about what was going on.  
10 Investigator Jones was already on his heels  
11 leaving. He already had started to leave.

12 I was still almost at the top of  
13 the stairs. And that's when I felt that Mr.  
14 Martin was behind me. And I could feel his  
15 hand on my back, like, get the fuck out, get  
16 the -- I'm sorry, I didn't mean to curse.

17 (Laughter)

18 MR. APRAKU: Yeah, that was the  
19 only way I can really --

20 MS. GEPHARDT: I think we all know  
21 what you --

22 (Crosstalk)

1 MR. APRAKU: The only way I can  
2 really explain it is I felt his hand on my  
3 back, like, pushing me to go. And I was at  
4 the top of the stairs. And I could feel his  
5 hand in my back pushing me.

6 And there was nobody else there.  
7 That's why I knew it was Mr. Martin. Because  
8 we were the only three people on the top of  
9 the stairs.

10 MS. GEPHARDT: So you're saying  
11 that the pushing or the feeling of the hand in  
12 your back, that happened up at the top of the  
13 stairs? Or was it on the way going down the  
14 stairs?

15 MR. APRAKU: I was still in  
16 disbelief leaving. But I was transfixed at  
17 the landing of the stairs. And I could feel  
18 his hand saying get the F out, get the F out.

19 And I was moreso still kind of in  
20 shock. And then I heard him say, he did a  
21 motion like this, like this to the security,  
22 get them the F out.

1                   And when he made that motion, he  
2                   was at the top of the stairs. So he was  
3                   making it to all of the people who were below  
4                   him, all his security guards below him, like,  
5                   get them the F out, these guys, get them the F  
6                   out.

7                   And that's when I just started  
8                   really moving down the stairs to basically get  
9                   out.

10                   MS. GEPHARDT: And how far in front  
11                   of you was Investigator Jones? Had he already  
12                   gotten downstairs?

13                   MR. APRAKU: He was already maybe  
14                   like --

15                   CHAIRPERSON MILLER: Can I  
16                   interrupt for a second? I'm sorry. But he's  
17                   making a motion that's not getting reflected  
18                   in the record.

19                   MS. GEPHARDT: Oh, I'm sorry.

20                   CHAIRPERSON MILLER: So perhaps you  
21                   could --

22                   MS. GEPHARDT: Let the record

1 reflect that the witness is making a circle  
2 where he's moving his hands.

3 MEMBER SILVERSTEIN: A circling  
4 motion, maybe.

5 MS. GEPHARDT: In a circling motion  
6 away from his body.

7 CHAIRPERSON MILLER: Thank you.

8 MS. GEPHARDT: So can you please  
9 explain where was Investigator Jones during  
10 the time that you were being pushed in the  
11 back?

12 MR. APRAKU: I was probably in the  
13 middle of the stairs. He was already at the  
14 base of the stairs. But he was moving. He  
15 was moving as in heading towards the door.

16 I can only assume that he thought  
17 that I was behind him. But I was a little bit  
18 further back.

19 MS. GEPHARDT: Okay. So it would  
20 be difficult, I guess, for Investigator Jones  
21 to have seen what happened.

22 MR. APRAKU: Yes.

1 MS. GEPHARDT: Okay.

2 MR. APRAKU: Yes.

3 MS. GEPHARDT: So what happened  
4 after you were pushed in the back by Mr.  
5 Martin?

6 MR. APRAKU: I wouldn't say that I  
7 was intimidated, but there were security  
8 guards coming from every direction. They were  
9 surrounding us. And we were in there. There  
10 was only two of us.

11 So I just beelined towards the door  
12 area. And that's when we met maybe almost  
13 close to the bar area. That's when I said  
14 somebody pushed me. And then he turned  
15 around.

16 And I think Mr. Martin was almost  
17 at the base of the stairs. And he says you  
18 cannot have, and he had a raised voice, he was  
19 obviously annoyed. He had a raised voice and  
20 said you cannot have your staff touch ABRA  
21 investigators.

22 It was something along those lines.

1 I'm not sure about the verbatim statement that  
2 he made. But it was something along those  
3 lines, in a raised voice.

4 MS. GEPHARDT: So when you say that  
5 you know that Mr. Martin touched you in the  
6 back --

7 MR. APRAKU: Yes.

8 MS. GEPHARDT: But then when you  
9 got downstairs you said somebody touched me.  
10 Why did you say that?

11 MR. APRAKU: First, I didn't know  
12 his name. I didn't really know his name. I  
13 didn't really know. I knew that he was the  
14 owner.

15 And it was in the heat of the  
16 moment. We're getting pushed down. We're  
17 getting basically pushed downstairs. There  
18 was security surrounding us.

19 I just didn't say Mr. Martin. But  
20 at the same time, I also didn't know his name  
21 at that point. I didn't know his name was Mr.  
22 Martin. I didn't know his name.

1 MS. GEPHARDT: Okay. What happened  
2 when you both got to the bottom of the stairs?

3 MR. APRAKU: After Investigator  
4 Jones turned around and said you cannot have  
5 anybody touch an ABRA investigator, we just  
6 basically turned around and just exited.

7 The distance from the door to the  
8 base of the stairs is not that far. So it was  
9 quick. We turned around and we just exited  
10 and left the establishment.

11 MS. GEPHARDT: How do you know that  
12 it wasn't a security guard that pushed you in  
13 the back?

14 MR. APRAKU: Because we were at the  
15 top of the landing. And there was only three  
16 of us. Security hadn't really responded yet  
17 to the area.

18 He was now doing the circling  
19 motion for all his security guards to come and  
20 get us out. So the only person behind me at  
21 that time was Mr. Martin.

22 MS. GEPHARDT: Okay.

1 MR. APRAKU: There wasn't anybody  
2 else.

3 MS. GEPHARDT: Okay. And can you  
4 please explain what the lighting was like,  
5 both downstairs when you first walked into the  
6 establishment and then upstairs when Mr. Jones  
7 was asked to show his ID again?

8 MR. APRAKU: Yeah. On the first  
9 floor, the lighting is definitely very dim.  
10 There was a lot of people. And it was visible  
11 enough, in my opinion, for someone to be able  
12 to see the ID, for them to be able to see IDs.  
13 But it was still dim. It was definitely dim.

14 On the second floor area, there was  
15 light. There was light, it was available.  
16 You could see all around you. However, yeah,  
17 you could pretty much see. It was normal  
18 light. It wasn't super bright, but it was  
19 enough light.

20 MS. GEPHARDT: Okay. So at no time  
21 during this entire visit did Mr. Martin  
22 question your identity as an ABRA

1 investigator?

2 MR. APRAKU: No.

3 MS. GEPHARDT: Was there any  
4 negative interaction or negative feelings  
5 between you and Mr. Martin prior to your visit  
6 to the establishment?

7 MR. APRAKU: I'd never been there.  
8 I'd never met him before.

9 MS. GEPHARDT: Okay. Did you and  
10 Investigator Jones coordinate your testimony  
11 here today?

12 MR. APRAKU: No.

13 MS. GEPHARDT: Okay. Did you ever  
14 put your hands on Mr. Martin at any time?

15 MR. APRAKU: No.

16 MS. GEPHARDT: Did you ever scream  
17 at Mr. Martin?

18 MR. APRAKU: No.

19 MS. GEPHARDT: Did you raise your  
20 voice at Mr. Martin?

21 MR. APRAKU: No.

22 MS. GEPHARDT: All right. That's

1 all I have for now.

2 CHAIRPERSON MILLER: Okay. Any  
3 cross?

4 MR. FONSECA: Investigator Apraku,  
5 could you just hold up your credentials? When  
6 you showed it on the first floor to Mr.  
7 Martin, did you display it that way? Or was  
8 it folded over --

9 MR. APRAKU: I did it like this.

10 MR. FONSECA: -- or just the badge?

11 MR. APRAKU: I did it like this.

12 MR. FONSECA: Open, open faced?

13 MR. APRAKU: Yes, open like that,  
14 open faced, like that. And then he grabbed  
15 these two ends to yank.

16 MR. FONSECA: All right. And that  
17 first floor, again, this lighting keeps coming  
18 up. While you all were standing when the  
19 initial ID, your credential checks, were being  
20 made, that's where it was dimly lit, correct?

21 MR. APRAKU: Yes.

22 MR. FONSECA: Would you concede that

1 in both instances, when he's trying to grab  
2 your identifications, it was to see them  
3 better, to get them nearer to his sight line?

4 MR. APRAKU: I can concede that.  
5 However, all he really needed to do was just  
6 say I can't see your ID. I need to see it  
7 better. And we would have very much obliged  
8 him.

9 MR. FONSECA: But that didn't  
10 happen. Is it fair, under the circumstances,  
11 both of you indicating you've never met him,  
12 for him to want to scrutinize your  
13 identifications?

14 MR. APRAKU: Yes.

15 MR. FONSECA: What was your sense of  
16 time between the initial review, whether there  
17 was a dispute or not about the credentials, and  
18 then showing you all up to the second floor to  
19 look at the license board? How much time did  
20 that take?

21 MR. APRAKU: Couple minutes, nothing  
22 long.

1                   MR. FONSECA: Did you find, at that  
2 point in time, would you consider that you were  
3 impeded in any way on the first floor?

4                   MR. APRAKU: No.

5                   MR. FONSECA: And once the license  
6 board was on the bar, I understand from your  
7 testimony this had never happened to you  
8 before. But you are a trained investigator.  
9 Did you ever attempt to go look at the  
10 licenses?

11                  MR. APRAKU: Not with him screaming  
12 get the F out.

13                  MR. FONSECA: There was a little bit  
14 of time before the F bombs started to rain  
15 down. We'll assume that testimony may be  
16 accurate.

17                  MR. APRAKU: Maybe within the  
18 seconds that he put it down and asked for  
19 another investigator's ID, snatched it from  
20 him, started yelling it's not him, there was  
21 really no time for me to go over to --

22                  MR. FONSECA: Can we focus on that

1 for a minute?

2 MR. APRAKU: Yeah.

3 MR. FONSECA: I understand, and I  
4 take your statement, I'm phrasing, you're  
5 somewhat taken aback, was how you were feeling,  
6 I gather --

7 MR. APRAKU: Sure.

8 MR. FONSECA: -- by the conduct.  
9 But you know have a Licensee that's outright  
10 challenging the authenticity of the  
11 credentials.

12 Do you find it, at that moment, to  
13 bring the situation under control, to take more  
14 time to make this individual here comfortable  
15 that you all have actual identification and you  
16 are ABRA investigators, as opposed to walking  
17 away?

18 MR. APRAKU: I believe that  
19 Investigator Jones did everything necessary to  
20 provide Mr. Martin with his credentials. He  
21 provided it once downstairs and he provided it  
22 again upstairs.

1                   And even if he had provided it, I  
2                   don't believe that, no matter how many times he  
3                   provided it, Mr. Martin was still adamant that  
4                   the identification was not him.

5                   MR. FONSECA: That evening, it was  
6                   New Year's Eve, so how was the assignment made  
7                   for you and Investigator Jones to be on the H  
8                   Street corridor?

9                   MR. APRAKU: It was assigned to me  
10                  by Chief Investigator Johnny Jackson.

11                  MR. APRAKU: Did you meet at  
12                  headquarters before going there?

13                  MR. APRAKU: Yes.

14                  MR. FONSECA: Did you drive over  
15                  together?

16                  MR. APRAKU: Yes.

17                  MR. FONSECA: To your knowledge, did  
18                  Mr. Jones leave his identification at home or  
19                  the office?

20                  MR. APRAKU: No.

21                  MR. FONSECA: To your knowledge, did  
22                  he have Investigator Stewart's identification

1 on him?

2 MR. APRAKU: He did not have  
3 Investigator Stewart's identification?

4 MR. FONSECA: And you know this for  
5 certain?

6 MR. APRAKU: For a fact, because  
7 we'd been in different establishments and  
8 presented the ID. And it had gone over without  
9 a hitch.

10 CHAIRPERSON MILLER: I'm just going  
11 to take a moment while there's a pause to  
12 welcome Mr. Jones to the Board.

13 MR. HERMAN JONES: Thank you, Madam  
14 Chair.

15 MR. FONSECA: As you descended the  
16 stairs, your testimony is that Mr. Martin  
17 pushed you, although you said somebody pushed  
18 you to Investigator Jones. Is that correct?

19 MR. APRAKU: That's correct.

20 MR. FONSECA: And your testimony is  
21 that you were absolutely on the stairs when you  
22 felt the touching.

1 MR. APRAKU: Yes.

2 MR. FONSECA: Did it cause you to  
3 stumble?

4 MR. APRAKU: No.

5 MR. FONSECA: Was it a hand on your  
6 back to escort you out, or was it someone  
7 trying to push you down the stairs?

8 MR. APRAKU: I don't believe that he  
9 was trying to push me down the stairs. I do  
10 believe that he was adding some force to it, as  
11 in he wanted me to get out of there urgently.  
12 So he was urgently nudging me out of the door,  
13 out of the establishment.

14 MR. FONSECA: And it's your  
15 testimony absolutely that it wasn't security  
16 that --

17 MR. APRAKU: Yes.

18 MR. FONSECA: -- had done this?

19 MR. APRAKU: Yes.

20 MR. FONSECA: I'm trying to get a  
21 sense, you did that circular motion and you  
22 said security came from all sides.

1 MR. APRAKU: Yes.

2 MR. FONSECA: How is that in the  
3 layout of this establishment? You're saying  
4 security came from upstairs, downstairs,  
5 outside?

6 MR. APRAKU: When you're coming down  
7 the stairs it looks more like a dance area.  
8 There are people dancing and talking. And  
9 there's a bar area.

10 From what I could tell, because I  
11 was still making my way down the stairs, he was  
12 circling to all security guards, saying get  
13 them, security, get them the F out.

14 So from all I could see, I don't  
15 know where the security are stationed inside  
16 the establishment.

17 MR. FONSECA: Well, is it possible  
18 that he was already on the floor and you were  
19 coming down the stairs, for him to be able to  
20 even get into a sight line of security to do  
21 the circular motion?

22 MR. APRAKU: No. Because he was at

1 the top. And he was able to look down and see  
2 where the security were positioned inside the  
3 establishment.

4 MR. FONSECA: And you're walking  
5 down. Are you walking down backwards?

6 MR. APRAKU: I'm not walking down,  
7 but I'm walking down straight, forward.

8 MR. FONSECA: Forward, then your  
9 eyes would be forward.

10 MR. APRAKU: Yes.

11 MR. FONSECA: So how are you seeing  
12 these motions that he's making?

13 MR. APRAKU: Because as I'm coming  
14 down, he's screaming at me. He's screaming,  
15 like, security, get them. And I turned back  
16 and I see him doing this, security, get them  
17 the F out.

18 And that's when I was concerned. So  
19 I started picking up my pace to leave.

20 MR. FONSECA: And I'll ask you  
21 again. Were you not on the floor level, the  
22 first floor, when you were initially contacted

1 --

2 MR. APRAKU: When I was initially --

3 MR. FONSECA: On the back?

4 MR. APRAKU: -- contacted? No, I  
5 was not.

6 MR. FONSECA: There're no further  
7 questions.

8 CHAIRPERSON MILLER: Okay, Board  
9 questions? Yes, Mr. Brooks?

10 MEMBER BROOKS: Thank you, Madam  
11 Chair. Investigator, at any point were you  
12 concerned for your safety?

13 MR. APRAKU: At the moment when I  
14 heard, security, get them the F out, yes, a  
15 little bit. I was concerned.

16 Because from my perspective, these  
17 individual, these security guards, deal with a  
18 lot of unruly patrons. And they don't know  
19 that I'm an investigator.

20 He didn't say get these  
21 investigators out. He said, get them the F  
22 out. So from all their perspective, they could

1 just be coming into an unruly patron situation.  
2 They could come and grab us up or something.  
3 So I was a little bit concerned.

4 MEMBER BROOKS: And how many  
5 security help are we talking about?

6 MR. APRAKU: From my perspective, I  
7 saw three to four.

8 MEMBER BROOKS: Thank you, Madam  
9 Chair?

10 CHAIRPERSON MILLER: Okay, thank  
11 you. Others?

12 I just wanted to ask you to clarify,  
13 if you could. I think at one point you said  
14 when Mr. Martin's hands were on you we were  
15 only three people at the top of the stairs.

16 MR. APRAKU: Yes. At the top area,  
17 when we got to the second floor area, there was  
18 nobody there. There was only me, Mr. Martin,  
19 and Investigator Jones.

20 So Investigator Jones had turned  
21 around to leave. He was already going down the  
22 stairs. The only other person behind me was

1 Mr. Martin.

2 CHAIRPERSON MILLER: So Mr. Jones  
3 was in front of you going downstairs?

4 MR. APRAKU: Yes. He was on his way  
5 down the stairs.

6 CHAIRPERSON MILLER: And Mr. Martin  
7 was the only one behind you when you felt the  
8 push?

9 MR. APRAKU: Exactly.

10 CHAIRPERSON MILLER: Okay. And you  
11 did actually turn around and look at him a  
12 couple of times?

13 MR. APRAKU: Exactly.

14 CHAIRPERSON MILLER: Okay. All  
15 right, that's all I have. Mr. Alberti?

16 MR. ALBERTI: Yeah. Investigator  
17 Apraku, just a couple of quick questions to  
18 clarify. Let's go back to when Mr. Martin  
19 retrieved the license or the frame.

20 MR. APRAKU: Yes.

21 MR. ALBERTI: Which you assume had  
22 the license in it.

1 MR. APRAKU: Yes.

2 MR. ALBERTI: He takes it and where  
3 does he place it again?

4 MR. APRAKU: There's a bar area. He  
5 takes it and he puts it down on the bar.

6 MR. ALBERTI: On the bar?

7 MR. APRAKU: Yes, on the bar.

8 MR. ALBERTI: And where is he  
9 standing when he places it there?

10 MR. APRAKU: He's standing literally  
11 in front of the frames on the bar.

12 MR. ALBERTI: So he grabs it off the  
13 wall.

14 MR. APRAKU: Yes.

15 MR. ALBERTI: Does he walk around to  
16 the front of the bar?

17 MR. APRAKU: He walks around to  
18 where we are. He goes to the back, retrieves  
19 it, walks back around to us --

20 MR. ALBERTI: Wait, he walks around  
21 to the front of the bar.

22 MR. APRAKU: Yes.

1                   MR. ALBERTI:   And then places it on  
2                   the bar?

3                   MR. APRAKU:   Places it on the bar in  
4                   front of him.

5                   MR. ALBERTI:   In front of him?

6                   MR. APRAKU:   Yes.

7                   MR. ALBERTI:   So at this point, when  
8                   he's putting it down in front of him, is his  
9                   back to you?

10                  MR. APRAKU:   No.  He's facing  
11                  Investigator Jones.

12                  MR. ALBERTI:   I'm having trouble  
13                  understanding what goes on here.  So I've got  
14                  the wall --

15                  MR. APRAKU:   Yes.

16                  MR. ALBERTI:   -- the area behind the  
17                  bar.  I have the bar, correct?

18                  MR. APRAKU:   Yes.

19                  MR. ALBERTI:   Mr. Martin walks  
20                  around to the front of the bar.  And now he's  
21                  at the front of the bar.  Is he between Mr.  
22                  Jones and the bar?

1                   MR. APRAKU: He's in between the bar  
2                   and then the back area of the bar. And he's  
3                   facing Investigator Jones.

4                   MR. ALBERTI: So where does he set  
5                   it down? So it sounds like to me from what you  
6                   just said that the bar was to his back at this  
7                   point?

8                   MR. APRAKU: No. Okay.

9                   MR. ALBERTI: Help me out here.

10                  MR. APRAKU: Yeah, no problem. As  
11                  you go up the stairs, as you reach the top of  
12                  the stairs, the bar is in front of you.

13                  MR. ALBERTI: Uh-huh.

14                  MR. APRAKU: We came up to the top.  
15                  He stopped Investigator Jones. I went around  
16                  him to the side of Investigator Jones at the  
17                  top landing of the stairs. The bar is here.

18                  MR. ALBERTI: Uh-huh. The bar is  
19                  here, it's in front of you.

20                  MR. APRAKU: Yes.

21                  MR. ALBERTI: So it's in front. All  
22                  three of you are facing the bar when you get to

1 the top of the stairs, correct?

2 MR. APRAKU: Exactly. He goes  
3 behind the bar.

4 MR. ALBERTI: Uh-huh.

5 MR. APRAKU: And takes the frame off  
6 the wall, comes back around this way, to us,  
7 and puts it on the bar. And then he is facing  
8 Investigator Jones and myself.

9 MR. ALBERTI: How can he be facing  
10 you if the bar is not between you and Mr.  
11 Martin?

12 MR. APRAKU: Because he comes out of  
13 the bar area.

14 MR. ALBERTI: Okay, wait, wait,  
15 wait. Okay. Let's pretend that railing in  
16 front of you is the bar.

17 MR. APRAKU: Okay.

18 MR. ALBERTI: All right?

19 MR. APRAKU: Yes.

20 MR. ALBERTI: And you're Mr. Martin  
21 standing behind the bar.

22 MR. APRAKU: Yes.

1                   MR. ALBERTI:   And now you've got the  
2                   frame in your hand.

3                   MR. APRAKU:    Yes.

4                   MR. ALBERTI:   And you walk around to  
5                   the front.

6                   MR. APRAKU:    Yes.

7                   MR. ALBERTI:   Okay, right there.  
8                   Now, to put it down on the bar, you'd have to  
9                   face which way?

10                  MR. APRAKU:    He has to face here to  
11                  put it down.

12                  MR. ALBERTI:   It has to face you?

13                  MR. APRAKU:    Yes.

14                  MR. ALBERTI:   Sitting there.

15                  MR. APRAKU:    Put it down.

16                  MR. ALBERTI:   Right, he has to face  
17                  you sitting there.

18                  MR. APRAKU:    Yes.

19                  MR. ALBERTI:   At that point, where  
20                  is Mr. Jones?

21                  MR. APRAKU:    Right here.

22                  MR. ALBERTI:   Right, so he's off to

1 the side?

2 MR. APRAKU: Exactly. So he puts  
3 the frame --

4 MR. ALBERTI: So he's not exactly  
5 facing Mr. -- the side of him is facing Mr.  
6 Jones as he puts it down?

7 MR. APRAKU: Yes.

8 MR. ALBERTI: So he's not directly  
9 facing Mr. Jones.

10 MR. APRAKU: Yes.

11 MR. ALBERTI: Mr. Jones is off on an  
12 angle and is looking at his shoulder while he's  
13 putting it down?

14 MR. APRAKU: Exactly. So I think he  
15 puts it down, and then he turns to face  
16 Investigator Jones.

17 MR. ALBERTI: Okay. So he puts it  
18 down.

19 MR. APRAKU: Yes.

20 MR. ALBERTI: From what I'm  
21 understanding, he didn't put it down directly  
22 in front of Mr. Jones, right?

1 MR. APRAKU: No, no.

2 MR. ALBERTI: How many feet away?

3 MR. APRAKU: Maybe two, three feet.

4 It wasn't --

5 MR. ALBERTI: Okay, two, three feet.

6 MR. APRAKU: Maybe, yes.

7 MR. ALBERTI: Does Mr. Martin turn  
8 around to face Mr. Jones?

9 MR. APRAKU: He turns around to face  
10 Mr. Jones.

11 MR. ALBERTI: Is he standing between  
12 Mr. Jones and the license?

13 MR. APRAKU: No. It's sitting right  
14 next to, it's almost right next to Mr. Martin.

15 MR. ALBERTI: Okay.

16 MR. APRAKU: Yeah.

17 MR. ALBERTI: All right. I get the  
18 picture. All right.

19 So if Mr. Jones wanted to take a  
20 look at the license at that point, he would  
21 have had to approach both Mr. Martin and the  
22 bar where the license was?

1 MR. APRAKU: Yes.

2 MR. ALBERTI: Okay. Thank you.

3 There's been testimony that while he was  
4 challenging, well, while Mr. Jones was showing  
5 him his license, there's testimony while Mr.  
6 Jones was showing his license, all right, and  
7 whatever transpired there in that -- I'm not  
8 going to categorize -- but when Mr. Jones was  
9 showing his license, there was testimony that  
10 Mr. Martin said something about your license.

11 MR. APRAKU: Yes.

12 MR. ALBERTI: Did you hear what he  
13 said?

14 MR. APRAKU: Yes.

15 MR. ALBERTI: And do you remember  
16 what he said?

17 MR. APRAKU: He said, pointing to  
18 me, he said his ID is real, his is fake.

19 MR. ALBERTI: Okay. So at that  
20 point you believe that Mr. Martin accepted the  
21 fact that you were a legitimate ABRA  
22 investigator?

1 MR. APRAKU: Yes.

2 MR. ALBERTI: Thank you. I have no  
3 further questions. But did he, at any point,  
4 instruct you that you could examine the license  
5 and Mr. Jones couldn't?

6 MR. APRAKU: No.

7 MR. ALBERTI: Okay, thank you.

8 CHAIRPERSON MILLER: Other  
9 questions? I just have one other question.  
10 Were these licenses ever examined after the  
11 fact?

12 MR. APRAKU: No. I didn't examine  
13 them.

14 CHAIRPERSON MILLER: And you're not  
15 aware that any other investigators went back  
16 later --

17 MR. APRAKU: No, I'm not aware of  
18 that?

19 CHAIRPERSON MILLER: -- that year?

20 MR. APRAKU: I'm not aware of that.

21 CHAIRPERSON MILLER: Okay, or  
22 whatever. Thank you. All right, questions on

1 Board questions?

2 Mr. Fonseca?

3 MR. FONSECA: I'm not sure I've got  
4 anything. I'm not sure I'm going to be able to  
5 get anything else out of this witness. So  
6 we'll get it through Mr. Martin.

7 CHAIRPERSON MILLER: I'll take that  
8 as a no.

9 MR. FONSECA: That is a no.

10 CHAIRPERSON MILLER: Just get that.

11 MR. FONSECA: One can try, but you  
12 know what they say. So don't dig a hole when  
13 your hole's not digging.

14 MS. GEPHARDT: Okay. I just have  
15 one question. Has any other Licensee touched  
16 you or put their hand on your back to get you  
17 to leave?

18 MR. APRAKU: No, never.

19 MS. GEPHARDT: That's all I have.

20 CHAIRPERSON MILLER: Okay, thank  
21 you, Mr. Apraku.

22 MR. APRAKU: Thank you.

1                   CHAIRPERSON MILLER: Anything else,  
2 Ms. Gephardt? Do you rest your case or do you  
3 --

4                   MS. GEPHARDT: Yes. I rest my case.  
5 Thank you.

6                   CHAIRPERSON MILLER: Okay. Mr.  
7 Fonseca?

8                   MR. FONSECA: We had banter. I  
9 said, nicely done, get your last question out.  
10 Yes, I call Jason Martin.

11                   CHAIRPERSON MILLER: Okay. Take the  
12 stand.

13                   MR. FONSECA: Mr. Martin is taking  
14 with him a statement he had sent to, although  
15 the prosecutor doesn't recall, but she was  
16 given a copy of it. He wants to read the  
17 statement and then also have questions that  
18 he'll answer.

19                   CHAIRPERSON MILLER: Okay.

20                   MR. FONSECA: And I'll just provide  
21 a copy of the statement, which we're not going  
22 to put in the record, as it'll be on the

1 transcript.

2 But it's his recollections and then  
3 obviously there'll be questions, and cross  
4 examination, and the Board's questions.

5 CHAIRPERSON MILLER: Okay. Any  
6 objection?

7 MS. GEPHARDT: If the witness  
8 prefers to read the statement, I guess that's  
9 fine, other than live testimony, it would be  
10 better. But as long as there's the opportunity  
11 to cross examine, then that's fine.

12 MR. FONSECA: Absolutely.

13 CHAIRPERSON MILLER: All right. Let  
14 me swear you in first.

15 MR. MARTIN: Thank you.

16 CHAIRPERSON MILLER: Do you swear to  
17 tell the truth, the whole truth, and nothing  
18 but the truth?

19 MR. MARTIN: I do.

20 CHAIRPERSON MILLER: Okay. Thank  
21 you.

22 MR. HERMAN JONES: Just one point

1 over here.

2 CHAIRPERSON MILLER: Yes, Mr. Jones?

3 MR. HERMAN JONES: Is it customary,  
4 or does it even require that your hand be  
5 raised in the process of being sworn in?

6 CHAIRPERSON MILLER: Did you not  
7 raise your hand?

8 MR. MARTIN: I had my hand here.

9 CHAIRPERSON MILLER: All right,  
10 let's --

11 MR. HERMAN JONES: Just to be --

12 CHAIRPERSON MILLER: I think it is  
13 customary that the hand be raised.

14 MR. HERMAN JONES: Yes.

15 CHAIRPERSON MILLER: We'll do it  
16 again. All right. Do you swear to tell the  
17 truth, the whole truth, and nothing but the  
18 truth?

19 MR. MARTIN: Yes, I do.

20 CHAIRPERSON MILLER: Thank you.

21 Okay. Thank you, Mr. Jones. Okay.

22 (Crosstalk)

1 MR. FONSECA: Yes, Mr. Martin, state  
2 your name for the record.

3 MR. HERMAN JONES: My name is Jason  
4 Martin.

5 MR. FONSECA: And what is your  
6 relationship to the licensed establishment?

7 MR. HERMAN JONES: I'm the owner and  
8 managing member of Sticky Rice.

9 MR. FONSECA: And do you have a  
10 statement you'd like to make at this time?

11 MR. HERMAN JONES: I do.

12 MR. FONSECA: Proceed.

13 MR. HERMAN JONES: I'll just read it  
14 straight from the letter, I'm sorry.

15 "I'm writing in regards to the  
16 investigation 13-CMP-00012 from January 1st,  
17 2013, for my license, ABRA 072783, Bee Hive,  
18 LLC.

19 "I would like to go on record  
20 stating that the investigator's report is not  
21 accurate and is leaving out some key material  
22 as to why I asked security to escort the two

1 gentlemen out of the building.

2 "I would like to take this  
3 opportunity to provide my account in the  
4 incident and clear up some potential details.

5 "On January 1st at approximately  
6 2:15 a.m. I was alerted by staff that two ABRA  
7 investigators would like to speak with the  
8 manager on duty. I introduced myself as the  
9 owner of the restaurant.

10 "For some reason, perhaps they were  
11 nearing the end of the undoubtedly long night,  
12 the two men met me with very high energy acting  
13 aggressive and agitated.

14 "It was at this point that I asked  
15 the first gentleman, Mr. Apraku, for  
16 identification. Mr. Apraku showed me the black  
17 wallet which housed the badge, but no photo  
18 identification.

19 "I then asked for the second  
20 gentleman, Mr. Jones, for his identification.  
21 He quickly flashed his wallet housing a badge  
22 and photo ID of someone who was clearly not

1 him.

2 "I attempted to obtain a closer look  
3 at the identification but was told that I need  
4 to remove my hands from the ID.

5 "I complied, but after seeing  
6 clearly false identification, I was left with  
7 high anxiety about the potential dangerous  
8 situation that I'd be dealing with, such as two  
9 random men using tactics to gain access to my  
10 back room or office.

11 "I was also particularly concerned  
12 by the false identification that was shown to  
13 me.

14 "Because I knew that Sticky Rice was  
15 in compliance with and was paying for extended  
16 operating hours for New Year's Eve. And I was  
17 not sure why a real ABRA investigator would not  
18 already have a record of this.

19 "Making sure that security was  
20 close, I escorted the two men to the second  
21 floor sushi bar where the licenses were  
22 displayed in a picture frame.

1 "Due to the fact that there was an  
2 entrance to the office located behind the sushi  
3 bar, I extended my arm and said, wait right  
4 here.

5 "After retrieving the frame with the  
6 ABRA license and putting it on the bar, the two  
7 men verified that I did have the extended  
8 license to stay open until 4:00 a.m.

9 "I asked Mr. Jones for  
10 identification one more time. He complied, and  
11 when I held his photo ID for a comparison to  
12 who was standing in front of me it was clearly  
13 not him.

14 "I exclaimed that is not you, the  
15 photo is of someone else. Mr. Jones attempted  
16 to take back the false credentials, which I  
17 allowed him to do after I looked at the photo  
18 a third time and stated that's a fake ID."

19 MEMBER SILVERSTEIN: Would you  
20 repeat that, those last two sentences again  
21 please?

22 MR. MARTIN: Sure. "I asked to see

1 the identification one more time. He complied,  
2 and when I held his photo ID for a comparison  
3 to who was standing in front of me it was  
4 clearly not him. I exclaimed that is not you.  
5 That is a photo of someone else.

6 "Mr. Jones attempted to take back  
7 the false credentials, which I allowed him to  
8 do after I looked at the photo a third time and  
9 stated that's a fake ID.

10 "They claimed that their credentials  
11 were real. But with one man showing me no  
12 valid Government photo ID and the second man  
13 showing me that of a third man, later to be  
14 identified as Mr. Stewart, I was still unsure  
15 of who they were.

16 "And I asked them to leave the  
17 building since I had fully complied with their  
18 request to view the license.

19 "The two gentlemen informed me that  
20 I was not allowed to ask them to leave, which  
21 further intimidated me and left me feeling  
22 extremely uncomfortable about who these two men

1 were and what they wanted.

2 "I responded, you have now seen my  
3 license that I'm allowed to stay open until  
4 4:00 a.m. You have shown me a fake ID, please  
5 leave.

6 "They refused, resulting in me  
7 calling for security to remove them from the  
8 building, which is what security personnel did.

9 "Approximately 45 minutes later,  
10 they returned with a third gentleman who  
11 informed me that he was their supervisor, Mr.  
12 Stewart.

13 "I asked to see his credentials and  
14 when he produced them for me I found out the  
15 photo ID was, in fact, Mr. Stewart, but was  
16 also the exact same photo ID that Mr. Jones had  
17 presented to me earlier.

18 "I asked why would he present me  
19 with someone else's ID" -- this is to Mr.  
20 Stewart -- "Mr. Jones attempted to speak but  
21 Mr. Stewart stopped him and said please be  
22 quiet.

1                   "Mr. Stewart then assured me that  
2                   their credentials were real and that I was not  
3                   allowed to interfere with an ABRA  
4                   investigation, to which I tried to explain to  
5                   Mr. Stewart that without proper identification  
6                   I did not know who they were and that this was  
7                   not right.

8                   (Microphone interference)

9                   MR. MARTIN: "To further put this  
10                  incident into perspective in how I was  
11                  approaching it as a seasoned business owner,  
12                  I'd like to point out that if a random patron  
13                  gained access to my establishment and then  
14                  presented a fake ID, particularly late in the  
15                  night on a busy holiday, I would have asked  
16                  them to leave immediately.

17                  "Furthermore, if they would have  
18                  refused, I would have not hesitated to have my  
19                  security staff remove them from the building.

20                  "I'm not trying to accuse an ABRA  
21                  investigator of intentionally trying to deceive  
22                  me, as it is possible that maybe Mr. Jones

1 simply grabbed the wrong wallet and badge and  
2 was not aware of it until I pointed it out.  
3 But this does not make it more acceptable on  
4 the receiving end of it.

5 "In hindsight, I should have called  
6 911 immediately, told them that someone  
7 claiming to be an ABRA investigator showed me  
8 false credentials, and asked MPD to come  
9 investigate.

10 "At the time, however, I felt that  
11 I was being proactive in handling the situation  
12 by showing the men what they wanted and  
13 reducing the possibility of a scary incident."

14 Thank you.

15 CHAIRPERSON MILLER: Okay, Mr.  
16 Fonseca? That's not exact, that's not --

17 MR. FONSECA: I don't know what --

18 CHAIRPERSON MILLER: I just want to  
19 ask a couple of questions and this is not  
20 exactly what I expected.

21 I thought that he wrote a statement  
22 for this hearing room in this case. And it

1 sounds like this is something he wrote at a  
2 different time.

3 And so could you just clarify that,  
4 when it was that he wrote it and what it was  
5 for.

6 MR. FONSECA: That's exactly right.  
7 For foundation, do you recall when you wrote  
8 that?

9 MR. MARTIN: I wrote this a few  
10 months ago, I guess.

11 MR. FONSECA: And what was the  
12 intent as far as to whom it would be delivered  
13 to?

14 MR. MARTIN: It was my recollection  
15 of the events to whom it may concern, whether  
16 it was you, or the ABRA Board, or the Attorney  
17 General.

18 MR. FONSECA: And did you have  
19 occasion to send it to the Assistant Attorney  
20 General?

21 MR. MARTIN: I did.

22 MR. FONSECA: And by what means?

1 MR. MARTIN: Email.

2 MR. FONSECA: And what was your  
3 intent as to any -- or what was your  
4 expectation, if any, of the delivery of that  
5 statement?

6 MR. MARTIN: I'm just reflecting my  
7 side of the story.

8 MR. FONSECA: And then that brings  
9 us to not having a settlement and being here  
10 for a hearing?

11 MR. MARTIN: Yes.

12 MR. FONSECA: Now, let's delve into  
13 the statement, and I appreciate the gracious  
14 Board allowing them to set it up. But let's  
15 deal with a few things first.

16 MR. ALBERTI: Can we just let, Ms.  
17 Miller, may I ask Mr. Fonseca a question?

18 MR. FONSECA: I'm going to ask him  
19 a question.

20 CHAIRPERSON MILLER: Okay.

21 MR. ALBERTI: But can I ask you a  
22 question --

1 MR. FONSECA: Certainly.

2 MR. ALBERTI: -- relative to this  
3 document? I'm a little confused. So this  
4 document represents sworn testimony, not just  
5 his belief at some point in time.

6 MR. FONSECA: Yes.

7 MR. ALBERTI: It's sworn testimony  
8 today about what he believes the facts to be --

9 MR. FONSECA: Yes.

10 MR. ALBERTI: -- about the case? Is  
11 that correct, Mr. Fonseca?

12 MR. FONSECA: That is correct.

13 MR. ALBERTI: That's being  
14 represented?

15 MR. FONSECA: That is being  
16 represented.

17 MR. ALBERTI: Thank you very much.

18 MR. FONSECA: And I will flesh it  
19 out --

20 MR. ALBERTI: Thank you.

21 MR. FONSECA: -- for potential  
22 inconsistencies rather than leaving those

1       untouched.

2                   In the course of that evening,  
3       there's been testimony in the investigative  
4       report that you indicated on more than one  
5       occasion that the investigators were to get the  
6       F out. Did that occur?

7                   MR. MARTIN: That did, but there was  
8       not as many instances that they kept repeating  
9       this over and over that came from my mouth.

10                  MR. FONSECA: But it did occur.

11                  MR. MARTIN: I did say it once at  
12       the end of the -- well, not once. I said it a  
13       few times when I was asking for security to get  
14       them out.

15                  MR. FONSECA: Okay. Let's go now  
16       through -- Member Alberti likes to -- let's go  
17       from the beginning through when you first saw  
18       the investigators. What did you say?

19                  MR. MARTIN: I greeted them at the  
20       door, told them that I was the owner. They  
21       asked to see my licenses. I asked to see their  
22       identification, because they seemed agitated,

1 one of them did.

2 MR. FONSECA: Which one?

3 MR. MARTIN: Mr. Jones. Maybe it  
4 was because there was a full bar. I'm not  
5 sure. It was crowded. But that's when I asked  
6 to see their identification.

7 MR. FONSECA: And your statement  
8 indicated that you had a concern with Mr.  
9 Jones's, or Investigator Jones's ID.

10 MR. MARTIN: I did.

11 MR. FONSECA: Did you state that at  
12 that time, on the first floor?

13 MR. MARTIN: I believe in the low  
14 lighting I was wary of it, and I thought that  
15 it did not look like him. But I don't believe  
16 that I said that to him at that point.

17 MR. FONSECA: And you stated in your  
18 written statement that Investigator Apraku  
19 didn't have his photo ID. Is that correct?

20 MR. MARTIN: Correct, I only saw the  
21 badge in the leather wallet but no photo  
22 identification.

1                   MR. FONSECA: Is it possible it was  
2 there, and you just don't recall?

3                   MR. MARTIN: Or it was possible that  
4 the wallet was folded over, possibly in the  
5 way.

6                   MR. FONSECA: Did the badge appear  
7 to be problematic?

8                   MR. MARTIN: The badge seemed to be  
9 fine. It showed ABRA and it showed the normal  
10 ABRA badge that I've seen before.

11                   MR. FONSECA: All right. And how  
12 long did you delay getting them upstairs to  
13 look at the license board?

14                   MR. MARTIN: As soon as Mr. Jones  
15 asked to see the license, we immediately walked  
16 up the stairs.

17                   MR. FONSECA: And what was your  
18 motion, once you were on the second floor, to  
19 instruct Mr. Jones to wait here or stay here?

20                   MR. MARTIN: Mr. Jones wasn't merely  
21 behind me. Once we get to the top of the  
22 stairs, there's one to two steps before the

1 entrance way behind the bar.

2 I stuck my arm out once we got on  
3 the landing and went a step out. I did put my  
4 arm out. And his forward momentum was stopped,  
5 but it was not by a pushing or an aggressive  
6 motion at all.

7 The reason why I stopped him from  
8 going behind the bar, I still was unsure who  
9 the gentlemen were. And there was an entrance  
10 to the office down there, safe, money,  
11 everything.

12 MR. FONSECA: Okay. And --

13 MR. MARTIN: I said, wait right  
14 here.

15 MR. FONSECA: You heard the  
16 testimony of Investigator Apraku as to your  
17 presenting the license board. Is there any  
18 difference to the manner in which you put it  
19 down, whether it was visible to the  
20 investigators to review or not?

21 MR. MARTIN: Slightly. When I  
22 walked around from the other side of the bar,

1 there's a space about, I guess, maybe this big.

2 MR. FONSECA: You're going to have  
3 to put it on the record.

4 MR. MARTIN: Oh, I'm sorry. There's  
5 a space maybe about two feet of the width.

6 MR. FONSECA: All right, let the  
7 record reflect that he has his arms spread  
8 apart.

9 MR. MARTIN: These are between the  
10 two sushi coolers. I walked around the bar and  
11 presented, right in between the two feet, so I  
12 guess in the middle of the two feet, put the  
13 picture frame down with the licenses.

14 I was then on one side of the  
15 license and Mr. Jones and Mr. Apraku were on  
16 the other side.

17 MR. FONSECA: And what was their  
18 distance from the license board?

19 MR. MARTIN: It was not two feet.  
20 They were on the other side of the license  
21 board. But it was not two feet away?

22 MR. FONSECA: Was it within their

1 arms length to touch it?

2 MR. MARTIN: Yes.

3 MR. FONSECA: Was it within your  
4 arms length to touch it? Or were you closer?

5 MR. MARTIN: It was also within my  
6 arms length to touch it as well.

7 MR. FONSECA: About equal distance  
8 to where their arms length?

9 MR. MARTIN: I think so, yes.

10 MR. FONSECA: Were you aware, once  
11 it was sitting on the bar could you, with any  
12 clarity, read and see the documents that were  
13 under the glass?

14 MR. MARTIN: If I chose to, then  
15 yes.

16 MR. FONSECA: All right. At what  
17 point in time after you placed the license  
18 frame on the bar did you request of  
19 Investigator Jones seeing his identification?

20 MR. MARTIN: Not a lot of time had  
21 gone by between that. But it was not  
22 immediate. I put the license down on the bar

1 and said here are my licenses. And then I  
2 said, can I see your identification one more  
3 time.

4 MR. FONSECA: Between that motion of  
5 putting it down and your statement to  
6 Investigator Jones, did either investigator  
7 move closer to look at the license frame?

8 MR. MARTIN: I don't recall. I  
9 don't recall if they did. But Mr. Jones was  
10 directly, at that time, in front of it when I'd  
11 asked for his credentials.

12 I thought that he had leaned over to  
13 look at the license. I'm not sure if he  
14 studied it for some time. But they were  
15 clearly visible right there.

16 MR. FONSECA: All right. And would  
17 you describe your actions in looking at his  
18 identification when Investigator Jones  
19 presented them again?

20 MR. MARTIN: Sure. So when I asked  
21 to see his credentials for a second time, I  
22 held the ID in front of his face and it was

1 clearly not him.

2 And I asked him whose idea is this?  
3 Why is this not you? Why am I being shown  
4 this? And he said that it was him. And I was  
5 clearly looking at the ID. It was not him at  
6 all.

7 And I believe at that point he took  
8 his credentials back from me. I believe that  
9 was in the statement here. At that point I had  
10 asked them to leave the building.

11 Mr. Jones said that I was not  
12 allowed to ask them to leave. And I said, if  
13 you're showing me false credentials, you've  
14 seen my licenses, please leave the building.

15 At that point I did ask security to  
16 escort them from the building.

17 MR. FONSECA: Let's step back to  
18 that statement. At any time did you ever say  
19 you can't see my licenses if I can't see your  
20 credentials?

21 MR. MARTIN: I don't recall saying  
22 that. But I do recall having a heightened

1 sense of anxiety from seeing the false  
2 credentials.

3 I don't recall saying that you can't  
4 see my license if I can't see yours. Because  
5 I'd just seen their licenses.

6 MR. FONSECA: But they had just --  
7 Say that again.

8 MR. MARTIN: I'm sorry. I don't  
9 recall saying that you can't see my licenses if  
10 I can't see yours.

11 What I did say, you're showing me  
12 false credentials. You've seen my licenses.  
13 Please leave the building.

14 MR. FONSECA: So you told them  
15 you've seen my licenses?

16 MR. MARTIN: Yes.

17 MR. FONSECA: Before you asked them  
18 to leave?

19 MR. MARTIN: Yes.

20 MR. FONSECA: And at this point in  
21 time, how soon after you asked them to leave  
22 did they --

1                   MR. MARTIN: I will also say that  
2 when I said that I was under the assumption  
3 that they had seen the licenses. Because it  
4 was sitting right in front of them.

5                   Go on to the second question. I'm  
6 sorry.

7                   MR. FONSECA: How long from that  
8 point when you made that statement, you've seen  
9 my licenses, and you asked them to leave, did  
10 you then command them to leave?

11                  MR. MARTIN: I asked them to leave  
12 when he said that I was not allowed to have  
13 them leave the building. Then, at that point,  
14 I called for security to get them the F out.  
15 I did not know who they were.

16                  MR. FONSECA: And what was the order  
17 of exit of the three? First of all, at that  
18 point in time, were there only the three of you  
19 on the second level?

20                  MR. MARTIN: That's what I recall,  
21 yes.

22                  MR. FONSECA: Okay. What was the

1 order of each person descending down the  
2 staircase?

3 MR. MARTIN: Mr. Jones was the first  
4 one down. Mr. Apraku was the second one down.

5 At that point there was also a  
6 security guard stationed where one of them is  
7 at the bottom part of the stairs, not  
8 completely on the first level but on the bottom  
9 part.

10 MR. FONSECA: Let's be clear,  
11 describe that. Does that place one or more  
12 persons who are security on rungs of the  
13 staircase?

14 MR. MARTIN: It's usually one  
15 security is on the last rung of the stair.

16 MR. FONSECA: Okay.

17 MR. MARTIN: But it was Mr. Jones  
18 first and Mr. Apraku second. And then I was  
19 third.

20 And security, I guess, at that point  
21 had come around. Because I'd asked them to  
22 escort these two gentlemen out of the building.

1                   MR. FONSECA:   And where were you, or  
2                   how far away from Investigator Apraku were you  
3                   on the staircase?

4                   MR. MARTIN:   I was following them  
5                   down the stairs.

6                   MR. FONSECA:   In what proximity?

7                   MR. MARTIN:   Maybe a step or two  
8                   behind.

9                   MR. FONSECA:   All right.   At any  
10                  time did you ever put a hand on him?

11                  MR. MARTIN:   I don't believe I put  
12                  a hand on them.   However, I was walking behind  
13                  them.

14                  Mr. Apraku also stated that he did  
15                  not feel that he was being pushed down the  
16                  stairs by any aggression or anything.   If I was  
17                  behind him, maybe he felt me behind him.   But  
18                  it was not in a pushing motion.

19                  If he felt that he was pushed, that  
20                  could have been from security when they were  
21                  being escorted from the last rung of the stair  
22                  down or another security guard on, basically,

1 the floor.

2 MR. FONSECA: At any time did  
3 security get between you and the investigators  
4 as the investigators were going towards the  
5 front door?

6 MR. MARTIN: Yes.

7 MR. FONSECA: At that point, where  
8 were you when that occurred? Were you still on  
9 the staircase?

10 MR. MARTIN: I was still on the  
11 staircase with one security guard on the last  
12 rung and then two other security guards were in  
13 front of them, facing them and facing me.

14 MR. FONSECA: How clearly could you  
15 see what was going on at that point? Was their  
16 enough lighting to see anything?

17 MR. MARTIN: It was dim, but I don't  
18 feel that I was unable to see anything.

19 MR. FONSECA: Okay. And then they  
20 departed -- oh, do you recall Investigator  
21 Jones turning around and making any remarks  
22 about touching the investigators?

1 MR. MARTIN: I don't recall that.

2 MR. FONSECA: Okay. Did anything  
3 else happen after that, after the security was  
4 escorting them out, other than that they left?

5 MR. MARTIN: No. Other than that  
6 they left, that was it. I thought that the  
7 matter was done.

8 MR. FONSECA: You thought it was  
9 done? Do you recall them returning later that  
10 evening?

11 MR. MARTIN: Yes.

12 MR. FONSECA: And can you please, in  
13 as much detail as possible, tell us what  
14 occurred, who you spoke to in what order?

15 MR. MARTIN: Sure. So they came  
16 back in approximately 45 minutes later. There  
17 were three gentlemen this time. I was alerted  
18 from one of the bartenders that ABRA was in the  
19 building.

20 I walked back in, and I walked back  
21 up to the sushi bar area where the three  
22 gentlemen were standing at the top. I was met

1 by Mr. Stewart, Mr. Jones, and Mr. Apraku.

2 MR. FONSECA: Stop there for a  
3 moment. So when you first saw them, they were  
4 already on the second floor, not on the first  
5 floor?

6 MR. MARTIN: Yes.

7 MR. FONSECA: Okay.

8 MR. MARTIN: I had not met Mr.  
9 Stewart at this time. I asked to see his  
10 credentials. And I held them up to his face,  
11 and it was him. He showed me proper  
12 identification.

13 And at that point I noticed that the  
14 identification that he had was the same one  
15 that I was shown earlier. I had asked Mr.  
16 Stewart why someone else would be holding his  
17 credentials.

18 He tried to assure me that the other  
19 two officers were, in fact, ABRA investigators.  
20 I told him that after seeing false credentials  
21 I had no idea who they were. And that's why  
22 they were escorted from the building.

1                   MR. FONSECA: Did Mr. Jones attempt  
2 to say anything?

3                   MR. MARTIN: Sorry, I need to back  
4 that up. Upon arriving there, Mr. Stewart,  
5 after showing me his identification, Mr. Jones  
6 did start to say something in a loud manner.  
7 But Mr. Stewart turned around and said, you be  
8 quiet, directly to him. And after that there  
9 was nothing else out of his mouth.

10                  MR. FONSECA: Did Mr. Jones display  
11 his identification?

12                  MR. MARTIN: He was not asked to at  
13 that point.

14                  MR. FONSECA: So on the second  
15 visit, he never displayed his identification?

16                  MR. MARTIN: No.

17                  MR. FONSECA: But he wasn't asked  
18 either?

19                  MR. MARTIN: No.

20                  MR. FONSECA: Did Mr. Apraku display  
21 his again?

22                  MR. MARTIN: No. He was not asked

1 at that point either. I had seen, at that  
2 point, valid credentials from Mr. Stewart.

3 MR. FONSECA: Do you recall whether  
4 or not the license frame was still on the bar?

5 MR. MARTIN: I don't recall that.

6 MR. FONSECA: After they left, do  
7 you recall going back upstairs at some point in  
8 time and putting the license frame back on the  
9 wall?

10 MR. MARTIN: No. But there's a  
11 possibility another manager would have or  
12 should have.

13 MR. FONSECA: But you don't recall  
14 either way then as to whatever was up there.  
15 Is there anything else you want to say?

16 MR. MARTIN: I have no reason to  
17 impede an investigation. My licenses were  
18 properly displayed. They were, I'm assuming,  
19 on record with the Board to be able to stay  
20 open until 4 o'clock in the morning.

21 And that's one of the reasons why I  
22 was put back why someone was asking to see

1 these licenses.

2 Other than that, if I was shown  
3 false identification from a patron, I would  
4 have also had them leave the building.

5 MR. FONSECA: Thank you. Nothing  
6 further on direct.

7 CHAIRPERSON MILLER: Cross?

8 MS. GEPHARDT: Oh, cross, okay.  
9 Good afternoon.

10 MR. MARTIN: Good afternoon.

11 MS. GEPHARDT: Have you ever been  
12 visited before by ABRA for a compliance check  
13 or to view your licenses?

14 MR. MARTIN: Yes, on a few different  
15 establishments.

16 MS. GEPHARDT: And when  
17 investigators usually enter your establishment,  
18 is it similar in terms of them showing their  
19 badges and announcing who they are?

20 MR. MARTIN: It is. It is similar  
21 to that, yes.

22 MS. GEPHARDT: Okay. And on this

1 particular evening, was their entrance, and  
2 their showing of the badges in their  
3 introduction, and stating the reason for the  
4 purpose of their visit, was it any different?

5 MR. MARTIN: Sometimes, I will say,  
6 there are investigators that appear to be  
7 agitated. I've had both instances happen where  
8 I've had very calm demeanor. I've also had  
9 times where they seemed to be more up in arms.

10 This was a case that it was more up  
11 in arms. And I'm not exactly sure why. Maybe  
12 it was a crowded room, crowded bar, long night,  
13 I'm not sure.

14 MS. GEPHARDT: So when you say that  
15 sometimes they're agitated, is it for any  
16 particular reason, like they're coming to cite  
17 you for a violation? Or is it just to  
18 compliance check?

19 MR. MARTIN: I'm not sure why the  
20 agitation would be there. But in answer to  
21 your question, I'm not sure.

22 MS. GEPHARDT: Okay. Just give me

1 a moment here. So you indicated in your  
2 testimony that you saw the license for Mr.  
3 Apraku and the photo ID was missing. Is that  
4 correct?

5 MR. MARTIN: Correct. I only saw  
6 the badge.

7 MS. GEPHARDT: And your testimony  
8 was that you recognized the badge as an ABRA  
9 badge.

10 MR. MARTIN: Correct.

11 MS. GEPHARDT: So did it ever occur  
12 to you that the person he was with might also  
13 be an ABRA investigator?

14 MR. MARTIN: Without the photo  
15 identification, in my mind I thought that these  
16 two men, one with false identification and one  
17 with only a badge, could have gotten these two  
18 wallets from someone else, from an actual ABRA  
19 investigator, one who was not standing in front  
20 of me.

21 And that's what my entire mind set  
22 at that point was.

1 MS. GEPHARDT: So did it occur to  
2 you that if you thought that these were fake  
3 and that these were imposters --

4 MR. MARTIN: The men or the --

5 MS. GEPHARDT: The two  
6 investigators.

7 MR. MARTIN: Okay.

8 MS. GEPHARDT: Did you ever assume,  
9 like, why would they want to come just to check  
10 your license?

11 MR. MARTIN: Yes. I thought at that  
12 point that it was possible, and as I put into  
13 my statement, that two men with false  
14 identification or one without the photo could  
15 try to gain access to a back room, the office,  
16 or my safe.

17 MS. GEPHARDT: Okay.

18 MR. MARTIN: And that's why my  
19 heightened sense of anxiety was at that point.

20 MS. GEPHARDT: Okay. But your  
21 testimony was that you knew that one of them  
22 was an ABRA investigator because of the badge.

1                   MR. MARTIN: I knew that the badge  
2 was correct, yes.

3                   MS. GEPHARDT: Okay. Just give me  
4 one second. You indicated that when you went  
5 behind the bar to, well, first let me just back  
6 up for one second.

7                   It was your testimony that you put  
8 your arm out on the top of the stairs to block  
9 the progress of Mr. Jones and Mr. Apraku. Why  
10 did you feel the need to use your arm to push  
11 them back?

12                   MR. MARTIN: Well, it was not  
13 exactly at the top of the stairs. Once you  
14 reach the top of the stairs, there are one to  
15 two steps before the entrance way to go behind  
16 the bar.

17                   I put my arm out there, because I  
18 did not want these two gentlemen to go behind  
19 the bar. And the reason for that was that  
20 there was an entrance to the office there. I  
21 was still unsure of who they were.

22                   MS. GEPHARDT: Okay. Did you at any

1 time come into contact with the investigators,  
2 in terms of physical contact against Mr. Jones  
3 in particular?

4 MR. MARTIN: At the top of the  
5 stairs, once I reached the landing and took a  
6 step, one to two steps to where the entrance  
7 are, I did put my arm out and say, you wait  
8 here.

9 Mr. Jones was right behind me. But  
10 it was not in a pushing manner. It was just in  
11 a manner, you wait right here. I believe his  
12 chest did touch up against me, but it was not  
13 in an adversarial way at all.

14 MS. GEPHARDT: Okay. You testified  
15 that you went behind the bar. You told them to  
16 stay there. You went behind the bar to grab the  
17 licenses.

18 MR. MARTIN: Yes.

19 MS. GEPHARDT: You came around,  
20 placed the licenses on the bar. And then your  
21 testimony was that you then asked for their  
22 IDs.

1 MR. MARTIN: Only Mr. Jones, yes.

2 MS. GEPHARDT: Mr. Jones, okay. So

3 --

4 MR. MARTIN: That was the one that  
5 I had seen before that I was wary of on the  
6 first floor.

7 MS. GEPHARDT: Okay. And so is it  
8 your testimony that, between the time you set  
9 down the licenses and the time you asked for  
10 his ID, it was relatively quick.

11 MR. MARTIN: I'm not sure what the  
12 time was. But it wasn't an extended period of  
13 time. And the license was between him and  
14 myself.

15 MS. GEPHARDT: But when you asked  
16 him to view his license and you took it out of  
17 his hands, you have a situation where he's  
18 focused on you because you've just taken his  
19 license, correct?

20 MR. MARTIN: Sure, yes.

21 MS. GEPHARDT: So there really  
22 wouldn't be any opportunity to look at the

1 licenses on the bar. Because you were taking  
2 the badge out of his hands.

3 MR. MARTIN: There was opportunity  
4 before I asked for that and also while I was  
5 scrutinizing his identification. He also had  
6 ample opportunity to view the license in front  
7 of him.

8 MS. GEPHARDT: And why is it that  
9 you snatched the badge out of his hands?

10 MR. MARTIN: Snatched is more of an  
11 ugly word. I took it for a closer look. I did  
12 not snatch it from his hands. I took it  
13 because it was not him.

14 MS. GEPHARDT: Did you say can I  
15 take a closer look? Or did you just take it?

16 MR. MARTIN: I don't believe I said,  
17 can I take a closer look. But when he handed  
18 it to me, he handed it over to me. But it was  
19 not a snatching motion at all.

20 I did not steal his identification  
21 from his hand or take possession from him. It  
22 was more of a handing over.

1 MS. GEPHARDT: Were you intoxicated  
2 that night?

3 MR. MARTIN: No.

4 MS. GEPHARDT: So you said that Mr.  
5 Apraku's badge, the actual badge, looked like  
6 a real ABRA investigator's badge.

7 MR. MARTIN: Yes.

8 MS. GEPHARDT: So did you ever  
9 wonder why somebody would have an ABRA  
10 investigator's badge --

11 MR. MARTIN: Yes.

12 MS. GEPHARDT: -- if they're not an  
13 investigator?

14 MR. MARTIN: I did. And with my  
15 statement, I had thought that two men had taken  
16 identification off an ABRA investigator and --  
17 this was what was going through my head -- were  
18 using this to possibly go behind or into an  
19 office, money room, or something. So that's  
20 why I had security, one of them, at the bottom  
21 of the stairs.

22 MS. GEPHARDT: Okay. And it was

1 your testimony that you were following behind  
2 Mr. Apraku as you were going down the stairs.  
3 But you did not touch him. Is that what your  
4 testimony is?

5 MR. MARTIN: I did not push Mr.  
6 Apraku. I was following behind him. If he was  
7 pushed, then that might have been with security  
8 escorting them out of the building.

9 I did follow behind him. If I had  
10 brushed up against him, that could have been  
11 the case. But there was, as he stated, he did  
12 not feel threatened or pushed down the stairs  
13 in any method.

14 I was just following behind him  
15 until we got to the first rung of stairs, where  
16 the security who was stationed there brought  
17 them down.

18 MS. GEPHARDT: Okay. And when Mr.  
19 Apraku and Mr. Jones were up at the top of the  
20 stairs and you were showing them the license,  
21 were they acting aggressive? Were they  
22 swearing at you? Were they coming at you

1 physically or anything like that?

2 MR. MARTIN: No. Mr. Apraku was  
3 very calm. But Mr. Jones was the one who had  
4 seemed agitated for the duration of time that  
5 they were there.

6 MS. GEPHARDT: But did you fear for  
7 your safety?

8 MR. MARTIN: I'd only feared for my  
9 safety from having the false identification,  
10 having the security guard stationed at the  
11 bottom of the stairs, still complying with the  
12 license check.

13 My fear of safety would have only  
14 been if Mr. Jones would have continued around  
15 the back of the bar where the entrance to the  
16 office was.

17 MS. GEPHARDT: Okay.

18 MR. MARTIN: I felt that I had  
19 positioned myself with my security guard if  
20 anything funny was going to go down. Then they  
21 would have clear eyesight to it.

22 MS. GEPHARDT: Did either Mr. Apraku

1 or Mr. Jones, did they ever swear at you or put  
2 their hands on you?

3 MR. MARTIN: No.

4 MS. GEPHARDT: Okay. Give me one  
5 moment here. You mentioned in your testimony  
6 that when the supervisor came back, Mr.  
7 Stewart, along with Mr. Apraku and Mr. Jones,  
8 you asked Mr. Stewart for his credentials. Is  
9 that correct?

10 MR. MARTIN: Yes.

11 MS. GEPHARDT: But you didn't ask  
12 Mr. Apraku or Mr. Jones for their IDs.

13 MR. MARTIN: No, I did not.

14 MS. GEPHARDT: Okay. And so your  
15 testimony was that once you saw Mr. Stewart's  
16 credentials, you knew it was okay because they  
17 were from ABRA.

18 MR. MARTIN: Yes. Once I saw Mr.  
19 Stewart's credentials, and the photo matches  
20 his face, I thought that at that point maybe  
21 someone had picked up the wrong wallet or  
22 something. But I knew that it was okay at that

1 point.

2 CHAIRPERSON MILLER: What did you  
3 say you thought, what happened? I'm sorry, I  
4 missed what you just said.

5 MR. MARTIN: That when Mr. Stewart  
6 came back in the building and I checked his  
7 credentials they were fine. I had thought that  
8 maybe Mr. Jones had just picked up the wrong  
9 identification at that point.

10 CHAIRPERSON MILLER: Oh, okay.

11 MR. MARTIN: So everything at that  
12 point seemed to be fine.

13 MS. GEPHARDT: So the reason I asked  
14 is because you still didn't know the identity  
15 of Mr. Jones.

16 MR. MARTIN: Correct. But I thought  
17 that if he had Mr. Stewart's identification  
18 then maybe he just didn't have his at that  
19 point.

20 So I didn't think that I needed to  
21 ask him again when I did have valid credentials  
22 for someone who was standing in front of me and

1 who was Mr. Stewart.

2 MS. GEPHARDT: But when Mr. Apraku  
3 and Mr. Jones came in, you knew that Mr. Apraku  
4 was an ABRA investigator.

5 MR. MARTIN: Only because he had the  
6 badge. But I did not see a photo ID.

7 MS. GEPHARDT: Okay. So the fact  
8 that you saw the badge and he had Mr. Jones  
9 with him -- you have two people, even though  
10 you didn't think the badge was correct or that  
11 it was legitimate -- would seem to imply that  
12 they're together. And that this is an ABRA  
13 investigator and the other one is as well.

14 MR. MARTIN: Once Mr. Stewart came  
15 with his credentials, I was relieved. Because  
16 at that point I had an ABRA badge, ABRA photo  
17 identification, and the same person standing in  
18 front of me.

19 So at that point, he said that he  
20 was the supervisor of Mr. Jones and Mr. Apraku.  
21 At that point, I didn't feel the need to check  
22 their identification again, because he said

1 that they were legitimate ABRA investigators  
2 and that he was their supervisor.

3 MS. GEPHARDT: Okay. Have you had  
4 any other incidents with ABRA in terms of not  
5 necessarily violations but incidents where you  
6 had an issue where when they came to visit  
7 there's been a problem?

8 MR. MARTIN: Not really a problem,  
9 but like I stated before, sometimes some  
10 investigators do come agitated and sometimes  
11 they're very nice and very polite.

12 I've had instances of both from  
13 different businesses, different restaurants.  
14 But I've never had something like this happen  
15 to me.

16 MS. GEPHARDT: Okay. And give me  
17 one moment here. Oh, my other question would  
18 be if you were questioning whether these were  
19 really ABRA investigators --

20 MR. MARTIN: Uh-huh.

21 MS. GEPHARDT: -- why did you let  
22 them up to the second floor?

1                   MR. MARTIN:  When I walked them to  
2                   the second floor, I made sure that I had a  
3                   security guard on the first rung of stairs with  
4                   an eye line to the top, just in case, by the  
5                   off chance that maybe they were possibly  
6                   telling the truth, I still wanted to present my  
7                   licenses.  Because I would not impede an  
8                   investigation from ABRA.

9                   MS. GEPHARDT:  Okay.  All right,  
10                  that's all I have.  Thank you.

11                  CHAIRPERSON MILLER:  Board  
12                  questions?  Mr. Silverstein?

13                  MEMBER SILVERSTEIN:  Mr. Martin,  
14                  what was your state of mind on that night?

15                  MR. MARTIN:  Coherent, I was not  
16                  intoxicated, my state of mind was heightened  
17                  anxiety, because I did not know who the two  
18                  gentlemen were coming into the building.

19                  MEMBER SILVERSTEIN:  Had you been  
20                  under a lot of stress at that time?

21                  MR. MARTIN:  A little bit.  I  
22                  believe this --

1                   MEMBER SILVERSTEIN: Wasn't this two  
2 weeks to the day after police found Joey  
3 Belcher?

4                   MR. MARTIN: Yeah, that could have  
5 had a little, sure.

6                   MEMBER SILVERSTEIN: Two weeks  
7 before this your partner had been found dead in  
8 his apartment by police.

9                   MR. MARTIN: That's true.

10                  MEMBER SILVERSTEIN: Had you been  
11 drinking or using drugs or anything during that  
12 time?

13                  MR. MARTIN: No.

14                  MEMBER SILVERSTEIN: Because the  
15 reason I ask is that Mr. Jones described you as  
16 saying your eyes looked a little funny and your  
17 behavior was strange. And it appeared that you  
18 were certainly suspicious, or heightened  
19 suspicion --

20                  MR. MARTIN: Yes.

21                  MEMBER SILVERSTEIN: I don't want to  
22 go any further with that, because I don't want

1 to get into your personal life if that was the  
2 case. Please look at it.

3 And did you, at any time, lay hands  
4 on either of the investigators willingly?

5 MR. MARTIN: No. I extended my arm  
6 to stop the forward progress from them going  
7 behind the bar when I was not sure of their  
8 identification. But at no time did I lay  
9 hands.

10 MEMBER SILVERSTEIN: Might you have  
11 touched them without meaning to do so, or might  
12 it have been a situation where somebody's  
13 motion had come to you, or anything of that  
14 sort?

15 MR. MARTIN: My arm was extended and  
16 I said, please wait here. His motion was  
17 stopped. But it was him pushing, I guess, into  
18 my arm, because my arm was out, not me pushing  
19 into him.

20 MEMBER SILVERSTEIN: All right. I  
21 have no further questions.

22 CHAIRPERSON MILLER: Okay, others?

1 Mr. Jones?

2 MR. HERMAN JONES: Thank you, Madam  
3 Chair. Mr. Martin?

4 MR. MARTIN: Yes.

5 MR. HERMAN JONES: All right. On  
6 the night in question, you repeatedly indicated  
7 that Investigator Jones appeared or seemed  
8 agitated.

9 MR. MARTIN: Yes.

10 MR. HERMAN JONES: In what sense,  
11 how would you define agitated?

12 MR. MARTIN: His body mannerisms,  
13 his speech, his tone.

14 MR. HERMAN JONES: What about them?

15 MR. MARTIN: Elevated, and they  
16 seemed to be more adversarial than, I guess, a  
17 normal person like a Joe Friday kind of, hey,  
18 how you're doing, we're here to see some  
19 identification.

20 It was maybe because there was a lot  
21 of music, maybe because it was a crowded bar.  
22 But he seemed agitated.

1                   MR. HERMAN JONES: How'd you first  
2                   encounter both the investigators?

3                   MR. MARTIN: I was alerted to the  
4                   fact that there were two men from ABRA and that  
5                   they had wanted to see IDs. So I walked up and  
6                   introduced myself.

7                   MR. HERMAN JONES: Where were you  
8                   when you were alerted to that fact?

9                   MR. MARTIN: I believe I was in the  
10                  kitchen.

11                  MR. HERMAN JONES: In the kitchen.  
12                  At what point were you able to have your first  
13                  opportunity to visually see the two men?

14                  MR. MARTIN: When I was escorted  
15                  back from one of the people on staff that  
16                  escorted me to the front to introduce me to the  
17                  two men in question.

18                  MR. HERMAN JONES: And you found  
19                  that was an appropriate length of time frame?  
20                  Were you able to see them five minutes before  
21                  you actually spoke to them? Was it one minute?  
22                  Was it 30 seconds?

1                   MR. MARTIN: I didn't know who I was  
2 looking for until I was introduced to them.

3                   MR. HERMAN JONES: Okay. So you had  
4 no opportunity to observe them in any fashion  
5 until you were introduced to them and thus  
6 engaged them directly?

7                   MR. MARTIN: Yeah, I don't believe  
8 so, no.

9                   MR. HERMAN JONES: Okay. So from  
10 what I'm gathering from your testimony is that  
11 you observed agitation strictly in the manner  
12 in which the individual spoke to you.

13                   MR. MARTIN: Correct.

14                   MR. HERMAN JONES: Okay. Did that  
15 intimidate you?

16                   MR. MARTIN: I wasn't intimidated at  
17 that point, when I was introduced. But I had a  
18 heightened sense of anxiety after seeing the  
19 identification and it did not appear to be him.

20                   MR. HERMAN JONES: So prior to the  
21 identification, you indicated that the  
22 individual seemed to be agitated prior to even

1 the discussion of the ID at this point,  
2 correct?

3 MR. MARTIN: Just on the  
4 conversation leading up to me asking for their  
5 credentials.

6 MR. HERMAN JONES: What was the  
7 nature of that conversation?

8 MR. MARTIN: It was just a very  
9 aggressive thing.

10 MR. HERMAN JONES: No, no, I'm  
11 sorry. What was the conversation? Hi, I'm Mr.  
12 Martin, I'm the owner. And you are, let me see  
13 your ID.

14 Did you talk about the weather? Did  
15 you talk about sports? I'm trying to figure  
16 out what was the nature of the conversation.

17 MR. MARTIN: I walked up, said who I  
18 was. I introduced myself as the owner. And  
19 then at that point they asked to see the  
20 credentials for the restaurant.

21 But it was in the tone, and the  
22 manner that they said it, and the agitation.

1 That's why I asked to see their credentials.

2 MR. HERMAN JONES: So the  
3 conversation went like this from what I'm  
4 hearing from you. And correct me if I'm wrong.  
5 You were introduced to these individuals. You  
6 identified who you were.

7 MR. MARTIN: Yes.

8 MR. HERMAN JONES: They requested to  
9 see your license?

10 MR. MARTIN: Yes.

11 MR. HERMAN JONES: And then you  
12 requested to see ID?

13 MR. MARTIN: Yes.

14 MR. HERMAN JONES: So you had an  
15 opportunity for one, two, two or three  
16 sentences worth of dialogue to make the  
17 determination that Mr. Jones was agitated?

18 MR. MARTIN: Yes.

19 MR. HERMAN JONES: Or seemed  
20 agitated?

21 MR. MARTIN: Yes.

22 MR. HERMAN JONES: Did you have any

1 opportunity to assess whether or not the other  
2 investigator was agitated?

3 MR. MARTIN: He seemed not agitated  
4 at all.

5 MR. HERMAN JONES: Did he speak?

6 MR. MARTIN: I don't believe so.

7 MR. HERMAN JONES: So you made an  
8 assessment on Mr. Jones simply because he spoke  
9 and asked to see your licenses.

10 The other investigator did not  
11 speak, and therefore he did not seem to be  
12 agitated. Is that what I'm gathering from what  
13 you're saying?

14 MR. MARTIN: Yes.

15 MR. HERMAN JONES: Okay. At this  
16 point, when you asked for the ID, if I'm  
17 hearing you correctly, the environment was  
18 dimly lit.

19 MR. MARTIN: Yes.

20 MR. HERMAN JONES: When you saw the  
21 ID that was presented to you, who presented  
22 their ID first?

1 MR. MARTIN: Mr. Apraku.

2 MR. HERMAN JONES: Mr. Apraku. And  
3 you indicated at that point in time, if I'm  
4 hearing you correctly, that there was no photo  
5 ID there. There was just a badge, which you  
6 are accustomed to seeing.

7 MR. MARTIN: Correct.

8 MR. HERMAN JONES: Did I paraphrase  
9 you correctly?

10 MR. MARTIN: Yes.

11 MR. HERMAN JONES: Okay. So based  
12 on your accustomed background, you were  
13 convinced that, at that point in time, was a  
14 valid ABRA ID, excuse me, badge?

15 MR. MARTIN: Only the badge, yes.

16 MR. HERMAN JONES: Because there was  
17 no ID there.

18 MR. MARTIN: That I saw, correct.

19 MR. HERMAN JONES: There was no ID  
20 there that you saw?

21 MR. MARTIN: I did not see an ID,  
22 no.

1                   MR. HERMAN JONES: Okay. But you  
2 saw the badge.

3                   MR. MARTIN: Yes.

4                   MR. HERMAN JONES: And you were  
5 comfortable with the badge, at that point in  
6 time?

7                   MR. MARTIN: Until I asked to see  
8 Mr. Jones's.

9                   MR. HERMAN JONES: So maybe I'll  
10 repeat the question. You were comfortable with  
11 the badge at that point in time?

12                   MR. MARTIN: I was wondering at that  
13 point why there was no identification, so I  
14 can't say that I was comfortable at that point,  
15 no.

16                   MR. HERMAN JONES: Okay. So at that  
17 point, you're not convinced that it's a real  
18 ABRA investigator.

19                   MR. MARTIN: Correct.

20                   MR. HERMAN JONES: Okay. You get to  
21 the second ID, which is Mr. Jones's ID.

22                   MR. MARTIN: Yes.

1 MR. HERMAN JONES: You requested to  
2 see that?

3 MR. MARTIN: Yes, I did request to  
4 see his identification.

5 MR. HERMAN JONES: Okay. So did you  
6 ask them both to present their IDs at the same  
7 time?

8 MR. MARTIN: No.

9 MR. HERMAN JONES: No. So why did  
10 you ask Investigator Apraku for his ID first?

11 MR. MARTIN: He might have been  
12 standing the first one next to me. I'd choose  
13 one and then the second one.

14 MR. HERMAN JONES: So you looked at  
15 his ID, you were --

16 MR. MARTIN: Badge, yes.

17 MR. HERMAN JONES: Badge, sorry.  
18 You looked at his badge. You were hesitant  
19 about that because there was no ID there.

20 MR. MARTIN: Correct.

21 MR. HERMAN JONES: Did you ask to  
22 see his ID, given that you observed and you

1 indicated you were concerned that you were  
2 wondering why there was no ID there?

3 MR. MARTIN: No. And that might  
4 have been because I had immediately asked for  
5 the second identification at that point.

6 MR. HERMAN JONES: Okay. When you  
7 looked at the second identification and you  
8 expressed some concern about it being a false  
9 ID, why at that point in time did you not go  
10 back to the first investigator and get  
11 confirmation of the fact that he actually had  
12 an ID with a picture on it?

13 MR. MARTIN: I'm not sure. In  
14 hindsight I probably should have asked to see a  
15 driver's license or something.

16 MR. HERMAN JONES: Okay. But at  
17 this point you feel as though you had one fake  
18 ID --

19 MR. MARTIN: Yes.

20 MR. HERMAN JONES: -- from Mr.  
21 Jones.

22 MR. MARTIN: Yes.

1 MR. HERMAN JONES: Investigator  
2 Jones. And one ID that you didn't fully look  
3 into to confirm whether it was fake or not.

4 MR. MARTIN: At that point, yes.

5 MR. HERMAN JONES: Yes. But still,  
6 at that point in time, given your heightened  
7 concern and your uncertainty about the validity  
8 of either of these individuals and their  
9 capacity, you chose to escort them to an area  
10 that had a heightened sense of concern for you,  
11 i.e. money, credentials, et cetera.

12 MR. MARTIN: Well, security --

13 MR. HERMAN JONES: Was security with  
14 you at the front door?

15 MR. MARTIN: Yes.

16 MR. HERMAN JONES: They were?

17 MR. MARTIN: Yes.

18 MR. HERMAN JONES: And you took that  
19 security officer and he escorted you?

20 MR. MARTIN: No.

21 MR. HERMAN JONES: No. How did that  
22 process work?

1                   MR. MARTIN: I made sure that the  
2 security guard was on the first rung of the  
3 stairs where they are positioned and looking up  
4 the stairs.

5                   And once I made sure that the  
6 security was there, then I escorted these two  
7 gentlemen up the stairs, not to an area that  
8 has office, but it's an area that leads to  
9 another area.

10                  MR. HERMAN JONES: So if I  
11 understood you correctly earlier, you indicated  
12 that you extended your arm to stop the forward  
13 motion of the investigators, because you were  
14 concerned about them getting too close to an  
15 area that contained some items that you were  
16 concerned about.

17                  MR. MARTIN: I had stopped the  
18 forward motion from them going behind the bar.  
19 Because that area leads to another area, which  
20 is the office.

21                  MR. HERMAN JONES: What indication  
22 did you have that they were actually going to

1 go behind the bar?

2 MR. MARTIN: Because of how close  
3 Mr. Jones was following behind me.

4 MR. HERMAN JONES: So because you  
5 were going to go behind the bar and get the  
6 credentials, you presumed that they were going  
7 to go behind the bar with you to get the  
8 credentials? They were following you, you were  
9 leading?

10 MR. MARTIN: Yes. That's true. And  
11 Mr. Jones was following very close. And that's  
12 why I also put my arm out.

13 MR. HERMAN JONES: Okay. When you  
14 said you made sure that security was stationed  
15 at the first rung of the stairs, the bottom  
16 rung of the stairs, where are they normally  
17 stationed? Is that a normal stationing  
18 position for your security?

19 MR. MARTIN: That is one normal  
20 station for security, yes, unless they happen  
21 to be roaming around or with another customer.  
22 But I wanted to make sure that there was one

1 there before I proceeded up the stairs.

2 MR. HERMAN JONES: Okay. Would it  
3 have been inappropriate for you to have one of  
4 your security people accompany you upstairs?

5 MR. MARTIN: That, I don't feel,  
6 would have been inappropriate, no.

7 MR. HERMAN JONES: Okay. So given  
8 your heightened sense of concern, given the  
9 fact that you are concerned that these two  
10 individuals are not who they say they are, and  
11 you're concerned, and you say you're acting in  
12 a way in which you acted because you were  
13 concerned that they may be there to do you some  
14 harm and you have security on staff, just out  
15 of curiosity why wasn't it one of your steps to  
16 have one of your security people accompany you  
17 upstairs, since you took the effort to bring  
18 them upstairs to this concerned area?

19 MR. MARTIN: Yeah. Because the  
20 security had an eye line from the stairs up to  
21 where we were standing. It's a very wide area  
22 and there's only about, I think, maybe five

1 steps or possibly six.

2 MR. HERMAN JONES: Okay. So given  
3 the security person's position, you felt as  
4 though he or she was in a position that if  
5 anything occurred that was untoward they'd be  
6 able to come to your aid?

7 MR. MARTIN: That's exactly the  
8 case, yes.

9 MR. HERMAN JONES: Okay. Then why  
10 the reason or why the justification for the  
11 additional measures that you then took while  
12 you were upstairs with the investigators?

13 MR. MARTIN: Are you talking about  
14 for putting my arm up to not allow them behind  
15 the bar?

16 MR. HERMAN JONES: One, why putting  
17 up your arm, why physically come in contact  
18 with an ABRA investigator under any  
19 circumstances in this instance since you felt  
20 as though you had security properly placed in  
21 position that could come to your aid?

22 Two, why then ask for the ID a

1 second time and then a third time, as you  
2 indicated?

3 And then why have them forcibly  
4 removed from the establishment, from the second  
5 floor area?

6 I'm trying to understand if you felt  
7 as though you had positioned your security in a  
8 place where they can come to your aid, why did  
9 you feel the need that you had to take those  
10 other steps to not be cooperative with the  
11 investigation at that point in time?

12 MR. MARTIN: Okay. To answer the  
13 first question, when you get to the landing of  
14 the stairs, you take two steps to the right.  
15 At that point, there's an entrance to go behind  
16 the bar.

17 At that entrance from the bar where  
18 the security guard was stationed, he could not  
19 have an eye line if someone happened to go  
20 behind the bar.

21 However, they could see if two  
22 people were standing at the top of the stairs.

1 That's why I extended my arm and asked them to  
2 not come any further.

3 The second part to that was that  
4 there was also an entrance to the office. And  
5 I was unsure at that point of them coming  
6 behind the bar to go back there.

7 And then to answer your second  
8 question, I had asked to see Mr. Jones's  
9 identification a second time, because the first  
10 time I was unsure that it was actually him.  
11 And that's why I asked to see it a second time  
12 and a third time. And at that point, I  
13 determined that it was not him. And I asked  
14 him to leave the building. And then they said  
15 that I was not allowed to ask them to leave the  
16 building.

17 MR. HERMAN JONES: How far is the  
18 landing where you had them stop to where you  
19 placed the license, the frame, on the bar?

20 MR. MARTIN: It's only about five or  
21 six steps. And when you walk up the stairs  
22 it's two steps to the right. That's why the

1 security guard did not have visible eyesight to  
2 them.

3 And then when I walked back around  
4 the two steps, and then maybe another two to  
5 three steps is the two foot area where I placed  
6 the picture frame with all the licenses.

7 MR. HERMAN JONES: Okay. So if I  
8 was one of the investigators and I wanted to  
9 put my hands on the license where you placed  
10 it, and I moved and positioned myself to put my  
11 hands on the license where you placed it, would  
12 I still be in eye shot of the security officer  
13 downstairs?

14 MR. MARTIN: Yes.

15 MR. HERMAN JONES: You would be?

16 MR. MARTIN: Yes. Because you would  
17 walk back around from the side that they did  
18 not have the eye sight, then into view of  
19 security.

20 MR. HERMAN JONES: Okay. So at that  
21 point, you had no reason to have a heightened  
22 level of concern above and beyond putting your

1 security person in place.

2 Because they can see clearly the  
3 actions of both men and you the entire time,  
4 except for when you went behind the bar,  
5 correct?

6 MR. MARTIN: Correct.

7 MR. HERMAN JONES: Okay. The  
8 opportunity that you took to look at the ID  
9 downstairs, when you first looked at what  
10 you're characterizing as a false ID, what did  
11 you see on it?

12 MR. MARTIN: I saw a photo. I tried  
13 to get a closer look, but he took it back. I  
14 saw a photo of a man that was not him.

15 And that's why I had the heightened  
16 sense to ask for it a second time at the top of  
17 the stairs.

MR. HERMAN JONES: Okay.  
18 So you saw a photo that you were concerned  
19 with. You didn't see a name. You didn't see  
20 any title of any organization or any --

21 MR. MARTIN: I saw the ABRA badge.

22 MR. HERMAN JONES: No, no. I'm

1 talking about the ID itself, just the ID, not  
2 the badge.

3 MR. MARTIN: Just the ID, yes.

4 MR. HERMAN JONES: Okay, so you  
5 didn't see a name?

6 MR. MARTIN: I was going through the  
7 photo first. And I didn't have time to take a  
8 look at the name or read it, because, Number 1,  
9 it was dimly lit, Number 2, I was not given the  
10 chance to.

11 MR. HERMAN JONES: Okay, so first  
12 time, you didn't see a name.

13 MR. MARTIN: Correct.

14 MR. HERMAN JONES: Second time when  
15 you were upstairs, what's the lighting  
16 arrangement upstairs?

17 MR. MARTIN: It's a little bit  
18 better than downstairs, but it's not as well  
19 lit as this room by any means.

20 MR. HERMAN JONES: Okay. So it's  
21 better but not great, in terms of lighting.

22 MR. MARTIN: Sure, yes.

1 MR. HERMAN JONES: Okay. So you  
2 look at the ID the second time. What were you  
3 looking for when you looked at it the second  
4 time?

5 MR. MARTIN: To verify that the  
6 photo was the man who was standing in front of  
7 me.

8 MR. HERMAN JONES: Okay. did you  
9 see a name on the ID?

10 MR. MARTIN: I didn't even go that  
11 far because the photo did not match up to who  
12 was standing in front of me.

13 MR. HERMAN JONES: So you did not  
14 see a name on the ID?

15 MR. MARTIN: No.

16 MR. HERMAN JONES: Okay. The third  
17 time, when you grabbed it, excuse me, when you  
18 managed to get into your possession?

19 MR. MARTIN: Correct. It was  
20 basically I asked to see the identification.  
21 He presented it to me. I took it and glanced  
22 once and twice and realized that was not him.

1                   And that's when I said, that is not  
2 you. This is a false ID. And that's when I  
3 had security escort him from the building.

4                   MR. HERMAN JONES: Okay. At no  
5 point in time did you look for a name on the  
6 ID, correct?

7                   MR. MARTIN: Correct. I was going  
8 for the photo at that point. I wish I would  
9 have, yes.

10                  MR. HERMAN JONES: Okay. So I'm  
11 just trying to understand, you're making a very  
12 pointed statement that you know that it was a  
13 fake or false ID. At that point in time, you  
14 knew it was fake.

15                  MR. MARTIN: Yes.

16                  MR. HERMAN JONES: And you're basing  
17 that off of the fact that you looked at the  
18 picture, and it didn't appear to you to match  
19 this individual.

20                  MR. MARTIN: Correct. The only  
21 other way that I could have verified if there  
22 was a name is if I would have taken a look

1 through his wallet or something to see if his  
2 driver's license matched an ABRA photo.

3 MR. HERMAN JONES: Okay. When  
4 Investigator Stewart came back later that night  
5 --

6 MR. MARTIN: Yes.

7 MR. HERMAN JONES: -- and you  
8 indicated that this individual, Investigator  
9 Jones, had a fake ID, the supervisor or the  
10 investigator who communicated to you that he  
11 was the supervisor of these two men, did you  
12 bring it to his attention that there was a fake  
13 ID?

14 MR. MARTIN: I brought it to his  
15 attention that the ID that Mr. Jones had shown  
16 was in fact Mr. Stewart's.

17 MR. HERMAN JONES: And what did Mr.  
18 Stewart say to you?

19 MR. MARTIN: He only assured me that  
20 the other person's credentials were in fact  
21 real.

22 MR. HERMAN JONES: Did you request

1 to see the investigator's ID at that point in  
2 order to confirm that what you were seeing from  
3 Mr. Stewart was the exact same ID that you saw  
4 from Mr. Jones earlier that night?

5 MR. MARTIN: I didn't need to,  
6 because Mr. Stewart showed me the ID that I'd  
7 seen before.

8 MR. HERMAN JONES: How did you know  
9 that was the exact same ID?

10 MR. MARTIN: Because it was only 45  
11 minutes prior that I'd seen it.

12 MR. HERMAN JONES: But the only  
13 thing you saw on the ID, according to your  
14 testimony, was the name and the fact that it  
15 said -- the photo ID and the fact that it said  
16 ABRA on it.

17 MR. MARTIN: Correct.

18 MR. HERMAN JONES: So how did you  
19 know that it was the exact same ID? Did you  
20 see an expiration date, did you see a name, did  
21 you see any unique identifiers?

22 MR. MARTIN: It was just a photo

1 that was the same one that was shown to me 45  
2 minutes ago.

3 MR. HERMAN JONES: And you know it's  
4 the exact same photo?

5 MR. MARTIN: Yes.

6 MR. HERMAN JONES: Okay. The nature  
7 of your interaction with Mr. Stewart, after he  
8 confirmed with you and you believed him to be a  
9 legitimate ABRA investigator, what happened  
10 next?

11 MR. MARTIN: Either before or after  
12 that Mr. Jones had tried to speak. Mr. Stewart  
13 said, please be quiet. And at that point, he  
14 did not say anything further.

15 Mr. Stewart said, at that point,  
16 that I'm not allowed to impede an ABRA  
17 investigation.

18 And I explained to him that when  
19 upon showing false identification I had no idea  
20 who these two gentlemen were, that his  
21 identification checked out, that, that was him.  
22 And if he's their supervisor, then I felt fine

1 at that point.

2 MR. HERMAN JONES: Okay. So at no  
3 point did you apologize for having these two  
4 legitimate ABRA investigators escorted out of  
5 your establishment?

6 MR. MARTIN: I'm sure, I guess, I  
7 did.

8 MR. HERMAN JONES: You did?

9 MR. MARTIN: I'm sure I did.

10 MR. HERMAN JONES: So you didn't  
11 speak to that, so I'm just trying to --

12 MR. MARTIN: Oh, I believe --

13 MR. HERMAN JONES: Well, let me ask,  
14 at that point did you realize you had made a  
15 mistake?

16 MR. MARTIN: I guess it depends on  
17 the validity of the mistake. Because at that  
18 point, I had the other two investigators with  
19 someone vouching for them.

20 But I feel at the time my actions  
21 were still on par with what I thought to be the  
22 case.

1 MR. HERMAN JONES: I think I  
2 understand that logic or that path. But at  
3 that point, there's two ABRA investigators that  
4 you confirmed to be legitimate, he vouched for  
5 these other two individuals.

6 And therefore, you accepted the fact  
7 that these two other individuals were  
8 legitimate ABRA investigators.

9 MR. MARTIN: Yes.

10 MR. HERMAN JONES: Therefore, your  
11 actions earlier in the night were to have two  
12 legitimate ABRA investigators removed from your  
13 establishment. Did you recognize that at that  
14 point in time?

15 MR. MARTIN: At that point in time,  
16 yes.

17 MR. HERMAN JONES: Did you apologize  
18 to the ABRA investigators for that?

19 MR. MARTIN: I'm sure I did, to Mr.  
20 Stewart.

21 MR. HERMAN JONES: The nature of the  
22 egress from upstairs, so you had Investigator

1 Jones, who you said seemed to be agitated. You  
2 had Apraku, who -- I may be saying his name  
3 incorrectly, so I apologize -- but the other  
4 investigator, and yourself. You were the only  
5 three people up there, correct?

6 MR. MARTIN: On the top of the  
7 landing, yes.

8 MR. HERMAN JONES: On the top of the  
9 landing, right. And this is the first time  
10 around. So this is when it was just the three.

11 You first encountered Investigator  
12 Jones, the other investigator, and you brought  
13 them upstairs --

14 MR. MARTIN: Yes.

15 MR. HERMAN JONES: -- to look at  
16 the documents that they requested.

17 MR. MARTIN: Uh-huh.

18 MR. HERMAN JONES: You had them  
19 stop, you brought the document, placed it on  
20 the bar, you made it available for them to  
21 inspect and/or review.

22 Simultaneously you were requesting

1 the badge or the ID of Investigator Jones --

2 MR. MARTIN: Shortly after.

3 MR. HERMAN JONES: -- so you could  
4 look at that more closely.

5 At some point you communicated to  
6 them that this was false identification, that  
7 you didn't believe them be legitimate  
8 investigators, and you asked them to leave.

9 MR. MARTIN: Yes.

10 MR. HERMAN JONES: Investigator  
11 Jones communicated to you that you could not  
12 have an ABRA investigator leave.

13 MR. MARTIN: Yes.

14 MR. HERMAN JONES: What happened,  
15 what did he do at that point, Mr. Jones? What  
16 did Investigator Jones do at this point? Did  
17 he aggressively, did he, in an agitated  
18 fashion, go behind the bar?

19 MR. MARTIN: No.

20 MR. HERMAN JONES: Did he try to go  
21 into your office?

22 MR. MARTIN: No.

1                   MR. HERMAN JONES: Did he approach  
2 you in an agitated fashion?

3                   MR. MARTIN: No.

4                   MR. HERMAN JONES: What happened?

5                   MR. MARTIN: Mr. Jones had said that  
6 I'm not allowed to have an ABRA investigator  
7 leave the building. And I told him that I did  
8 not have proper identification of who he was or  
9 who the other gentleman was.

10                   So I asked them to leave again. And  
11 at that point, I yelled for security to come  
12 around. And I'm sure I did say get them the F  
13 out. I had no idea who these two guys were  
14 until Mr. Stewart came back.

15                   MR. HERMAN JONES: Understood. So  
16 you're telling me what you did. I'm trying to  
17 get a better feel for what the investigators  
18 did. So in other words, let me be more --

19                   MR. MARTIN: Just said that I was  
20 not allowed to ask them to leave.

21                   MR. HERMAN JONES: How is it that  
22 Investigator Jones managed to be turned around

1 and then heading down the stairs? Did he do  
2 this of his own accord? Or did he have some  
3 assistance?

4 MR. MARTIN: There was no assistance  
5 for him to go down the stairs. But I don't  
6 remember him going down before hand.

7 I'd asked them to leave. And when  
8 he said I was not allowed to ask them to leave,  
9 I said, I don't know who you two are. At that  
10 point I called for security to get them out.

11 MR. HERMAN JONES: And at that point  
12 is when he turned around and started walking  
13 down the stairs?

14 MR. MARTIN: I don't recall that.

15 MR. HERMAN JONES: Okay. So you  
16 don't know if he was leaving or if they were  
17 leaving before you had to call for security or  
18 after?

19 MR. MARTIN: He was not leaving when  
20 I asked them to leave. He was leaving when  
21 security was there.

22 MR. HERMAN JONES: But did security

1       come upstairs?

2                   MR. MARTIN: I believe the one was  
3 still on the first rung.

4                   MR. HERMAN JONES: Right.

5                   MR. MARTIN: And then when I asked  
6 him to escort these two gentlemen out of the  
7 building, I believe one of them came up,  
8 another one came up on the stairs.

9                   But no, not all three of them were  
10 on the stairs at the same time, security guards  
11 that is.

12                   MR. HERMAN JONES: Investigator  
13 Jones took his first step down the stairs  
14 without the assistance of security. Is that a  
15 correct statement?

16                   MR. MARTIN: I don't recall that.  
17 Once I had asked for security to come to escort  
18 them out, well, first Mr. Jones said I was not  
19 allowed to do this.

20                   And I said, I don't know who you  
21 are, please leave. They said I'm not allowed  
22 to do this again. And that's when I called for

1 security. So at that point is when he  
2 descended down the stairs, sure.

3 MR. HERMAN JONES: Okay. Was  
4 security upstairs when he descended down the  
5 stairs?

6 MR. MARTIN: One of them was on the  
7 stairs, on the bottom rung.

8 MR. HERMAN JONES: The same position  
9 he was in the whole time?

10 MR. MARTIN: Correct.

11 MR. HERMAN JONES: When you called  
12 for security, did security matriculate all the  
13 way up the stairs to where you were to assist  
14 you as you had cried out in need?

15 MR. MARTIN: They did not go all the  
16 way to the top of the stairs, no. But I believe  
17 one of them came up to the second step to  
18 escort the two gentlemen out.

19 MR. HERMAN JONES: To escort the two  
20 gentlemen out. At what point did this occur?  
21 Did this occur at the third step, fourth step?  
22 I'm not sure how many steps there are. Was it

1 midway downstairs?

2 I'm trying to get to the bottom of  
3 who put their hands on an ABRA investigator.  
4 I'm trying to understand that fully. So I'm  
5 trying to understand when is security  
6 encountered physically.

7 Based on what I'm hearing, the only  
8 person that could have put their hands on the  
9 investigator right now appears to be you.

10 MR. MARTIN: Right.

11 MR. HERMAN JONES: But I'm trying to  
12 understand at what point security got engaged  
13 in this process.

14 MR. MARTIN: So the first security  
15 guard's still on the first rung with the other  
16 two security guards on the floor. One of them  
17 did take a step up. I can't tell you if it was  
18 the second step or the third step. But they did  
19 escort them out.

20 I was following behind Mr. Apraku.  
21 But in no way did I push, lay hands on, or try  
22 to shove anyone in the back. I was walking

1 behind them.

2 Maybe security had taken their hand  
3 to escort them out. But Mr. Apraku's statement  
4 also said that he did not feel that I had  
5 violently pushed anyone down the stairs or laid  
6 hands on him.

7 MR. HERMAN JONES: Why no call to  
8 911? Why no call to the police?

9 MR. MARTIN: Well, as I said in my  
10 statement, I should have done that in  
11 hindsight. I should have called MPD and have  
12 them handle that. In fact, I wish I had.  
13 Because it could have just gotten settled right  
14 there.

15 MR. HERMAN JONES: So at that point  
16 in time your state of mind was what, as to why  
17 you didn't? I understand you're saying you  
18 looked back on it and you reflected.

19 But at that point in time, if you  
20 felt as though you were at risk, and you felt  
21 the need to have these men escorted out of your  
22 establishment for the reasons that you stated -

1 -

2 MR. MARTIN: For just showing false  
3 identification, like I would have any patron.

4 MR. HERMAN JONES: As in like a fake  
5 driver's license you mean?

6 MR. MARTIN: Sure. If someone was  
7 under 21 and had a fake ID and I found out  
8 later on in the night, I would have done the  
9 same thing.

10 MR. HERMAN JONES: In this instance,  
11 are you equating the concern that you had for  
12 your establishment with these two individuals  
13 as you would with an individual who presented  
14 you with a fake ID to get a beverage?

15 MR. MARTIN: Not in the exact same  
16 way, but similar. These two gentlemen were  
17 asking to look at my licenses or go behind, I  
18 had thought at that point to try to gain access  
19 to somewhere. Because they had false  
20 identification.

21 I'm only saying that I treated them  
22 the same way as I would have had a patron who

1 had shown a false identification.

2 MR. HERMAN JONES: But the only  
3 actions they took to lead you to that  
4 assumption was your interpretation of their IDs  
5 as being fake, or their identification as being  
6 fake.

7 I did not get the impression from  
8 your statements that they made any attempts to  
9 go behind the bar except for the fact that they  
10 were following you as you led them to that  
11 location. And then when you asked them to  
12 stop, they stopped.

13 MR. MARTIN: Yes. But because the  
14 license was in an area where the office was,  
15 and the safe, and the computer, that is why I  
16 had them stop there.

17 MR. HERMAN JONES: Did you get an  
18 opportunity to look at the badge that  
19 Investigator Jones presented?

20 MR. MARTIN: The badge looked like  
21 Mr. Apraku's, yes. And I'm sorry if I'm saying  
22 the incorrectly.

1 MR. HERMAN JONES: You indicated  
2 earlier that you thought Mr. Apraku's badge was  
3 real.

4 MR. MARTIN: Correct.

5 MR. HERMAN JONES: So you had two  
6 badges that appeared to be real ABRA badges.

7 MR. MARTIN: Yes.

8 MR. HERMAN JONES: What led you to  
9 take the leap, well, what led you to then  
10 believe that they were not.

11 MR. MARTIN: Because of the  
12 credentials that Mr. Jones presented me. The  
13 photos did not match.

14 MR. HERMAN JONES: Okay. So at this  
15 point you saw what you believed to be valid  
16 ABRA badges. And you had a concern about the  
17 photo on the ID associated with one of those  
18 badges?

19 MR. MARTIN: Yes.

20 MR. HERMAN JONES: Okay. And  
21 instead of addressing that situation at the  
22 front door, you said you couldn't address it

1 there because you weren't comfortable about the  
2 lighting.

3 MR. MARTIN: Correct.

4 MR. HERMAN JONES: Okay. Last  
5 thing, you said you did cooperate with the  
6 investigation. Was that your statement?

7 MR. MARTIN: Yes.

8 MR. HERMAN JONES: At what point did  
9 they collectively have an opportunity to review  
10 the licenses that you, the frame, the contents  
11 of the frame?

12 MR. MARTIN: Before I had asked for  
13 the identification from Mr. Jones and during  
14 the time that I was scrutinizing his  
15 credentials he also had the opportunity to view  
16 the licenses right there.

17 MR. HERMAN JONES: Okay. So by your  
18 own statements, you did not hand the license  
19 over to him, correct?

20 MR. MARTIN: I placed the frame in  
21 front of them on the bar. And the frame's this  
22 big. I didn't just hand the whole, this whole

1 thing. I put on the bar so they could view it.

2 CHAIRPERSON MILLER: I'm sorry, I  
3 want to say for the record how big it is.

4 MR. MARTIN: Oh, I'm sorry. The  
5 frame is approximately a foot or longer.

6 MR. HERMAN JONES: Okay. And was it  
7 free-standing?

8 MR. MARTIN: It was hung on the  
9 wall. And I took it --

10 MR. HERMAN JONES: No, I'm sorry.  
11 When you took it and brought it to the bar, was  
12 it free-standing?

13 MR. MARTIN: Yes.

14 MR. HERMAN JONES: So no one had to  
15 hold it for it to stand up?

16 MR. MARTIN: I laid it flat?

17 MR. HERMAN JONES: Oh, you laid it  
18 down?

19 MR. MARTIN: Yes.

20 MR. HERMAN JONES: So in order for  
21 me to effectively read that, I'd have to come  
22 over to it, or at least come at a 45 degree

1 angle, something to that effect, so I could get  
2 a clear view of what's in the frame.

3 MR. MARTIN: Yes. And I was facing  
4 Mr. Jones and Mr. Jones was facing me. And the  
5 framed license was in between both of us.

6 MR. HERMAN JONES: Okay. So at what  
7 point did you see them inspect the license?

8 MR. MARTIN: I was inspecting his  
9 identification. And I assumed that he was  
10 looking at the license at that same time.

11 MR. HERMAN JONES: So you never saw  
12 them inspect the license? You never saw them  
13 reviewing. From a timing standpoint, it sounds  
14 as if you got the license off the wall, you put  
15 the frame flat on the bar.

16 MR. MARTIN: And I said here are my  
17 licenses. Can I see yours?

18 MR. HERMAN JONES: Here are my  
19 licenses. Can I see yours?

20 MR. MARTIN: So I'm assuming that  
21 while I was looking at his license, he was  
22 looking at the license that was on the bar.

1 MR. HERMAN JONES: And where was  
2 Investigator Apraku?

3 MR. MARTIN: I believe on the other  
4 side of Mr. Jones.

5 MR. HERMAN JONES: Was he closer to  
6 the licenses than Mr. Jones?

7 MR. MARTIN: No, Mr. Jones was.

8 MR. HERMAN JONES: Okay. So you  
9 engaged Mr. Jones.

10 MR. MARTIN: Yes.

11 MR. HERMAN JONES: He had the whole  
12 identification issue.

13 MR. MARTIN: Uh-huh.

14 MR. HERMAN JONES: And during this  
15 time though you feel as though there was an  
16 adequate opportunity for them to review the  
17 information that they requested?

18 MR. MARTIN: Yes.

19 MR. HERMAN JONES: As soon as you  
20 looked at the ID and you challenged  
21 Investigator Jones on the validity of those  
22 credentials, did he have an opportunity to

1 review the license after your concern was  
2 raised about the ID itself?

3 MR. MARTIN: I'm not sure. The  
4 license was still on the bar in plain view.  
5 But I guess I thought that he had already  
6 examined the license at that point. They were  
7 valid, and up to date, and clearly displayed.

8 MR. HERMAN JONES: Okay. And you  
9 said you had regulatory inspections before?

10 MR. MARTIN: Yes.

11 MR. HERMAN JONES: I'm assuming  
12 you've had your licenses inspected before?

13 MR. MARTIN: Yes.

14 MR. HERMAN JONES: When that has  
15 occurred before, what has been your process?

16 MR. MARTIN: An ABRA investigator  
17 would come in. They would show their  
18 credentials. And either the frame would come  
19 to them to be placed on the bar, or they would  
20 go to the bar and have the frame taken off the  
21 wall and placed, either one.

22 MR. HERMAN JONES: Okay. And then -

1  
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-  
MR. MARTIN: I guess it just depends on if the area was crowded or it needed to go to a place where it could be displayed.

MR. HERMAN JONES: And how long has that process taken in the past? Once the ABRA investigator has that opportunity to engage the license documentation, how long has it taken them for them to complete their review?

MR. MARTIN: Oh, it's less than a minute, because it clearly states the hours for the special hours for New Year's Eve right there. And so it doesn't take long at all.

MR. HERMAN JONES: I'm sorry, did they announce why they were there, they meaning the investigators?

MR. MARTIN: They said that they were there to inspect for the 4:00 a.m. license, yes.

MR. HERMAN JONES: Okay. And so you knew exactly what it was they needed?

MR. MARTIN: Yes.

1 MR. HERMAN JONES: Okay. And you  
2 presented to them what you thought was the  
3 complete package of the information that was  
4 needed?

5 MR. MARTIN: Yes.

6 MR. HERMAN JONES: And it is your  
7 position that if they didn't review that,  
8 that's not your fault, that it's theirs.

9 MR. MARTIN: Well, I didn't say  
10 that, but --

11 MR. HERMAN JONES: What's your  
12 position on it?

13 MR. MARTIN: My position was I put  
14 the frame down and said here are my licenses,  
15 and said can I see yours?

16 So while I was inspecting it, I'm  
17 assuming that he was looking at the license.  
18 It's right there.

19 MR. HERMAN JONES: Okay, thank you.  
20 Thank you, Madam Chair.

21 CHAIRPERSON MILLER: Okay, other  
22 questions?

1 MR. ALBERTI: No, go ahead.

2 CHAIRPERSON MILLER: I just have one  
3 quick follow-up about that one. About how long  
4 a period of time was that, that I gather you  
5 were addressing Mr. Jones's credentials -- this  
6 is what I understand -- at the bar?

7 The frame with the licenses was on  
8 the bar and Mr. Apraku was there, but not  
9 engaged in the credential issue --

10 MR. MARTIN: Correct.

11 CHAIRPERSON MILLER: -- actively,  
12 anyway. About how long a period of time was  
13 that?

14 MR. MARTIN: Maybe about a minute  
15 total.

16 CHAIRPERSON MILLER: Okay. And then  
17 after that there began like an argument, a  
18 yelling, and then get out? Is that how that  
19 ended?

20 MR. MARTIN: It was basically that  
21 there was an argument of I did not believe who  
22 he said that he was and asked them to leave,

1       yes.

2                   CHAIRPERSON MILLER:   Okay.   All  
3       right, that's all.   Thank you.   All right.   Mr.  
4       Alberti?

5                   MR. ALBERTI:   Just a couple of  
6       questions.   Let's go back to when they came in.  
7       So you were told that there were ABRA  
8       investigators there.

9                   MR. MARTIN:   Yes.

10                  MR. ALBERTI:   And you came over, all  
11       right.   What's the first thing that happened  
12       when you went over to them?

13                  MR. MARTIN:   They said that they  
14       were there for the 4:00 a.m., I believe they  
15       said, it might have been a compliance check.  
16       And that's when I asked to see their  
17       identification.

18                  MR. ALBERTI:   Did they introduce  
19       themselves?

20                  MR. MARTIN:   Possibly.

21                  MR. ALBERTI:   And did they show you  
22       identification before you asked?

1 MR. MARTIN: No.

2 MR. ALBERTI: Usually in the past,  
3 what happens when you encounter, you've gone  
4 through this with other inspectors. Do they  
5 come in and show you their ID initially?

6 MR. MARTIN: Sometimes yes,  
7 sometimes no. I guess it just varies.

8 I've seen some flash it open, or  
9 some with a handshake. Sometimes the  
10 restaurant's open, sometimes the restaurant's  
11 not open. It just depends.

12 MR. ALBERTI: But do you ever  
13 encounter them when they introduce themselves  
14 and they not show you an ID? Has that ever  
15 happened?

16 MR. MARTIN: I'm not sure. Because  
17 at a different restaurant, maybe that had  
18 happened. Maybe they had been introduced,  
19 possibly.

20 MR. ALBERTI: Let's go back upstairs  
21 now. You were here. I heard testimony from  
22 the investigators that said you said something

1 to the effect of you can't see my license  
2 unless I see your IDs. Do you remember saying  
3 anything like that?

4 MR. MARTIN: No. I don't remember  
5 saying that. What I do remember saying is here  
6 are my licenses, now I want to see yours.

7 MR. ALBERTI: Okay, that's it. You  
8 stopped Investigator Apraku or Mr. Jones at the  
9 top of the stairs, right?

10 MR. MARTIN: After a step or two,  
11 yes.

12 MR. ALBERTI: After a step or two.  
13 Did they advance more into the room at any  
14 point?

15 MR. MARTIN: Mr. Jones was following  
16 close behind me. So when I put my arm up to  
17 say stay here --

18 MR. ALBERTI: Right, right, when you  
19 stopped him. When he took a step or two and  
20 you stopped him, right?

21 MR. MARTIN: Yes.

22 MR. ALBERTI: Okay. Did he advance

1 further into the room after that?

2 MR. MARTIN: No.

3 MR. ALBERTI: So how can he be  
4 standing next to the bar if he hadn't advanced  
5 into the room?

6 MR. MARTIN: The bar, it makes an  
7 angle. So he was still on the other side of  
8 the bar.

9 MR. ALBERTI: Right. But he wasn't  
10 standing -- what was to his left? When he  
11 stopped, what was to his left?

12 MR. MARTIN: To his left was part of  
13 the small L shape of the bar. To the right is  
14 the entrance to go behind the bar that leads  
15 down into the office.

16 MR. ALBERTI: So did he advance to  
17 the front of the L shape?

18 MR. MARTIN: The L shape is the two  
19 steps coming off the top of the stairs. So you  
20 walk up the stairs. And to the right, one  
21 step, two step, and you're --

22 MR. ALBERTI: Okay. This bar is

1 long, right, in an L shape, all right?

2 MR. MARTIN: Yes.

3 MR. ALBERTI: Which is shorter than  
4 the length of the bar?

5 MR. MARTIN: Yes.

6 MR. ALBERTI: So, when you come up  
7 the stairs, the bar is oriented how? With the  
8 long end where, in front of you as you come up  
9 the stairs or --

10 MR. MARTIN: Yes. The long end's in  
11 front of you.

12 MR. ALBERTI: The long length is in  
13 front of you.

14 MR. MARTIN: At the top of the  
15 stairs, yes.

16 MR. ALBERTI: At the top of the  
17 stairs. How far from the top of the stairs is  
18 the long length of the bar?

19 MR. MARTIN: Two steps.

20 MR. ALBERTI: Two steps? So if a  
21 customer comes up --

22 MR. MARTIN: It's an unfortunate

1 design, yes.

2 MR. ALBERTI: They're right there at  
3 the bar.

4 MR. MARTIN: It's the sushi bar,  
5 yes. It's where they're making sushi. So the  
6 customers walk up, see if they're making sushi,  
7 and walk to the left.

8 MR. ALBERTI: Okay. And then the L  
9 shape to the bar is where? As you're standing  
10 in front of the bar, the long length, where is  
11 the L shape?

12 MR. MARTIN: Two steps to the right.

13 MR. ALBERTI: Two steps, wait a  
14 minute. I'm standing at the long length of the  
15 bar. Is it to your left or to your right.

16 MR. MARTIN: The right.

17 MR. ALBERTI: To the right?

18 MR. MARTIN: Two steps to the right,  
19 yes.

20 MR. ALBERTI: No, no, no. I'm  
21 standing with you at the long length of the  
22 bar.

1 MR. MARTIN: Yes.

2 MR. ALBERTI: All right. I'm  
3 standing there looking at it, all right.

4 MR. MARTIN: Just coming from the  
5 top of the stairs.

6 MR. ALBERTI: Oh, from the stairway,  
7 it's two steps to the right.

8 MR. MARTIN: No, from the stairway  
9 it's two steps forward, is the long part of the  
10 L.

11 MR. ALBERTI: Right, right, right,  
12 right. And the L part, the side of the L part  
13 is which --

14 MR. MARTIN: Is two steps to the  
15 right.

16 MR. ALBERTI: Two steps to the  
17 right. So Mr. Jones took two steps to the  
18 right when he came up?

19 MR. MARTIN: Yes.

20 MR. ALBERTI: Is that what you're  
21 saying?

22 MR. MARTIN: We both did.

1 MR. ALBERTI: Oh, you did?

2 MR. MARTIN: Yes.

3 MR. ALBERTI: All right. You took  
4 two steps to the right.

5 MR. MARTIN: We both did. And he  
6 was following closely behind me and that's when  
7 I put my arm out.

8 MR. ALBERTI: Okay. And so that's  
9 when he stopped.

10 MR. MARTIN: Once I put my arm out  
11 because --

12 MR. ALBERTI: Right, right, right.  
13 So that's when he stopped. Is that correct?

14 MR. MARTIN: Yes.

15 MR. ALBERTI: All right. So now  
16 he's looking straight ahead. What's he looking  
17 at?

18 MR. MARTIN: The entrance to go  
19 behind the bar where I just entered.

20 MR. ALBERTI: Okay, so the entrance  
21 to right behind the bar. So he's not looking  
22 ast the bar at this point, right?

1 MR. MARTIN: It's a matter of a half  
2 a step.

3 MR. ALBERTI: Just answer my  
4 questions? He's not looking at the bar,  
5 correct?

6 MR. MARTIN: He was looking to see  
7 where I went behind the bar, yes.

8 MR. ALBERTI: All right, all right.  
9 Okay. Now you said there were two sushi  
10 coolers --

11 MR. MARTIN: Yes.

12 MR. ALBERTI: -- behind the bar.  
13 How big are they?

14 MR. MARTIN: They're approximately,  
15 I believe one is four foot and one is five  
16 foot.

17 MR. ALBERTI: How wide are they?

18 MR. MARTIN: Oh, looking at the bar,  
19 the width of the sushi cooler would be, say,  
20 four feet on this side, then a two foot space  
21 in the middle, and then a five foot width.

22 MR. ALBERTI: Okay. The one closest

1 to Mr. Jones, where is that positioned from the  
2 corner of the bar?

3 MR. MARTIN: From the corner of the  
4 L shape?

5 MR. ALBERTI: Yeah.

6 MR. MARTIN: Almost right there at  
7 the L shape.

8 MR. ALBERTI: So, all right. And so  
9 then there's another five feet and that's where  
10 you put the license down, right?

11 MR. MARTIN: It was a four foot  
12 sushi cooler, a two foot space, and then a five  
13 foot sushi cooler.

14 MR. ALBERTI: Right. And the five  
15 foot sushi cooler was the one closest to Mr.  
16 Jones?

17 MR. MARTIN: It was the four foot  
18 sushi cooler. But I placed the license between  
19 the two, in the two foot space between the two  
20 coolers.

21 MR. ALBERTI: I just asked you which  
22 sushi cooler was closer to Mr. Jones, the four

1 foot wide or the five foot wide?

2 MR. MARTIN: The four foot.

3 MR. ALBERTI: Oh, the four foot.

4 Now it's the four foot, okay. So there's the

5 four foot. And that's the one closest to the

6 corner of the bar at the L, yeah?

7 MR. MARTIN: Yes.

8 MR. ALBERTI: All right. And then a

9 two foot space and then a five foot sushi bar.

10 MR. MARTIN: Yes.

11 MR. ALBERTI: Do they stick up at

12 all?

13 MR. MARTIN: They're about maybe --

14 MR. ALBERTI: Above the bar?

15 MR. MARTIN: -- twelve inches, yes.

16 MR. ALBERTI: All right.

17 MR. MARTIN: But they're clear

18 glass.

19 MR. ALBERTI: I don't care what they

20 are. So at the very least, Mr. Jones was four

21 feet from the frame. Am I correct?

22 MR. MARTIN: No.

1                   MR. ALBERTI: But you said that he  
2 didn't advance. He didn't come further into  
3 the room.

4                   MR. MARTIN: Correct. He didn't go  
5 further into the room. However, when I came  
6 back with the licenses and placed them on the  
7 two foot space, they were standing there, yes.

8                   MR. ALBERTI: So he moved over to  
9 that space?

10                  MR. MARTIN: Yes.

11                  MR. ALBERTI: Okay.

12                  MR. MARTIN: Because he also had to  
13 hand me his identification when I asked for it.  
14 So he was in arm's length of --

15                  MR. ALBERTI: So where were you  
16 standing, in front of which cooler?

17                  MR. MARTIN: Neither, I was standing  
18 in the two foot space between each cooler.

19                  MR. ALBERTI: Ah, you were standing  
20 right in front of the frame.

21                  MR. MARTIN: To the one side of the  
22 frame is what I said before. I was standing on

1 one side of the frame --

2 MR. ALBERTI: Oh, you were standing  
3 in front of a cooler or in front of the frame?

4 MR. MARTIN: Well, it's a two foot  
5 space. So I was on one side.

6 MR. ALBERTI: You were occupying  
7 part of that two foot space. Is that correct?

8 MR. MARTIN: Sure, yes.

9 MR. ALBERTI: All right. I have no  
10 further questions. Thank you.

11 CHAIRPERSON MILLER: Any other Board  
12 questions? Questions on Board questions?  
13 Let's get back to you. You get the last, what,  
14 no, okay. Mr. Fonseca?

15 MR. FONSECA: A couple of questions  
16 related to the scope. Let's get back to the  
17 time Supervisor Stewart came. First of all,  
18 that was approximately 2:45?

19 MR. MARTIN: Possibly. I believe it  
20 was 30 to 45 minutes between the two.

21 MR. FONSECA: And the investigators  
22 that came originally, when they arrived --

1 MR. MARTIN: Correct.

2 MR. FONSECA: -- in the initial.

3 We're now already into New Year's morning or  
4 day. Was that Tuesday then, do you recall?

5 Was New Year's Day on a Monday, or on a  
6 Tuesday?

7 And the point would be on this  
8 evening would you normally have a 2:00 a.m.  
9 close, not a 3:00 a.m. close, absent of being  
10 New Year's Eve?

11 MR. MARTIN: Correct. It would be a  
12 1:45 to 2 o'clock at close, yes.

13 MR. FONSECA: So when they arrived  
14 initially for their compliance check on having  
15 your extended hours license, you were already  
16 operating beyond the hours, meaning of your  
17 traditional hours.

18 MR. MARTIN: Yes.

19 MR. FONSECA: Okay. But you did  
20 have, and paid for, your extended hours?

21 MR. MARTIN: Yes.

22 MR. FONSECA: Okay. Then when

1 Supervisor Stewart came, it was even later,  
2 approximately 2:45. Did he ever ask to see the  
3 licenses?

4 MR. MARTIN: I don't believe so.

5 MR. FONSECA: Did he ever make any  
6 assertion that you were not properly licensed  
7 for the late hours for New Year's Eve?

8 MR. MARTIN: No, that was not  
9 discussed.

10 MR. FONSECA: Was there anything he  
11 asked to see during the course of his time in  
12 the discussion?

13 MR. MARTIN: No.

14 MR. FONSECA: Okay. Is it your  
15 testimony that you didn't impede the  
16 investigation or compliance check?

17 MR. MARTIN: Correct.

18 MR. FONSECA: No further questions.

19 CHAIRPERSON MILLER: Okay. So you  
20 can be excused. Thank you very much.

21 MR. MARTIN: Thank you.

22 (Off microphone comments)

1 CHAIRPERSON MILLER: Oh, I asked her  
2 first. Oh, do you have anything else?

3 MS. GEPHARDT: No.

4 CHAIRPERSON MILLER: Thank you.

5 MR. MARTIN: Thank you.

6 CHAIRPERSON MILLER: Does that  
7 complete your case?

8 MR. FONSECA: Yes, it does.

9 CHAIRPERSON MILLER: Okay. All on  
10 closings?

11 MS. GEPHARDT: Sure. All right,  
12 ladies and gentlemen of the Board, today we are  
13 here on a charge against Sticky Rice for  
14 interfering with an investigation by ABRA.

15 The Government has proven that  
16 Sticky Rice is in violation of 258235 for  
17 interfering with an ABRA investigation.

18 We have to start at the beginning  
19 here.

20 When the investigators first arrive,  
21 they are met by Mr. Martin. And Mr. Martin  
22 snatches the ID out of Mr. Jones's hand.

1                   And after that happens, they go to  
2                   the second level of the establishment in order  
3                   for Mr. Martin to show them his licenses. And  
4                   he puts an arm out to stop the progress of Mr.  
5                   Jones and Mr. Apraku from going past the bar  
6                   area to impede them.

7                   And in the process, he even admits  
8                   in his testimony that he touches the chest of  
9                   Mr. Jones.

10                  He then goes around the bar to get  
11                  the license and slams the license down on the  
12                  bar.

13                  And then Mr. Martin asks Mr. Jones  
14                  again for his ID and he grabs it, snatches it  
15                  again out of his hands, and tells him this is  
16                  not a real ID, this is a fake ID, this is not  
17                  you, this is not you.

18                  And he then tells them to get the F  
19                  out. And Martin pushes Apraku down, basically  
20                  not pushes him but puts a hand on him as he's  
21                  going down the steps.

22                  Martin's testimony that he was

1       anxious about the identity of these  
2       investigators and their motives is belied by  
3       the fact that he saw Apraku's badge and knew  
4       that it was an ABRA ID. He even testified to  
5       that.

6               He never questioned the validity to  
7       Apraku's face of whether his ID was valid or  
8       not. He was mainly concerned with Jones's ID.

9               With regard to Mr. Jones and Mr.  
10       Apraku, he said that when he took the IDs the  
11       reason for it was that he wanted to take a  
12       closer look.

13              But he testified that he never asked  
14       them if he could take a closer look. He just  
15       grabbed the IDs.

16              With respect to putting his arm out  
17       at the top of the stairs, even if he were just  
18       to put his arm up, it's still an aggressive  
19       motion to get an investigator to wait.

20              He simply could have said, can you  
21       just wait right here. And that's not what  
22       happened.

1                   With respect to inspecting the  
2 license up on the second floor, Mr. Martin said  
3 that he gave the investigators time to inspect  
4 the license, but then said shortly thereafter  
5 he asked Jones for his ID and he snatched the  
6 ID out of his hand.

7                   So given that, there was really no  
8 time between when the licenses were put down  
9 and he asked Mr. Jones for his license. And  
10 there was no time for Mr. Jones to inspect the  
11 license.

12                   And in fact, he said you can see my  
13 licenses if I can see your ID. So he made it  
14 this conditional thing about whether they could  
15 see the license.

16                   Let's see, and then when they were  
17 going down the stairs, once Mr. Martin called  
18 his security and he told them to get the F out,  
19 according to his testimony, excuse me,  
20 according to the testimony of Mr. Apraku, he  
21 put his hand on his back to get him to leave.

22                   This is an inappropriate way to

1 obviously deal with an investigator, and this  
2 obviously is a violation of the statute.

3           There was nothing that these  
4 investigators did to lead Mr. Martin to believe  
5 that they were there for a nefarious purpose.

6           They weren't aggressive, they didn't  
7 swear, they didn't touch anyone. These  
8 investigators had no reason to approach Mr.  
9 Martin in an aggressive manner or to stir up  
10 trouble. They didn't know Mr. Martin before  
11 this date.

12           The other thing is, if Mr. Martin  
13 was really concerned about his safety it's  
14 telling that he never asked the security to  
15 come upstairs with him. He never asked them to  
16 escort him.

17           He said, well, they were downstairs  
18 but they could see him. They had a direct line  
19 of sight. But if there's really a situation in  
20 hand, having a security guard at the bottom of  
21 the steps isn't going to help.

22           So based on the above, the

1 Government argues and asks that this Board find  
2 that the Licensee has violated Section 258235.  
3 Thank you.

4 CHAIRPERSON MILLER: Thank you.

5 MR. FONSECA: We have intersecting  
6 stories in testimony the Board is obviously  
7 going to have to make credibility findings on.

8 And to the extent that the  
9 Government has the burden of proof, the facts  
10 that were presented had some inconsistencies.

11 And Mr. Martin's state of mind and  
12 sense of anxiety was borne out to some extent,  
13 especially because his testimony continued from  
14 the beginning to the end to this time, that Mr.  
15 Jones's ID did not have a photograph that  
16 appeared to be that gentleman.

17 To him it was confirmed when his  
18 supervisor arrived that the same ID with that  
19 photograph, and with the supervisor saying  
20 these gentlemen are ABRA investigators, and  
21 they are credentialed.

22 At that point in time, there was no

1 longer any anxiety. So to some extent, his  
2 actions after that shouldn't be held against  
3 him. And he did indicate that he did  
4 apologize.

5           Going back to what really was  
6 occurring, one has to take light of his  
7 statement and his testimony as to the question  
8 of how best to deal with this.

9           In the one hand, he was attempting  
10 to go ahead and show them the licenses that  
11 they asked for, still having some concerns.  
12 There's been an attempt to put words in his  
13 mouth that weren't stated the way they were.  
14 When he does finally put the license board  
15 down, he said, I've shown you the licenses.  
16 Now let me see your ID's.

17           And that's when he had the best  
18 light to look at it, when he had a good shot  
19 really examining that photograph.

20           And we're not here fighting these  
21 charges because this is made up from whole  
22 cloth. This is what he said all along.

1                   And even the investigative report,  
2                   which is somewhat sanitized, has those  
3                   allegations in there. So this hasn't been made  
4                   up. And that's the problem we have here.

5                   The Prosecution, if he were to have  
6                   brought three security upstairs, frankly, his  
7                   defense would be even more difficult. Because  
8                   at that point you've got investigators who  
9                   probably would be reasonably intimidated.

10                  The investigators were never  
11                  intimidated. Yeah, they were treated to some  
12                  profanity, but that started at the point in  
13                  time when Mr. Martin has shown to his absolute  
14                  certainty, he knew for sure that this gentleman  
15                  who had presented the ID wasn't who he was  
16                  purported to be, to him.

17                  That later came to be found out  
18                  that, no, that wasn't the case. And therein  
19                  lies the problem.

20                  You've got two issues. One is this  
21                  physical touching, something to convict him on  
22                  based on the set of circumstances that was

1 going on.

2 He's testified that he never touched  
3 anyone, with the exception of Mr. Jones running  
4 into his arms as he said, you stop here. And  
5 he's given the explanation as to why he wanted  
6 that to occur.

7 It kept them in the sight line of  
8 the security and it let him go back to an area  
9 where there was access to the office with  
10 money, computers, and other items.

11 So what we're left with is an  
12 unfortunate evening with an owner that knows  
13 ABC regulations, had some sense that something  
14 was amiss here, took an effort to still try to  
15 be compliant, but all along, having an element  
16 of fear and anxiety as to these two gentlemen  
17 he's never met and they never met him,  
18 individuals that had IDs that really weren't  
19 their's.

20 And as he testified, it probably  
21 would have been much better for him to call 911  
22 and straighten it out even before the

1 supervisor got there.

2 But we think at this point, based on  
3 the evidence, there really wasn't an effort to  
4 interfere. There was an effort to try to  
5 confirm identities, and the licenses were made  
6 available.

7 And indeed, they knew that this  
8 establishment had that proper authority to be  
9 open on New Year's Eve.

10 CHAIRPERSON MILLER: Okay, thank  
11 you. So at this point, I'm going to close the  
12 record and ask the parties if they want to file  
13 Proposed Findings of Facts and Conclusions of  
14 Law.

15 MS. GEPHARDT: No, thank you.

16 MR. FONSECA: No, thank you.

17 CHAIRPERSON MILLER: Okay.

18 MR. FONSECA: We'll leave that to  
19 the good General Counsel's office.

20 CHAIRPERSON MILLER: For another  
21 day, okay. All right then.

22 I will just read the instructions

1 and take a vote for deliberating on this  
2 contested case in closed session.

3 As Chairperson of the Alcoholic  
4 Beverage Control Board for the District of  
5 Columbia, and in accordance with Section 405 of  
6 the Open Meetings Amended Act of 2010, I move  
7 that the ABC Board hold a closed meeting for  
8 the purpose of seeking legal advice from our  
9 Counsel on Case Number 13-CMP-00012, Sticky  
10 Rice, per Section 405(b)(4) of the Open Meetings  
11 Amendment Act of 2010, and deliberating upon  
12 this case for the reasons cited in Section  
13 405(b)(13) of the Open Meetings Amendment Act.  
14 Is there a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks has  
17 seconded the motion. I'll now take a roll call  
18 vote on the motion. Mr. Brooks?

19 MEMBER BROOKS: I agree.

20 CHAIRPERSON MILLER: Mr. Alberti?

21 MR. ALBERTI: I agree.

22 CHAIRPERSON MILLER: Ms. Miller

1 agrees. Mr. Silverstein?

2 MEMBER SILVERSTEIN: Agree.

3 CHAIRPERSON MILLER: Mr. Jones?

4 MR. HERMAN JONES: I agree.

5 CHAIRPERSON MILLER: It appears the  
6 motion has passed by 5-0-0 vote. I hereby give  
7 notice that the ABC Board will hold a closed  
8 meeting in the ABC Board conference room today  
9 or next week, pursuant to the Open Meetings  
10 Amendment Act of 2010, and issue an order  
11 within 90 days. Thank you very much.

12 MR. FONSECA: Thank you.

13 MR. MARTIN: Thank you.

14 MS. GEPHARDT: Thank you.

15 CHAIRPERSON MILLER: Okay.

16 (Whereupon, the Hearing was  
17 concluded at 2:24 p.m.)

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