

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

TGR, Inc.  
t/a Look  
1909 K Street NW  
Retailer CR  
License No. 77812

Fact Finding  
Hearing

Case No. 14-251-00129

August 13, 2014

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

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member

HECTOR RODRIGUEZ, Member

MICHAEL SILVERSTEIN, Member

ALSO PRESENT:

INVESTIGATOR JASON PERU

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

(10:10 a.m.)

CHAIRPERSON MILLER: Okay, the next case is another fact finding case, Case number 14-251-00129, Look located at 1909 K Street Northwest, License number 77812.

MR. KLEIN: Good morning, Andrew Klein here on behalf of the Licensee.

CHAIRPERSON MILLER: Good morning.

INVESTIGATOR PERU: Investigator Jason Peru with ABRA.

MR. KOSMIDES: Michael Kosmides with Look.

CHAIRPERSON MILLER: Michael Kosmides? Kosmides? And you're the owner?

MR. KOSMIDES: Yes.

CHAIRPERSON MILLER: Okay. I think one of the reasons we scheduled this re-fact finding here was because you were not at the last hearing. Is that correct? And Board members wanted to have a chance to talk to you here.

1                   And also, we wanted to make sure  
2                   that, we're just double checking on follow up  
3                   for that hearing. And I believe that you were  
4                   to submit a security plan, which you have  
5                   done, correct?

6                   MR. KLEIN: Yes, that's correct.

7                   CHAIRPERSON MILLER: Okay. So I  
8                   actually have a copy of that in front of me.  
9                   It's dated August 1st, 2014. Okay. Are there  
10                  any particular questions Board members have?  
11                  Mr. Brooks?

12                  MEMBER BROOKS: Yes. Thank you,  
13                  Madam Chair.

14                  CHAIRPERSON MILLER: Yes.

15                  MEMBER BROOKS: Were we supposed  
16                  to get attachment of where the cameras were  
17                  located?

18                  MR. KLEIN: I don't believe that  
19                  was in this case, no. But the only --

20                  MEMBER BROOKS: No, I have a copy  
21                  of the plan.

22                  MR. KLEIN: Right.

1                   MEMBER BROOKS: Okay. And the  
2 very last item, "Attached is a drawing of the  
3 establishment which shows the location of all  
4 security cameras." So I assume that's a part  
5 of the plan.

6                   MR. KLEIN: Okay.

7                   MEMBER BROOKS: But I don't see  
8 the attachment, that's what I was asking  
9 about.

10                  MR. KLEIN: I can't seem to put my  
11 fingers on it at this moment. I looked at it  
12 this morning. You're correct, there's not one  
13 attached to mine, either. We'll see that  
14 that's rectified. I'm not sure where it is or  
15 why it's not attached, but we'll see that  
16 that's corrected immediately.

17                  MEMBER BROOKS: Thank you, Madam  
18 Chair.

19                  CHAIRPERSON MILLER: Okay. Any  
20 more questions? Mr. Rodriguez?

21                  MEMBER RODRIGUEZ: In line with  
22 that, you have the assurance that the people

1 operating the cameras are capable?

2 MR. KLEIN: Yes.

3 MEMBER RODRIGUEZ: Okay, you have  
4 that checked out, then. You got the cameras  
5 installed?

6 MR. KLEIN: Yes.

7 MEMBER RODRIGUEZ: They know how  
8 to operate the cameras so that we can get the  
9 reports on time? All right. Okay.

10 (Off microphone comment)

11 MEMBER RODRIGUEZ: When you attach  
12 the security plan for the camera, could you  
13 also indicate who would be responsible for  
14 operating those cameras?

15 MR. KLEIN: Sure. You want a list  
16 of names in terms of --

17 MEMBER RODRIGUEZ: Yes.

18 MR. KLEIN: Okay.

19 CHAIRPERSON MILLER: Yes, Mr.  
20 Alberti?

21 MEMBER ALBERTI: Yes, as a follow  
22 up to Mr. Rodriguez' request and comments, how

1 long will you be storing video?

2 MR. KLEIN: For 30 days.

3 MEMBER ALBERTI: For 30 days.

4 Okay, so you understand that. And I assume  
5 that the people, let me ask, the people  
6 responsible for knowing how to operate this,  
7 will they be able to provide video within 24  
8 hours upon request to MPD or ABRA?

9 (No audible response)

10 MEMBER ALBERTI: Yes?

11 MR. KOSMIDES: Yes, sir.

12 MEMBER ALBERTI: Okay, thank you.

13 MEMBER SILVERSTEIN: I have some  
14 questions.

15 CHAIRPERSON MILLER: Yes.

16 MEMBER SILVERSTEIN: After folks  
17 are finished with the security plan. Are  
18 there any other questions regarding the  
19 security plan?

20 CHAIRPERSON MILLER: No, I don't  
21 think so. I had other questions, but not  
22 that, yes.

1                   MEMBER SILVERSTEIN: Okay. Mr.  
2 Kosmides, there have been a number of very  
3 serious problems down within this general area  
4 involving 18 and over nights as opposed to 21,  
5 and involving the use of promoters, bringing  
6 in rival crowds, and activities of extreme  
7 violence.

8                   I see in your security plan that,  
9 you know, first of all, I understand that as  
10 a restaurant, you have an obligation pretty  
11 much to cater to anyone. But beyond a certain  
12 hour, you operate more as a club, not  
13 technically, but from what we see, than as a  
14 restaurant.

15                   Are you, first of all, are you  
16 aware of the problems that we've had at a  
17 number of places on nights with the 18 and  
18 over crowd in your area?

19                   MR. KLEIN: Yes, we met with the  
20 security director of Golden Triangle, we  
21 discussed this. This was something we were  
22 really concerned with in our general area. We

1 don't do 18 and over at our events, we're 21  
2 and over.

3 MEMBER SILVERSTEIN: Okay.

4 MR. KLEIN: You know, we're  
5 extremely strict on everything from dress code  
6 to just, you know, anything that's a little  
7 off. We have an internal security team, we  
8 have third party security as well on nights  
9 that we do anything that goes past 11 o'clock.

10 We also, when these incidents  
11 started happening, we decided to bring on, for  
12 every event we do we bring on three to four,  
13 at least three, at the most four on duty D.C.  
14 Metropolitan Police Officers that stand  
15 outside the venue to help with our director of  
16 security to, you know, our dress code is our  
17 dress code and there's no exceptions to it.

18 And, you know, police presence  
19 deters any problems that anyone would have.  
20 We take extreme measures to make sure that our  
21 place doesn't have the problems that, you  
22 know, we were notified about when we met with

1 the Golden Triangle security director.

2 You know, we have a business to  
3 run, and we want to make sure we're doing  
4 everything possible to avoid that.

5 MEMBER SILVERSTEIN: It's  
6 reassuring to hear. So then you're telling me  
7 that you don't do 18 and over events with  
8 promoters late at night?

9 MR. KLEIN: Say it audibly so he  
10 can hear you.

11 MR. KOSMIDES: Oh, no. I'm sorry.

12 MR. KLEIN: Mr. Silverstein, I  
13 would add to that when we were last here and  
14 we had the director of operations here when we  
15 had the more extensive fact finding, she  
16 advised that there were a couple of events  
17 where there were issues, and they seemed to  
18 involve a particular promoter, one that this  
19 establishment is not working with anymore.

20 So to the extent that that's  
21 helpful, I wanted to add that.

22 MEMBER SILVERSTEIN: Thank you

1 very much. This is an area where we all have  
2 to be careful for a whole lot of reasons. We  
3 want to welcome everybody, and yet at the same  
4 time, we want to make sure that everyone is  
5 safe.

6 And dress codes and things of that  
7 sort, and age, you know, that those people who  
8 are not allowed to legally drink should  
9 perhaps not be at certain events where there's  
10 a certain vibe to the place may make it safer  
11 for all. And we have to work together on  
12 those things. So I thank you very much, sir.

13 CHAIRPERSON MILLER: Others? Mr.  
14 Alberti?

15 MEMBER ALBERTI: Just a follow up  
16 to Mr. Silverstein. You mentioned that you  
17 have identified a promoter with whom you're no  
18 longer contracting. What is the name of that  
19 company?

20 MR. KLEIN: He may not know  
21 because --

22 MR. KOSMIDES: I don't know what

1 the name of the company is. I'm not --

2 MEMBER ALBERTI: Can you provide  
3 that for us later today?

4 MR. KOSMIDES: Absolutely,  
5 absolutely.

6 MEMBER ALBERTI: Please do, thank  
7 you.

8 CHAIRPERSON MILLER: Others? I  
9 just have a couple of quick follow up. When  
10 we had the fact finding hearing, I guess your  
11 operation manager was very informative and  
12 very hands on. And I just --

13 MR. KOSMIDES: I'm very sorry to  
14 interrupt. I just want to apologize for that.  
15 We sent our director of operations here. My  
16 wife's mother had a heart attack the night  
17 before, had open heart surgery. And we sent  
18 our director of operations, and we sent our  
19 director of security along with Andrew.

20 CHAIRPERSON MILLER: Okay.

21 MR. KOSMIDES: And the only thing,  
22 you know, I apologize again for not being

1 here. And I'll make sure that, you know,  
2 anything related to the restaurant, I'll be  
3 here personally to answer those questions.

4 CHAIRPERSON MILLER: Okay. I'm  
5 sorry about your loss. And I was really going  
6 to the question of, I was wondering, to what  
7 extent you were a hands on owner, or you were  
8 a passive owner.

9 MR. KOSMIDES: I'm more a, you  
10 know, we have two establishments. We have a  
11 director of operations who's very hands on.  
12 We have a great management team. You know,  
13 I'm day to day, you're not going to find me  
14 there all the time.

15 But I'm, you know, responsible 100  
16 percent for everything that goes on there. So  
17 I would be the one you could hold accountable.  
18 But, you know, our director of operations and  
19 our general managers do a great job. They're  
20 --

21 CHAIRPERSON MILLER: Okay. So, I  
22 mean, and I'm mostly concerned about the

1 security issue and the violence issue.

2 MR. KOSMIDES: That I'm involved  
3 in.

4 CHAIRPERSON MILLER: Okay.

5 MR. KOSMIDES: Anything that poses  
6 a threat to, you know, our ability to do  
7 business or marks our reputation, that's when  
8 I get involved. And I've been working with  
9 Andrew and our director of security to bring,  
10 you know, an acceptable security plan.

11 And you know, it was my call to  
12 bring on the on duty police officers to any  
13 event that we do after 11:00 p.m. It was my  
14 call to bring on a full time internal security  
15 director that works with our contract  
16 security, like, third party personnel as well.

17 CHAIRPERSON MILLER: Okay. And I  
18 just want to throw out something that I heard,  
19 read, whatever, and get your reaction to it.  
20 And that was, and it's not 100 percent thing,  
21 but it was somebody said well, whatever  
22 happens outside the club is a reflection of

1 what goes on inside the club.

2 MR. KOSMIDES: Absolutely, I  
3 agree. Like, I think if it happens within two  
4 blocks of our place, they're not going to be,  
5 you know, pointing fingers at Kellari.  
6 They're going to be pointing fingers at the  
7 places that do, you know, at the event venues.

8 It makes us all look bad. That's  
9 why we proactively met with the security  
10 director for the Golden Triangle. That's why  
11 we proactively, you know, hired a full time  
12 security director, proactively went out and  
13 contracted with Metropolitan Police to have a  
14 presence here. We don't want that anywhere  
15 near our place. It's really bad for business.

16 CHAIRPERSON MILLER: And your  
17 change in promoters effects what goes on  
18 inside? Have you noticed a change?

19 MR. KOSMIDES: A considerable,  
20 considerable change. They are now respecting  
21 the, you know, not respecting most of the club  
22 when we got everything we wanted to hear.

1 Like, oh yes, I'll make sure, blah, blah,  
2 blah.

3 And it was, you know, it was the  
4 promoter who was sneaking guys in that weren't  
5 up to dress code, promoters sneaking guys  
6 around the back so our security guys couldn't.

7 Once we brought on an internal  
8 security director and identified the problem  
9 and saw what was going on, it was a very,  
10 very, we very quickly took action and we, you  
11 know, we've been incident free since, and we  
12 love the crowd that's coming in there now.

13 CHAIRPERSON MILLER: And you just  
14 use one promoter now?

15 MR. KOSMIDES: Yes.

16 CHAIRPERSON MILLER: Okay. All  
17 right. I mean, I would be interested, if  
18 you're going to give the name of the promoter  
19 that you let go who was not good, if you want  
20 to give us the name of the promoter you do use  
21 who you believe is good, that would be good,  
22 as well.

1 MR. KOSMIDES: I will, I'll  
2 absolutely, we'll call back.

3 CHAIRPERSON MILLER: Okay. Mr.  
4 Peru, do you have any questions?

5 INVESTIGATOR PERU: Yes, just a  
6 couple --

7 CHAIRPERSON MILLER: Okay.

8 INVESTIGATOR PERU: -- regarding  
9 the camera. Last time we spoke, I know the  
10 owner wasn't here last fact finding. I can't  
11 recall if we discussed, were you guys adding  
12 additional security cameras?

13 MR. KLEIN: No.

14 INVESTIGATOR PERU: Based on a  
15 lack of coverage?

16 MR. KLEIN: No, that wasn't  
17 discussed last time we were here, no.

18 MR. KOSMIDES: I don't think the  
19 cameras was the issue. I think, you know, the  
20 outside cameras, we focus towards the areas  
21 that were brought up on the, like, the last  
22 time we were here.

1                   INVESTIGATOR PERU: Okay. So it's  
2 just unclear. You didn't add any additional  
3 cameras, correct?

4                   MR. KOSMIDES: No.

5                   INVESTIGATOR PERU: Okay. And the  
6 RDO detail, that's not Board ordered, is that  
7 Board ordered, or is that you're doing that on  
8 your own?

9                   MR. KOSMIDES: We did that on our  
10 own. That was proactive, that was not Board  
11 ordered.

12                   INVESTIGATOR PERU: How many RDOs  
13 are you guys having?

14                   MR. KOSMIDES: We use three per  
15 event. Sometimes four if we're, you know,  
16 depending on, like, if we know it's going to  
17 be a weekend where the entire town is flooded  
18 back, then we'll bring on four.

19                   INVESTIGATOR PERU: So is that  
20 for, what nights of the week? Is that every  
21 night that you guys are open?

22                   MR. KOSMIDES: We usually just do

1 Saturdays are the only nights where we really  
2 do events there.

3 INVESTIGATOR PERU: So only on  
4 Saturdays you have RDO, correct?

5 MR. KOSMIDES: Yes, if we were to  
6 do an event on another night, we would bring  
7 on the detail for another night. We're not  
8 taking any chances.

9 INVESTIGATOR PERU: When you say  
10 event, I'm just -- you mean providing,  
11 offering entertainment, or --

12 MR. KOSMIDES: If somebody  
13 contracts our venue out and there's alcohol  
14 served after 11:00 p.m., we're going to have  
15 police there. Like, you know, we're trying to  
16 learn on the front end of the stores that  
17 we've heard and the things that have been  
18 going around in our area, and that presence is  
19 nip it in the bud before you attract the wrong  
20 kind of attention.

21 INVESTIGATOR PERU: And just to  
22 clarify, I know this last time when you

1 weren't here, we talked about the night club,  
2 the restaurant, what it is food sales wise.  
3 What time are you guys serving food until?

4 MR. KOSMIDES: We serve food all  
5 night. We have our menu changes at 10:00. We  
6 do from 10:00 until 2:00 on Saturdays we do a  
7 late night menu. But it's still, I mean, the  
8 kitchen's still open. You still get pasta and  
9 fried food and whatever else.

10 INVESTIGATOR PERU: Okay.

11 MR. KOSMIDES: Yes, the kitchen's  
12 open all night.

13 INVESTIGATOR PERU: Okay. And  
14 just one other thing, your dress code wise,  
15 you guys changed promoters. Is the dress  
16 code, what exactly, what's going on, what's  
17 your dress code that you're referring to?

18 MR. KOSMIDES: No hats, no  
19 jerseys, no sneakers. I can't think of, those  
20 are the three big things that we just, we had  
21 to go and just completely, you know, direct  
22 correlation, whatever that correlation is

1 between those things and deterrence of --

2 INVESTIGATOR PERU: Okay. Thank  
3 you, Madam Chair.

4 CHAIRPERSON MILLER: Okay, thank  
5 you. Mr. Alberti?

6 MEMBER ALBERTI: Hi. Mr. Peru,  
7 Investigator Peru asked you about events. So  
8 I'm a little -- I don't know your business, so  
9 help me out here. So when you don't have an  
10 event, what happens after 10:00 p.m., 11:00  
11 p.m.? Is your establishment generally open?

12 MR. KOSMIDES: It depends on the  
13 night, it depends on whatever. But well, for  
14 the most part, we're an event venue. We try  
15 to do, on the nights that we don't have, you  
16 know, something after 11:00, we try to do  
17 weddings, bar mitzvas, I have my appointment  
18 set for the place.

19 MEMBER ALBERTI: No, I understand  
20 that. But so the nights that you don't have  
21 events, how does that differ from the nights  
22 that you do have events?

1 MR. KOSMIDES: Unfortunately in  
2 our area --

3 MEMBER ALBERTI: What do you  
4 usually do? What's going on?

5 MR. KOSMIDES: Unfortunately in  
6 our area, you know, we're in the business  
7 district on K Street. And after 7:00 p.m.  
8 during the week and 100 percent of the time on  
9 the weekends it's a ghost town. And if we  
10 don't have something going on, we usually  
11 close early. There isn't, like, a crowd  
12 around there to sustain.

13 MEMBER ALBERTI: So at events, you  
14 have entertainment, is that correct?

15 MR. KOSMIDES: Entertainment?

16 MEMBER ALBERTI: Do you have a DJ?

17 MR. KOSMIDES: Yes.

18 MEMBER ALBERTI: That's  
19 entertainment to us.

20 MR. KOSMIDES: Absolutely.

21 MEMBER ALBERTI: Okay. On nights  
22 that you don't have an event, do you have

1 entertainment of any sort?

2 MR. KOSMIDES: We have, like, a  
3 jazz band some nights. But normally it's  
4 just, you know, just a sit down --

5 MEMBER ALBERTI: Do you have a DJ  
6 if you're not having an event?

7 (No audible response)

8 MEMBER ALBERTI: Okay, so we can  
9 assume that if you've got a DJ going, we would  
10 expect to see MPD detail there?

11 (No audible response)

12 MEMBER ALBERTI: I'm trying to  
13 figure out how do we discern whether you have  
14 an event or not because you define events, and  
15 I'm trying to understand what an event is to  
16 you, and how we in the future are going to be  
17 able to discern whether you had MPD for an  
18 event or you didn't.

19 MR. KLEIN: If I may, Mr. Alberti,  
20 I'm not sure where we're going. The Licensee  
21 has indicated that it has, on its own, decided  
22 to provide RDO on nights when it's, in its

1 judgement, it thinks it's appropriate.

2 I'm a little concerned that we  
3 seem to be headed to a place where gee, we  
4 need a Board order when the licensee --

5 MEMBER ALBERTI: And I'm not going  
6 --

7 MR. KLEIN: -- has taken it upon  
8 himself to provide RDO on nights when he  
9 thinks it's appropriate. And I think that in  
10 terms of parsing it out, unless there's reason  
11 not to, we ought to rely on the licensee's  
12 judgement.

13 MEMBER ALBERTI: Mr. Kline, I'm  
14 not going to an order from the Board. But the  
15 licensee has represented certain operational  
16 plans, and I'm trying to understand what those  
17 are because we need to know what to expect out  
18 there.

19 And you know, certainly if he does  
20 something different than we're expecting, you  
21 know, he's not tied to it by a Board order.  
22 But you know, if something happens, I'm going

1 to hold him to task when he comes in and say,  
2 you know, you represented something to us, why  
3 was it different?

4 So you know, he's here explaining  
5 to us why, how he's going to make things  
6 better. And you know, I'm just trying to  
7 understand exactly what he's telling us.

8 MR. KOSMIDES: I'm personally not  
9 comfortable with having more than 100 people  
10 in our establishment after 11:00 p.m. without  
11 some kind of police presence. Like, I just,  
12 you know --

13 MEMBER ALBERTI: Okay.

14 MR. KOSMIDES: That's what our  
15 landlord expects of us, it's what I expect of  
16 us to, like, you know, have a business that's  
17 operating a month from now, if I can not get  
18 shut down.

19 You know, with, I don't know if  
20 that answers your question. If we're  
21 expecting 100 people after 11 o'clock with  
22 alcohol being served, like, I personally would

1 expect our director of operations and general  
2 manager to put a police presence there.

3 MEMBER ALBERTI: Okay, that's  
4 fair. Thank you.

5 MR. KOSMIDES: In addition to  
6 whatever security, you know, our internal  
7 security, our third party security, whatever.  
8 We've had tremendous success with having a  
9 police presence that, you know, just them  
10 standing outside makes everybody else's jobs  
11 easier.

12 MEMBER ALBERTI: Okay. Thank you,  
13 Mr. Kosmides. That's helpful.

14 CHAIRPERSON MILLER: Others?  
15 Okay. I just want to ask you, I think you  
16 mentioned you had another establishment.  
17 What's that one?

18 MR. KOSMIDES: Cities. Cities  
19 Restaurant.

20 CHAIRPERSON MILLER: Cities, okay.  
21 All right. If there aren't any other  
22 questions, I just wanted to review, Mr. Kline,

1 what you're going to submit.

2 MR. KLEIN: Yes, do you want me to  
3 tell you, or do you want to tell me?

4 CHAIRPERSON MILLER: I'll go  
5 through my list, it's not very long. And if  
6 you have something else, please tell me. One  
7 was the diagram of the cameras that's  
8 referenced in the security plan.

9 The other is the names of the  
10 promoter you have discontinued and the  
11 promoter you're using. And then the names of  
12 the people who are responsible for the  
13 cameras. That's what I have.

14 MR. KLEIN: That's what I have,  
15 also.

16 CHAIRPERSON MILLER: Okay. Now,  
17 do you think you can do this by Friday, or do  
18 you need more time.

19 MR. KLEIN: Absolutely, you know,  
20 we'll do that by Friday. Absolutely.

21 CHAIRPERSON MILLER: Okay, that  
22 would be good because we will be here on

1 Friday. And then we'll go to recess. Okay.  
2 If you don't have any other questions, then  
3 thank you very much for coming in.

4 MR. KLEIN: Thank you.

5 MR. KOSMIDES: Thank you. I  
6 apologize for not being here last time. Very  
7 sorry.

8 MEMBER ALBERTI: Thank you.

9 CHAIRPERSON MILLER: It's  
10 understandable, thank you.

11 (Whereupon, the hearing in the  
12 above-entitled matter was concluded at 10:33  
13 a.m.)

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